

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

<b>Date of Meeting</b>	7 <sup>th</sup> December 2022
<b>Application Number</b>	PI/2021/11198
<b>Site Address</b>	Christian Farm, Foxham Road, Foxham, SN15 4NE
<b>Proposal</b>	Variation of condition 11 (vehicle routing movements) on 18/00523/FUL
<b>Applicant</b>	P D Hook (Breeders) Ltd
<b>Town/Parish Council</b>	Christian Malford & Bremhill
<b>Electoral Division</b>	
<b>Grid Ref</b>	
<b>Type of application</b>	Removal/variation of conditions
<b>Case Officer</b>	Victoria Davis

**Reason for the application being considered by Committee**

Cllr Ashley O'Neill has requested that the proposal be put before committee citing concern in relation to highway impacts.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below.

**2. Report Summary**

The key issues in considering the application are as follows;

- Principle of Development
- Highways Safety

Bremhill Parish Council object to the proposal.

Wiltshire Council Highways raise no objection to the proposal.

There are 24 letters of objection to the proposal from local residents.

### 3. Site Description

The proposal site known as Christian Farm is situated in the open countryside to the North East of Chippenham, the South West of Royal Wootton Bassett and to the North of Calne. To the south east of the farm is the small hamlet of Foxham and to the north the small village of Christian Malford both of which are reached via the Foxham Road. To the immediate east of the site is a watercourse running adjacent to the highway, with the site entrance running over the top. The site has undergone recent redevelopment as an intensive poultry unit, producing fertilised eggs for use in the production of broiler chickens under planning consent 18/00523/FUL. There is also an agriculturally tied dwelling at the site.

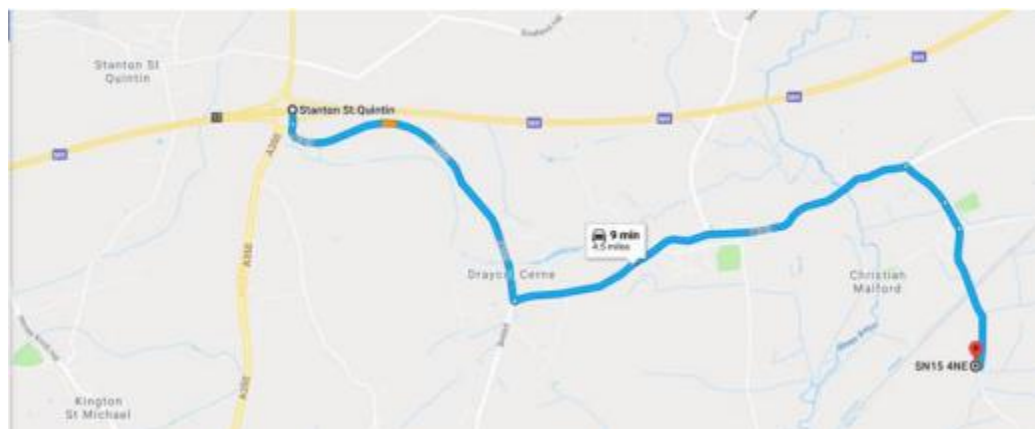
### 4. Proposal

This application seeks to vary the details approved under Condition 11 of the 2018 permission which reads as follows:

*11 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall provide details of HGV routeing arrangements to and from the site; the timings and frequency of HGV arrivals and departures; and the method and destination for waste disposal.*

*REASON: To ensure the safe operation of the highway, and the provision of adequate parking on the site.*

Following agreement with the Council's Highway Engineer, that condition was discharged by the Council on 10<sup>th</sup> September 2018, with a routing via Station Road at Christian Malford, the B4069, through Sutton Benger and finally B4122 to junction 17 of the M4 (the extract below taken from the applicant's 2018 submission):



Within this application to vary condition 11, the applicant describes a change in the company's vehicle fleet makes the previously agreed HGV route unworkable due to the height restricted railway bridge at Station Road (12ft 3in / 3.73m). The application claims that lorries now used by the business can no longer access the site via the agreed route (via Christian Malford Village) since they are some 12ft / 3.91m in height, and therefore exceed the maximum clearance of the Station Road bridge. Image of the bridge below:



It is therefore proposed that the agreed routing of HGVs is changed to Foxham Road to the A3012 at Catcombe and travel to the M4 at J16 Royal Wootton Bassett via Lyneham Poultry Farm as necessary. Below is an extract from the applicant's new submission showing the proposed routing:



## 5. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 10: Spatial Strategy for Chippenham Community Area

Core Policy 34: Additional Employment Land

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Bremhill Neighborhood Plan Made 2018

Christian Malford Neighbourhood Plan Made 2018

## 6. National Planning Policy

National Planning Policy Framework 2021 (NPPF)

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

## 7. Summary of Consultee Responses

Bremhill Parish Council: Object on the grounds of safety and that the proposal fails to meet the aims of the neighbourhood plan in relation to traffic management, in particular in relation to HGV/LGS traffic. An extract of the comments are below – full comments available online.

*The safety of our residents and other road users is paramount. This application will increase the risk of a critical or life changing accident. This route is arduous and challenging for any HGV driver, particularly anyone not familiar with this road, and there are long stretches where it is impossible for pedestrians, cyclists, and horse riders to get off the single lane to allow a lorry to pass.*

*With an exponentially increased volume of “rat run” traffic, often driving at speed through the lanes, the state of the road has reached an all time low. Run offs, pull-ins and road edges are in desperate need of repair. On the basis that Wiltshire Council has insufficient resources to sort out these issues, the Parish Council is using the Precept, where possible, to carry out repairs.*

Highways: No objection following review of Technical Statement

## 8. Publicity

The application has been advertised by site notice and direct neighbour letter.

24 letters of objection have been received. The key concerns raised have been summarised below -

- Road network is not suitable for the additional traffic
- The lanes are simply not designed for HGVs.
- The majority of the route is narrow and is suitable for only one vehicle in either direction. The route is tortuous, there are no formal passing places just field entrances to pull into, there are two very sharp bends and a completely blind uphill section of approx 80 metres.
- Permitting the use of this route as proposed by the chicken farm would:
  - Disrupt current use by local traffic, private, commercial and agricultural;

Impose an excessive and unacceptable nuisance on the local community;

Damage soft verges, gateways and property entrances as large vehicles attempt to pass each other; and most importantly

Increase the hazards for and dangers to more vulnerable road users including: the young, the elderly, pedestrians, cyclists and riders.

- Large lorries travelling on this proposed route will damage the roads and verges and make the highway unsafe. The roads are narrow, twisting with blind corners. Lorries will get stuck and will cause damage. There will be accidents as it is single track with high banks in some places which will lead to head on collisions
- Christian Farm's management have been well aware, from the outset, that their logistic support would be subject to restrictions. Nothing has changed. There should be no easement of the route restrictions. Christian Farm should remain restricted to using vehicles that can use the 12ft 3 bridge.
- All alternative routes are not only unsuitable, but dangerous.
- In the Highway Development Control Consultation Response to a planning application for Christian Farm, Foxham (for the Demolition of Existing Poultry Buildings and Replacement with 4 New Poultry Buildings and Associated Infrastructure) dated the 12th April 2018 it says: "C118 and C111 roads leading from the site south and east to the A3102, by reason of their restricted width, poor alignment and junctions are considered unsuitable to serve as a means of access to the proposed development".
- This new application claims that fewer journeys will be more efficient. However, any journeys on that route are more than is allowed by the planning consent. There should be zero. The route is still hazardous at any time of day or however many journeys are made along it.
- The route is not fit for large HGVs and especially the larger HGVs stated in the application. The covering letter submitted as part of the application also states that "the overall impact on the local road network is considered to be low," and that, "As previously noted, the deliveries are well planned and anticipated with the driver dialling in to site prior to visit to confirm estimated time of arrival". This is purely an administrative advantage for the applicants and does not help local users of the roads when they come across a huge vehicle filling them, nor the residents.
- The height of the railway bridge was clear to see before any chicken farm was put on the site and so any vehicles visiting the site should be of an appropriate size to go under the bridge.
- The road through the village is much too narrow and totally unsuitable for such large vehicles making it more dangerous for the residents, horses, and pedestrians.
- The Highways Officer on the original planning application stated that routing along the Foxham Road was considered to be tortuous and to have limitations in terms of width and alignment to accommodate the type and level of traffic proposed.
- The lane is rarely repaired and the verges , especially in West End, are constantly damaged as large vehicles try to pass one another.
- Christian Farm by purchasing vehicles knowing that they will not go under the bridge, therefore not even pretending to be complying with the Planning Regulations, is presuming that Wiltshire Council will override objections made against this violation. Wiltshire Council by not notifying the residents of West End, Foxham Village or Bremhill Parish Council, who are primarily affected by this change, has compounded the issue.
- Being involved in transport and HGV vehicles you buy your fleet (size, weight, height) according to where you have to travel, deliver and maintain a safe passage. This company had just ignored this and done the complete opposite.

- Vehicles need to be changed to use the bridge and use the restricted weight limit on the Lyneham Road which again needs to be addressed quickly. It might be less travelling with larger vehicles but so much more dangerous to livestock and the drivers.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

The site benefits from planning permission for the poultry farm development which is unaltered. The application is submitted under s73 of The Act, this application seeks only a change to the nature of vehicle movements associated with the business. Consideration of the proposal should therefore be appropriately confined to the acceptability of the change proposed for the routing of HGV traffic to the site. In this respect, the Council's Highway Engineer has been consulted.

In response to the initial submission, the Council Highway Engineer confirms that the imposition of the condition in the first place was required to establish a route that was most suitable for HGV traffic associated with the development. They went on to observe that the route agreed under the 2018 application provided the most direct link to the more major highway network and the now proposed alternative route was already considered at that time to utilise access roads that were considered to be *"tortuous and has limitations in terms of width and alignment to accommodate the type and level of traffic proposed as a result."*

For that reason, in their initial comment, the Council Highway Engineer advised that in their view the proposed new route would pose limitations in terms of width and alignment to accommodate the type and level of traffic proposed and was not considered to be appropriate for HGV use. They went on to confirm that in their view the applicant had not substantiated claims that the alternative vehicle fleet offered greater capacity and efficiency.

In response to the objection from Council Highway Engineer, the applicant provided a Technical Note which states that the larger fleet generates 111 trips (10-month period) compared to the smaller fleet which generated 185 in the same period. Timings and frequency of HGV arrivals and departures are set out in the table below. Dimensions of the larger vehicles were also provided on request. It was also explained that the revised route would allow drivers to stop at Lyneham Poultry Farm which is part of the same business.

## 2 Timings and Frequency of HGV arrivals and departures

Below summarises the frequency of vehicle movements for the approved development based on a monthly breakdown and a 10 month stock lifecycle as detailed in the Highways Technical Note.

Type	Delivery/Collection	Month										Total
		1	2	3	4	5	6	7	8	9	10	
Feed	Delivery	4	4	4	4	4	4	4	4	4		36
Birds	Delivery	3										3
Eggs	Collection				8	8	8	8	8	8	8	56
Litter	Delivery	3										3
Litter	Collection										4	4
Birds	Collection										4	4
Dirty Water	Collection										5	5
Total/Month		10	4	4	12	12	12	12	12	12	21	111

Source – Highways Technical Note – Bellamy Transport Consultancy Ltd

It should be noted that the previous planning application was considered on the basis of 106 trips and so the actual number of trips with the smaller vehicles seems to have exceeded the limits previously agreed. Whilst this is not a position supported by the LPA, consideration of this application must be limited to the details relevant to the current proposal.

In response, on 19<sup>th</sup> October the Highways Engineer provided final comment, which is reproduced below in full:

*I refer to the additional information submitted in regard to the above planning application, in relation to the proposed variation of condition 11 imposed on the permission for 18/00523/FUL.*

*The condition 11 stated “Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall provide details of HGV routing arrangements to and from the site; the timings and frequency of HGV arrivals and departures; and the method and destination for waste disposal.”*

*It is understood that the updated fleet of vehicles provide greater capacity and result in fewer trips to and from the site, but due to their increased height they are unable to negotiate the bridge located to the north of the site.*

*The alternative route via Foxham Road to the A3102 to the east has therefore been utilised, despite originally being considered by the Highway Development Team as “tortuous and has limitations in terms of width and alignment to accommodate the type and level of traffic proposed as a result.”*

*The applicant’s consultants have provided updated details of the number of HGV vehicle movements associated with the poultry houses advising that “The use of the newer HGVs results in some 75 fewer trips (150 two-way movements) on the local and wider road network over the 10 month cycle, equivalent to a 40% reduction in vehicle numbers.”*

*There has also been traffic count data provided to establish the level of use of these lanes by buses and HGVs, and it has been found that over a three-day period, at two locations, there was an average of 156 HGV/bus movements (52 x 3 = 156) and 105 HGV/bus movements respectively.*

*The additional HGVs generated by the poultry house use over a three-day period is advised to be two movements (one inbound and one outbound), which is a marginal increase of just 1.3% and 1.9% respectively at each of the traffic count locations.*

*I also understand that additional traffic has been found to use these lanes as an alternative to the B4069 to the north, as a result of the land slip at Dauntsey, however, there have been no reports to the Area Office of problems in the use of this part of the highway network as a result, and no complaints with the use of this part of the network by the poultry house vehicles.*

*Having regard to the above, where the poultry houses have been operating using the highway network to the east of the site without issues, and where the level of HGV movements have been reduced due to the new fleet of vehicles, I do not feel that a highway objection can be maintained and would therefore accept the routing of vehicles associated with the poultry house use to the east to the A3102.*

A number of residents have expressed concern that the operator has intentionally disregarded the requirements of the original planning condition. Quite understandably, residents have suggested that the applicant should not have changed their vehicle fleet knowing the bridge limitation and subsequently operated in breach of the planning condition. Whilst it is unfortunate that the business has operated in this manner, these actions, and the retrospective nature of the proposal, do not affect determination of the application which must be based on the material factors and detail submitted within the application. The LPA must also rely on the assessment by Wiltshire Council Highways Engineers in respects of highway safety.

In light of the lack of objection of the Wiltshire Council Highways it is concluded that there are no grounds to refuse the application, particularly in light of the requirements of paragraph 111 to the NPPF, which states:

*“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*

Of course, it is acknowledged that road maintenance and HGV traffic in this area is a key concern for local residents and officers agree that any additional traffic on the constrained network should be avoided where possible. However, it must be accepted that this is a rural based farming business operating from a well-established agricultural site.

In their comments, the Parish Council describes HGV traffic and the country lanes being used as a ‘rat run’ is an ongoing issue. This situation is further exacerbated by the landslip at Dauntsey/Lyneham banks closing the B4069 to Lyneham. The Parish Council consider that the proposal fails to comply



with the aims of the Neighbourhood Plan which seeks to improve traffic management in the area, ideally by reducing HGV/LGV traffic through the parish. The Bremhill Neighbourhood Plan also recognises that the area is a farming community and the developing farming practices will inevitably involve larger vehicle traffic. The LPA is wholly sympathetic to the concerns of residents and the Parish Council in this respect. However, it must be acknowledged that the operator of Christian Farm cannot be held responsible for this existing and ongoing situation. Where Wiltshire Council Highways Engineers do not consider that the additional traffic movements associated with the proposal will result in an unacceptable impact on highways safety, it would be unreasonable to impose restrictions on this farming business that other farms and rural businesses in the area are not subject to.

The LPA is supportive of farming businesses seeking to adapt to modern agricultural practices in accordance with Core Policy 34 of the WCS and as is advocated in Section 6 of the NPPF. It is recognised that facilities such as Christian Lyneham Farms which are involved in the supply of broiler chicks are a key component contributing to food security generally as well as contributing to the local economy. The traffic associated with the farming operation at Christian Farm would not be dissimilar to other HGV movements in the area, including tractors and trailers and feed deliveries associated with other farm businesses and to that extent, there is no evidence to suggest that the rerouting would cause any additional unacceptable impacts upon the amenity or living conditions of residents along the new route.

## **10. Conclusion**

In light of the position as set out by the Wiltshire Council Highways and the public benefits associated with supporting the ongoing operation of an established agricultural business, it is concluded that there are no grounds for the application to be refused. The applicant is agreeable to a reworded condition that refers to the revised Operational Statement to ensure clarify the new agreed vehicle route, vehicle movements and waste arrangements remain secured through the planning permission. All other relevant conditions from the original permission should also be reapplied.

Subject to the imposition of those conditions, the proposed re routing of the HGV traffic is considered to meet with the requirements of policies CP34, CP57, CP60, and CP61 to the Wiltshire Core Strategy, policies as well as the Bremhill and Christian Malford Neighbourhood Plans and sections 6 and 9 to the NPPF.

## **11. Recommendation**

**That Planning Permission is GRANTED subject to the following conditions:**

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

Site Location Plan received 16.01.18 Proposed Block Plan CHRIS-PDH-01 Rev 4  
received 19.04.18 Proposed Layout Plan CHRIS-PDH-02 Rev 3 received 16.01.18  
Proposed Elevation CHRIS-PDH--03 Rev 2 received 16.01.18 Proposed Roof Plan

CHRIS-PDH-06 received 16.01.18 Proposed Gatehouse Plans PDH-LF-PLAN-05 received 19.04.18

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

2 The development shall not be carried out otherwise than in accordance with the approved Landscaping Plan ref: 200-01 & Parking and Turning Plan ref: 200-02, submitted under the discharge of condition application relating to condition 3 of 18/00523/FUL approved on 10 September 2018.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

4 The development shall not be carried out otherwise than in accordance with the approved Acoustic Assessment by MATRIX ref: M1822/R01, including plant specification and noise data, submitted under the discharge of conditions application relating to condition 5 of 18/00523/FUL approved on 10 September 2018.

A post installation noise assessment shall be carried out by the applicant where required, to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary.

REASON: In the interests of residential amenity.

5 The development shall not be carried out otherwise than in accordance with the approved Odour Impact Study by AS Modelling & Data Ltd., submitted under the

discharge of conditions application relating to condition 6 of 18/00523/FUL approved on 10 September 2018.

The details as approved shall be implemented prior to commencement of the development and thereafter be permanently retained.

REASON: In the interests of residential amenity.

6 The development shall not be carried out otherwise than in accordance with the approved Lighting Plan ref: CHRIS-PDH-05, submitted under the discharge of conditions application relating to condition 7 of 18/00523/FUL approved on 10 September 2018.

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

7 The development shall not be carried out otherwise than in accordance with the approved drainage strategy by Acorus dated May 2018, submitted under the discharge of conditions application relating to condition 8 of 18/00523/FUL approved on 10 September 2018.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8 The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

9 The development hereby permitted is to be carried out in accordance with the recommendations for ecological precaution and enhancement in Section 7 of the submitted Eco-Check Consultancy Survey (February 2018)

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

10 The development shall not be carried out otherwise than in accordance with the approved Operational Statement (received 24 October 2022).

REASON: To ensure the safe operation of the highway, and the provision of adequate parking on the site.

11 The development shall not be carried out otherwise than in accordance with the approved Parking and Turning Area Plan ref: 200-02, submitted under the discharge of conditions application relating to condition 12 of 18/00523/FUL approved on 10 September 2018.

REASON: In the interests of highway safety.

**Informatives:**

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.