

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 23 August 2017
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 26 July 2017.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation** (*Pages 21 - 22*)

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **17 August 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **21 August 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 23 - 24*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **w/11/02440/FUL - Land South Of Farm Bungalow, Deverill Road, Sutton Veny** (*Pages 25 - 70*)

7b **17/05137/FUL - Coopers Chase, Church Street, Hilperton, Trowbridge, Wiltshire, BA14 7RL** (*Pages 71 - 82*)

7c **17/05690/FUL - 8 Rowan Court, Melksham, Wiltshire SN12 6HS** (*Pages 83 - 90*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 26 JULY 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Roy While (Substitute) and Cllr Jerry Wickham (Substitute)

47 Apologies

Apologies for absence were received from:

Cllr Pip Ridout who was substituted by Cllr Jerry Wickham

Cllr Peter Fuller who was substituted by Cllr Roy While

48 Minutes of the Previous Meeting

The minutes of the meeting held on 28 June 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 28 June 2017.

49 Declarations of Interest

Cllr Sarah Gibson declared a non-pecuniary interest for item 16/09259/FUL – Dorothy House Foundation, for her current professional capacity with the agent and would not take part in the debate or vote.

Cllr Ernie Clark referred to his register interest.

50 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

51 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

52 **Planning Appeals and Updates**

The Planning Appeals Update Report for the period between 16/06/17 and 14/07/17 was received.

Resolved:

To note the Planning Appeals Update Report from the 16/06/17 to 14/07/17.

53 **FOOTPATH NO. 15A DILTON MARSH DIVERSION ORDER 2017 AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**

Public Participation

Mr Francis Morland, spoke in objection to the application

The Rights of Way Officer, Ali Roberts, outlined the report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the notification that Wiltshire Council supports the confirmation of the Order as made.

Members of the Committee were given the opportunity to ask technical questions of the officer.

A question was asked about whether the stiles, now removed, could be put back, the response was that the council would only be able to authorise stiles under Highway Act s.147 for the ingress and egress of animals so this would only be appropriate if the arable field was replaced with stock.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Cllr Jerry Wickham as the local Member noted that any objections should have been made in good time to allow the officers enough time to respond.

A debate followed where a motion was then moved by Cllr Jerry Wickham and second by Cllr Jonathon Seed to approve the officer's recommendation.

At the end of the debate it was;

Resolved

That Wiltshire Council supports the Wiltshire Council Footpath No 15A Dilton Marsh Diversion Order 2017 and Definitive Map and Statement Modification order 2017 and for the Order to be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

54 Planning Applications

The Committee considered the following applications:

54a 16/09259/FUL - Dorothy House Foundation Ltd, Winsley BA15 3LE

Public Participation

Mr Richard Moore spoke in objection to the application
Mr Evan Metz spoke in objection to the application
Mr Dale Evans spoke in objection to the application
Mr John Davis, applicant, spoke in support of the application
Mr Ryan Carroll spoke in support of the application
Mr Stuart Rackham, agent, spoke in support of the application
Cllr Ed Gilby, Winsley Parish Council, spoke on the application

David Cox, as senior planning officer, outlined the report for a reconfiguration of the existing car park and extension to provide additional parking and associated works. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; the principle of development in the Green Belt; impact on the openness of the Green Belt; impact on the Landscape and Area of Outstanding Natural Beauty; impact on protected species; impact on designated Heritage Assets; impact on Highways Safety, the impact on neighbouring amenities and it was noted that there had been a long standing issue with parking due to an increase in demand.

The officer highlighted corrections to the report which included confirmation that there were 131 full time staff and 19 part time staff. It was noted that the correction would not make any material difference to the recommendation. The Committees attention was also drawn to the agenda supplement.

Members of the Committee then had the opportunity to ask technical questions of the officer. The questions focused on: how steep the ramp was; the gap in woodland and the visibility of car headlights.

In response to the questions it was noted that; the ramp would drop 8 metres over 110 metres equating to a fall of 1 in 8; the proposal includes more trees to be planted to fill the gap in the woodland to the south of the extended car park site but it would not be completely screened and that hurdles would be erected

to obscure most of the light from car headlights and that additional landscape planting should also help to block out light spill.

Members of the public and the parish council had the opportunity to present their views to the Committee, as detailed above.

Cllr Seed read a statement on behalf of the local Member Cllr Kidney which focused on: The large number of representations from residents concerning the impact of the development on the landscape and setting of Murhill. The primary concern was the impact on the Area of Outstanding Beauty noting that the report referred to the difficulties of landscaping. It was also necessary to take into consideration that the proposals had been significantly revised to tackle the issues of landscaping and there was a need to balance the concerns of residents with the vital work carried out by Dorothy House. It was mentioned that more in depth consultation should have taken place with residents of Murhill and Upper Westwood. A suggestion was made to impose conditions for the installation of landscape mitigation measures and that access to Dorothy House should be restricted via Limpley Stoke Road by imposing measures such as additional signage. There was also a suggestion for Dorothy House to consider holding an information session for local residents before work commenced.

The officer noted that signage already existed pointing to the Limpley Stoke Road for access and that a travel plan could only advise on a particular route to be taken it could not enforce a travel route.

At the start of the debate it was moved that the application be approved with the conditions given in the officer's report subject to an additional condition for a travel plan to be put in place before the car park is used.

In the debate that followed, issues discussed included: the sensitivities of the application recognising the invaluable work of Dorothy House that had to be weighed up against the impact on the AONB and Green Belt, effects on the landscape; visibility of the development and light spill issues; impact on neighbours, the existing car park deficiencies and the need for additional parking; the 2004 permission granted for a car park extension permission was discussed and although not implemented it was noted that it would have served additional care, training and educational facilities. Car park restrictions and timetabled landscape planting and the timing for the erection of the hurdles were also discussed and three additional conditions and a planning informative were identified.

At the conclusion of the debate it was

Resolved:

To approve planning permission 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:

Revised Site Location Plan – received 5 May 2017; Cross Section Plan A-A Rev H – received 5 May 2017; Proposed Cross Section B-B and C-C Rev E – received 12 May 2017; Cross Section Plan – Hurdle Screen details – received 5 May 2017; Ramp Cross Section Plan – received 5 May 2017; Existing Landscape Plan – received 23 September 2016; Feature match document 7 - received 5 January 2017; Data Image document 8 - received 5 January 2017; Proposed Car Park Extension Sheet 1 of 2 – received 5 January 2017; Proposed Car Park Extension Sheet 2 of 2 – received 5 January 2017; Lux Map ground level Rev K – received 10 April 2017; Lux Map 2 metres above ground Rev K - received 10 April 2017; Construction and Management Plan – received 10 April 2017; Landscape Layout Plan Rev E – received 10 April 2017; Existing and Proposed Elevations Rev C – received 5 May 2017; Landscape and Ecological Management Plan – received 12 May 2017;

The following Statements and supporting reports have also been appraised and form part of the development hereby approved:

Updated Lighting Strategy Rev H – received 18 May 2017; The Landscape & Ecological Management Plan for the site, prepared by RSK ADAS Ltd., dated April 2017; Transport Statement – received 23 September 2016; Planning Statement - received 23 September 2016; Primary Ecology Report - received 23 September 2016; Arboricultural Report - received 23 September 2016; The Desk Based Archaeological Report - received 23 September 2016; The Landscape and Visual Assessment - received 23 September 2016; An Addendum LVIA Report – received 5 January 2017; Drainage Strategy – received 5 January 2017; The Revised Operational Need Statement - received 5 January 2017

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

3. The extended car park hereby approved shall not be brought into use until the replacement lighting scheme in the existing car park has been fully implemented on site. The lighting on the new 4 metre tall poles shall only be turned on during the hours of 0600 and 2200 and would be only activated by sensor trigger between the hours of 2200 and 0600. The lighting shall have an illumination level not exceeding 2 Lux and the lighting strategy and management shall be adhered in perpetuity.

REASON: In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of

the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

4. The extended car park hereby approved shall not be brought into use unless and until the finished grass reinforcement ground system (which is commonly known as grasscrete) has been installed and the exact grass seeding mix, sow rate specification and timetable for seed planting have been submitted to and approved in writing by the local planning authority. Thereafter, the installation shall be carried out in accordance with the approved details.

REASON: To define the terms of this permission and in the interests of the landscape value of the Area of Outstanding Natural Beauty.

5. The lighting within the extended car park hereby approved shall strictly adhere to the lighting scheme and strategy in perpetuity and shall be only turned on during the hours of 0600 and 1800, and be fitted with a time delay switch, and triggered only by sensor between the hours of 1800 and 2200. The lights on the 4 metre tall poles in the proposed car park extension shall not be operable at any time during the hours of 2200 and 0600.

REASON: In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

6. For the avoidance of any doubt (and to correct the anomaly contained within the submitted lighting strategy), the 1 metre high lighting bollards in the extended car park hereby approved shall only be turned on during the hours of 0600-1800 and be fitted with a time delay switch and triggered only by sensor between the hours of 1800 and 0600. The lights shall adhere these times in perpetuity.

REASON: In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

7. No external lighting apparatus shall be installed on site until detailed elevation and specification plans of the lights have been submitted to and approved in writing by the local planning authority. Thereafter, the installation shall be carried out in accordance with the approved details.

REASON: In the interests of protecting protected species and the landscape value of the Area of Outstanding Natural Beauty

8. Within 6 months of the extended car parking being first brought into use, the landscape planting scheme shall be fully planted and completed in full accordance with the Landscape Layout Plan Rev E. 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 including the area of outstanding natural beauty.

9. No development 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.

10. The proposed development shall be carried out in strict accordance with the recommendations contained within The Landscape & Ecological Management Plan, prepared by RSK ADAS Ltd, and dated April 2017.

REASON: In the interests of protecting protected species.

11. The hereby approved development shall be carried out in strict accordance with the Arboricultural Method Statement as set out in the Silverback arboricultural consultancy Ltd report dated August 2016.

REASON: In the interests of the landscape value of the Area of Outstanding Natural Beauty

12. Prior to the installation of the hereby approved external lighting columns, full specification details and elevation plans of the proposed lights and their covering shrouds shall be submitted to and approved in writing by the local planning authority. Thereafter the lighting columns shall be erected in full accordance with the approved details and maintained in perpetuity.

REASON: In the interests of the landscape value of the Area of Outstanding Natural Beauty.

13. Prior to the proposed car park being first brought into use, the access ramp shall be laid to tarmac and maintained as such at all times thereafter.

REASON: In terms of defining the terms of this permission and in the interests of the landscape value of the Area of Outstanding Natural Beauty.

14. Prior to the proposed car park being brought into use, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: To define the terms of the permission and to discourage the dependency on private car where possible and to introduce highway routing directions, where applicable.

15. Prior to the development being brought into use, including the existing car park remodelling works, the applicant/developer shall submit a timetable report confirming when the hurdles shall be erected on site; and once agreed, the hurdles shall be installed in full accordance with approved proposed landscape plan drawing no. 2201 rev E and the hurdle plan drawing no. 2202 issue rev A and that the hurdles shall be maintained in perpetuity.

REASON: To define the terms of the permission and in the interests of securing on site mitigation to reduce light spill/pollution from vehicles and safeguarding landscape value of the AONB.

Informative: The applicant/hospice management team are encouraged to appoint a point of contact for local residents prior to the implementation of the development to discuss the construction timeframe and processes as well as the remodelling and installation of new lighting within both the existing and extended car parks, and to discuss any additional measures to reduce impacts and effects on local residents, the green belt and AONB.

**54b 17/00738/FUL - Park Cottage 20-21 Local South Wraxall, Bradford
On Avon, BA15 2RT**

Public Participation

Mr Mark Fairhurst spoke in objection to the application.

Mr Christopher Mackenzie spoke in support of the applications

Mr Ede spoke in support of the application

Cllr Bella Walker, South Wraxall Parish Council, spoke on the application

David Cox, as senior planning officer, presented the report for the demolition of the existing buildings on the site and the construction of a replacement dwelling. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development and impact on the openness in the green belt; impact on designated heritage assets; impact on highways safety; impact on neighbouring amenities and the impact on protected species.

Members were informed of correction to the report noting that the replacement dwelling would be set back 1.6 metres from its current position.

Members of the Committee then had the opportunity to ask technical questions of the officer, which focused on the site being in the green belt, construction materials and fenestration treatment.

In response it was confirmed that the site was located in the green belt and that the fenestration treatment on the rear elevation would not be visible from the road due to a retained hedgerow and the set-back nature of the proposal. The development proposal construction materials were also outlined.

Members of the public had the opportunity to present their views to the Committee, as detailed above.

In response to concerns raised during the public forum it was confirmed that officers had insisted during the planning process that the reading room should not be demolished but instead be incorporated into the replacement new house design due to its functional heritage and that if the replacement house was to be moved further back from the main highway. It would become out of keeping with the area which is noted for having housing close to the highway. Officers informed members that setting the new house further back into site would risk suburbanising the plot which could negatively affect the conservation area and green belt.

The local member, Cllr Trevor Carbin, noted that the development would have a significant impact on the green belt and conservation area; the building would also be quite dominating but recognised that if moved back it would potentially impact the character of the conservation area and the street scene.

At the start of the debate, a deferral of the item for the arrangement of a site visit was moved by Cllr Trevor Carbin, seconded by Cllr Ernie Clark. Issues raised during the debate included; the street scene illustration within the report on page 105 of the committee agenda was misleading and that it had to be understood that the proposed house would be set back 1.6m further and less dominating.

At the conclusion of the debate the motion was lost.

A motion was then moved by Cllr Jonathon Seed, seconded by Cllr Jerry Wickham that the application be approved with the conditions given in the officer's report.

After a brief debate it was:

Resolved

To approve planning permission 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:

Site Location Plan – received 25 January 2017; Site Plan as Existing - received 25 January 2017; Tree Protection Plan - received 25 January 2017; Site Plan as Proposed 342 P003 P2 – received 17 March 2017; Roof Plan as Proposed 342 P102 P2 – received 17 March 2017; Ground Floor Plan as Proposed 342 P100 P2 – received 17 March 2017; First Floor Plan as Proposed 342 P101 P2 – received 17 March 2017; North East and South East Elevation Plans 342 P300 P2 – received 28 June 2017; South West and North West Elevation Plans 342 P031 P3 – received 23 June 2017

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

NOTE: This permission has also fully appraised the Design and Access Statement which included a Heritage and Planning Statement – received 25 January 2017; A Supplemental Design and Access Statement – received 17 March 2017; The Hillside Arboricultural Impact Assessment and Arboricultural Method Statement – received 25 January 2017; and the Simecology Bat Detector Survey Report (dated June 2017) – received 21 June 2017

3. For the avoidance of any doubt, the development hereby approved requires the demolition of the outbuildings (i.e. the garage, greenhouse, sheds and stable block) shall be completed at the same time as the demolition works to Park Cottage. No development shall commence in terms of forming the foundations for the replacement dwelling until Park Cottage and all of the outbuildings identified for demolition have been demolished and the resulting debris has been removed from the site.

REASON: To define the terms of this permission and in the interests of preserving the openness of the Green Belt and protecting and conserving the character and appearance of the Conservation Area.

4. The materials identified in the materials key on Approved Plan Drawing No. 342 P 300 P2 shall be used in the construction of the development hereby approved.

REASON: In the interests of visual amenity and protecting and conserving the character and appearance of the conservation area.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of visual amenity and protecting and conserving the character and appearance of the conservation area as well to protect the openness of the Green Belt and to enable the Local Planning Authority to consider individually whether subsequent planning permission should be granted for additions, extensions or enlargements.

6. No demolition works shall commence on site until the protective fencing has been erected on site as recommended as part of the Hillside Trees Ltd Arboricultural Method Statement. The fencing shall remain in place until all the demolition and construction works have been completed.

REASON: In the interests of visual amenity of the Green Belt and conservation area

7. The development hereby approved shall be carried out in strict accordance with the recommendations made in the Bat Detector Survey Report (dated June 2017), prepared by Simecology, including Section 10 and Appendix IV. The dwelling shall not be occupied until all the mitigation, compensation and enhancement measures stipulated in the aforementioned report have been fully implemented.

REASON: To ensure adequate protection and mitigation for protected species.

NOTE: The applicant is required to obtain a Natural England European Protected Species Mitigation Licence.

8. Prior to the occupation of the replacement dwelling, details of the sensitive lighting scheme/design set out as a requirement in the Bat Detector Survey Report within paragraphs 10.13 to 10.17 shall be submitted to the Local Planning Authority for its written approval.

REASON: To ensure adequate protection and mitigation for protected species.

9. Prior to the occupation of the replacement dwelling, details of compensatory nesting sites for swallows set out as a requirement in the Bat Detector Survey Report within paragraph 10.23 shall be submitted to the Local Planning Authority for its written approval.

REASON: To ensure adequate compensation for loss of bird nesting sites.

10. No development above slab level pursuant to the construction of the replacement dwelling shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- The provision of a replacement tree including its size and species and location to be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. 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.

12. Notwithstanding the submitted details, no development pursuant to the construction of the replacement dwelling shall commence until a scheme for the discharge of surface water from roofs and all impermeable areas of hardstanding (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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.

13. The replacement dwelling hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14. The replacement dwelling hereby approved shall not be first occupied until the on-site turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

15. No walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and to protect and conserve the character and appearance of the conservation area.

16. The replacement dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVES:

1. Works that could affect nesting birds should not take place between March and August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting in the existing dwelling which is to be subject to works as part of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between September and February inclusive. Further advice on the above can be sought from the Council Ecologists.

2. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that a suspected protected species is encountered during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability

must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the following website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

4. The applicant is required to obtain a Natural England European Protected Species Mitigation Licence.

54c 17/01250/REM - Land South of Devizes Road, Hilperton

Public Participation

Mr Ben Coles spoke in objection to the application

Eileen Medlin, as senior planning officer, presented the report which comprised a reserved matters application for the scale, layout and external appearance of the development and landscaping of the site following outline approval for the erection of up to 15 dwellings. It was recommended that the application be approved.

The key planning issues identified in the officer's presentation were outlined to include: scale; layout; external appearance of the development and landscaping of the site.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the S106 contributions secured by the outline permission; a question was asked about why no S106 contribution was secured for the local village hall; the protection of the hedgerow was discussed; along with SUDS and potential dangers to pedestrians making use of the proposed pavement located behind the existing hedgerow fronting Devizes Road. Securing sustainable construction, energy and water efficiencies as required by WCS CP41 were also identified.

In response to the questions, it was confirmed what the s106 would secure and that the planning inspector at outline stage, had deleted any s016 obligation for the Trowbridge Sport Centre. The pavement was in place to protect the hedge and was agreed as part of the outline application; SUDs and land drainage matters were also covered as part of the outline consent. Members were also advised that a condition should require the applicant/developer to comply with CP41.

Members of the public had the opportunity to present their views to the Committee, as detailed above.

In response to issues raised in the public forum, the officer advised members that since the outline application was allowed on appeal, a badger sett had been identified on part of the site and the layout of the housing had been negotiated by the case officer through consultation with the Council's ecologist and urban designer and was acceptable, members were advised that the site could accommodate 15 homes and provide adequate amenity ground and space between the housing and furthermore, the density of the scheme was comparable with other recent/modern housing developments nearby and a committee slide was explained to cover this point. The design and detailing of the proposed houses was argued to be in keeping with the appearance of the area and enhanced landscaping and tree/hedge planting would break up the development. Officers also confirmed that at discharge of condition stage, neighbours could review submitted plans submitted pursuant to the exact planting specifications. The case officer agreed to consult on the details with the neighbour also.

As local member, Cllr Ernie Clark noted that he was not aware that the landscape plan had been agreed with the path along the hedge. The affordable housing was easily identifiable due to being in blocks, whereas the private housing was not. The affordable housing should be spread about the site more to accord with WCS CP45. It was accepted that the original application approved up to 15 houses for the whole site but now with the badger sett identified, a large part of the site could no longer be developed and proposing 15 homes on a smaller parcel of land was considered inappropriate.

A motion was then moved by Cllr Ernie Clark, seconded by Cllr Trevor Carbin, to refuse the application was presented.

In the debate that followed, issues discussed included: the need to secure a better layout and have the affordable housing spread about the site more and ensure it is not readily distinguishable compared to the market housing and consider the appropriate quantum of housing for the plot which has had its developable area reduced following the designation of green space for the badger plot.

The original motion for refusal was withdrawn and a new motion to defer the application was moved by Cllr Jonathon Seed, which was seconded by Cllr Ernie Clark.

At the end of the debate it was;

Resolved

It was unanimously agreed to defer the application and passed an instruction to officers to negotiate further with the applicant and secure the following:

- 1. Proposing fewer houses on the site (mindful that the discovery of the badger sett reduces the amount of developable land) and to deliver a comparable housing density similar to Ashton Rise;**

2. To re-site the affordable housing units and spread them around the site more; and ensure they are not readily distinguishable compared to the market housing; and,

3. To review highway / pedestrian safety matters pursuant to the pavement behind the hedge.

55 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.45 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Western Area Planning Committee

23 August 2017

Question From: Councillor Ernie Clark, Hilperton Division

Question 1a

What progress is being made for the North and West Housing Market Area with regard to the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017?

Response

The Government requires the Council as local planning authority to publish a Brownfield Land Register by 31st December 2017 and thereafter review it annually. Unfortunately, the Government did not release the data standards that they require Councils to use in the compilation of the Register, and the Planning Practice Guidance on its preparation until July 28th 2017. The Department of Communities and Local Government has organised training sessions in August and officers will commence compilation of the register once the training has been undertaken, in time for compilation of the Register by the end of the year

Question 1b

More specifically, what sites within the Trowbridge Area will be listed under part 2 of the register?

Response

At this stage, it is not envisaged that any sites will be listed in Part 2 of the Register in the first publication

Question 1c

Will all identified sites be incorporated into the draft DPD before it goes for inspection in public.

Response

As no sites are envisaged for listing in Part 2, the publication of the Brownfield Register will not require any changes to the draft Wiltshire Sites Housing Allocation Plan.

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Wiltshire Council
Western Area Planning Committee
23rd August 2017

Planning Appeals Received between 14/07/2017 and 11/08/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/03876/FUL	75 Studland Park Westbury, Wiltshire BA13 3HN	WESTBURY	Proposed new dwelling in grounds of existing dwelling (amended location and design)	DEL	Written Representations	Refuse	17/07/2017	No
16/05644/OUT	Land off Woodrow Road Melksham, Wiltshire SN12 7AY	MELKSHAM (TOWN)	Outline planning application for the development of up to 77 residential units (including 30% affordable housing), open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping	DEL	Written Representations	Refuse	08/08/2017	No
16/06413/OUT	Land at Bratton Road Westbury, Wiltshire	WESTBURY	Erection of up to 47 dwellings and associated works (Outline application in relation to access)	DEL	Inquiry	Refuse	08/08/2017	No
17/00437/FUL	89 The Street Holt, Trowbridge Wiltshire, BA14 6RS	HOLT	Remove conifer hedge and replace with timber feather edge fence	DEL	House Holder Appeal	Refuse	31/07/2017	No
17/00895/OUT	Land at Little Acre 74 Clay Street Crockerton Warminster, BA12 8AF	LONGBRIDGE DEVERILL	Outline Application for erection of detached dwelling (all matters reserved)	DEL	Written Representations	Refuse	18/07/2017	No
17/00878/FUL	Oakley Farm Lower Woodrow Forest, Wiltshire SN12 7RB	MELKSHAM WITHOUT	Erection of tourist accommodation	DEL	Written Representations	Refuse	03/08/2017	No

Planning Appeals Decided between 14/07/2017 and 11/08/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
13/06782/OUT	Land North West Of Boreham Mill Bishopstrow Road Warminster	WARMINSTER	Outline application for the erection of up to 35 custom build residential dwellings including access details	DEL	Written Reps	Approve with Conditions	Allowed with Conditions	20/07/2017	Not Appropriate for either party to apply for costs
16/01633/OUT	Land at The Grange Devizes Road Hilperton, Wiltshire BA14 7QY	HILPERTON	Erection of up to 26 dwellings - outline application: all matters reserved other than access	WAPC	Hearing	Approve with Conditions	Dismissed	07/08/2017	Applicant Applied for Costs against WC – Decision Pending
16/03879/FUL	Former Griffin and Fudge Premises Whiteheads Lane Bradford on Avon Wiltshire, BA15 1JU	BRADFORD ON AVON	Redevelopment of site including demolition of workshop and erection of 6 dwellings; conversion and extension of office building to provide 2 apartments and 1 B1a office unit with associated ancillary works	DEL	Hearing	Refuse	Allowed with Conditions	28/07/2017	Applicant Applied for Costs against WC – Refused
16/06564/OUT	Land North Of 554 Canal Bridge Semington Wiltshire, BA14 6JT	MELKSHAM WITHOUT	Outline application relating to access - Erection of two detached dwellings and new access	WAPC	Written Reps	Refuse	Dismissed	28/07/2017	Not Appropriate for either party to apply for costs

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 1

Date of Meeting	23 rd August 2017
Application Number	W/11/02440/FUL
Site Address	Land South Of Farm Bungalow Deverill Road Sutton Veny Wiltshire
Proposal	Demolition of four existing poultry buildings and their replacement with four new poultry buildings along with the provision of associated infrastructure including feed bins and hardstanding.
Applicant	Amber Real Estates Investment Ltd
Town/Parish Council	LONGBRIDGE DEVERILL
Electoral Division	WARMINSTER WITHOUT – Councillor Fleur de Rhé-Philippe
Grid Ref	389127 141677
Type of application	Full Planning
Case Officer	Michael Kilmister

1. PURPOSE OF REPORT

Some members may recall that this application was deferred by them at the Western area Planning Committee (WAPC) on 5th December 2012. The 3 deferral reasons given by members at that time were;

- 1) The applicants submit their application to the Environment Agency for the permit required by the EA for the operation of the proposed facility;
- 2) A site visit by members of the Western Area Planning Committee has taken place;
- 3) Officers prepare a report on potential reasons for refusal on traffic and amenity grounds for further consideration by the Western Area Planning Committee following the site visit Committee.

The planning application has been revised since that which went before the previous WAPC in 2012 from the original proposal of erecting 5 new poultry buildings to erecting 4 new poultry buildings to replace the existing 4 poultry buildings on site.

Councillor Fleur de Rhe-Philippe originally requested that this item be determined by Committee due to:

- Visual impact upon the surrounding area
- Relationship to adjoining properties

Environmental/highway impact

The above call-in reasons still apply.

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 the application be approved.

2. REPORT SUMMARY

The main issues to consider are:-

- Policy Context
- Visual impact
- Ecology
- Heritage Assets
- Local amenity
- Highway implications
- Other matters

3. SITE DESCRIPTION

The site is an existing poultry farm, situated to the west of Sutton Veny on the southern edge of the Deverill Road Trading Estate, a small industrial estate which is located between the villages of Sutton Veny and Longbridge Deverill.

The site extends to 3.17 hectares located in the Parish of Longbridge Deverill entirely within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is relatively flat but slopes in a southerly direction from north to south comprising of grassland containing a number of trees and hedges, areas of hard standing and four poultry buildings, associated infrastructure and a farm dwelling all of which have been disused for a number of years. Prior to the decommissioning of the poultry farm in 2007 the four buildings provided approximately 155,000 broiler rearing places.

The site is already partly screened by an earth bund on the southern boundary and by existing vegetation in all directions. However, it has been identified that there is potential to strengthen the planting along the southern, eastern and western boundaries of the site.

The land around the site is predominantly agricultural but the land directly to the north and adjacent to the site is a former army camp which has been used for light industrial uses, with this site being characterised by a range of built development and light industrial activity. To the northeast of the site is a horse riding establishment. The horse stables/offices for the horse riding business are approximately 255m from the site boundary but its grazing/riding fields are within 40m of the site boundary. There is also an allotment to the west of the site, within 30m of the site boundary.

Isolated rural properties predominantly form the residential provision within the area though the nearest lies within the trading estate and is approximately 150 m from the development site. The edge of the village of Sutton Veny is some 400m distant.

Access to the site is via Deverill Road, a classified road (C41). Access to the surrounding area is provided by the A350 which is approximately 3/4 mile to the west, though the A36 is also only 1 mile to the east which also provides access to the wider road network.

There is a single public footpath linking Longbridge Deverill and Sutton Veny that crosses the holding situated north of where the proposed poultry buildings will be erected.

Since the previous WAPC meeting in 2012 the site has obtained an Environmental Permit authorised by the Environment Agency for the rearing of poultry in a facility with a capacity for 179,120 and subject to the conditions of that permit.

4. PLANNING HISTORY

W08/2632/OUT – C.O.U. of land from Poultry Farm to light industrial/Office use – withdrawn 28th November 2008

5. PROPOSAL

The scheme has been revised since that which was originally reported to members at the Western Area Planning Committee on the 5th December 2012. This has resulted in the number of poultry buildings originally proposed being reduced from 5 to 4 units each with the capacity to house 44,780 birds and the reduction of birds in total from 223,900 to 179,120 (44,780 birds less).

The proposal involves the demolition of the four existing poultry buildings currently in place (capable of housing approximately 155,000 birds) and replacing them with four new poultry houses (built in accordance with BAT – best available techniques) each measuring 97.6m x 23.2m and 4.8m to the ridge which operate a fan ventilated fully littered floor system for broilers.

The buildings provided will be sited predominantly on the existing built area on new concrete slabs and a steel framed construction, clad with box profile polyester coated steel sheeting, coloured Merlin Grey on the gable and side elevations and goose wing Grey on the roof.

The buildings will all be insulated to modern high standards with glass fibre insulation. This efficient insulation reduces condensation and the level of energy input required to maintain a stable environment. The new buildings will also allow for the use of low electrical consumption equipment further improving the efficiency of the unit.

Along the side elevations of the buildings close to the eaves will be a number of glazed windows fitted with internal blackout blinds. These windows will allow natural light into the buildings in accordance with current thinking on bird welfare.

The change in ventilation system from a ridge to chimney based system does alter the view of an individual building. The height to the top of the chimney stack which is situated at the eastern end of each building is approximately 8.1m from the ground level compared to the previously proposed fans situated along the ridge which extended to 6.5m from the ground level. This additional height is required to provide the odour mitigation measures required by the Environment Agency. The use of the gabled end fans are operated infrequently to maintain temperature, typically in the summer months.

The ventilation system will consist of high velocity roof extract computer-controlled mechanical ventilation. Use of such a system will result in a well controlled environment inside the houses, with no condensation to cause litter to dampen. Good control of the internal environment will be the prime factor influencing litter quality, which in turn

influences the amount of odour being emitted from a site. A drier litter is a less odorous one.

The scheme also seeks to provide the necessary site infrastructure including dirty and clean water handling facilities, feed bins and concrete yard areas.

The new buildings will be served by a total of 6 feed bins (previously 9 bins) which will be 3.35m in diameter and 6.87m high and coloured green.

The houses will be stocked with day old chicks, which will be grown until they reach slaughter weight (approximately 42 days). There is likely to be an average of 7 production cycles each year. Litter and dirty water will be removed from all four poultry houses at the end of each growing cycle.

Access to the site is via an existing entrance on the west side currently serving the holding. All farm traffic will use this entrance. Full turning arrangements are proposed within the site thereby allowing vehicles to leave the site in a forward direction.

The application is accompanied by a Design and Access Statement and an Environmental Impact Assessment (EIA) which assesses the impact of the proposal on the local environment under a number of topic headings and sets out proposed measures to mitigate these identified impacts.

The main issues covered within the EIA are: - Farm Waste & Clean Water Management; Flood Risk; Air Bourne Pollution; Ecology; Landscape; Highways; Other potential impacts; Alternatives/Need.

Also submitted were a Historic Environment Assessment report and further information on Emissions assessment Ammonia and Odour Emissions Booklet.
ADAS - Addendum to A Study of the Impact of Ammonia and Odour Emissions from the Redevelopment of the Broiler Chicken Rearing Unit at Sutton Veny Farm, Warminster in Wiltshire

6. PLANNING POLICY

Wiltshire Core Strategy:

Core Policy 1 : Settlement Strategy

Core Policy 2 : Delivery Strategy

Core Policy 31: Warminster Community Area

Core Policy 34: Additional employment land

Core Policy 48: Supporting rural life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 55: Air Quality

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 62: Development impacts on the transport network

Core Policy 67: Flood Risk

Core Policy 68: Water Resources

Core Policy 69: Protection of the River Avon SAC

West Wiltshire Local Plan ('saved' policies)
Policy C3: Special Landscape Areas
Policy U1a: Foul Water Disposal

National Planning Policy Framework 2012 (NPPF)
National Planning Policy Guidance (NPPG)

7. SUMMARY OF CONSULTATION RESPONSES

Longbridge Deverill Parish Council

Object for the following reasons;

The proposed development should not be permitted because of the inadequate access road between the site and the A350 at Longbridge Deverill which reflects the decision of the planning authority in 2008, where the application for industrial units on the site was refused on highway grounds.

Should permission be granted the following conditions should be made as part of the planning decision:-

- No lorry or tractor & trailer movements to or from the site on Saturdays Sundays.
- No lorry or tractor & trailer movement to or from the site on Monday to Fridays except between the hours of 8.00am and 6.00pm each day.

Sutton Veny Parish Council

OBJECTION – FOR REASONS OUTLINED BELOW

A.ODOUR

Many villagers remember the pungent odour which blighted our village when the previous, smaller poultry farm was operating from this site. People living as far as the Southern end of the High Street were forced to close all their windows and remain inside to avoid the acrid, ammonia laden odour, which would last for 2 or three days. This site has been abandoned now for over 10 years, with the buildings now in a derelict state. The village has changed considerably over this time. We now have a thriving business, Horses First Racing, located on the Eastern side of this site, which has quickly established itself as a leading training establishment for racehorses, and employs over 20 local people.

Community allotments have been set up on land adjacent to this site to the West, and these have been enthusiastically developed, with a waiting list for plots now existing, providing a valuable village community amenity, and keeping our village Produce Stall amply supplied with stock, helping to raise money within the village.

At a recent well attended meeting in the village hall, many villagers expressed their concern that the quality of their lives was going to be significantly damaged by this proposal. Whilst we acknowledge that this proposal has received an Environment Agency Permit, we feel that this offers little protection from the unavoidable odour caused during the clean out procedure at the end of each cycle, and we note that the applicants fail to assess the level of the odour during this stage of the process. In other similar applications, operators have found it difficult to prevent this unbearable stench from emanating from their sites. The doors to the poultry sheds have to be fully opened whilst the litter, a combination of chicken faeces, skin, dropped feed, urine and dander are removed.

B LOCATION

National Planning Policy Statement 7 paragraph 15 states

"...Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected

and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development..”

This proposed development, although described as agricultural, is more of an industrial use, which does not in any way depend upon an agricultural location or resources, and does not propose to contribute in any way to the surrounding agricultural setting.

Paragraph 22 of the National Policy Statement 7 clearly states that:

“...Major developments should not take place in these designated areas except in exceptional circumstances..” and continues:

“..Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination..

...Consideration of such applications should therefore include an assessment of..

ii)The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way”. In the applicant’s environmental impact statement they state that they have “Considered other locations both on and off the site for the buildings; however it is deemed that this location best meets the needs of the business whilst minimising impacts” They should give a full and detailed account of the alternative sites which were selected, with detailed reasoning as to why these other sites were deemed unsuitable.

In particular, we feel that choosing a site which is in an AONB, close to residential property and community amenities, and over 75 miles away from the slaughterhouse, seems to fly in the face of common sense; the CO2 emissions associated with the location, the devastating impact the site will have on the local residents and the largest employer in the village, would all seem to outweigh any positive impact this proposal may bring to this location.

In “ENVIRONMENTAL IMPACT ASSESSMENTS: A GUIDE TO PROCEDURES” which transposed into UK legislation the EC Council Directive 85/337/EEC paragraph 33 clearly states: “It should be noted that developers are now required to include in the environmental statement an outline of the main alternative approaches to the proposed development that they may have considered, and the main reasons for their choice...

...Where alternatives are considered, the main ones must be outlined in the environmental statements”

THE FARM ANIMAL WELFARE COUNCIL REPORT ON THE WELFARE OF FARMED ANIMALS AT SLAUGHTER OR KILLING June 2003 published by DEFRA paragraph 19 states:

“It has long been the Farm Animal Welfare Council premise that animals should be slaughtered as close to the point of production as possible....the risks of welfare being compromised are likely to increase with longer and/ or more complex journeys.”

C.TRANSPORT

National Planning Policy Guideline Note 13 states that the aims of planning policy should be to:

“..promote more sustainable transport choices for both people and for moving freight”

and later describes sustainable transport objectives to include:

“...3.More environmentally friendly delivery and freight movements”

In the applicant’s transport report the base all their calculations on a baseline of the vehicle movements associated with the previous poultry farm, which closed over 10 years ago. We submit that this is wholly misleading as this is a clearly **abandoned use**. Since the poultry farm has closed, traffic along the Deverill Road has increased significantly, with the success of new businesses at the Trading Estate, a thriving agricultural contracting business, and the increase in school run traffic associated with the very successful village school in Sutton Veny.

The total yearly vehicle movements generated by this proposal would be, assuming an 8 week production cycle, and allowing for the waste water removal, 5070. This would equate

to approximately 19 vehicle movements per day if it can be assumed that movements occur predominately on week-days, and this would peak at 30 per day at the end of the growing cycle.

We acknowledge that all vehicle traffic to and from the proposed site will be routing West along the Deverill Road to join the A350. Whilst this avoids the dangerous junctions we described in our earlier comments, we feel that this route is also unacceptable, and we agree with Alan Creedy, the Local Transport & Development Manager, when he considered an application relating to this site submitted by the current applicants in 2008, for a change of use to light industrial/office use (B1) ref 08/02632/OUT, and stated:

“The site is situated along Deverill Road (C41) between the A350 and the A36. Deverill Road is a rural lane with poor alignment in places, no passing spaces for large vehicles passing and no pedestrian facilities. Deverill Road is not suitable to serve commercial vehicles and such vehicles would be likely to be used within this development for light industry use given the size of the development.”

Many of the residents along Sand Street in Longbridge Deverill have reported damage to their vehicles from passing HGV vehicles, and many times the road gets blocked due to difficulties these vehicles have in manoeuvring through this narrow stretch of road. We feel very strongly that further investigations of traffic flow and a more thorough survey of the road, taking into account the parked vehicles, should be undertaken to ensure that this fragile piece of infrastructure can accommodate safely and sustainably, the considerable volume, and mass of transport contained within this proposal.

D.EMPLOYMENT

The employment aims stated in the West Wiltshire District Plan (1st Alteration) 2004.

3.3 include:

“..to sustain a buoyant local economy and to create suitable conditions for the expansion of existing firms and the development of new business” The applicant states in their Environmental Impact statement that 1 or 2 local jobs would be created by this proposal.

This is welcome, but this is the only admitted benefit to the local economy. The neighbouring property has been developed over recent years by Horses First racing, a racehorse training stables, who employ 20 staff on-site, and are currently looking to hire further staff. Eamonn Wilmott, managing director, has stated that, due to concerns for the health of his horses and the concerns of their owners, he will be forced to consider moving to a new location should this proposal be accepted, to secure the sustainable success of his business.

This would represent a significant loss of employment locally, and specifically within Sutton Veny, (15 employees live on-site or in Sutton Veny). Horses First are significant employers of local young people (8 under the age of 25 and one employee via the special work program, and 3-4 students undertaking work experience over the Summer), and the employment prospects for young people in the current economic conditions in our rural villages are particularly poor. One food business located on the Trading Estate expressed concerns about the impact emissions would have upon their business, and have since relocated away from the area

NOISE

Although the noise assessment appears to be valid, it does not go far enough; only the immediate neighbours were analysed, and only the noise from the sheds was included in the analysis. The noise study should have included the noise generated from the vehicles maneuvering, unloading and loading, which would cause significant nuisance to the allotment users whose land is located less than 5 metres from the vehicle turning area and less than 10 metres from the poultry sheds, and The study should also include the noise experienced by residents of houses located immediately adjacent to the Deverill Road, along the proposed HGV route.

We also feel that the assurance that the vent fans will be rated at 53 dBA is not enough. We have been unable to find any such fans on our searches, and would request details of the exact specification of such fans. It should be noted that a neighbouring business, Pinetum, were issued with a Noise Abatement notice when they began running their extraction fans

past 6 pm, due to complaints from residents. These fans will be operating 24 hours a day, and so the noise issues need to be carefully addressed at the earliest stage.

CONCLUSION

The implications if this development was allowed are as follows: a. A major employer (Horses First Racing Ltd) has moved into the curtilage and would have to move if this development went ahead. b. Vehicle traffic on the Deverill Road has increased dramatically in line with other roads in the region. In addition the road is now part of the Sustrans Cycle Route through Wiltshire and is now regularly used by cyclists from Centre Parcs, local clubs as well as individual and family cyclists. There are no pavements and in places the width of the road will only allow one large vehicle to pass. If this development was approved there would be a significant increase in the risk of injury and loss of life. c. Though it is understood that the Environment Agency will monitor noise and odour during the first year, the details in applicants submission as detailed above does not withstand close scrutiny and there is a high degree of risk that if development did occur, it would soon become a running sore with the local residents with the resulting additional costs being borne by Wiltshire Council and the Environment Agency. This application does not satisfy the sustainability definitions driving national and regional planning policy on 3 accounts as follows: The West Wiltshire District Plan (1st Alteration) 2004 E6 which states: "E6. In rural areas, outside the Western Wiltshire Green Belt, proposals for the establishment or expansion of small scale employment enterprises in existing premises or on new sites will be permitted provided that: a. They do not create significant highway or flood risk problems;

Wiltshire Council Highway Officer

No objection

It is considered that the proposed redevelopment of this site will not have any significant impact on highway safety subject to planning conditions being attached.

Wiltshire Council Rights of Way

No objection.

Wiltshire Council Ecologist

No objection subject to planning conditions being attached.

Wiltshire Council Landscape and Design Officer (Landscape Architect)

No objection.

Subject to planning conditions being attached regarding details of establishment, maintenance and management of the planting scheme including annual replacement of missing, dead or failing planting material for a period of 5 years.

Wiltshire Council Public Protection Officer

No objection and comment as follows;

Odour

The applicant has submitted a revised Odour Impact Assessment as part of their revised Environmental Statement. The modelling within this impact assessment has been based on the revised plans. The original odour assessment found that there would be unacceptable levels of odour in the area immediately surrounding the farm. The revised plans include one less poultry house and ventilation being relocated.

The revised modelling, has found that based on 5 years worth of data, odour emissions from the standard running of the poultry units will be below the mean 98th percentile hourly odour concentration 3ou_E/m³ at all sensitive locations except for the allotments directly adjacent to the units. At these allotments the mean is predicted to be between 4.32 and 5.16 ou_E/m³. The 98th percentile hourly mean is the level that will be exceeded for 2% of the time that the calculations are over.

3ou_E/m³ is the benchmark level recommended by the Environment Agency for moderately offensive odours from activities such as intensive livestock rearing at sensitive receptors such as residential properties. The calculations have found that for 2% of the time the odour levels may go over as the levels set out in table 2 of Environmental Statement Appendix 8, for the other 98% of the time the odour level will be at or below that level. Appendix 8 also mentions research from the waste water industry which found, through does and effect studies, that it would be rare to receive complaints or 'community annoyance' below a 98th percentile 5 ou_E/m³

The assessment, which appears to have been carried out appropriately, finds that under normal conditions it is unlikely odour from the units will give rise to justifiable complaints at the nearest residential properties. This does not detract from the fact that there will, at times be an odour in the area. The odour will likely be stronger at the allotments which are very close to the units; but odour at the levels modelled would be unlikely to adversely impact the amenity of or prevent the use of allotments.

The assessment has not modelled odour from the units when they are being depopulated and cleaned out but it is recognised that during these activities there will likely be increased risk of higher odour emissions. The odour management plan in appendix 7 sets out methods for minimising odour emissions during these processes. It is likely for the short periods when these activities are occurring there will be increased levels of odour in the area. However this may not be considered unusual for a rural, agricultural area.

When making recommendations regarding planning application this department has to make a recommendation, based on available evidence, as to the impact of the changes on levels of amenity nearby. The odour assessment has found that there will be minimal odour impact under normal conditions but there will likely be slightly raised odour levels, particularly if the wind is blowing towards the receptors or when cleaning out takes place. These impacts have to be taken in context in that the application is for replacement of existing poultry houses in a rural, agricultural area. When considering the evidence supplied, this department would not be able to support a recommendation for refusal of this application based on odour impacts.

Dust

Local Air Quality Management (Technical Guide) Box 5.5 table C4 (page 5-41) requires a detailed air quality assessment if there are residential properties within 100m of a poultry farm due to PM10 concentrations. It is noted that at this time there are no residential properties within this radius, but to avoid future loss of amenity have recommended a construction management plan be added as a condition.

Pest

Although the EA have not requested a pest management plan upfront as part of their permit, this department does have experience of investigating complaints of flies emanating from intensive poultry units and have recommended a condition.

Noise

Subject to appropriate planning conditions being attached requiring noise levels to meet those levels that Wiltshire Council Protection team would consider suitable; post completion

testing and a monitoring programme that is completed in the first few months of the operation.

Wiltshire Council Conservation Officer

No objection.

Wiltshire Council Drainage Officer

No objection subject to appropriate planning conditions being attached.

Environment Agency

No objection.

The permit has been granted to allow it to operate the installation, subject to the conditions within it. In reaching the decision the Environment Agency have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

Natural England

No objection.

Having considered the application Natural England is satisfied that the proposal will not significantly affect internationally or nationally designated sites. The main risk was air quality impacts and while there were some presentational issues with the assessment we are satisfied with the ultimate conclusion that there would be no significant impact on relevant designated nature conservation sites.

AONB Officer

No objection.

Subject to planning conditions being attached regarding a landscape management plan, external colour and appropriate materials being used for the towers.

Historic England

No objection.

Wiltshire Council Agricultural Consultant

No objection.

A key element of the production of broilers is to ensure as much energy as possible is converted from food into the growth of the bird and hence the production of meat. To that end it is essential to provide artificial heat when the chicks are first brought onto the unit and thereafter careful control of the temperature in the buildings to ensure an optimum environment is maintained. The temperature is essential so that the bird's energy is not diverted to keeping itself warm, but concentrated on the development of muscle (meat). Artificial heat is retained in the buildings through high levels of insulation.

A further element to the environment within the building is to ensure there are sufficient air changes so that the buildings do not become damp through respired air. Fan systems are therefore an essential part of broiler production. The application papers indicate that the proposed buildings will be equipped with high velocity fans to mitigate the effects of condensation.

Overall it is my opinion that the proposed buildings are of an appropriate size and design for the type and quantity of production that is proposed at the site.

The proposed buildings are essential for the proposed agricultural activity at the site.

8. PUBLICITY

The application was advertised by site notice/press notice/neighbour notification.

Approximately 265 letters of objections have been received from not only those living or working locally but from other parts of Wiltshire and further afield. 1 letter of support has been received. A petition objecting to the proposal was also received which included over 400 signatories (many of whom have already sent in objections and many names on the petition are from single households or names with no address). These objections make reference to some or all of the following points:-

Access to site by large vehicles.

Pollution (both noise and smell).

Risks to neighbouring business.

Past record of business concerned is not good.

Additional traffic.

Road is narrow.

Does not support principles of Area of Outstanding Natural Beauty (AONB).

HGV movement outside on Sand Street will be intolerable.

Narrow lane.

Will cause traffic problems.

Noise.

Unpleasant odours.

No footpaths, danger from increased traffic.

Traffic too fast – speeding.

Disturbance from increased traffic movement.

De-value homes in the area.

Would be a blemish in an AONB.

Waste and smell from chicken faeces.

The 'B' road is not suitable for large vehicles.

Battery hens are not the way forward.

Security issues.

Safety concerns due to size of vehicles due to narrow road.

Intensive farming of this type has no place in an AONB.

A business employing 20 people will have to go.

Road is not wide enough.

Reduce employment in the area.

Road used by walkers, cyclists and horse riders.

This type of facility better suited to industrial sites on edge of towns.

Hazard to walk due to level of traffic.
Odour will affect us enormously.
Detrimental to peace and tranquillity.
Scale of scheme unsuitable for AONB.
Strong smell of ammonia.
Will increase massive fly population.
Transport links are not suitable.
Site in winter will be underwater leading to pollution.
Noise of the ventilation system.
Clouds of emitted fumes and toxic ammonia.
Traffic will add to the congestion.
loss of local businesses due to stench and mess.
Should provide local housing on the site.
Noise pollution.
Smell and air quality.
Would affect family life.
Affect on local businesses and employment.
Damage to road surface and structure, foundations and garden walls by lorries.
Will affect quality of life of both residents and employees in the area
Cause ground water pollution
Smell during cleanout and movement of chicken manure.
Concerned with volume and type of traffic.
Farm getting bigger.
A couple of jobs being provided compared to loss of 20.
vulnerable when walking down the street with the current volume of traffic.
Drivers no regard to 30 MPH speed limit.
Filthy smell from day old chicken factory previously.
Noise from fans/pumps/vehicle movements.
Pollution to allotments.
Sutton Veny primary school is 1km east from the site and concern over air pollution.
No pavements and width of road allow only one vehicle in places.
Lorries directed through Sutton Veny due to satnavs getting stuck.
Increased numbers of large lorries.
Prevailing wind is westerly blowing stench, flies to Sutton Veny.
Allotments may be closed.
Already hazardous the traffic using Sand Street the cross roads at the Marsh turning.
Impact on The Horse First racing stables.
Loss of employment at the Horse First racing stables.
Recently more large lorries been seen driving at fast speeds down Sand Street.
Significant threat to existing jobs and businesses.
Do not want to smell chickens and see a big factory when driving my car.
A vehicle crashed through my wall due to meeting heavy goods vehicle.
A planning application in 2008 was refused on highway grounds.
The operation is industrial and not agricultural.
Waste management is absent for the site.
The prevailing south-westerly wind will blow such contaminants directly across the village.
Inappropriate for the area.
Business will suffer if Horse First racing move out due to chicken factory.
Sutton Veny primary school in line of prevailing winds.

Sits in between two small villages the characters of which would be damaged by the establishment of this facility.

Roads unsuitable for heavy goods vehicles.

Detrimental effect on The Woolpack pub, Horses First Racing and a number of small businesses by traffic, noise, smell and pollution.

Highly detrimental effect on residential properties, local businesses and the environment.

Junction with A350 at crossroads by the garage notoriously difficult to cross. Numerous minor collisions here in last 6 years.

Noise caused by fans and pumps and extra vehicles.

Danger to local environment and wildlife.

Impact on CO2 levels as generated by the additional diesel traffic.

Health implications of hosting the factory

Obscene amount of waste

Were other sites considered?

These roads are used by pedestrians, children walking to school, horses, dog walkers and cyclists.

Current parking arrangement for those working on the allotments would make safe passage of the large vehicles to the site dangerous.

Past experience with chicken sheds was not pleasant due to stench and noise.

Not a suitable site for this type of industrial agriproduction.

Passage of tractor or heavy vehicles often makes house shake.

Properties will lose value

Vehicle access is inadequate to service the facility.

Poor visibility in some parts of Sand Street.

Site derelict for a long time

Application should be considered as a change of use

Increased HGV traffic and associated dangers

Fear of an outbreak of bird flu in the area

Large industrial complex in a clearly visible position

Impact on the village and surrounding countryside

Excess fumes from lorries have an adverse effect on community allotments

Flocks of red legged partridge, Barn Owls, Tawny Owls, Red Kite, Kestrels other raptors and Bats are regularly seen around the estate.

Threat to community services

Health and well being to the racehorses on the adjacent land

The site has become an abandoned use

The noise of the fans will be intolerable

Increased traffic will be a danger to walkers, cyclists and dog walkers in the village

6 metre towers being erected

Very large towers 8 metres high

Proposed sheds will blight Area of outstanding Natural Beauty

Large extraction systems which will be noisy and generate potentially hazardous fumes 24 hours a day.

Health impact from the smell of the plant and flies.

9. PLANNING CONSIDERATIONS

9.1 Policy Context

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 which is the Wiltshire Core Strategy (WCS) adopted in January 2015, unless material considerations indicate otherwise.

The Government's 2012 "National Planning Policy Framework" (NPPF) is a material consideration in planning decisions and it supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. It also promotes the development and diversification of agriculture and other land-based rural businesses.

The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means "approving development proposals that accord with the development plan without delay" and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that "planning policies should support economic growth in rural areas in order to create jobs and prosperity..."

The site is however located within Cranborne Chase and West Wiltshire Downs AONB. Para 115 of the NPPF advises in this respect that 'great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.

Paragraph 116 of the NPPF goes on to say that 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. The paragraph advises that a planning authority should apply three tests in considering such applications:

- i. 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;
- ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be.

This application is considered to be major development as it relates to a Schedule 1 EIA (Environmental Impact Assessment) proposal. Some objectors contend that proposals of this nature should be automatically refused given their location within the AONB. However, the NPPF does not impose a blanket prohibition on major development within the AONB. Instead it specifies that the above tests must be met. If this occurs then proposals may consequently be compliant with the development as a whole. This can be the case even if the development does not comply fully with some specific development plan (or AONB Management Plan) policies, though great weight must be given in the protection of the AONB. If the NPPF tests cannot be met then the proposals would be unsustainable and permission should be refused.

To determine whether or not the proposals would be in the public interest and whether the exceptional circumstances test can be met appropriate account must be taken of the following matters:

- 1) The information submitted in support of the application and accompanying Environmental Statement;

- 2) The findings of the planning consultation process including comments from planning consultees and public representations for and against the proposals;
- 3) Relevant planning policies and guidance.

Some policies may pull in different directions on a development of this nature. Objectors may contend that greater weight should be given to policies which protect the local environment and the AONB, given in particular the NPPF requirement to give such matters 'great weight'. Conversely, supporters will point to policies which seek to preserve rural communities, jobs, vitality and the local economy and to support agricultural diversification.

Any planning decision must assess the relative weight to be given to such policies. Only after this can a balanced decision be taken on whether or not a development would be in the public interest overall. This assessment is made at the conclusion of this report. Further on in the report deals with the other three tests set by paragraph 116 of the NPPF.

The proposed development is located in the open countryside and away from the small village of Longbridge Deverill and the large village of Sutton Veny. However, the proposal is for the replacement of existing poultry buildings and as such is considered to be appropriate in principle and as such is considered to comply with Core Policy 1 of the Wiltshire Core Strategy.

The Wiltshire Core Strategy is based on a strategy which places an emphasis on economic growth as the driving force behind meeting objectives. A number of target sectors have been identified for Wiltshire in order to promote the move towards a higher-value economy. One of which includes 'Agriculture and land based industries'.

It says that proposals which support these target sectors will be supported providing they meet the requirements of Core Policy 34 which aims to support, for example, the rural way of life through the promotion of modern agricultural practices.

Core Policy 34 states developments that support sustainable farming and food production through allowing development required to adapt to modern agricultural practices will be supported where they are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; benefit the local economic and social needs; and are supported by adequate infrastructure will be supported.

Other policies to consider are; Core Policy 50 regarding Biodiversity and Geodiversity which states that development proposals must demonstrate how they protect features of nature conservation and geological value incorporating appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats and seek to enhance biodiversity through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystems.

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, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Wiltshire's distinctive landscape character includes the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted. Proposals for new development essential to the economic and social well-being of the rural community will be permitted, having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations.

Core Policy 55 has regard to development proposals which need to demonstrate that measures can be taken to effectively mitigate emission levels in order in order to protect public health, environmental quality and amenity.

Core Policy 57 states that the layout and design of new developments must be based on the thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the sites characteristics. The proposal incorporates sustainable design measures in accordance with policy and considerations include sustainable construction methods (modern poultry building design) and sustainable drainage, water and energy efficient systems.

Core Policy 62 states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The issues raised by the above policies are considered in the succeeding sections.

AONB Special Circumstance Policy Tests

The three tests set by paragraph 116 of the NPPF are as follows;

The First Test: 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)

There is a strong and increasing national demand for home-produced poultry meat which is a relatively cheap source of protein at a time when other meat production is in decline. The applicant has stated that 'currently national consumption of chicken exceeds production with between 30% and 50% of all forms of chicken currently imported from abroad. With food miles in particular this is clearly not a sustainable solution to import from abroad (noting NPPF support towards sustainable development and supporting a prosperous rural economy).' The UK currently produces around 75% of the poultry meat it consumes. There is however significant scope to extend levels of home production and reduce imports from Europe even further. This is also beneficial from a point of view of food traceability. It is considered that there is a very strong need case at a national level for continued growth in home grown poultry production.

At a local level the proposals would make a positive contribution to the economy of this part of Wiltshire. This is through requirements for local goods and services during the construction phase, through subsequent purchase of feed stocks and other materials and services and also through the associated direct and indirect provision of local employment.

The proposed modern purpose built poultry accommodation at Sutton Veny Poultry Farm is required to support the market demand from the expanding poultry sector. The new poultry accommodation is designed to ensure the highest levels of stock welfare and to minimise external impacts.

Agricultural development is essential to help ensure the economic wellbeing of the rural sector. In the case of the poultry sector significant investment in new buildings is needed across the country to offset the decline in building stock and quality caused by previous poor conditions. Despite the need for new development it is recognised that proposals within sensitive landscapes have to be dealt with in a sympathetic manner with all potential impacts of the development proposed being very carefully considered. The need for the development can be accepted in principle.

The Second Test: Alternatives (the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way). The applicant advises that there are no alternative sites within their landholding which would be capable of supporting a development of this nature. The proposed development relates to the expansion of an

existing poultry farm by replacing four poultry buildings with four new poultry buildings and associated infrastructure to bring the overall poultry numbers to approximately 179,120 from the previous use of 155,000 birds. This is an existing poultry site (albeit currently unoccupied) and therefore whilst it is being redeveloped the continued use of this location for poultry rearing is a logical choice. There is an existing access onto the public highway. The site is also bounded by established vegetation which would be managed and supplemented by comprehensive planting proposals. In addition, it is over 150m from the nearest privately owned property not associated with the farm and, apart from being within the AONB, it is not directly affected by any other environmental designations.

Local and national policy strongly protects these designations. However, such policy also recognises the need to ensure that all rural communities, including those within AONB's, remain economically healthy and vibrant. People visit AONB's for their scenic beauty and in so doing they contribute to the tourism economy. However, the AONB landscape is a living working environment which is critically dependent on farming activity for its maintenance and upkeep. 18% of Britain is covered by an AONB designation and farm land covers over 80% of Cranborne Chase and West Wiltshire Downs AONB.

It is not considered that the option of developing an equivalent facility outside of the AONB would be viable or realistic for the current applicant. The applicant's agent has stated that by providing redeveloped and expanded poultry housing adjacent to the existing enterprise it will be possible to meet the needs of the business whilst minimising the impact generated by the development.

It is considered that the second test can be met.

The Third Test – Environmental Acceptability: The third test set by NPPF 116 is that of environmental acceptability. It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. The operational benefits of the proposed location are also acknowledged. Objectors argue however that any such benefits are clearly outweighed by the potential adverse effects, including the local environment and amenities. If it can be concluded that any such effects would be acceptable after mitigation then the third test can be met. By implication the proposals would then be sustainable and compliant with relevant environmental policies of the local plan. If however any adverse effects cannot be satisfactorily mitigated, or if significant doubt remains regarding mitigation then the third test would not be met and permission should be refused. Environmental impacts are considered in a succeeding section.

The AONB Management Plan has been adopted by Wiltshire Council and is a planning material consideration although it does not form part of the Development Plan. The Landscape and Planning Advisor for Cranborne Chase Area of Outstanding Natural Beauty does not object to the proposal subject to planning conditions being attached regarding a landscape management plan and appropriate materials and external colour finishes being used.

Moving on from the principle for an agricultural development of this nature in this location, the details of this particular proposal will need to be carefully assessed in relation to the visual impact, biodiversity, heritage assessment, the amenities of the locality, highway safety and any other planning materials considerations.

9.2 Visual Impact

The issues to consider are the landscape character and the visual impact. In terms of character, the site and its surroundings are located in an area of existing poultry buildings; an industrial estate and other rural activities (farming, equine etc). The character will remain

unchanged as the existing poultry buildings will be replaced with newer/modernised poultry buildings.

A landscape and Visual Impact Assessment (LVIA) accompanied this application, prepared as part of the Environmental Assessment.

Wiltshire Council's Landscape and Design Officer (landscape Architect) has noted concerns expressed by the objectors technical consultants that the LVIA submitted by the applicant does not follow the methodology for best practice Guidelines for Landscape and Visual Impact Assessment (GLVIA3) but as officers of Wiltshire Council point out they fail to acknowledge that;

1. This is the redevelopment of a poultry farm and there are four existing poultry units on the site that will be replaced;
2. The site is adjacent to the Deverill Road Trading Estate comprising industrial units and sheds; and
3. The site is on the lower slopes surrounded by belts of tree planting and is well screened from the surrounding area

These are fundamental considerations that must be taken into account when describing the baseline landscape and visual context, in accordance with GLVIA3, against which the potential landscape and visual impacts of the proposed development must be assessed.

The Council's Scoping Opinion, dated 25th January 2010 stated:

'Since the site is in a sensitive location, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, considerable care will need to be taken to ensure there is no harmful impact on the landscape. I would draw your attention to the need to show how any adverse impacts might be avoided in preference to measures to mitigate the harm. Furthermore, the purpose of Areas of Outstanding Natural Beauty designation is to conserve and enhance natural beauty.'

The ES should include a chapter on the landscape, identifying its key elements, the impact of the proposals, how harm might be avoided, and what measures, if this cannot be avoided, can be taken to reduce any harm to the character of the countryside and visual amenity. The impact of the proposals on the views from the surrounding downland into and across the site will need to be carefully considered. The design, height, form and layout of the buildings will be crucial in this respect as will any measures, such as landscaping within the site, to reduce visual harm.'

There are a number of existing trees and hedgerows within or adjoining the site. These are generally of poor quality and contribute little to the character of the area or the screening of existing buildings. Any necessary mitigation measures should include future landscaping and it is suggested that the planting of tree belts and reinforcement of existing hedgerows may be appropriate.'

The Scoping Opinion acknowledged that there was potential for harm given the site's location within the AONB (Core Policy 51) but did not identify the potential landscape and visual impacts as being '**significant**', and therefore there was no requirement to undertake a FULL Landscape and Visual Impact Assessment, that would be necessary to mitigate 'significant' landscape and visual effects.

GLVIA3 states that every Landscape Visual Appraisal (LVA) should be appropriate and in proportion to the location, scale and nature of the proposed development. Given the landscape and visual baseline, briefly mentioned above, and that the development is the replacement of four existing derelict poultry units with four units of similar type and scale, and within the same site, a Landscape and Visual Appraisal is sufficient.

In addition the Department for Communities and Local Government in its planning practice guidance makes it clear as to the level of assessment that must be carried out for each specialist chapter in the Environmental Statement.

*'Whilst every Environmental Statement should provide a full factual description of the development, the emphasis of Schedule 4 is on the "main" or "significant" environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. **Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered.***

The applicant's consultant LVA report prepared for Appendix 12 of the Environmental Statement (October 2011 and updated in June 2015) is acknowledged by Wiltshire Council Officers to be very basic, and does not follow best practice guidance in terms of assessing the potential impacts on landscape and visual receptors separately as outlined in GLVIA3.

However, the said report does give a useful overview of the local landscape character and the site's context within the Kilmington Greensand Terrace Landscape Character Area and the Deverill Road Trading Estate. It also describes the very limited visibility of the development site from the surrounding rural area due to the screening effects of tree belts and earth bunds that enclose the site.

Wiltshire Councils Landscape and Design Officer (Landscape Architect) visited the site to review the findings of the LVA report (Appendix 12 of the ES) and saw that this part of the AONB consisted of large arable fields, conifer plantations, equine training facilities/paddocks and the Deverill Road Trading Estate, a large site comprising white visually intrusive building units and industrial sheds, which give a discordant character to the local landscape.

The proposed development is located on the far side of the trading estate on lower ground, and as such the intervening industrial units screen the development site from the Deverill Road. From the open fields to the west and east the belts of tree planting to the industrial estate and site boundaries form an effective visual barrier, even in winter, screening the existing poultry units such that the development site is barely discernible from the wider landscape.

The objectors technical consultants fails to mention the above baseline landscape and visual context.

Photographs are attached to this report in Appendix 'A' which were taken by the Landscape and Design Officers visit to the site and an explanation of those are shown below;

From the PROW to the west of the site crossing open fields, the belts of evergreen trees along the western site boundary screen the poultry units, and the proposed replacement units would also be hidden from view. (Photo 1)

From the PROW crossing the immediate fields to the east of the site, the tree planting to the eastern site boundary comprising mature trees (12 to 15m high, with 1m high bund) and belts of tree planting (10 to 12m high), form a dense screen such that the proposed development would be barely discernible, with possible filtered views in winter only. The building units on the trading estate are noticeable components of the view. (Photos 2 and 3)

From the PROW closer to Sutton Veny views towards the development site are restricted by intervening hedges and tree clumps and the site is barely discernible within the wider landscape. (Photo 4)

There is no PROW or properties on the scarp directly to the south of the site and the 6m high bund will be planted with additional native tree planting. From the minor road to the south of Sutton Veny (that rises to Whiten Hill) at a distance of 1km the development site is not discernible within the view.

It is also noted that in the 5 years since the Environmental Statement was first written the tree planting along the eastern site boundary (now 10 to 12m high) provides a very effective visual barrier and will screen the proposed development in local views from the east and from Sutton Veny.

In conclusion Wiltshire Councils Landscape and Design Officer (Landscape Architect) states that following;

- 1) The threshold for acceptable change is determined by the existing baseline and the nature of the proposed development. There are four poultry units already on the site, and the Deverill Trading Estate, which is a key component of the local landscape within this part of the AONB, and the existing tree planting that will screen the new units and visually contain the development. The proposed poultry units are of a similar scale and size, and will be situated within the same site. Therefore the threshold for acceptable change cannot be low as indicated by the objectors technical consultants.
- 2) The proposed built footprint will extend by approximately 15m to the north, which equates to an increase of 17% compared to the existing footprint. The ridgeline of the new poultry units will increase by 0.82m to 4.8m high (which is comparable in height to a bungalow), and the towers 8.18m high are discrete units 1.5m deep by 10m wide, and to the eastern elevation only. The buildings and towers will be a dark recessive colour as advised by the AONB Officer (precise details to be confirmed by planning condition). This small increase in height with additional towers would be barely discernible within the wider landscape, if indeed at all visible due to the screening effect of site boundary trees.
- 3) The development site is on the lower slopes of the Greensand Terrace and is barely discernible within the wider landscape and the proposed poultry units, screened by the existing tree planting, will not interfere with the backdrop of Cow Down and Whiten Hill.
- 4) The PROW directly to the north of the development site currently passes through the industrial estate and close to the poultry farm site and will be unaffected.
- 5) It is unclear how the landscape setting of Sutton Veny and the spire of St. John's Church would be affected by this development, as from publicly accessible viewpoints, such as along PROW for example, the new poultry units would need to be prominent within views featuring the spire to have any adverse impacts. This is clearly not the case given that the proposed development is enclosed by belts of trees.
- 6) This is agricultural not large scale industrial development for the reasons given above, and it will have very limited impact, if any, on the landscape character or visual amenity of the AONB.

As noted above the existing poultry buildings are low level and cannot easily be seen from within the surrounding landscape due to the natural contours of the site and enclosing hedges, shelter belts and soil bunds. The site of the existing poultry buildings is enclosed on the southern side by an earth bund and on the western boundary by a 7m plus tall dense beech hedge. The farm track alongside the buildings to the west is also lined with a dense

hedge of field maple, hawthorn, and cypress trees, extending to over 10-12m in height. Views from the public footpath outside of the confines of the trading estate further west are obscured by the hedges.

There are no views into the site from the south due to the earth bund at the rear of the buildings and then the landform of Longbridge Hill and obscures any further views from the south back to the site. There are limited views from Sutton Veny to the east due to existing trees and hedgerows. This can be reinforced with further landscaping by condition

The uniform nature of the new buildings and the selection of a sympathetic choice for the external cladding and colour should act to further reduce their visual impact.

The AONB officer has commented that ‘...the use of a darker Moorland Green colour on the roofs of the buildings is recommended. A slightly lighter shade could be appropriate for the walls then, again, I would suggest a green rather than a grey tone.’ This can be dealt with by way of a planning condition being attached.

The extent of visibility of the site is limited by the natural contours within the wider landscape, and by the appropriately placed shelter belts, hedges, and soil bunds, which largely enclose the site and visually isolate it from the surrounding landscape.

The site is well screened and therefore the visual impact on the appearance of the surrounding countryside and in particular its location within the Area of Outstanding Natural Beauty would be fairly minimal.

The AONB Officer as stated previously in this report has no objection to the proposal.

9.3 Ecology

Wiltshire Council’s ecology team have not objected and comment that the Environment Statement records that “the implementation of generic and species-specific mitigation measures, compensations and enhancements to the habitats on the site, will significantly reduce the overall ecological impact of the proposed development from moderate adverse to slight adverse”. Taking those documents submitted alongside with the planning application into account, officers agree with this statement, although officers believe it would be possible to achieve no net loss and a possible net gain if a post construction management plan was diligently implemented for the site.

Officers note that a permit for the scheme has been issued by the Environment Agency and no objections have been raised by Natural England.

Officers also note the revised lighting plan, which demonstrates the location of proposed external light fittings which are identified as being the minimum necessary to allow safe access around the site.

In relation to the short term mitigation measures between the various reports submitted they include all the measures that will be required to be undertaken during construction. Officers therefore think that, conditioning a CEMP (Construction Environmental Management Plan) for planning purposes would be a duplication of effort. However, there is a risk that ecological protection works will be overlooked during the construction phase and officers therefore recommend that a condition is imposed requiring evidence from a professional ecologist that these works have been completed or are on-going before works commence.

For long term mitigation and compensation measures the following measures have been suggested but so far it is unclear whether or not the developer is committed to delivering them:

- Buffer strips along field edges to be cut less frequently
- Traditional management of hedgerows
- Dedication of underutilized areas of the site to create wildflower meadows
- Supplementing existing habitats
- Hibernacula and refuge log piles
- Incorporation of dropped kerbs and sumpless gullies
- 15 bat boxes
- 15 bird boxes

Details of the above, including a plan showing their location and on-going management requirements during the operational phase of development should be submitted as part of a Landscape and Ecology Management Plan.

Regarding the long term management of trees, landscape and ecology, Wiltshire Council Officers from ecology, landscape and arboricultural departments have all commented on this application and all three wish to see appropriate management of the site into the future once the scheme is operational. A management plan therefore needs to be prepared for the site. As there is considerable interplay between the issues they raise, Officers recommend a single plan covering all three issues (a Landscape and Ecology Management Plan) and this should be secured by planning condition.

9.4 Heritage Assessment

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (S16 and 66).

In addition, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 132 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The applicants have submitted an expanded Historic Environment Assessment to give their assessment of the impacts of their proposal on the Sutton Veny Conservation Area and the surrounding listed buildings. They have completed their assessment using a search area of a 2km radius from the site boundary. Officers consider this to be adequate given the scale of the proposals. Heritage assets outside of this area would very likely be completely unaffected.

Wiltshire Councils Conservation Officer agrees broadly with their findings and stated that the main issue of the proposal in a heritage context relies on the primary change over the

existing built form on the application site; that being the addition of the 8.1m high extract vents at the eastern end of the proposed replacement buildings.

The site is not readily visible in the context of the Conservation Area. This is due to the intervening fields, field boundaries, trees and the built up sections of the Conservation Area itself. The existing footpath across the site would allow some visual connection between the replacement buildings and the edge of the Conservation Area, but this would be a view including the above listed vegetation and therefore the extract vents would not result in harm to this wider view across to the Conservation Area.

For a similar reason as above, the impact of these vents on the Grade I listed church of St John the evangelist would be limited. The spire rises above the tree line, but is some distance from the application site. The view of the spire would not be caused undue harm by the proposed replacement buildings because in the view to the spire it would remain integrated into the tree line. There would be no readily available view from the church back to the application site.

The poultry buildings as proposed would be agricultural buildings within a rural agricultural area; they are even directly replacing former poultry buildings and now need to meet the current agricultural code for extraction. The vents would be constructed in materials which would be in keeping with the agricultural appearance. Consequently, any minor harm that the vents may cause to wider views would be seen within this agricultural context. The agricultural context would, in my view, mitigate any minor harm perceived by the extraction vents.

Therefore, the proposal would result in less than substantial harm to the settings of the Conservation Area and the church, however this harm would be minor and would be mitigated by the distances involved, with limited intervisibility, and the fact that the proposed buildings are agricultural buildings within an agricultural area.

Wiltshire Council Conservation Officer has no objection and also Historic England does not object to the proposal.

9.5 Local Amenity

The nearest residential property is approximately 150m north from the proposed new poultry buildings. Thereafter two further residential buildings are located approximately 270 metres away again towards the north. Adjacent to the site to the east is where the equine activities take place, to the north is Longbridge Deverill Trading Estate and to the west, south of the access road at the entrance are allotments.

A large number of objections have been raised in regard to the potential increase in odours, dust and noise as a result of the new buildings and activities being carried out on the site.

There are concerns that the operation will generate unacceptable smells at certain times and therefore people will be unable to enjoy being outside. There are also concerns about the noise and potential contaminated dust and other emissions from the ventilation systems, deliveries and other onsite operations which could be a problem, with disturbance occurring at unsociable hours i.e. at night.

As the site houses more than 40,000 poultry it requires a Permit from the Environment Agency (EA) before being able to operate and it is one of the reasons why members deferred this application back in December 2012 at the Western Area Planning Committee to ensure that the applicant did obtain an Environmental Permit.

The Environmental Permit has been acquired by the applicant and the EA have stated that in reaching that decision they have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

As part of the application process for the permit the EA also consulted with Public Health England who were satisfied that provided that the installation complied with the regulatory requirements and that the EA were satisfied that the techniques proposed by the applicant represented 'best available technique' (BAT), there is unlikely to be any significant adverse impact upon public health.

Under the Environmental Permitting Regulations the EA are required to review permits periodically and additionally may do so at any time in light of new information.

In relation to potential noise, fugitive emissions (including dust and flies), odour and ammonia releases from the premises conditions have been attached to the Environmental Permit and this is the primary legislation which would apply and should address all areas of concern.

Wiltshire Council Environmental Health Officers (EHO) has powers to investigate complaints and problems in relation to noise, dust and odour emanating from premises; however, in this case as the site will be permitted by the Environment Agency most of those powers are overridden.

Wiltshire Council Environmental Health Officers have commented that in relation to the Environment Agency Permit and Noise Monitoring and Reduction Plan it may appear to provide control over noise, but they do not control noise to the extent where we can be confident it will not have an adverse impact on amenity. The permit noise condition limits noise to *'not causing pollution outside the site, as perceived by an authorised officer of the Environment Agency'*. Environment Agency Officers would not be considering noise under the same standards as Environmental Protection Officers. Wiltshire Council Protection team could be considering whether the noise was having an adverse impact on amenity and/or whether it could constitute a statutory noise nuisance under the provisions of the Environmental Protection Act 1990 this is likely to be very different from the Environment Agency's definition of pollution.

Therefore there is a need to attach further conditions, namely planning conditions to any approved permission requiring noise levels to meet those levels that Wiltshire Council Protection team would consider suitable; post completion testing and a monitoring programme that is completed in the first few months of the operation.

In relation to Air Quality Wiltshire Councils Environmental Health Officer has commented that they only need to consider poultry houses which have in excess of 400,000 birds in a mechanically ventilated unit before the likelihood of exceedances of the PM10 objective being exceeded. The proposed poultry units will house 179,120 birds.

The objective levels set are health based and there must be relevant' exposure i.e. residential properties, schools, hospitals near the area of concern. The nearest residential property is Java Bungalow at 150m. People passing by (or in this case riding by) would not be classed as a relevant exposure bearing in mind the objective levels are for 24 hour periods and an annual average.

In conclusion the particulate objective is unlikely to be breached in this location. The objectives can only be applied to human health, so officers are unable to make any comments with regard to the impact upon horses.'

The applicant has stated regarding odour that *'there appears to be an element of concern and some confusion regarding potential risks in and around the proposed buildings. Any odour from these ventilated buildings is a small percentage and therefore in no way considered to be a risk. There are various activities undertaken within close proximity of the site; horses walked on the neighbouring land to the east, users of the public footpath to the north, workers and visitors to the industrial estate and the allotments to the west. There is no risk to human or animal health. A question was raised regarding the use of facemasks on site. There is a duty of care on the part of the employer to provide the necessary personal protective equipment, partly for health & safety reasons and partly biosecurity.'*

The Environment Agency have stated

'The impact of odour is taken into consideration during our permitting process however this does not always include the assessment of odour modelling. As part of any permit application an odour management plan will be required.'

Where there are residential properties within 400 metres of intensive farming an environmental permit will include a condition that requires there to be no pollution, as perceived by an Environment Agency officer, unless all appropriate measures have been taken to prevent or where not practicable, to minimise emissions and odour. Where intensive farming is proposed within 400m of an existing or potential future receptor sensitive to odour, noise or dust, additional mitigation measures to control emission to air may be needed, this might affect the type and height of ventilation and the need for abatement equipment to mitigate the risks.

Appropriate measures to minimise odour include but are not limited to those in the odour management plan. When we approve an odour management plan, during the determination of a permit, we will agree the scope and suitability of measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. This will remain the responsibility of the operator.

If the operator follows an odour management plan to deal with amenity issues and takes all reasonable precautions to mitigate these impacts, the facility and community can co-exist. We recognise that no odour management plan can cover every eventuality and even if the operator is taking all the appropriate measures specified in their plan, some odour pollution may still occur as there are limits to the mitigation the operator can apply.

In exceptional circumstances the Environment Agency can revoke an operator's permit if the emissions from the activity are not considered acceptable.'

Pollution is defined in the Regulations as:

'any emission as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to any human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.'

The Environment Agency (EA) has issued a permit as they believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit. The EA would need to be satisfied that the standards proposed for the design, construction and operation of the facility meet or exceed their guidance, national legislation and relevant directives".

To take odour as an example, the EA would regulate the site using the odour condition within the permit. If the EA consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations. The same policy and course of action applies to other environmental considerations such as ammonia, dust and noise for example i.e. if the operator does not comply then the permit is withdrawn.

The withdrawal of the permit would have serious ramifications on a business (particularly financially) as the scale of the unit would have to drop below 40,000 birds and then the unit would be 'policed' by the council's environmental health department.'

The EA have also stated for information purposes, *'unlike in many other developments where planning consent is granted, conditions discharged and the scheme is built, so discharging responsibility and control away from the local planning authority (except where enforcement is a course of action), for this poultry unit where a permit is required it is monitored by the EA regularly, at the least annually, to ensure compliance with the permit. The operator pays a fee each year for the permit and the ability to operate. If there is a concern in the future that what is discharged from the buildings (noise, odour, dust etc) it is for the EA to take any complaint and action accordingly.'*

In relation to the noise aspect it should be remembered that this is an existing poultry farm which many of the issues raised would be carrying on for example the deliveries and other onsite operations.

The planning and pollution control systems are separate but complementary. Planning authorities should focus on land use issues rather than the control of processes or emissions themselves. Planning authorities are advised to work on the assumption that the pollution control regime will be properly applied and enforced.

Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level.

In summary, Officers have no evidence that the operation of these poultry units would cause any unacceptable impact on the amenity of the area through noise, odour, dust or air quality.

9.6 Highway Implications

Officers are satisfied that the information provided in the updated Transport Statement is reasonable and the estimated traffic generation is not contested. Whilst it can be difficult to interpret and extract relevant information, Officers remain satisfied that the overall increase in traffic is insignificant at 2-4 trips per week.

Of concern to local residents is the fact that the 'existing traffic' currently does not exist. But the existing lawful site use could recommence without the need for planning consent. In any Planning Inquiry it is important to note that a key concern for an Inspector is the fall-back position.

Officers note that the use of articulated lorries is proposed at only two trips in week 8 of the cycle. However it is recognised that HGV movements resulting from the development would be better directed to and from the A350 road in order to avoid restricted movements within Sutton Veny village. The Agent has previously confirmed that 'the lorries would turn left out of the site towards the A350 (westerly) then on to the A303 thereby avoiding travelling through the village' (Sutton Veny).

Officers therefore recommend that for the avoidance of doubt, a Traffic Management Routing Plan (TMRP) be submitted and approved by the local planning authority before development commences and the TMRP be implemented in accordance with the approved plan. A condition to this effect should be included as part of any consent.

Vehicular access to the site is via an existing established Trading Estate access point onto Deverill Road within a 40 mph speed limit. The local highway authority considers that the existing access which already caters for the traffic generated by the Trading Estate is adequate and suitable to accommodate the additional traffic resulting from the proposed development.

Whilst it is acknowledged that Sand Street is narrow in places and without separate pedestrian facilities, the insignificant increase in traffic over and above that which the existing site could generate, is considered acceptable. There was no injury accidents reported to the police along the length of road between the site access and A350 during the last five years. There were three minor accidents at the A350/Sand Street junction in 2014, 2015 and 2016, all comprising slight injuries associated with turning/rear shunts.

The internal access arrangements via private industrial roads are not a matter for the local highway authority. Wiltshire Council Highway Officer consider that the times of operation to be an amenity and environmental issue but note that no lorries will arrive on site at weekends.

Wiltshire Council Highway Officer has no objection to the proposal.

9.7 Other Matters

Alternative sites

There have been questions asked why the applicant has not considered alternative sites. The applicant has considered other locations both on and off the site for the buildings, however it is deemed that this location best meets the needs of the business whilst minimising impacts.

The applicant has stated that they have 'considered renting buildings off the site to provide further poultry accommodation; however such buildings are not generally available and would be unlikely to meet the needs of the business. In practice, due to settlement patterns and frequency of nature conservation sites it is especially difficult to find sites that not only meet the needs of a business and where no impacts will occur. In fact in over 6 months of research into alternative sites no suitable land has become available. By providing redeveloped and expanded poultry housing adjacent to the existing enterprise it will be possible to meet the needs of the business whilst minimising the impact generated by the development.'

The applicant goes on to say that 'In this case as an agricultural dwelling is already provided and is considered essential to the functioning of the operation the needs of the business are considered especially relevant.'

The applicant further adds that 'the client has expanded all that falls within his ownership portfolio and since 2010 has been unsuccessful in sourcing new sites; whether for rent or purchase and is still continuing to look for further sites to meet on going demand. Currently national consumption of chicken exceeds production of all forms of chicken currently imported from abroad. With food miles in particular this is clearly not a sustainable solution to import from abroad (noting NPPF support towards sustainable development and supporting a prosperous rural economy). Sutton Veny is therefore an important site for the future and as such given the lack of other sites, it appears most appropriate to utilise this site.'

This is an existing poultry site (albeit currently unoccupied) and therefore whilst it is being redeveloped the continued use of this location for poultry rearing is a logical choice.

Fall back

The site subject to this planning application was constructed over 40 years ago and used for housing poultry until 2007 at which time the site was decommissioned as the current buildings were nearing the end of their lifespan. Furthermore, the applicant requested a scoping opinion regarding Environmental Impact Assessment in relation to the site in 2009. On going discussions then occurred between officers of the council and the applicant regarding the Poultry Farm before this current planning application was submitted in 2011.

In applying principles laid down by the court, to the present case it is a known fact that there is not only a development on the site for which there is already permission for that use, but the development has been in situ and still is albeit the current buildings were nearing the end of the lifespan hence the need to decommission. Furthermore weight can be given to such factors such as the prospect that the use or operation (i.e. poultry) will occur. It can be inferred from the documents and reports that there is such a sufficiently real possibility that the fall-back would indeed occur, then it is sufficient that there is a real possibility of the fall-back occurring. In relation to the scale of harm which would arise should the fall back position be implemented, the decision maker would need to evaluate based on the facts whether the harm would be less or more, and thereafter attach weight to it. The courts have stated that even if the risk of implementing the fall-back position was very slight indeed an outside chance perhaps the seriousness of the harm that would be done, if planning permission was not granted and the fall-back position was implemented, was such that the risk was not acceptable so that planning permission should be granted.

This is an existing poultry farm on agricultural land, only decommissioned in 2007, and one which may continue to operate as a poultry unit in the future subject to requiring a permit if required and any permissions required from the Council to bring it up to modern day standards.

Flooding and contamination

The Environment Agency has stated that the site is currently located outside flood zone 2 and 3 risk areas. It is situated on a principal aquifer - Boyne Hollow Sandstone. There is no evidence of existing contamination on the site at present. The site is not in a groundwater source protection zone.

A detailed Flood Risk Assessment and Surface Water Management Strategy for the proposed development have been provided. The site is located outside flood zone 2 and 3 risks areas. The surface water drainage scheme proposed is to a SuDS system and therefore mitigates the potential surface water runoff and downstream flood consequences. A water management plan explains how clean surface water will be separated from contaminated water which would be stored in a below-ground tank at the south-west end of the site for separate removal.

Wiltshire Council's Drainage section has no objection to the proposal subject to appropriate planning conditions being attached.

Poultry Waste

There is concern from some objectors regarding issues on poultry waste. For clarity this is detailed in the Environmental Statement (ES), with waste bedding being taken off site via sheeting tractor and trailer typically by farmers in the area to spread on their agricultural land as a soil conditioner/fertiliser. The agent has stated that there may in some instances (where available) be scope to send the waste material to an alternative point of disposal e.g. a local power station or anaerobic digestion plant to generate power. In either case the waste is taken off site under controlled conditions regulated under the Environmental Permit from the Environment Agency.

Once the material is taken off site, it is then the responsibility of the third party and their storage and spreading of the material must meet the Code of Good Agricultural Practice and, where applicable, Nitrate Vulnerable Zone (NVZ) requirements.

Vermin

There has been concern regarding vermin level on the site. It is not in the applicant's interest to have vermin on site given biosecurity is paramount. There are also Permit requirements to control vermin under other legislation.

Horses

In relation to the possible risks to the neighbouring horses adjacent to the site from discharges from the poultry unit, Officers requested further information from vets acting on behalf of the applicant and in their professional opinion, there 'was no evidence or recorded incidence of harmful effect to horses and therefore the potential impact on the neighbouring racing yard should be negligible.

The Environment Agency commented with regards to the permit that they will not consider the race horses (either individually or collectively) to be a sensitive receptor. Only places where humans are present and considered in this respect, i.e. the offices and parts of the business where humans are working. As part of the application process (permit) the EA consulted with the Public Health England and the Animal and Plant Health Agency and invited comments from concerned individuals or groups but this was based on the health impact of humans, not animals. Therefore the racehorse business was considered as a sensitive receptor, but only in respect of impact on humans.

Animal welfare

Intensive poultry rearing units are, by their very nature, quite controversial enterprises. Concern has long been established about animal welfare, and whether there is the demand or need to raise stock in this way. Neither of these are material considerations in the determination of the current application. There clearly are matters that are material considerations such as visual impact, potential smells or noise, impact on the local highway network etc and these potential impacts have been assessed above.

10. CONCLUSION (the planning balance)

The proposals are for a schedule 1 EIA development in the Cranborne Chase and West Wiltshire Downs AONB. As such, they must be in the public interest and must comply with the three exceptional circumstance tests for major development which are set out in paragraph 116 of the NPPF.

In terms of the first test (need and justification) subject to the other considerations the proposals are considered to represent an appropriate way in principle of diversifying and modernising the farm business to ensure its future profitability/robustness whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food as part of a key industry in Wiltshire, supplying a strong national demand for poultry products. The proposals therefore comply in this respect with the development plan.

In terms of the second test (alternatives) it is not considered that there are any viable alternatives available to the applicants in land they control. The site is an existing poultry farm buildings complex and as such, it benefits from existing infrastructure and highway access. It is also 150m from the nearest private residential property and, except for the AONB designation, is not affected by any other statutory designations. The suggestion that an equivalent business could be established outside of the AONB is not considered to be a valid alternative.

In terms of the third test (environmental acceptability), the applicant has submitted a Environmental Statement containing detailed consultant's reports assessing individual issues raised by the proposals. None of these reports identify any significant environmental concerns once appropriate mitigation measures have been taken into account. Concerns have been raised by Longbridge Deverill Parish Council, Sutton Veny Parish Council and local residents. These concerns are recognised and many relate to valid land use considerations. There are no outstanding objections from technical planning consultees who are satisfied that there would be no adverse environmental effects once the proposed mitigation measures are in place. There would be comprehensive control of site operations under the Environmental Permitting system administered by the Environment Agency.

This site has been the subject of considerable public interest. As a result it has generated much debate and correspondence. Clearly some of the local community is greatly concerned by the perceived impact the proposal could have on their local environment and quality of life but it should be noted that the weight of objection should not pre-determine the outcome of a planning application. The Local Planning Authority (LPA) has a duty to remain objective and to ensure that the proposal is considered against the policies of the Development Plan, and that the proposal is determined in accordance with those policies unless other material planning considerations indicate otherwise. National and local policies require the LPA to use its judgement in determining whether a proposal is sufficiently harmful to interests of acknowledged importance to justify it being refused in the public interest. Of key importance in weighing the merits of a planning application and reaching that judgement are the views of its consultees who provide advice within their fields of expertise

Intensive poultry rearing units are, by their very nature, quite controversial enterprises. Concern has long been established about animal welfare, and whether there is the demand or need to raise stock in this way. Neither of these are material considerations in the determination of the current application. There clearly are matters that are material considerations such as visual impact, potential smells or noise, impact on the local highway network etc and these potential impacts have been assessed above.

Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Paragraph 122 of the NPPF states that;

'local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regime operated by pollution control authorities.'

The proposal is on an existing poultry farm to remove existing dilapidated poultry building which are to be replaced with a more efficient modern purpose built accommodation ensuring the highest levels of stock welfare and minimising external impacts. This is in accordance with both national and local planning policy and guidance, which allows development that, supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The various concerns in terms of impacts have been carefully assessed and addressed.

The National Planning Policy Framework clearly supports agriculture and the production of food and encourages the provision of modern facilities.

The proposal is for agricultural development and therefore in principle is acceptable in this countryside location. Officers consider on balance taking the above into account that the proposed development would not have an adverse impact on the character or appearance of the locality and in particular the Area of Outstanding Natural Beauty within which it is situated. The development would not give rise to conditions that would prejudice the amenities of adjoining residents nor would it adversely affect highway safety. Consequently the proposal is considered to comply with the relevant policies in the development plan and the NPPF.

The application is recommended for permission subject to appropriate planning conditions being attached.

RECOMMENDATION

- 1
 - a The development to which this permission relates shall be commenced within three years beginning with the date of this permission.
 - b. Not less than one week's prior notice shall be provided in writing to the Local Planning Authority of the intended date for commencement of operations under the terms of this permission. Such date shall be referred to hereinafter as the Commencement Date.

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 shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s))

JW/0663/2010/200-01 revision B - Location and site plans

JW/0663/2010/200-02 - Survey plan

JW/0663/2010/200-03 revision D - Proposed layout plan

JW/0663/2010/200-04 revision B - Floor plan

JW/0663/2010/200-05 revision C - Sections and elevations

JW/0663/2010/200-08 revision D - Lighting plan

JW/0663/2010/200-10 revision B - As existing elevations and site sections

REASON: In order to define the terms of this permission.

- 3 Prior to the commencement of the development a Construction and Operational Lorry Traffic Management Plan (COLTMP) shall be submitted to and approved in writing by the local planning authority, and the site shall be developed and operated in accordance with the approved COLTMP. The COLTMP shall include, inter alia, measures employed to ensure that i) the adjacent highway is kept clear of detritus, ii) there is adequate provision for the parking and turning of lorries within the site,

iii)adequate provisions are made to ensure that the routeing of lorries to and from the site, including driver and third party instructions, is only by way of approaching and leaving the site via the A350 at Longbridge Deverill, iv) details of the management of vehicle movements, v) location of any temporary contractor's compound and internal parking provisions.

REASON: In order to ensure that the amenity of the local highway network is adequately protected

- 4 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 5 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

- 6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- details of the bundings
- details of works for the protection of the public footpath

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

- 7 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.

- 8 No development shall commence on site in connection with the approval until details of the materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 9 No development shall commence on site until details of the LPG tank to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 10 No development to commence until full acoustic design proposals for the ventilation fans, including sound frequency spectra for inlets, outlets and case radiation of the fans, specifications of the proposed attenuators, duct systems and outdoor terminations and calculations on the sound levels generated by the fans via the paths described in the submitted report 'Second Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 16th March 2016, has been submitted to and approved in writing by the local planning authority. All works comprised in the approved details shall be completed before any part of the development is first brought into use. The level of noise emitted from site shall thereafter not exceed a rating Level

(BS4142:2014) of 37dB between 07:00 and 23:00 and 23dB between 23:00 and 07:00 at the boundary of Java Bungalow, Deverill Road.

In meeting these levels the sound from the equipment will be at or below the typical measured background noise level (LA90) as shown in the submitted documents 'Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 14th November 2014 and 'Second Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 16th March 2016.

REASON: 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 in order to safeguard the amenities of the area in which the development is located.

- 11 The development will not commence commercial operations until a written scheme for post completion noise measuring has been submitted to and approved in writing by the local planning authority. The scheme shall be designed by a suitably competent and qualified person. The written scheme shall provide details of how compliance with the sound levels in condition 10 will be demonstrated and include times and locations at which noise monitoring will take place and the equipment that will be used to take measurements. A post completion noise measuring shall be carried out within 12 weeks of the use commencing and within 16 weeks of the use commencing, a report written by a suitably competent and qualified person, detailing the results of the post completion noise measuring shall be submitted to the local planning authority.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 12 Vehicle movement to and on the site will be restricted to the hours of 8am - 6pm Monday to Friday only and no lorry movements on site at weekends and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 13 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features

- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 14 Before works commence, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Specification of habitats to be created,
- b) Description of features to be managed;
- c) The above shown on a site map
- d) Aims and objectives of management
- e) Management prescriptions;
- f) Work schedule including an annual work plan capable of being rolled forward over a 5 year period
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Timeframe for reviewing the plan
- j) Details and location of the 15 bat boxes and 15 bird boxes.
- k) Buffer strips along field edges to be cut less frequently

- l) Traditional management of hedgerows
- m) Dedication of underutilised areas of the site to create wildflower meadows
- n) Hibernacula and refuge log piles
- o) Incorporation of dropped kerbs and sumpless gullies

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of landscape and biodiversity features, and to maintain and enhance these in perpetuity.

- 15 No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed prior to the use commencing.

REASON: To ensure that the development can be adequately drained

- 16 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed prior to the use commencing.

REASON: To ensure that the development can be adequately drained

- 17 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.
- 18 The development shall not be first brought into use until a Pests Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Pest Management Plan should include measures for the management and control of pests such as flies and vermin. The approved Pests Management Plan shall be adhered to.
- REASON: In the interests of the amenity of the area.
- 19 No materials shall be burnt on site at any time on any phase of the development during the building and construction works.
- REASON: In order to minimise nuisance
- 20 INFORMATIVE(s): The applicant must ensure the development complies with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The Environment Agency must be notified in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used. Further guidelines and factsheets on the SSAFO regulations are available from the following website:
- <http://www.environment-agency.gov.uk/business/sectors/118798.aspx>
- 21 INFORMATIVE: Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact Wiltshire Council PROW officer

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Deverill Road
Trading Estate



Stile on PROW



Industrial unit/ shed



Poultry units screened by
evergreen tree belts

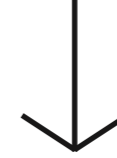


Photo 1 - View looking east from PROW crossing fields to the west of Deverill Road Trading Estate

**Cow Down
scarp in background**

**Poultry units
screened by tree
planting**



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Photo 2 - Belts of tree planting and 1m high bund along the eastern site boundary

Cow Down scarp



Poultry units screened by tree planting



Deverill Road Trading Estate



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Photo 3 - View looking west from PROW crossing fields to the east of the site by the horse training paddocks

Cow Down scarp



Poultry units screened by tree planting

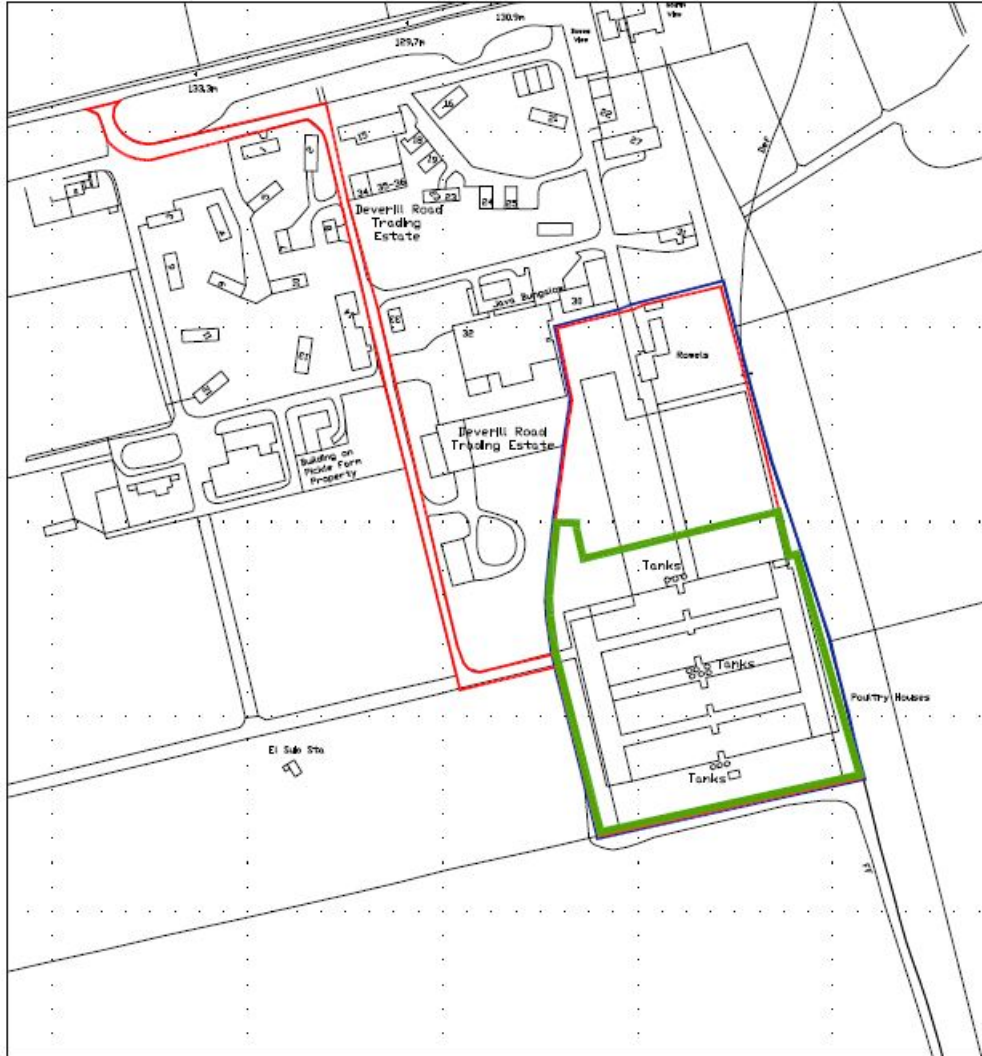


Houses on the edge of Deverill Road Trading Estate



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Photo 4 - View looking west from PROW crossing fields to the west of Sutton Veny



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 7b

Date of Meeting	23 August 2017
Application Number	17/05137/FUL
Site Address	Coopers Chase, Church Street, Hilpertown, Trowbridge, Wiltshire, BA14 7RL
Proposal	Proposed double garage with studio
Applicant	Mr Stephen Cooper
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Councillor Ernie Clark
Grid Ref	387400 159342
Type of application	Full Planning
Case Officer	Verity Giles

Reason for the application being considered by Committee: Cllr Clark has requested that this application be called-in for the elected members to determine should officers be minded to grant permission.

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 the application be approved.

2. Report Summary

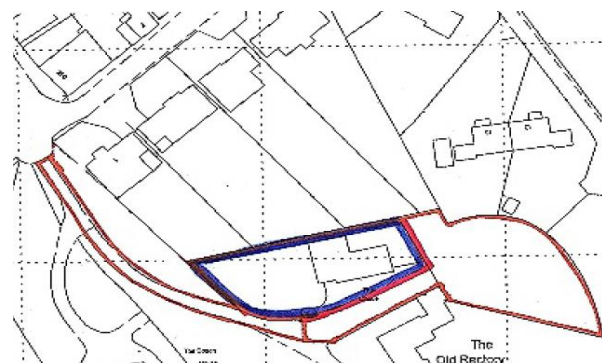
This report appraises the principle of the development, the visual impact on nearby heritage assets, as well as the impacts on neighbouring amenity and highway safety. Hilpertown Parish Council object to the application for the reasons cited in section 7 of this report; and following the public notification exercise, four third parties raised concerns/objections which are summarised in section 8.

3. Site Description

The application site which is illustrated in the insert plan (below right) relates to a timber framed dwelling known as ‘Coopers Chase’ which is located at the end of a private spur road accessed off Church Street within the Hilpertown Conservation Area but outside the village settlement limits. It should be duly noted that the host property and the neighbouring residential properties known as the Chase, the Old Rectory and No’s 17 & 19 Whaddon Lane – located to the east of the site are all located outside the village settlement limits. The site shares a boundary with the Grade II listed property ‘The Old Rectory’ located to the south. The proposed garage and studio associated with this application would be positioned to the north-west of the dwelling and to the east of the existing red-brick two storey dwelling known as the ‘The Chase’. The application site is located to the south of residential rear gardens of a number of properties associated with Whaddon Road as illustrated on the insert plan below:



Coopers Chase



Site Location Plan

4. Planning History

The following planning history is of relevance to this address:

W/01/00269/TCA – Felling of an Oak Tree – Consented 09.05.2001

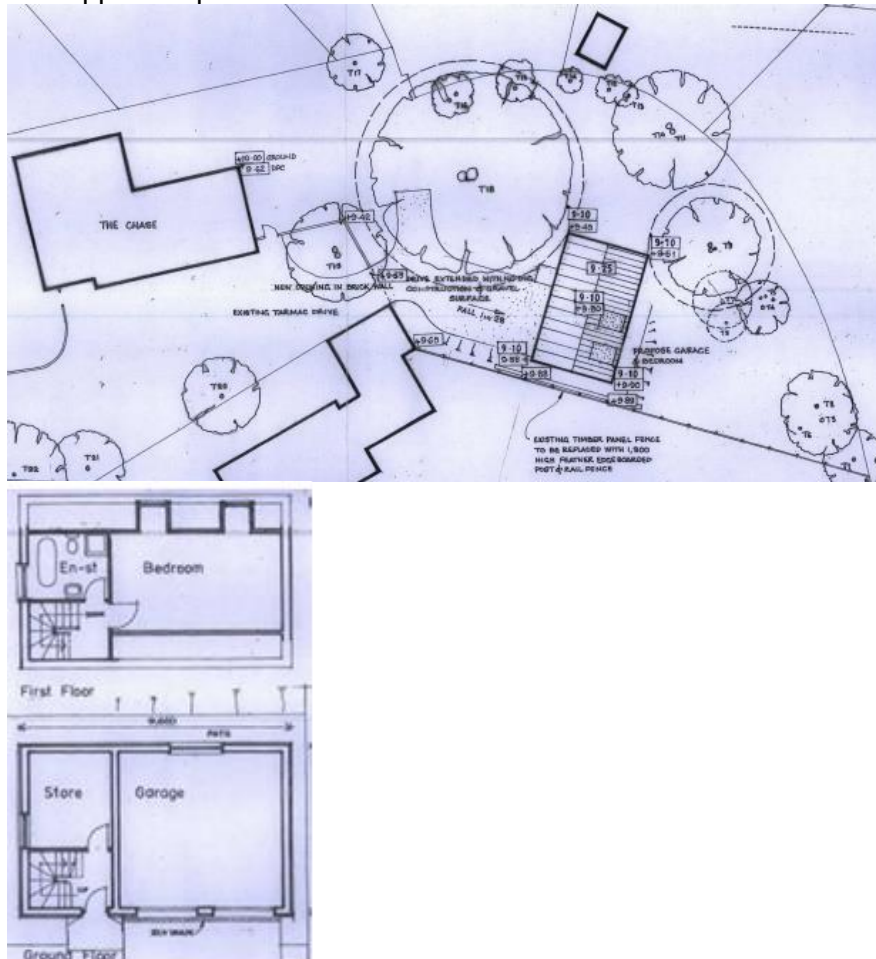
W/12/00637/FUL - Erection of double garage and guest accommodation – Withdrawn 24.05.2012

W/12/01877/FUL - Erection of double garage and guest accommodation – Approved 27.11.2012 subject to seven conditions including a restrictive condition no.7 which read as follows:

“The garage and guest building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Chase, Hilperton.

REASON: The creation of an independent dwelling in such close proximity to The Chase would have an adverse impact on the amenity of The Chase and could have additional traffic implications”.

The approved plans were as follows:



W/13/00075/S73 - Application to vary condition 7 of W/12/01877/FUL to allow the double garage and guest accommodation to be used as a separate residential unit – Refused 07.06.2013.

14/02453/VAR - Variation of conditions 2 and 7 of planning permission W/12/01877/FUL in order to facilitate the use of the annexe as independent living accommodation – Refused 28.04.2014 for the following reasons:

1. *The proposal is tantamount to the creation of a new dwelling located outside of the defined village policy limits. Such locations are by definition unsustainable. No special circumstances have been demonstrated to outweigh this principle issue and therefore the proposal is contrary to policy H19 of the West Wiltshire District Plan 1st Alteration (2004) and the National Planning Policy Framework 2012.*

2. *The proposal is tantamount to the creation of a new dwelling and by reason of the substandard access and the intensification in conflicting traffic movements close to an existing junction would be prejudicial to highway safety contrary to the National Planning Policy Framework 2012.*

3. *The proposal is tantamount to the creation of a new dwelling and by reason of the relationship between the proposal and The Chase would lead to nuisance from passing vehicles harmful to neighbouring amenity, contrary to policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and the National Planning Policy Framework 2012.*

The decision was successfully appealed on 05.01.2015 and permission was granted for a separate residential unit at Coopers Chase. In allowing the appeal, the appointed planning inspector concluded that the development would constitute sustainable development and would not cause unacceptable harm to highway interests or neighbouring/living conditions.

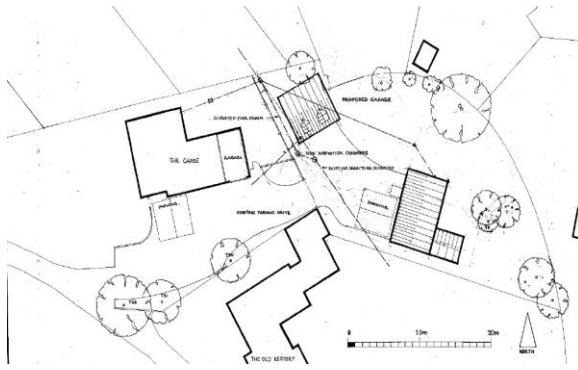
A separate costs application submitted by the appellant against the Council was refused on 30.01.2015.

15/02291/TCA – Felling of an Oak tree and Ash tree and thinning of 2 Horse Chestnut trees by approximately 20% - Consented 20.04.2015

5. The Proposal

This application seeks permission for the erection of a detached double garage measuring 6.5m wide x 6.5m long x 5.9m high which would have ancillary studio accommodation formed in the upper floor. The proposed garage would be constructed from red facing brick under a slated roof to complement the wall materials used in the construction of the neighbouring property 'The Chase' which is illustrated below left.





The proposed garage (illustrated above) would have an internal staircase and two dormer windows on the south facing front roof elevation and would be ancillary to the residential property at Coopers Chase, which currently does not benefit from a garage. A timber shed (shown in the top right photo) which has been erected along the boundary wall between Coopers Chase and No. 15 Whaddon Lane would be removed if permission is granted.

6. Planning Policy

Wiltshire Core Strategy (WCS) - Core Policy (CP) 1 - Settlement Strategy, CP 2 - Delivery Strategy, CP 57 - Ensuring High Quality Design and Place Shaping, CP 58 - Ensuring the Conservation of the Historic Environment, CP 61 - Transport and New Development.

The Emerging Hilperton Neighbourhood Development Plan

The Hilperton Conservation Area leaflet

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy

National Planning Policy: National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

Section 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

7. Summary of Consultation Responses

Hilperton Parish Council: Objects for the following reasons:

- The proposed materials are unsuitable and would not be in keeping with the annexe
- There would be an increase in traffic at an already substandard junction of Hill Street/Church Street/Whaddon Lane
- This would be overdevelopment of a relatively small area
- The proposed upper floor studio would overlook the neighbouring property
- In addition, we query why there should be any changes to the drainage in view of the proposed use as a garage

Wiltshire Council Highways: No objection subject to a condition restricting the use of the garage/studio to ancillary domestic use.

8. Publicity

The public consultation exercise comprised individual letters being posted to adjoining neighbours and the display of a site notice. Following the public notification, four letters of objection were received, which in summary, raise the following issues:

- The additional building would constitute as overdevelopment of the plot

- The garage would be built up to the rear gardens associated with No. 7 and No. 5 Whaddon Lane
- Reduction in privacy and the loss to daylight to neighbouring patio area
- Neighbours would be disturbed for the duration of construction (noise and privacy)
- The driveway which provides access to 'Thirdacre', 'The Chase' and 'The Old Rectory' is owned by the occupants of 'The Old Rectory' and the applicant has no permission to access Coopers Chase as a separate dwelling via the private road.
- The proposed dormer windows would look directly out over the garden associated with 'The Old Rectory'.
- The design of the garage and use of red brick with UPVC windows and slated roof is not in keeping with the timber cladding used on the annex
- The applicant has not consulted neighbours regarding his proposed plans
- A single storey double garage would be less of a concern.
- Concern is raised that if approved, the applicant would seek to convert it into another residential unit for his son, and create a third dwelling adjacent to 'The Old Rectory'.
- It is understood that the underground utilities supplying the Chase are an extension from the Old Rectory.
- On drawing number 2479-10 it mentions an existing drain is to be diverted and divert the foul drain showing the foul run coming into neighbouring garden ground at a different point to the existing drain from The Chase. Where is it going?
- The drain that is to be re-directed links with the drains of neighbouring houses including No. 7. Problems have already arisen and any extended connection would only make matters worse. Who would be responsible for the cost of any future problem?
- The applicant claims there are no trees within falling distance, but there are.
- One respondent raised concern about purchasing their property because there was no other building nearby except 'The Chase', another 2-storey building is not supported.

9. Planning Considerations

9.1 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.

9.2 Principle of Development - The application site is located outside the limits of development. However, this application relates to a householder application for an existing residential dwelling which was allowed on appeal; and within its established domestic curtilage. The proposal must be appraised against the impacts on heritage assets, as well as neighbouring and highway interests which are duly considered in the following sections.

9.3 Visual Impact on the Conservation Area and the Nearby Listed Building – The application site is located within the Hilperton Conservation Area and within the setting of a Grade II Listed Building (The Old Rectory). Therefore, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 72(1) of the aforementioned Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9.4 In appraising the 2014 appeal (ref APP/Y3940/A/14/2225759), the planning inspector found the conservation area to be characterised "*by an interesting and diverse built*

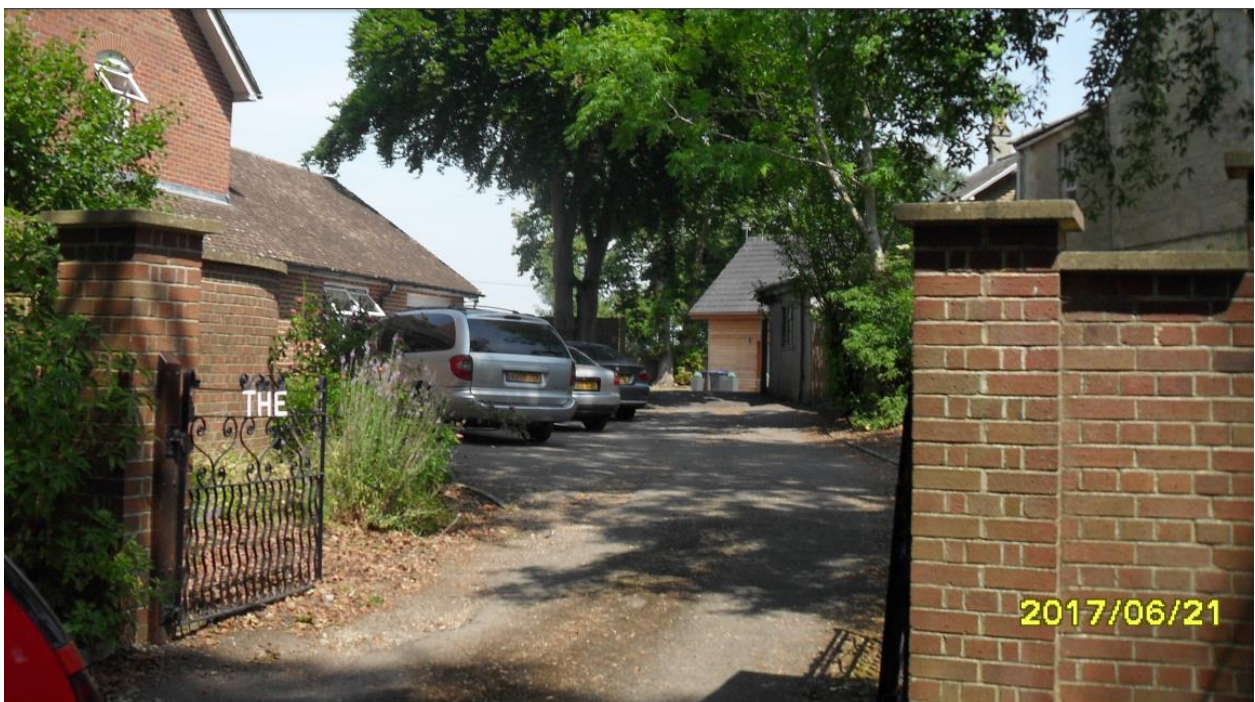
environment, made up of a variety of building types , style, age, materials and function. The juxtaposition of the historic houses, with their local vernacular form, with more modern interventions creates an interesting visual contrast” and no harm was found in terms of effects on the heritage assets.

9.5 The Old Rectory is a detached two storey stone property that dates from the early 19th Century which is set within generous grounds that ceased to be occupied as a rectory in 1980. The proposed garage would have a height lower than The Chase and Coopers Chase, both of which are located closer to the listed building; and, would be constructed from complementary materials and would preserve the setting of the listed building.

9.6 After careful consideration, and in accordance with paragraphs 129-134 of the NPPF, officers argue that the proposed development would not result in harmful effects to either the Conservation Area or to the setting of the listed building. This application seeks permission for the construction of a brick built detached garage which would be positioned in the north-western corner of the site about 8-9m from the listed Old Rectory. In this instance, due to the position of the proposed garage and its proposed design, it is considered that the proposal would cause no harm to the heritage assets.

9.7 Members are advised that the plans for the garage building have been revised during the course of the application process at officer request which has resulted in the height of the building being reduced and the eaves height being lowered by 300mm. Officers have also been mindful of building regulations which for safety and fire escape reasons, require the cill of a dormer window to be a maximum of 800mm above floor level and stairs need to have a maximum of a 42 degree pitch with a minimum 2m headroom.

9.8 The proposed garage would not result in the overdevelopment of the site. Officers calculate that the proposed building would take up about 42sq.m of the plot which would equate to 6% of the site. The residential curtilages of ‘The Chase’, ‘Coopers Chase’ and the ‘Old Rectory’ are and defined by brick and stone walls as well as timber fencing. The proposed garage would be set back between 0.5-2m from the existing shared boundaries



The shared access serving ‘The Chase’ (to the left) and ‘Coopers Chase’ (middle ground). The ‘Old Rectory’ property is visible to the right.

9.9 The proposed garage would be constructed in brick materials which would reflect the materials found at the neighbouring property 'The Chase' rather than 'Coopers Chase'. However, officers raise no objection to this element. A brick built garage serving a timber dwelling would not appear harmful given the use of brick in the immediate vicinity (i.e. neighbouring dwellings and boundary treatments).

9.10 As far as heritage assets are concerned, the proposed development would not result in any harm.

9.11 Impact on Neighbouring Amenity - Concerns have been raised regarding overlooking, loss of privacy, loss of daylight and reduced amenity caused during construction processes. Third parties also raised concern about diverting and connecting into a private drain. Taking these in turn, the proposed dormer windows on the southern front roof plane would face the access and garden associated to the host property (Coopers Chase) and would be about 9m from the 1.8m fenced garden boundary which separates Coopers Chase and the Old Rectory. The two proposed dormers would each have two small window panes which would not dominate the roof elevation and would be positioned at an oblique angle to the Old Rectory. Given the separation distance and orientation of the properties, officers are satisfied that the proposed dormer windows would not result in harmful window-to-window relationships or loss of privacy in relation to the neighbouring property known as the old Rectory.

9.12 Concerns have also been received regarding the loss of light to the patio area associated with the neighbouring property at No.15 Whaddon Road. It is noted that No. 15 benefits from a south facing garden and is sited about 10m to the north of where the detached garage is proposed. However, after undertaking a shadow cast assessment, the proposed development would not result in unacceptable level or have significant impact on the immediate neighbour at no.15. In addition, there would no harm caused to the amenities enjoyed at No. 5 & 7 Whaddon Lane properties which are located about 30m to the north-west.

9.13 The concerns raised in relation to diverting and connecting into the private drain which may require a private legal agreement with other parties, is a civil matter. The proposed plans for the garage and studio do not include any facilities that would require a sewer connection except for roof water drainage which could be appropriately conditioned. The construction of the garage may lead to some disturbance to neighbours, but this should be for a limited timeframe and a condition stipulating construction management operations could be imposed on any permission. The existing and proposed extended use of the private access which serves Coopers Chase is also a civil matter.

9.14 For the reasons above, it is considered that the proposal would cause no significant harm to the amenity of the neighbouring occupiers and it is not considered that these impacts are so substantial that permission should be refused.

9.15 Impact on Highway Safety - The vehicular access onto the public highway would not be changed under this application. The proposed garage satisfies the Council's Local Transport Plan 2011-2026 Car Parking Strategy and would not cause any highway harm and para 32 of the NPPF is not conflicted with.

9.16 Other Consideration – Third party concerns have been raised regarding the future use of the proposed garage and studio if approved, being converted into a separate dwelling in the future. Whilst the concern is duly noted, officers note that each application must be tested on its own merits and the application before the committee members relates to a detached garage with ancillary floor space above it and if it is approved and built, separate planning

would be required to convert it into a separate dwelling. A condition is considered necessary to ensure the garage is used ancillary to the host dwellinghouse 'Coopers Chase'.

10 Conclusion (The Planning Balance) - For the reasons set out above, the proposed development is considered to comply with the Wiltshire Core Strategy and in particular CP57 and CP58 having due regard to the visual impact on the wider area, including heritage assets and the potential impacts on the amenities of the neighbouring occupants and highway safety interests. As such, it is considered that planning permission should be granted subject to conditions.

11 RECOMMENDATION: Approve 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 – Drawing No. 2479-06 - received on 13 June 2017; Site Plan and Block Plan - Drawing No. 2479-10 Rev B - as received on 15 June 2017; and Proposed Elevations and Floor Plans - Drawing No 2479-11 Rev A - received on 5 July 2017

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

3. The garage and studio accommodation hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as Coopers Chase and it shall remain within the same planning unit as the host dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit the creation of a separate dwelling and additional residential unit.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

5. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

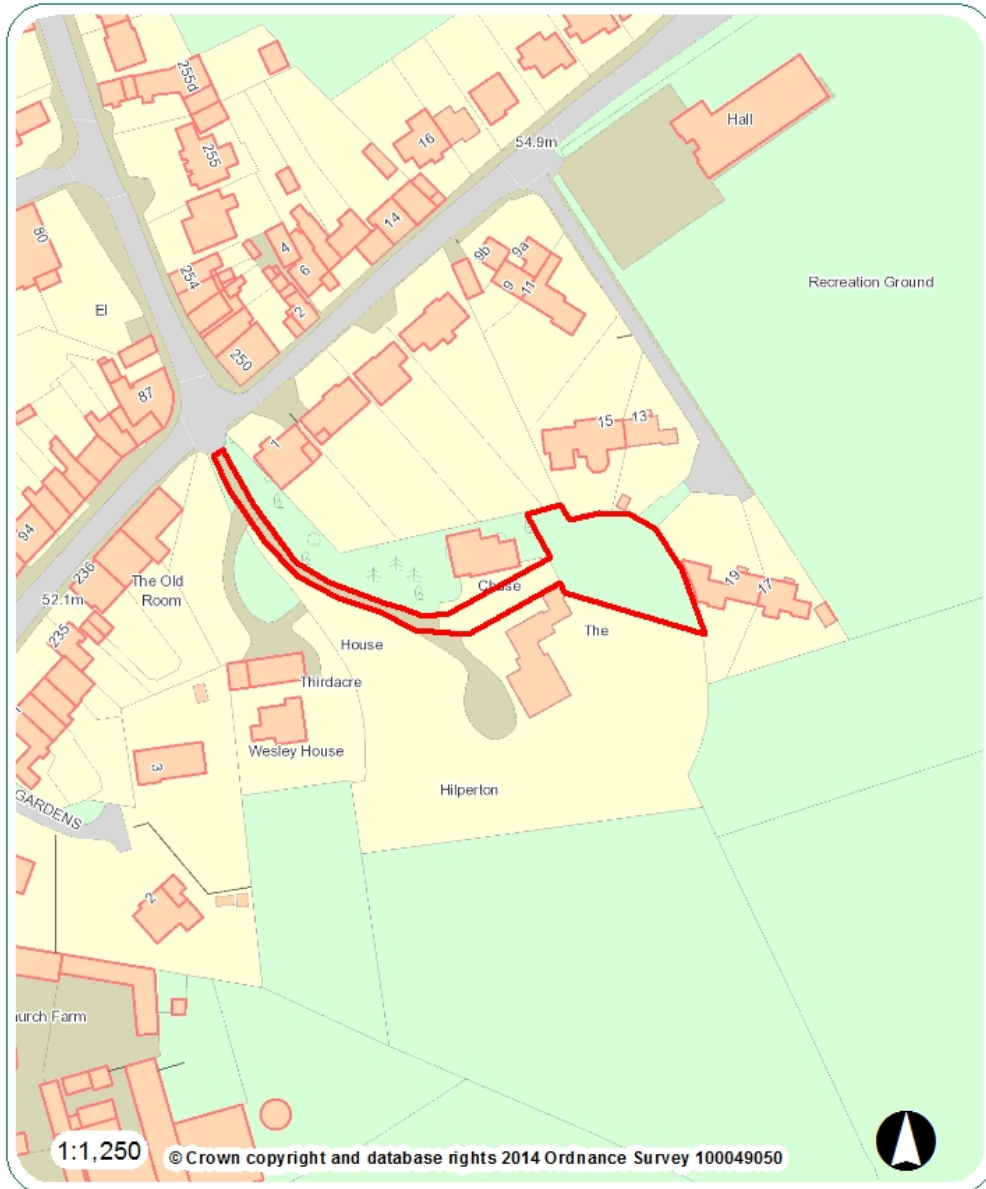
- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing (if applicable);
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 7c

Date of Meeting	23.08.2017
Application Number	17/05690/FUL
Site Address	8 Rowan Court, Melksham, Wiltshire SN12 6HS
Proposal	Siting of a pre-made 'gazebox' (a metal framed car port cover).
Applicant	Mr Patrik Bewley
Town/Parish Council	MELKSHAM (TOWN)
Electoral Division	MELKSHAM SOUTH – Cllr Jon Hubbard
Grid Ref	390186 163041
Type of application	Full Planning
Case Officer	Kate Sullivan

1. Reason for the application being considered by Committee

This application is brought before the area planning committee because Cllr. Jon Hubbard has requested it be heard by the committee if officers are minded to recommend refusal.

2. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations.

3. Report Summary

This report appraises the principle of development; the design and the impact on the immediate area, the impact on neighbouring amenity; and following a thorough appraisal of the case, officers recommend that planning permission should be refused.

Melksham Town Council object to the application for the reasons set out within section 7 of this report. No third party representations were received.

4. Site Description

The application site relates to a detached two storey dwelling at No. 8 Rowan Court which is located within the market town of Melksham. The property is unlisted and is not located within a Conservation Area. The nearest part of the Conservation Area is over 322m to the north-east and the nearest listed building is over 259 metres to the north-east - a Grade II listed West End Public House and garden walls on Semington Road.

The site frontage is partially enclosed by a high, approximately 2.4 metre tall hedge which is shown in the site photo on the following page. The vehicle access is directly onto Rowan Court. To the east of the application site is number No.6 Rowan Court, whose garage runs along the northern site boundary positioned parallel with the proposed 'gazebox', which is also shown on the same photo.



Site location plan



Photo of site frontage

The property benefits from a side extension that includes an integral double garage. The front of the site is laid as hardstanding in a patterned and beige coloured concrete which allows for off-street car parking. Access to the existing garage would not be lost if this development is implemented

The character and appearance of the host dwelling and the immediate cul-de-sac environs are set by two storey dwellings of modern and mixed construction.



5. Planning History

W/80/00628/HIS - Two storey extension to rear of existing dwelling – Approved 24.06.1980

W/88/01378/FUL – Extensions – Approved 13.09.1988

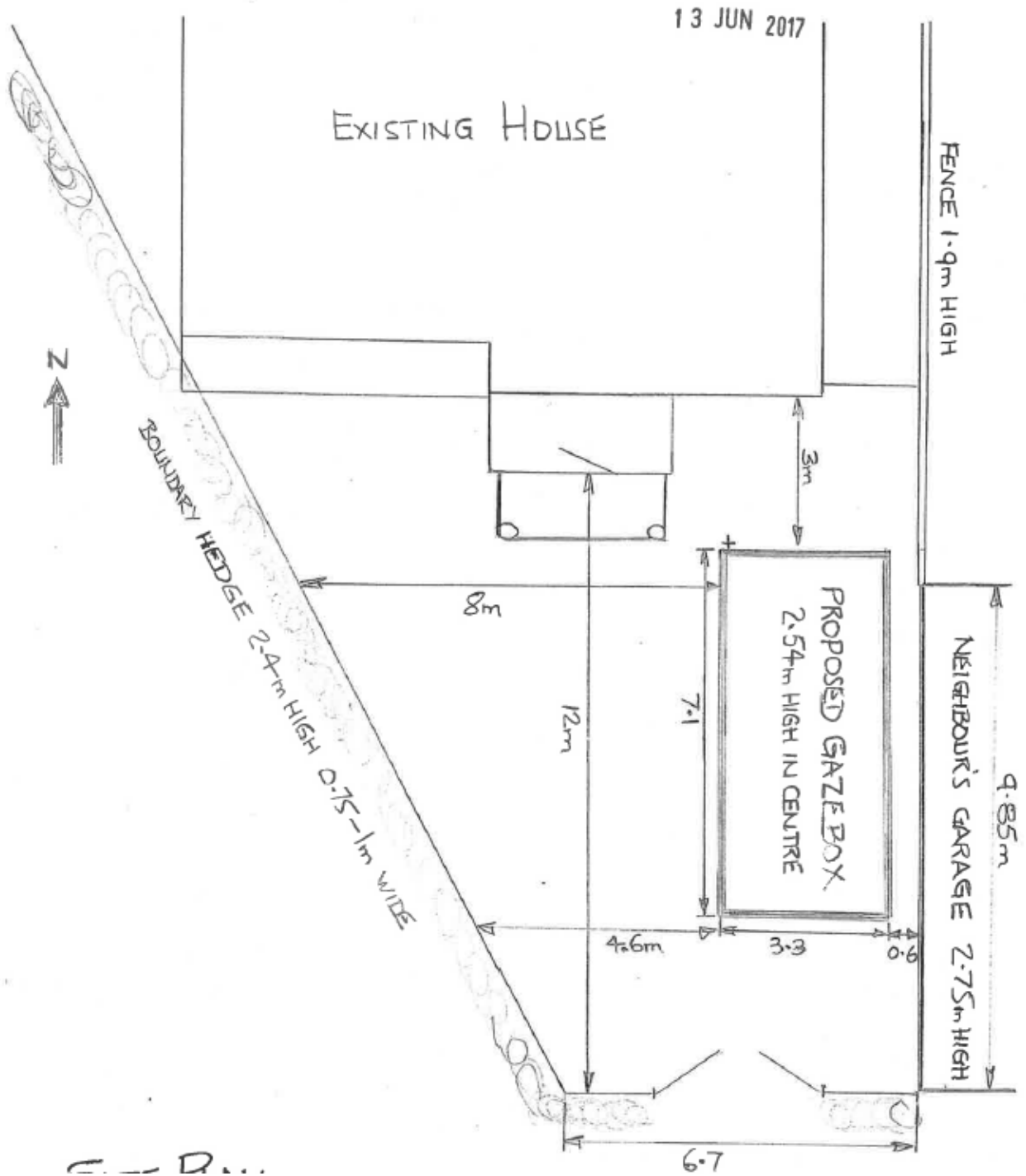
W/92/00202/FUL – Rear extension – Approved 02.04.1992

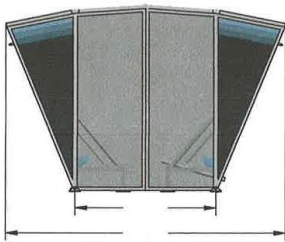
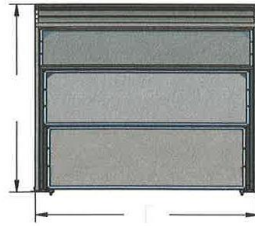
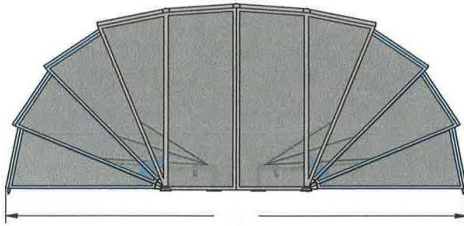
W/09/03037/FUL – Replacement of existing polycarbonate roof over conservatory with tiles to match existing lean to – Approved 14.12.2009

13/03904/FUL – Retention of CCTV cameras to property for security purposes – Approved 25.07.2014

6. The Proposal

The application seeks permission to erect a 'gazebo' which is a polycarbonate foldable cover system which is sold for use as a gazebo, car port or garage. The 'gazebo' comes with a number of options including vinyl printed panels, lighting and automatic opening. The completed application forms states that the walls of the 'gazebo' would be a zinc plated powder coated metal frame with 10mm honeycombed and smoked polycarbonate panels with UV protection. The roof would be as above finished in a grey colour. The structure would be placed on an existing concrete driveway set back about 3.4m from the site frontage and would measure circa 7.1 metres in length by 3.3 metres in width and at its highest point, would be 2.54 metres. It would be sited in the front garden behind the gates and alongside the neighbour's garage at No.6. The plan below sets out the position and size of the proposed 'gazebo' in relation to the host dwelling and the neighbouring property.





7. Planning Policy

Wiltshire Core Strategy - CP1 Settlement Strategy; CP15 - Melksham Community Area: Bowerhill; CP57 - Ensuring High Quality Design and Place Shaping
The Emerging Melksham Neighbourhood Plan
Wiltshire Local Transport Plan 2011 – 2026: - Car Parking Strategy

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

8. Summary of Consultation Responses

Melksham Town Council: Object on the grounds that the type of car port cover system would be out of keeping with the area.

Wiltshire Council Highways: No highway objection. The vehicle access would remain in the same position and sufficient off-street parking would remain on the site.

Wiltshire Council Public Protection: No comments.

9. Publicity

A site notice was displayed along the site frontage on 14 July 2017 and adjoining neighbours were individually notified by post. At the time of writing this report on 10 August, no letters of representation had been received.

10. Planning Considerations

10.1 Principle of Development - The proposed 'gazebo' is considered to be 'development' as it is designed to be permanently located in a specified location bolted to the ground and would therefore be subject to planning permission. As the development would be located forward of the front elevation of the dwelling, the proposal is not 'permitted development' and thus, consent from the local planning authority is required. The application site is located within Melksham's limits of development where there is a presumption in favour of sustainable development. The proposed development must be appraised against CP57, which the following section duly considers.

10.2 Design Issues and Impact on the Immediate Area - The proposed 'gazebo' design and use of materials would introduce an obtrusive structure at the front of the host property which would not be

reflective of any structure or material found in the immediate vicinity of the site and would, conflict with CP57 of the Wiltshire Core Strategy. Officers acknowledge that the structure would be partially screened by the Leylandii hedge and the neighbouring garage associated to No.6, however it is important to record that the screening currently available may only be temporary as the hedge may in time be removed or die and the neighbours' garage may be demolished, which would open up the site and the proposed structure even more to public view. The Town Council object raising concern about the structure appearing out of character with the area; and officer's share this concern. Policy CP57 requires new development *"to create a strong sense of place through drawing on the local context and being complementary to the locality"*. Within paragraphs 17, 56 and 125 of the NPPF, the Government sets great importance on securing good design in new developments. Good design is seen as being a key aspect of sustainable development and new development should contribute positively to making places better for people. In this particular case, the proposed 'gazebox' would be a visually discordant feature viewable from public vantage points and is considered contrary to CP57 of the Wiltshire Core Strategy and conflicts with the NPPF.

10.3 Impact on Neighbouring Amenity - The 'gazebox' has a number of 'additional extras' available to the applicant as part of its installation. Although these have not been stated within the application form, additional concern would be raised if the lighting and/or mechanical openings were installed either at the time or retrospectively as these could have additional impacts on the street scene and neighbouring dwellings. The submitted technical data includes information about automatic opening and LED internal lighting kits which are supplied as standard with the 'gazebox' with a choice of lighting colours. However no specific details have been included. If permission is granted for the 'gazebox', officers would recommend that a planning condition is imposed to secure further details of any lighting and mechanical opening.

10.4 Impact on Highway Safety - The Wiltshire Council Highways authority was consulted on this proposal and have raised no highway safety objection on the basis that sufficient off street parking would be retained and the vehicle access to the property would not be altered. The proposal is therefore considered to comply with Policies CP61 and CP64 Wiltshire Core Strategy.

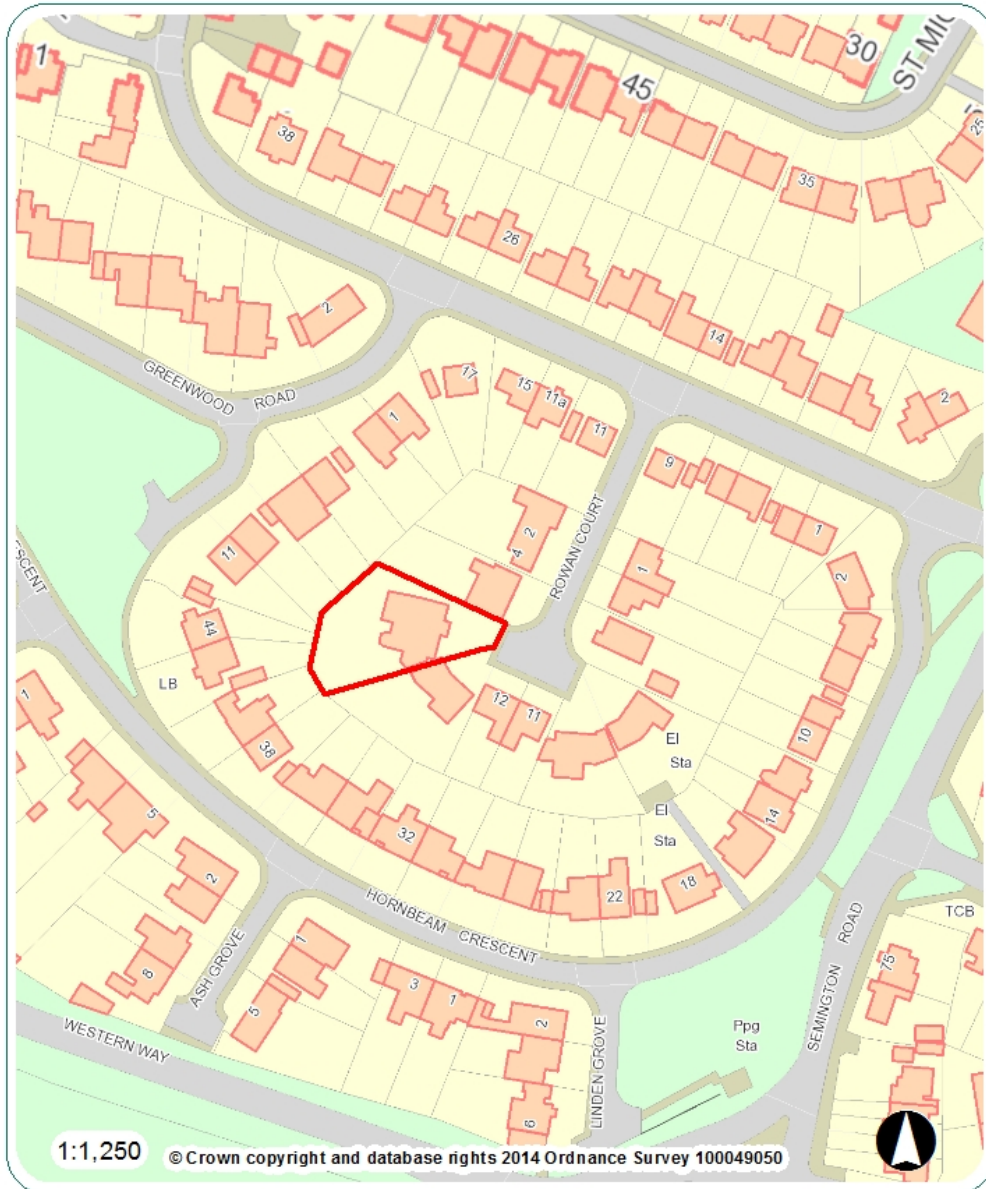
11. Conclusion (The Planning Balance)

The proposed car port structure referred to as a 'gazebox' by virtue of being sited at the front of the host dwelling and visible from public vantage points would be out of keeping with the character of the area and would introduce a discordant feature in the street scene contrary to CP57 and the Wiltshire Core Strategy and paragraphs 17, 56 and 125 of the NPPF. The proposal is therefore recommended for refusal.

12 Recommendation – Refuse for the following reason

1. The proposed car port structure referred to as a 'gazebox' by virtue of being sited at the front of the host dwelling and visible from public vantage points, would be out of keeping with the character of the area and would introduce a discordant feature in the street scene contrary to CP57 and the Wiltshire Core Strategy and paragraphs 17, 56 and 125 of the NPPF.

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