

# AGENDA

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**Meeting:** Strategic Planning Committee  
**Online Meeting:** [Access the online meeting here](#)  
**Date:** Wednesday 13 May 2020  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

**During the Covid -19 emergency situation the Committee is operating under revised procedures including in relation to public participation, as attached to this agenda.**

**The meeting will be available to view live via a Skype Broadcast Link as shown above. A public guide on how to access the meeting is included below.**

[Public guidance for accessing meetings online is available here](#)

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## **Membership:**

Cllr Fleur de Rhé-Philippe MBE (Chairman)	Cllr Sarah Gibson
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Carole King
Cllr Andrew Bryant	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Tony Trotman
Cllr Andrew Davis	Cllr Fred Westmoreland
Cllr Stewart Dobson	

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## **Substitutes:**

Cllr Ian Blair-Pilling	Cllr Chris Hurst
Cllr Clare Cape	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Stuart Wheeler
Cllr Russell Hawker	Cllr Graham Wright
Cllr Ruth Hopkinson	

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# 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 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 15 January 2020.

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 **Meeting Procedure and Public Participation** (*Pages 15 - 18*)

During the ongoing Covid -19 situation the Council is operating revised procedures to permit remote attendance of meetings. The procedure for the Strategic Planning Committee including public participation is attached.

[Access the online meeting here](#)

[Public guidance for accessing meetings online is available here](#)

### Statements

Members of the public who wish to submit a statement in support of or in objection to an application on this agenda should submit it to the officer named on this agenda **no later than 5pm on 7 May 2020**.

Those statements in accordance with the Constitution will be included in an agenda supplement. Those statements should:

- State whom the statement is from (including if representing another person or organisation)
- State clearly whether the statement is in objection to or support of the application
- If read aloud, be readable in approximately 3 minutes

### 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 5 May 2020 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 7 May 2020. 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 **19/07824/WCM: Land to the north of the Rudloe Water Treatment Works, Bath Road, Rudloe Firs, Corsham, Wiltshire, SN13 0PG (Pages 19 - 50)**

Construction of a new inclined mine entrance from the surface into the existing permitted mine workings, and the construction of ancillary surface facilities including new cutting shed/workshop, block storage area, alterations to existing vehicular access and landscaping.

7 **19/11524/DP3: Wiltshire Council Depot, Furnax Lane, Warminster, BA12 8PE (Pages 51 - 64)**

Redevelopment of the existing highway depot. Proposed 4000T salt store, 8no. vehicle bays and welfare facilities and external storage areas.

8 **19/09862/VAR: Tricky's Paddock, Brickworth Road, Whiteparish, Wiltshire, SP5 2QG (Pages 65 - 90)**

Variation of Condition 3 of Planning Approval 18/09609/VAR to allow an additional pitch and changes to the existing pitch to include for each pitch a static mobile home, a family dayroom and tourer for a family member with associated treatment plant.

9 **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*

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## STRATEGIC PLANNING COMMITTEE

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**MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 15 JANUARY 2020 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Fleur de Rhé-Philippe MBE (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Carole King, Cllr Tony Trotman and Cllr Fred Westmoreland

**Also Present:**

Cllr Ian Blair-Pilling

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1 **Apologies**

An apology for absence was received from Cllr Sarah Gibson.

2 **Minutes of the Previous Meeting**

**Resolved:**

**To approve and sign as a correct record the minutes of the previous meeting held on 11 December 2019.**

3 **Declarations of Interest**

There were no declarations of interest made at the meeting.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Public Participation**

The Committee noted the rules on public participation. There were no questions submitted.

6 **19/10043/FUL: Salt Store and Gritter Garage Netton SP4 6AT - Demolition of the existing salt store building from 1500, and construction of larger salt store of 2500 tonnes capacity. Extend existing 6-bay vehicle store to a 10-bay facility (additional bays to allow for deeper plan for snow plough attachments to vehicles). Welfare building to be extended to provide increased storage space accessed from vehicle bays.**

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. The purpose of the report was 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.

The application proposed the expansion of facilities and buildings on the Wiltshire Council Salt Depot at High Post, to the south of Amesbury. The reason for the development was to facilitate the expanded fleet of gritting vehicles operated by Wiltshire Council from this site in times of adverse weather conditions by way of providing additional parking bays for the vehicles and an enlarged Salt Barn to store the salt needed to grit the County's highways. A small extension to the administrative building on the site was also proposed.

The Case Officer reported that in response to representations made an additional condition was being proposed concerning landscaping and also an informative to the applicant regarding energy efficiency.

The Case Officer also stated that she had received the views of Cllr Mike Hewitt, the local Member, who was unable to be present at the meeting, who generally supported the application but did express some concern regarding:

- Highways, where he considered that there was a traffic problem in the Woodford Valley as the lanes were not suitable for lorries. He suggested that all lorries should be deterred from using the Woodford Valley as access to the sites.
- Light Pollution - Light pollution on both sites needed to be taken into consideration. There should be no requirement for unnecessary lighting, other than security.
- Landscaping - The Salt Store needed landscaping properly with mature trees if possible.

Members then had the opportunity of to ask technical questions after which they heard a statement from Cllr Robert Foster from Durnford Parish Council, who also spoke on behalf of Woodford Parish Council, speaking against the proposal.

During discussion, the Case Officer explained that the estimated increase in traffic was single journeys from 6 operators' vehicles to 10 per day and that this slight increase would only occur during 5 months of the year when traffic would generally be low. No objection had been raised by the Council's Highways Officer. Regarding landscaping, a new condition was being proposed to minimise the impact of the development when viewed from the west. With regard to light pollution, the Case Officer stated that the revised lighting strategy would reduce the existing impact of the development and that the applicants envisaged that the lights would not be operated for approx. 80% of the year.

On the recommendation of Cllr Fred Westmorland, which was seconded by Cllr Derek Brown,

**Resolved:**

**To grant 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: Those contained in Appendix B Section 6.2 of the Design and Access Statement dated October 2019 submitted with the planning application.**

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those set out in the application form.**

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

- 4. No development shall commence on site until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include the provision of suitable hedgerow trees.**

**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.**

- 5. The lighting strategy shall be carried out in accordance with the details shown on plan no. 7642/E/200 P1 dated Oct 2019 and shall be implemented within 12 months of the salt store being first brought into use.**

**REASON: To protect the character and appearance of the area and to minimise pollution of the night skies.**

- 6. No development shall commence on site until a scheme for the discharge of surface water from the site including SuDS (sustainable drainage systems) and all third-party approvals, has**

been submitted to and approved in writing by the Local Planning Authority. Scheme details shall include any required off-site capacity improvements needed to allow the site to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

**REASON:** To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

7. The salt store shall not be first brought into use until surface water drainage, including any required off-site capacity improvements to allow the site to be served, have been constructed in accordance with the approved scheme.

**REASON:** To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

8. 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.

#### **1. INFORMATIVE NOTE**

The applicants are requested to ensure that the building and extensions hereby approved are constructed with the long term energy efficiency of the site in mind, and consideration should be given to the use of solar panels on the roofs in this respect.

#### **2. INFORMATIVE NOTE**

The applicants are reminded of the provisions of Condition 6 of Planning Permission S/2008/8002 regarding the need for a Travel Plan to be developed for the site, and thereafter to be adhered to.



7 **19/09327/FUL: Land adjacent to Salt Depot at High Post Business Park High Post Durnford Salisbury SP46AT - Erection of two new factory facilities and associated access road, parking, service yard and refuse storage areas, for Naish Felts Ltd and Wallgate Washrooms Ltd.**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. The purpose of the report was 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 subject to conditions.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows:-

Mr Peter Dickson, a local resident, who spoke against the proposal.

Mr Geoff Naish, the applicant, who spoke in support of the proposal.

Mr Rob Henderson, the agent, who spoke in support of the proposal.

Cllr Robert Foster, representing Durnford Parish Council, who spoke against the proposal.

Cllr Peter Curtis, representing Woodford Parish Council, who spoke against the proposal.

Members then considered the written views of Cllr Mike Hewitt, the local Member, which were read out by the Case Officer and were similar to those received during consideration of the previous item.

During the subsequent discussion, Members were advised that Woodford Valley was not part of an Area of Outstanding Natural Beauty (AONB) and was therefore not subject to the safeguards required of an AONB. The Council's Highways Officer raised no objections to increase in traffic that would be generated in the Woodford Valley. The Panel noted that the Council's Economic Development Team supported this application and considered that it did not conflict with the provisions of Core Policies 34 and 35.

It was noted that additional employment land was required in the area and it was considered by a number of Members present that the site at High Post was probably the most suitable site available.

On the recommendation of Cllr Fred Westmorland, which was seconded by Cllr Derek Brown,

**Resolved:**

**To grant 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 approved plans:**

**P001 Site Location Plan**

**P002 Existing Site Plan**

**P003 Rev D Proposed Site Plan**

**P004 Rev A Landscape Plan**

**P005 Proposed Block Plan**

**P100 Rev B Naish Ground Floor Plan**

**P101 Rev B Naish First Floor Plan**

**P102 Rev B Naish Roof Plan**

**P150 Rev B Wallgate Ground Floor Plan**

**P151 Rev B Wallgate First Floor Plan**

**P152 Rev A Wallgate Roof Plan**

**P200 Rev A Naish North and South Elevations**

**P201 Rev A Naish East and West Elevations**

**P250 Rev A Wallgate North and South Elevations**

**P251 Rev A Wallgate East and West Elevations**

**P260 Site Sections**

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

- 3. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: 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, in the interests of visual amenity and the character and appearance of the area.**

- 4. No development shall commence on site above slab level until a scheme of landscaping and ecological mitigation has been submitted to and approved in writing by the Local Planning Authority, the details of which shall follow the principles set out in Drawing P004 and the recommendations set out in paragraph 4.2 of the ecological appraisal, but which shall make provision for a hedgerow along the new western boundary of the site with the remainder of the field.**

**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.

5. All soft landscaping and ecological mitigation measures comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings 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.

6. No development shall commence within the area indicated (proposed development site) until:
- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest.

7. No development shall commence on site until a scheme for the discharge of surface water from the site including SuDS (sustainable drainage systems) and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority. Scheme details shall include any required off-site capacity improvements needed to allow the site to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

**REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.**

8. **No building shall be first occupied until surface water drainage, including any required off-site capacity improvements to allow the site to be served, have been constructed in accordance with the approved scheme.**

**REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.**

9. **The parking, cycling and turning facilities for the respective units shall be provided in accordance with the approved plans before that unit is first occupied, and these facilities shall thereafter be retained.**

**REASON: To ensure the provision of adequate parking and turning facilities, in the interests of road safety.**

10. **No external lighting shall be installed prior to the submission of and approval in writing by the local planning authority of a lighting strategy. Any external lights shall be installed in accordance with this approved strategy.**

**REASON: To protect the character and appearance of the area.**

11. **No part of the development shall be brought into use, until a Travel Plan has been 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: In the interests of road safety and reducing vehicular traffic to the development**

12. **No operations shall commence on site until the applicant has submitted to the Local Planning Authority and received written approval of a Traffic Management Plan for the routing of HGV's and other service and delivery vehicles to and from the site to ensure that said vehicles primarily use the local 'A' Class road network and avoid minor local roads, in particular through the Woodford Valley. The Plan shall identify the arrangements for:**

- (a) The monitoring of the approved arrangements, and
  - (b) Ensure that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements.
- The approved Plan shall be implemented throughout the life of the development hereby approved.

**REASON:** To ensure that the scheme satisfactorily addresses the potential traffic impacts identified as part of the application.

**Informatives:**

Archaeological evaluation excavation should be undertaken that may then highlight the need for further archaeological mitigation. The work should be conducted by a suitably experienced, professionally recognised archaeological contractor, in accordance with a Written Scheme of Investigation approved by this office and in line with the Standards and Guidance of the Chartered Institute for Archaeologists. There will be a financial implication for the applicant.

8 **Date of Next Meeting**

To note that the next scheduled meeting of the Committee was due to be held on Wednesday 19 February 2020, at County Hall, Trowbridge, starting at 10.30am.

9 **Urgent Items**

There were no urgent items of business.

(Duration of meeting: 10.30am - 11.45am)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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## **Remote Planning Committee Meeting Procedure and Public Participation**

### **Background**

1. The standard procedure for all planning committee meetings is included at paragraph 8 of Protocol 4 to the Constitution.
2. As a result of Government guidance on social distancing and other restrictions on public gatherings during the Covid-19 emergency standard operation of planning committees cannot proceed.
3. *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* (the Regulations) provide for remote attendance at local authority meetings by elected Members to enable the continued operation of committees during Covid-19 restrictions.
4. This document sets out the alternative procedure that will apply for Planning Committee meetings that are held remotely in accordance with the Regulations. These provisions will apply for the period permitted under the Coronavirus Act 2020 and the Regulations and apply notwithstanding any prohibition or other restrictions contained within the Council's Constitution relating to attendance and participation at meetings. This procedure will be kept under review and may be varied by the Monitoring Officer in consultation with the Chief Executive Officers and Group Leaders at any time.

### **Pre-meeting**

6. All who have made representations on an application to be determined by the relevant Planning Committee will be contacted by Wiltshire Council and provided with the following details:
  - Date and time of the committee meeting;
  - A link to the agenda for the meeting;
  - A link from which they will be able to view the meeting as it occurs
7. Those who have made representations will be advised that they may contact the Democratic Services Officer for the meeting, as listed with the agenda, and provide a statement that they would like to be read out at the meeting.
8. Any such statements must:
  - State whom the statement is from (including if representing another person or organisation)
  - State clearly whether the statement is in objection to or support of the application
  - If read aloud, be readable in approximately 3 minutes
  - Be provided no later than 5pm two working days before the meeting.

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9. All statements will be included in an agenda supplement published before the meeting. Longer representations should be provided to the Planning Officer listed for the application.

### **Agenda Order**

10. Applications will be determined in the order they appear on the agenda unless the Chairman, with the agreement of the Committee, considers there are reasons for changing the order.
11. Officers will seek to ensure that applications which are likely to attract significant viewership or interest appear earlier in the agenda.
12. If the order is changed, this will be announced at the start of the meeting.

### **Meeting Procedure**

13. In the interests of fairness, consistency and transparency, the procedure below must be followed at each meeting. Members of the public should note that it is not permissible during meetings to communicate with members debating the proposal by any means as this may give the appearance of bias. Any participation in the meeting should be as set out below.
14. For each application the Planning Officer will introduce the application and the key issues involved, as well as the reasoning behind the recommendation as set out in their report. They will also set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting, including those contained within any agenda supplement.
15. Committee Members may then ask the officer to clarify any points/ask technical questions.
16. Statements in opposition to the application will then be read out by the Democratic Services Officer. Up to three statements of up to three minutes each may be read.
17. Statements in support of the application will then be read out by the Democratic Services Officer. Up to three statements of up to three minutes each may be read.
18. Statements from any statutory consultees, except for parish councils, of up to three minutes in length may then be read out by the Democratic Services Officer, whether in support or in objection to the application.
19. A statement from the parish council for the area in which the applications sits, if provided, will then be read out by the Democratic Services Officer for a length of up to four minutes. This must be the formal view of the parish council not an individual representation. If the application is on the edge of several parishes which are directly affected, the Chairman may allow the reading out of statements from other parishes, to a maximum of three in total, for up to four minutes each. Individual members of a parish council may send statements to be read out, whether in agreement or



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disagreement with the formal view of the parish council, but would need to use a public statement slot.

20. The Unitary Division Member for the application, or nominated substitute, if present, will then be invited to make a representation. The Chairman may allow a neighbouring or any other Member of the Council to make a representation at this time if they consider it appropriate. Non-committee members should give prior notification if they wish to speak.
21. The Planning Officer will then have an opportunity to respond to comments or provide clarification of any points raised by the public or Members.
22. The Committee will then debate the application. The first Member to speak will be expected to move a proposal for deliberation. The rules of debate as detailed in Part 4 of the Constitution will apply, except where these are inconsistent with the Regulations and the Wiltshire Council Temporary Protocol on Remote Meeting Procedures in which case the latter will apply.
23. When speaking, each Member must introduce themselves for the benefit of anyone listening who may or may not have access to video.
24. At the beginning of each item each Member of the Committee will confirm that they are able to see or hear all relevant information. This will also be confirmed immediately prior to any vote.
25. For each vote, the Democratic Services Officer will call each Member of the Committee in turn to indicate their vote. This will not count as a recorded vote for the purposes of the minutes, which would need to be specifically requested by three members of the committee.

#### **General Public Participation**

26. In the case of all public speaking categories, as stated above, those who wish to have a statement read out at the meeting must contact the Democratic Services Officer for the meeting no later than 5pm two working days prior to the committee meeting.
27. Statements will be read out by the Democratic Services Officer in order of submission, with any further statements received beyond the three to be read out in objection or support to be included in the agenda supplement. Exceptionally, the Chairman may direct statements to be read in a different order, for instance if the first three statements submitted were all from the same organisation or household, or repetitive, in order to ensure the broadest inclusion of views.
28. While the Chairman of a committee has discretion over the timings and number of statements to be read out in the case of controversial or large-scale applications, in the interests of natural justice any increase should be applied equally between those speaking for and against the application.
29. No contributions from the public will be accepted outside the public statement slots detailed above.

### **Questions and Petitions**

30. Submitted questions and petitions on non-determined planning applications are excluded from the usual Council procedures at Part 4 of the Constitution. This means that any questions or petitions in relation to an agenda item at a meeting will be logged by Planning Officers as a representation and addressed in their introduction of the item.

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	13 May 2020
<b>Application Number</b>	19/07824/WCM
<b>Site Address</b>	Land to the north of the Rudloe Water Treatment Works, Bath Road, Rudloe Firs, Corsham, Wiltshire, SN13 0PG
<b>Proposal</b>	Construction of a new inclined mine entrance from the surface into the existing permitted mine workings, and the construction of ancillary surface facilities including new cutting shed/workshop, block storage area, alterations to existing vehicular access and landscaping
<b>Applicant</b>	Mr Nicholas Johnston
<b>Town/Parish Council</b>	CORSHAM and BOX
<b>Electoral Division</b>	Corsham Without and Box Hill ED (Cllr Ben Anderson) Box and Colerne ED (Cllr Brian Mathew)
<b>Grid Ref</b>	384546 170497
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Update since cancelled 23 March 2020 SPC meeting

This application was scheduled to be considered by the Strategic Planning Committee at its meeting on 23 March 2020. However, the 23 March meeting was cancelled due to the Covid-19 situation. Immediately prior to the 23 March meeting four further third party 'late' representations were received. These are all objections, although raising no new issues to those already set out in the 'Representations' section of the report and addressed in the 'Planning Issues' section.

### Reason for the application being considered by Committee

The application has been 'called-in' for Committee determination at the request of Box and Colerne Local Division Member, Cllr Brian Mathew. The reasons for this are in view of the scale of the proposal; the visual impact; the relationship with adjoining properties; the design; the environmental / highway impacts; and car parking.

### 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 is approved subject to conditions.

## **2. Report Summary**

The main issues to be considered are:

- Minerals planning policy / planning history;
- Landscape / visual impact;
- Heritage impact;
- Ecological impact;
- Highways impact;
- Residential amenity (noise, dust, vibration, etc.).

The application site lies largely within the parish of Corsham; a small section of the access to the site (effectively just the verge adjacent to Bath Road) lies within the parish of Box. Corsham Town Council objects; Box Parish Council objects.

The application has had three rounds of public consultation. The first round generated 145 third party representations - 83 objections and 60 supports (and 2 comments); the second round generated 7 representations (all objections); the third round generated 17 representations (all objections). No first, second or third round representations have been changed or withdrawn, meaning that they are all relevant to the consideration of the application.

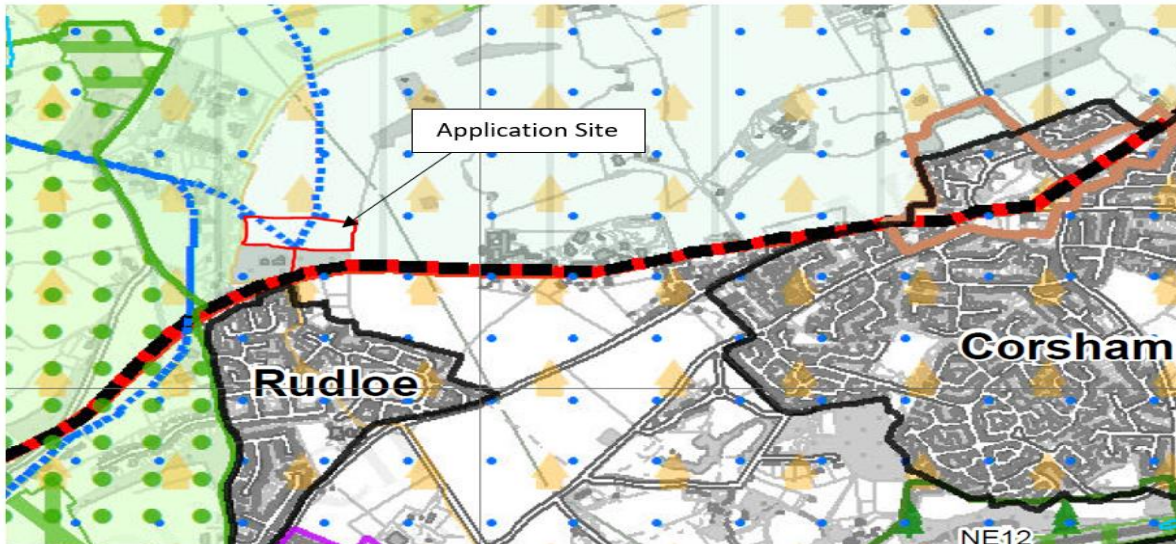
A 'screening opinion' under the Environmental Impact Assessment Regulations was issued on 17 April 2019. This concludes that the proposal will not have effects of such significance to trigger the need for Environmental Impact Assessment.

## **3. Site Description**

The application site lies in open countryside to the north of the Rudloe 'Large Village', set c. 75m back from the north side of Bath Road (A4). The site is presently in agricultural use forming part of a larger field extending to the north, and with further farmland to its north and east sides. To the west is Rudloe Manor (including some recent residential development close by) and the related former RAF station and associated and now disused buildings. To the south – between the site and Bath Road – is woodland; more or less at the centre of this woodland is the Rudloe Water Treatment Works. The Water Treatment Works have an existing vehicular access and track from Bath Road.

Beneath the ground and covering a much wider area (c. 6 ha), is Hartham Park Quarry (also known as Hartham Mine) – a long established underground mine for Bath stone.

In planning policy terms the site lies in open countryside with no particular landscape designation. The land to the immediate west is within the Cotswold Area of Outstanding Natural Beauty (AONB). The agricultural land classification hereabouts is Grade 3. Rudloe Manor is a Grade II\* Listed building; a nearby barn to the Manor is Grade II; other Listed buildings hereabouts include two former estate houses / lodges and a set of entrance gates close to Bath Road (all Grade II).

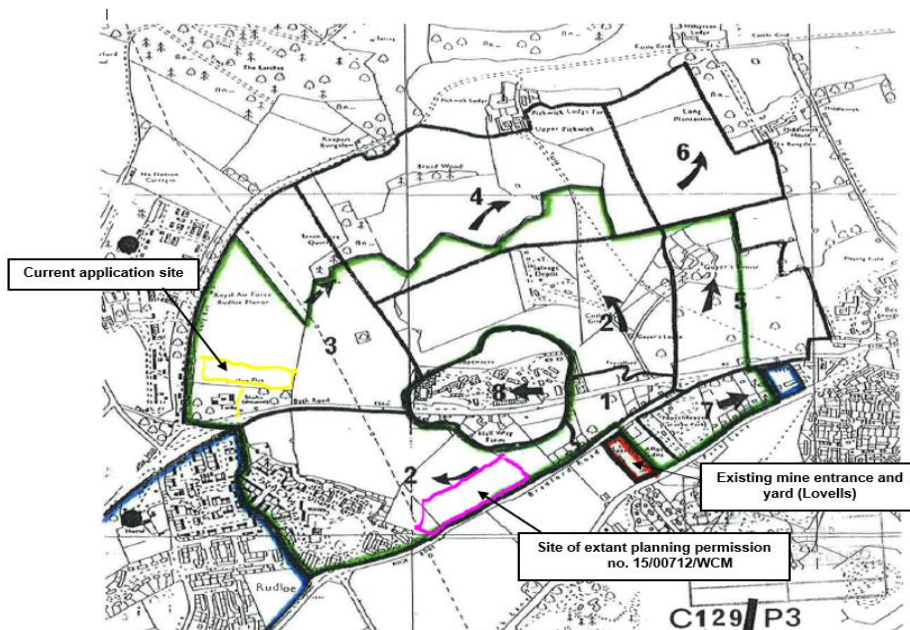


Extract from Wiltshire Core Strategy Policy Map –  
 [Black lines: settlement boundaries; light green shading: Cotswold AONB; dark green circles: Green Belt]

#### 4. Planning History

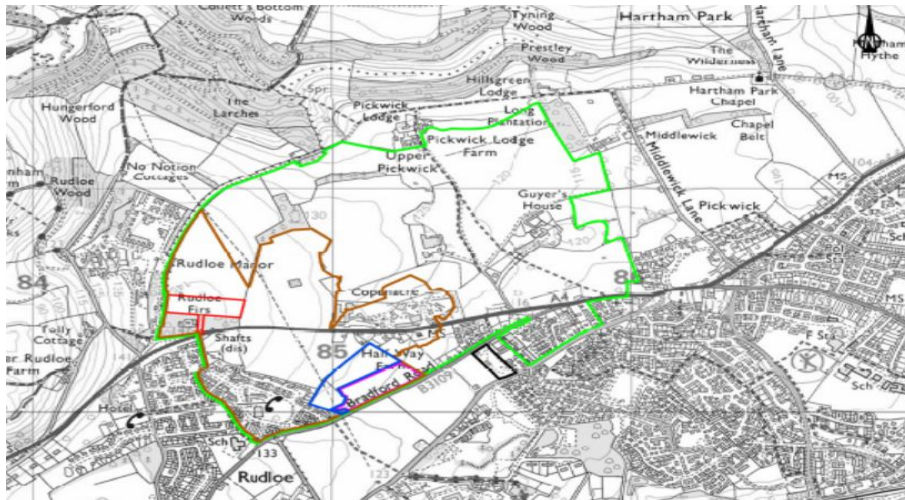
N/98/1945 – Submission of new conditions for determination in accordance with Section 96 and paragraph 9 of Schedule 13 to the Environment Act 1995 – approved 26 November 1998.

This 'Review of Minerals Permission' (ROMP) decision provided the lawful and long-established Hartham Park Quarry (an underground Bath stone mine) with up to date and relevant planning conditions, in accordance with the requirements of the Environment Act. It follows that the existing mine benefits from a full planning permission. The plan accompanying the ROMP decision showing the extent of the permitted mine (coloured green and/or black) and an existing mine access/yard at Park Lane (coloured red), is set out below. Added to this plan – in yellow – is the approximate position of the current application site.



Extract from ROMP permission plan showing extent of Hartham Park Quarry

The following further plan – supplied by the applicant with the current application for information only – compliments the above plan, but in addition shows the extent of the current applicant's 'underground' interests within the permitted mine area (brown line).



Related applications -

15/00712/WCM – *Construction of an inclined mine entrance from the surface into existing permitted mine workings. Construction of ancillary surface facilities including access on to highway, offices, car park, workshop, covered storage, open storage, landscaping and restoration* – approved 29 January 2016

This permission is also for a new entrance to the wider mine and associated surface activities, but at land at Bradford Road. Although not built-out, the current applicant has advised that this permission has been implemented to keep it 'alive' pending the outcome of the current application. In the event of the current application receiving a resolution to approve, the applicant proposes a S106 agreement to effectively rescind the Bradford Road permission. The position of the Bradford Road planning permission is marked (approximately) in pink on the above 'Extract from ROMP' plan.

## 5. Proposal

This application seeks permission to construct a new inclined entrance from the surface into the existing mine workings. The application also proposes the erection of ancillary surface facilities including a new cutting shed / workshop, block storage area, crushed stone storage area and office building, together with accesses thereto; and a weighbridge, car park and associated hard-standings. The existing access (serving the water treatment works) would be widened (requiring re-siting of the existing gate piers (not Listed)) and extended beyond the water treatment works to reach the 'working' part of the application site. This would be a 'proper' road, with finished surface, linings, etc.

In support of the application the agent has provided a Planning Supporting Statement. Its 'Background' section sets the scene as follows –

*“Planning permission was granted for mining at the Hartham Mine under planning permission N/98/01945/WCM. It should be noted that this is the extant permission which*

*enables the mining and extraction of Bathstone. Subsequent applications at the site, and the proposed development hereby seeking permission, do not alter the current approved methods of stone extraction at the mine.*

*Planning permission was previously granted on 29 January 2016 (planning application ref. 15/00712/WCM) for an alternative mine entrance. The permission granted comprised:*

*'the construction of an inclined mine entrance from the surface into existing permitted mine workings construction of ancillary surface facilities including access onto highway offices car park workshop covered storage open storage landscaping and restoration on a portion of agricultural land owned by the applicant located between Corsham to the east and Rudloe to the west'.*

*These proposals were submitted on behalf of Hanson Group and were intended to overcome the previous arrangements for mine entry which were considered suboptimal in safety, environmental and commercial terms. Access to the site was to be taken off the B3109 Bradford Road to the east of Rudloe, adjacent to properties on Toghill Crescent.*

*The approved application would have created a new access to enter the existing permitted mine, as approved by planning permission N/98/01945/WCM. All conditions and provisions attached to the original mining permission would have continued to apply to the entire extent of the underground workings.*

*The BSCL [Bath Stone Company Ltd (applicant)] have recently acquired an interest in the bath stone mines and reviewed the previous, extant permission for the new mine entrance. At present the freehold minerals owned by The BSCL at Hartham are not being mined as the only working shaft at Hartham is within separate lease (Lovells).*

*The current freehold and permissioned minerals are now only able to be accessed via the mine entrance permitted in 2016 (planning application ref. 15/00712/WCM) however as this was submitted by the Hanson Group, the arrangements are not now considered appropriate for BSCL operations. ....*

*The BSCL now wish to pursue a new planning application for an alternative mine entrance at Rudloe Firs, with access to be gained off Bath Road, in order to access permitted reserves of premium bath stone. Pre-commencement conditions have been discharged and works have been undertaken under the original mine entrance permission to commence development under this permission to keep the permission alive pending the outcome of this application. ....*

*The proposed new access will require the provision of surface facilities to enable the mine and the proposed new access to function accordingly however this would not change the existing pattern of underground working".*

The proposed cutting shed and workshop building would measure 44m by 24m by 9.5m high (at ridge). The office building would be smaller.

The inclined entrance would have a gradient of 1 in 8 over a total length of 262m (of which 75m would be open cut). The width of the entrance 'road' would be between 5m (for open cut section) and 10m (for adit).

Surface water at the site would drain to new swales and basins, designed for all potential flooding events. Water in the mine entrance would be removed using a pump.

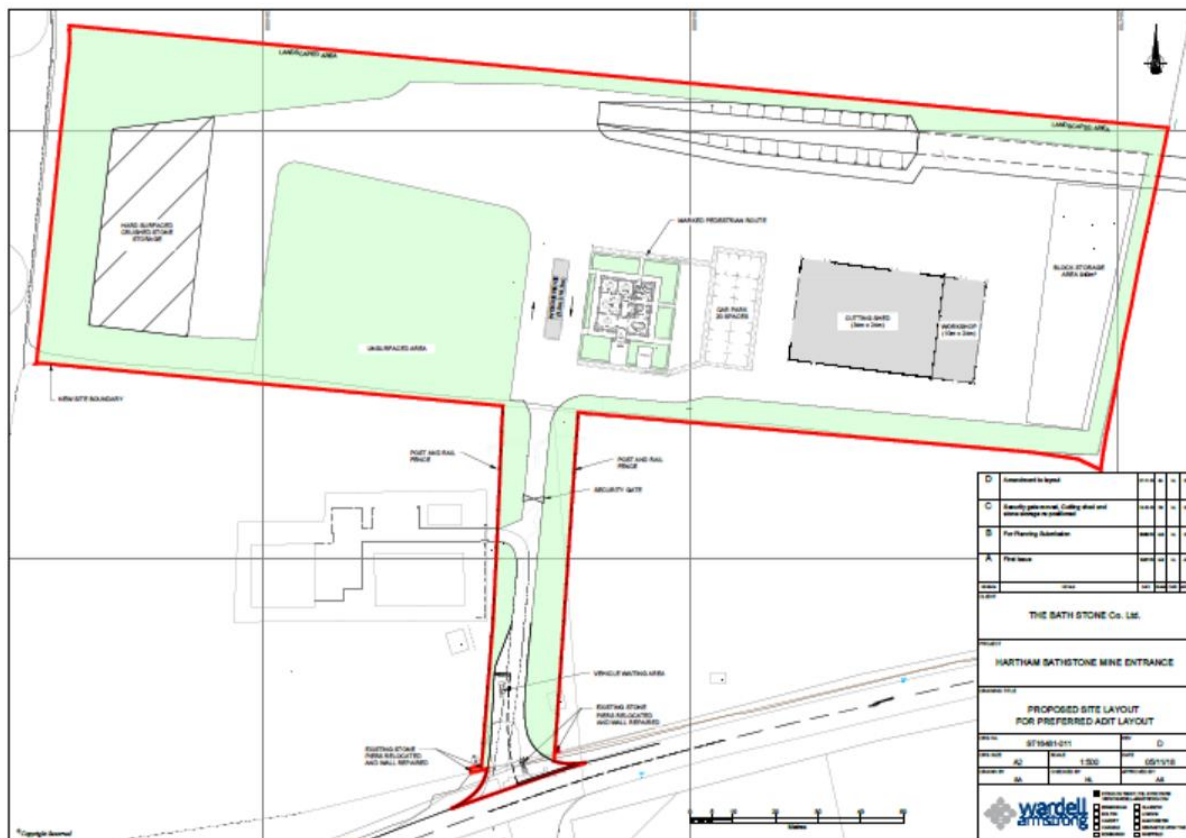
An acoustic fence (2m high) and/or security fence and gates would be erected around the perimeter of the working site and access together with new landscaping (such as hedging and trees) where required. The acoustic fence would be on the west, south and east sides of the working site.

Hours / days of operation (main 'shift') would be 07:00 – 17:30 Monday to Friday and 07:00 – 13:00 Saturday (with 'maintenance' when required starting and finishing an hour either side of these times (06:00 and 18:30 respectively), and potentially on Sundays if/as required). Output is expected to be c. 100 cu m per week; ten staff would be employed.

According to the Transport Assessment which accompanies the planning application, HGV movements would be max 12 per day (6 'in' and 6 'out'); non-HGV's would no. c. 14 -

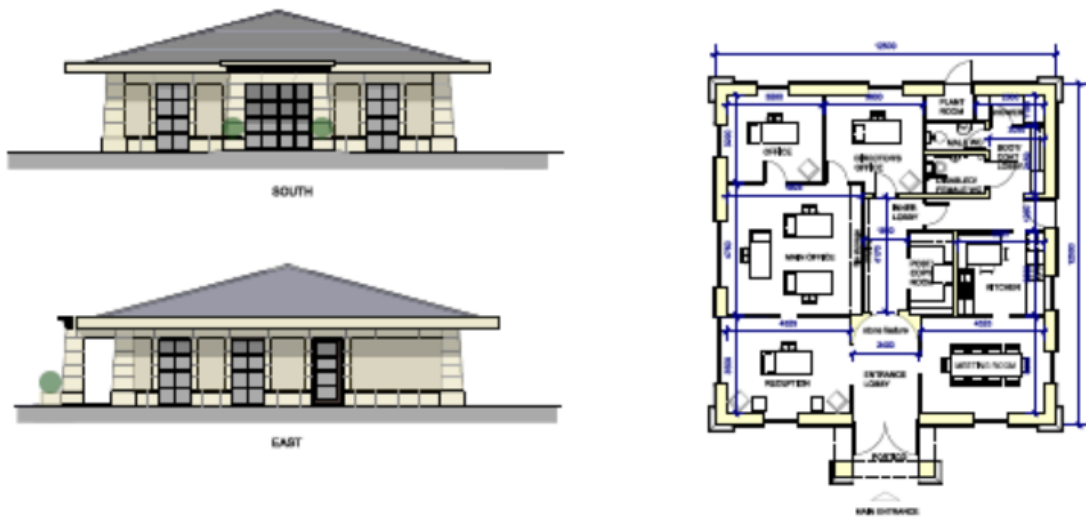
- Rates of production: 8 HGV movements (4 in and 4 out) per day;
- Daily offcuts (assuming 52 x 5 day working weeks per year): 19 tonnes (4 HGV movements, 2 in and 2 out per day);
- Number of private and Light Goods Vehicles (LGVs) accessing the site for employees, visitors and deliveries: 10 private vehicles (cars) and 4 LGVs.

The proposal also includes a scheme for the restoration of the site after mining activities cease. The proposal is to clear the site of all buildings and infrastructure and restore it to agricultural use. Only the widened access road from Bath Road to the Water Treatment Works would be retained - to provide continued improved access to the Works.

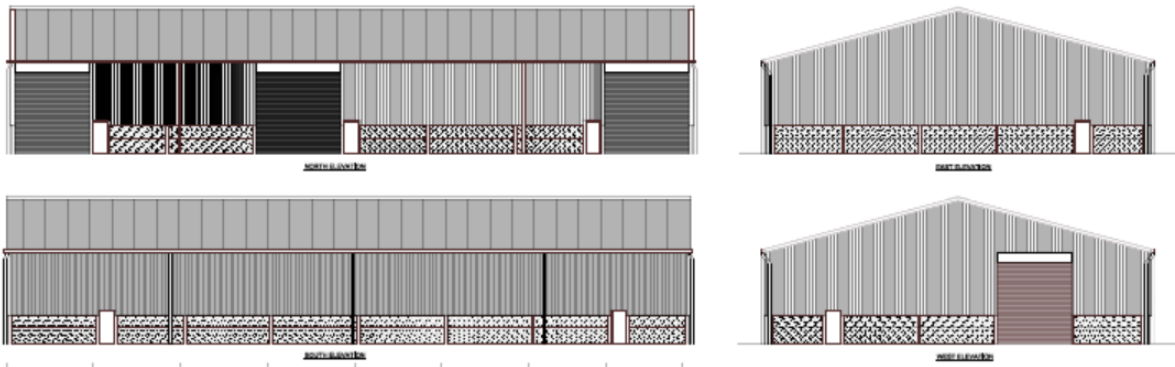


**Proposed site layout plan**

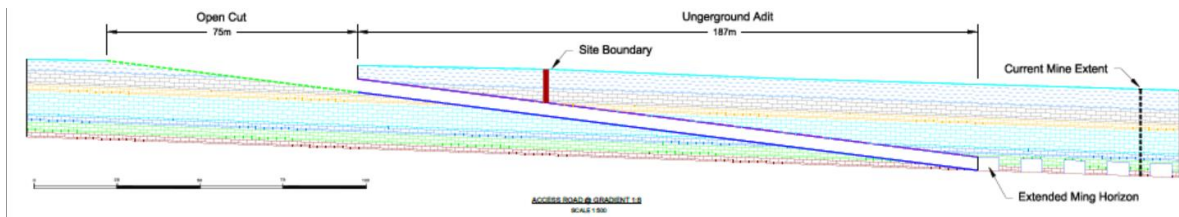




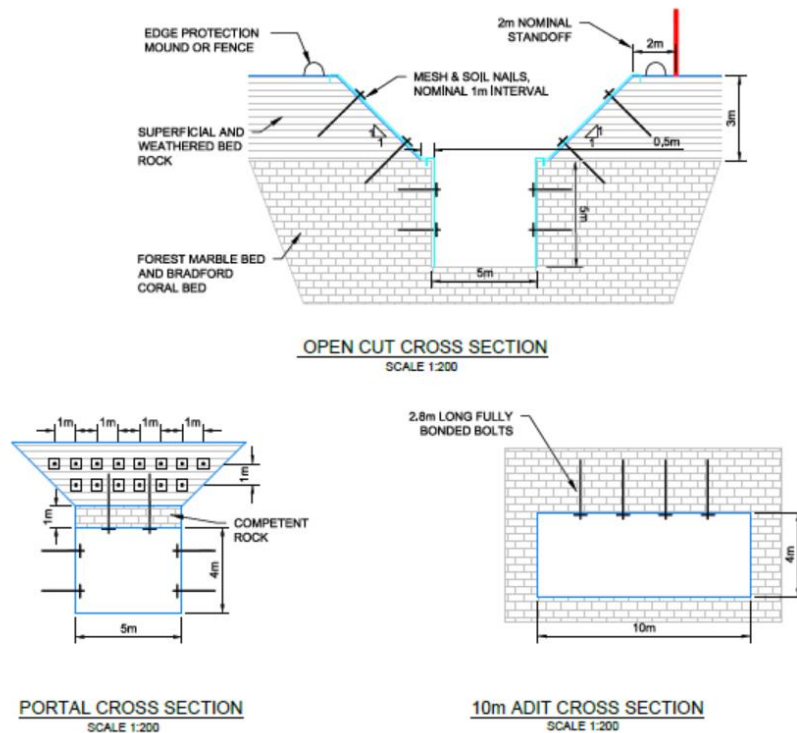
**Proposed office building**



**Proposed cutting shed / workshop**



**Proposed inclined mine entrance configuration - section**



***Proposed inclined mine entrance - cross sections***

In addition to the Planning Supporting Statement, the application is accompanied by a number of technical reports including a Landscape & Visual Impact Appraisal, Transport Assessment, Heritage Statement, Archaeological Desk-Based Assessment, Preliminary Ecological Appraisal Report, Bat Ecological Impact Assessment, Noise Assessment, Dust Suppression Scheme and Flood Risk Assessment.

## **6. Planning Policy**

### Wiltshire and Swindon Minerals Core Strategy (W&SMCS)

MCS4 – The supply of building stone

### Wiltshire and Swindon Minerals Development Control Policies DPD (W&SMDCPDPD)

MDC1 – Key criteria for sustainable minerals development

MDC2 – Managing the impact of minerals development

MDC3 – Managing the impact of surface water and groundwater resources

MDC5 – Protection and enhancement of Wiltshire and Swindon’s Landscape Character

MDC6 – Biodiversity and geological interest

MDC8 – Sustainable transport and minerals development

MDC9 – Restoration, aftercare and after-use management of minerals development

### Wiltshire Core Strategy (WCS)

Related policies to those set out above (MDC policies)

## Corsham Neighbourhood Plan

ED1 – Ecology and Design

E1 – Conservation and Enhancement of Biodiversity

E2 – Sustainable Development

E3 – Landscape

E4 – Green Infrastructure

E5 – Rural Green Buffer

HW1 – Protection, Improvement & Extension of Green Infrastructure

## **7. Consultations**

### Corsham Town Council: Objection

*..... recommend refusal of the application on the grounds that although the applicant has undertaken a bat ecological assessment there is no mention of the Corsham Batscape Strategy, the proposal is therefore contrary to Corsham Neighbourhood Plan policies ED1 and E1. The proposal is also contrary to Corsham Neighbourhood Plan Policies E3, E4 and HW1. The proposal would have a detrimental impact on the amenity of the surrounding residential properties, concerns regarding highway impact and safety, uncertainty over the numbers of HGVs entering and leaving the site. Concerns over nearby ground subsidence, noise and vibration concerns, increased lighting and noise pollution, concerns over the loss of trees and ecological habitat, concern that the core samples may not have been taken at this site.*

### Box Parish Council: Objection

*The proposed site is immediately adjacent to the Green Belt and AONB and is close to the Grade II\* Listed Building.*

*There is inconsistency in the application with regards to the times given for the activities to take place.*

*There is also no Carbon Footprint or Environmental Impact Assessment provided and there appears to be a lot of mature trees that will be felled.*

*The Parish Council is concerned about the safety of vehicles exiting from this site and would ask whether there needs to be some changes to the alignment of the road or a possible speed reduction.*

*The Parish Council is also concerned about the close proximity of neighbouring properties which could be undermined by these activities.*

Wiltshire Council Landscape Officer: No objection

Wiltshire Council Highways: No objection, subject to conditions

Wiltshire Council Public Protection: No objection, subject to conditions

County Archaeologist: No objection

Wiltshire Council Conservation Officer: Comments

*This site is close to the A4 and listed buildings but outside the conservation area. The Listed buildings are screened from the site by mature trees, so the visual impact of these proposals would not harm the setting of the heritage assets. Any noise and vibrations caused by the operations could, however, harm the setting of the heritage assets by intruding on the relatively peaceful, rural atmosphere. As such, I would ask that buildings used for cutting or noisy operations be designed with good sound insulation so that noise and disturbance is kept to a minimum. I would also wish to see any scheme for external lighting, as the introduction of floodlights will harm the darker night sky setting of the heritage assets.*

*Together with this, careful consideration and conditions for the hours of operation will also help to reduce the harm caused by these proposals.*

Wiltshire Council Drainage: No objection, subject to conditions

Environment Agency: No objection, subject to conditions

Groundwater Protection –

*Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone (SPZ) of a known borehole used for the supply of water for human consumption.*

*The proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location because the proposed development site within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1).*

*The reports submitted in support of this planning application does not provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.*

*We have reviewed the documentation supporting the planning application and refer to previous advice given on groundwater protection:*

*"The application site lies within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1). Further, the limited groundwater information provided by the applicant indicates that at least some of the existing quarry entrance is below the winter water-table.*

*It is important that you request an appropriate assessment of risks to controlled waters, which would ideally accompany the planning application. Such a risk assessment should include, but not necessarily be limited to, mitigation of risks to water quality (e.g. storage of fuels and turbidity) arising from the construction phases."*

*Further information would be required to assess the risk to Controlled Waters, and Lacock water supply in particular, from the following activities: tunnel shafts during construction, during operation, ancillary facilities construction and operations.*

*In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to*

groundwater resources.

#### *Construction –*

*Tunnel shafts construction using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.*

#### *Pollution Prevention –*

*Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection.*

#### *De-watering -*

*The proposed mineral workings could pose significant risks to groundwater resources. Groundwater is particularly sensitive in this location because the proposed development site is within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1).*

*In light of the above, the proposed development will be acceptable if a planning condition is included restricting the form of future development on the site. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.*

#### *Foul Drainage -*

*The planning application has not demonstrated how it would dispose of wastewater, to connect to a mains sewer network in line with national planning policy, and, or to implement appropriate mitigation measures to ensure that risks to groundwater are minimised. An environmental permit may be required for this development. The permit will restrict the type and location of the non-mains drainage system to be employed on-site. In order to ensure that the planning permission complements the requirements of the environmental permit, the following planning condition should be included.*

#### Wessex Water: Comments

*The applicant has agreed to make changes so easements are observed to our pipework – we await a revised drawing.*

*We would like to work with the applicant to agree a planning condition to ensure our apparatus are protected during and after construction and access arrangements are maintained.*

## **8. Representations**

The application was publicised by way of press notice, site notice and neighbour letters (3 rounds). The first consultation round generated 145 representations - 83 objections and 60 supports (and 2 comments); the second consultation round generated 7 representations (all objections); the third round generated 17 representations (all objections). No first, second or third round representations have changed or been withdrawn, meaning that they are all relevant to the consideration of the application.

The objections are summarised as follows:

- Residential amenity: site too close to residential properties – noise disturbance from on-site activities, including stone cutting, vehicles, reversing beepers, etc., over long working day. Noise Impact Assessment does not assess impact on land at Rudloe Manor closest to the site, and assessment based on impacts c. 11am on calm day and not at quieter times or when windy. Dust from cut stone (harmful to health). No vibration assessment;
- Visual impact: Inappropriate industrial activity in countryside. Loss of green space between settlements, noted as important in development plan. Intrusive. Light pollution. Close to AONB and Green Belt. Adjacent woodland used for rural amenity purposes – the amenity would be lost with site next door. No information about boundary treatments;
- Traffic: Additional traffic/HGV's add to dangers/congestion/pollution on road network. Access at dangerous summit / blind bend on Bath Road. This is a fast stretch of road; slow moving lorries entering/leaving the site would be dangerous. Speed limit would need to be reduced;
- Trees: not clear from application particulars as to impact on trees; no arboricultural report;
- Wildlife: harmful impact on bats and other species (including hedgehogs) in woodland and thereabouts. Loss of trees and habitats;
- Heritage assets: harmful to setting of Rudloe Manor and other listed buildings (from on-site development and activities, including external lighting and noise, and inter-visibility). Potential to put-off potential purchasers of Rudloe Manor, so placing vulnerable asset at greater risk. Loss of remains of Rudloe Firs;
- Site lies in a Ground Water Protection Zone. The fields in this zone cannot have anything spread on them at certain times of the year. Unclear as to impact of proposal in the zone;
- Need: there is already an entrance to this quarry – no need for another; reason for not using approved Bradford Road site not clear. No need for another Bath stone quarry;
- Land ownership: proposal is for development beneath third party's land. Concerns over stability of this land;
- Image: Not good for the image of the area / Corsham;
- Bradford Road planning permission: the offer by the applicant to replace the extant planning permission with this is not a fair trade-off as developments completely different – in size and purpose;
- Supporting information: no EIA and no carbon footprint assessment;

The supports are summarised as follows:

- Visual impact: limited as workings are underground and surface yard suitably located in terms of impacts (screened by woodland, etc.). Screened from listed buildings in vicinity. Limited inter-visibility with distant neighbours. This is not opencast mining;
- Traffic: Ideal location next to Bath Road / A4;
- Noise: after construction limited noise from silenced machinery;
- Dust: regulations require dust to be suppressed. Any drift would be limited and would not reach neighbouring properties;
- Wildlife: legal obligations to protect and enhance wildlife in any event;

- Footpaths: The woodland adjacent to the site is private, so its use by walkers is technically trespass.
- Employment: skilled local work-force. Knock-on effects good for local economy;
- Need: Much-needed quality stone for building industry – both new buildings and restoration of old buildings;
- History: tradition in this area for mining; there is a maze of old and existing mines beneath the ground in this area. Good for the image of the area / Corsham - which is a mining town;
- Residential amenity: mining companies hereabouts are considerate to neighbours. The applicant has an excellent record in terms of managing such developments and protecting the environment, etc.;

## **9. Planning Issues**

The main issues to be considered in this case are firstly the principle, and then matters of detail including the impacts of this specific proposal on landscape, highway safety, ecology, heritage and residential amenity.

### **9.1 Principle**

In recognition of the demand for natural building stone – including Bath stone – for use in future developments looking to maintain and enhance the character of the built environment, Core Policy MCS4 of the Wiltshire and Swindon Core Strategy supports proposals for extraction as a matter of principle where it is demonstrated that there is a local need and where such operations are of a scale which avoids any significant environmental and amenity impacts. Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

The proposal is not for the actual extraction of building stone from the site / Hartham Park Quarry; for reasons already explained, the extraction of stone from the quarry / mine already benefits from planning permission. The current proposal is only to create a new entrance to the established mine (for efficient movement of the stone from underground to surface); and provide an associated surface-level yard for the cutting, processing, loading/unloading and storage of the stone and for the day to day management of the business.

As an ‘add-on’ to the established quarry, the proposal is, therefore, acceptable in terms of Policy MCS4. Under the circumstances of an established quarry, there is no necessity for the application to demonstrate a need for the stone; and the scale and impact of the proposal is, in any event, compatible with its situation. The scale and impact considerations are addressed in greater detail in the following sections of this report.

The inclusion of ‘added-value’ facilities – specifically, the cutting shed and offices – as part of the development is also not considered inappropriate, such facilities being reasonably associated with the mining activity, resulting in a reduced need to transport un-cut stone for cutting elsewhere, and having acceptable impacts in all other respects. Again, these impacts are considered in greater detail below.

There is an existing entrance to the wider quarry at Park Lane. However, this is owned by another company (Lovells). It is also some distance from the area where the current

applicant wishes to extract stone. According to the Supporting Statement with the application, the proposal would improve the health and safety of existing mining operations by reducing the distance for operatives to travel underground to the working area (presently c. 1km from the existing mine entrance). Knock-on benefits would be a reduction in vehicle emissions and easier and faster access in the event of emergencies. These reasons for having a second entrance are accepted.

Detailed matters –

## **9.2 Landscape and visual impact**

Policy MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD (W&SMDCDP) sets out key criteria for sustainable minerals development to ensure that the social, economic and environmental benefits of minerals development are maximised, and adverse impacts are kept to an absolute minimum. Criterium (e) of the policy requires the extent to which the visual / landscape impact of any structures and buildings is minimised in terms of their scale and form. Policy MDC5 applies specifically to landscape character requiring, in particular, proposals for minerals development to protect and where possible enhance the quality and character of the countryside and landscape. Policy E5 of the Corsham Neighbourhood Plan requires the landscape setting of the Corsham Rolling Lowlands to be conserved and where possible enhanced.

The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA). This confirms that the site is not within any designations of relevance to landscape, although it does lie adjacent to the Cotswold AONB and so is within its setting.

### **9.2.1 Landscape character -**

Landscape character is the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landforms, soils, vegetation, land use, and human settlement.

The application site and its setting are within the 'Malmesbury-Corsham Limestone Lowlands' landscape type as defined in the Wiltshire Landscape Character Assessment. The character of the site and its setting are consistent with this type's description, which includes gently undulating mixed farmland, a peaceful rural landscape, a network of hedgerows defining a geometric field pattern, and traditional stone-built settlements.

Having regard to the specific circumstances of the site and its setting – being farmland in relatively close proximity to the residential areas at Rudloe and Corsham – the LVIA determines its landscape character as being of 'medium sensitivity' to development of the type proposed. Landscapes of medium sensitivity are defined as commonly occurring and with some evidence of alteration or degradation, potentially tolerant to change, and likely to be locally valued.

With specific regard to the proposal the LVIA states the following –

*“During construction, sources of impacts include soil stripping, alterations to / widening of the existing track to provide access to the Site, construction traffic movements into and away from the area, excavation of the mine entrance, construction of new internal hard-standing*



*and buildings, and views of site operations .... The impacts upon the site and its immediate setting are considered to be of Medium<sup>1</sup> to High Magnitude, and of Substantial<sup>2</sup> Adverse Level.*

*On completion, the character of the site will have changed from agricultural to commercial / industrial, including a new building, parking and hardstanding, together with new structural boundary planting. The impacts are assessed as being of Medium to High magnitude, and on balance taking into consideration the beneficial effects of the proposed planting effects would be Moderate Adverse level. Once the boundary planting establishes, the magnitude of impact would reduce to Medium, with a Moderate Adverse effect on the site and its immediate setting”.*

The construction stage impacts would be relatively short term, and consequently the slightly ‘higher’ level of their effects is not considered to be a sustainable reason for resisting the proposal. At operational stage the effects are assessed as being moderate, and so noticeable in the wider area. However, this noticeability is not considered to be unacceptable in the context of the landscape hereabouts where, due to the proximity of settlements and the A4, there are already various clusters of buildings, yards and other human influences. The scale of the proposed buildings and structures on the site are comparable with these other established developments, and consequently it is not considered that the resulting further ‘moderate’ change to the landscape character of the area would be inappropriate. This is in accordance with both minerals planning policy and the Corsham Neighbourhood Plan.

### **9.2.2 Visual effects –**

The visual effects of proposed development are the changes that arise in the composition of available views as a result of changes to the landscape and the degree to which these changes affect the overall amenity and character of the area.

The LVIA identifies key viewpoints, and then assesses the effects of the proposed development on the views. It concludes as follows –

*“It is considered that the majority of views of the site are restricted to locations in close proximity to the site access to the south and select residents and footpath users at medium distance to the east due to screening provided by the existing vegetation that encompasses the west and south of site together with the presence of the wooded valleys to the west and north.*

*There may potentially be occasional distant views from the wider study area to the north on the most elevated areas in locations where views are unrestricted by vegetation in the foreground.*

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<sup>1</sup> Medium Magnitude level of landscape impact is defined as “Partial loss of or alteration to key features or perceptual aspects of the baseline and/or the addition of new features that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape”, and “The impacts would be at the scale of the landscape character type/area within which the proposal lies”. High Magnitude is “Total loss of or major alteration to key features or perceptual aspects of the baseline and/or addition of new features considered to be totally uncharacteristic when set within the attributes of the receiving landscape”, and “.... large scale”.

<sup>2</sup> Substantial landscape effects are defined as “The proposals having a large and prominent impact within the context of the wider area or are wholly out of character with the existing situation, and/or the landscape receptors are of high sensitivity. Moderate effects are defined as “The proposals have a noticeable impact within the context of the wider area, and/or the landscape receptors are of medium sensitivity”.

*Across the majority of the study area there are not considered to be any views of the proposed development. For the limited number of receptors with views, the levels of effects would typically be no greater than Slight<sup>3</sup> Adverse with the exception of a small number of residents at Pickwick Court, and PROW users approaching the site at short distance from Rudloe. Residents would see construction and operational activities at short distance, resulting in Moderate to Major Adverse effects during construction, and Moderate Adverse during operation, reducing to Slight to Moderate Adverse in the long term once proposed structural landscaping establishes. Short distance PROW users would experience Moderate Adverse effects during construction, and Slight to Moderate Adverse on completion”.*

These conclusions of the LVIA are agreed. The majority of views in the direction of the site are screened, notably by the woodland areas to its south and west sides. The majority of public rights of way are distant from the site, and with glimpsed views of the site only (due to the degrees of separation, natural landscaping and levels).

Views from residential properties would also be limited. Nearest properties in Rudloe are beyond both the woodland and the A4 to the south of the site. Glimpsed and distant views – mainly of the access - would only be possible from some properties, and this in the context of the modest scale of the development anyway. Other residential properties – for example, at Copenacre / Pickwick Court – may also achieve glimpsed views, but again at a distance; these would improve as proposed landscaping establishes. The proposed landscaping would equally soften the impact of the 2m high acoustic fence, as it establishes.

Overall – and as the LVIA concludes – views of the site would be mainly limited and at a distance, and of relatively modest buildings and the related stored stone. Where views are possible, the mainly slight to moderate effects would not amount to sustainable reasons for refusing planning permission in this landscape context. Any more significant effects on views at the construction stage would be short term only, and so, again, not sustainable reasons for refusing planning permission.

### **9.2.3 Cotswold AONB –**

The site lies outside of the AONB but immediately alongside. It follows that the site is in the setting of the designation.

In terms of national landscape designations, the site is located at the southern extent of ‘NCA (National Character Area) 107: Cotswolds’. Key characteristics of this area are the dramatic limestone scarp rising above adjacent lowlands, arable farming, drystone walls, and locally quarried limestone. The majority of NCA 107 lies within the AONB.

The LVIA concludes that the proposed development would have no notable effects on NCA 107, and this is agreed. This is in view of the relatively small scale of the application site relative to the extensive size of the NCA. Accordingly, the impact on the AONB is considered to be no greater than negligible.

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<sup>3</sup> Slight visual effects are defined in the LVIA as “The proposals would result in small changes to the views, the changes would be experienced by a small number of people, and/or the visual receptors would be of low sensitivity to the changes”. Moderate effects are “The proposals would be noticeable in views but not dominating, the changes would be experienced by a medium number of people, and/or the visual receptors would be of medium sensitivity to the changes”.

#### **9.2.4 Green infrastructure –**

Policies E4 and HW1 of the Corsham Neighbourhood Plan resist development that would result in the loss of green infrastructure or result in harm to its setting, character, appearance, quality and amenity value. The Neighbourhood Plan identifies green infrastructure; the woodland to the south of the application site and through which the proposed access passes is identified as lower value green infrastructure for the purposes of the policies.

The proposal would not result in loss of the woodland. Its value in terms of visual amenity and appearance would, therefore, remain unchanged. The setting of the woodland would change on its north side, and its general amenity would to a certain extent be affected as a result of the close-by activities at the application site. However, as the woodland is private land, these affects are not considered to be so significant as to warrant an objection for this reason – the principal amenity the woodland provides is visual, and this would remain largely unchanged.

The Neighbourhood Plan also defines Rural Green Buffers to the south, south-west and west of Corsham. Policy E5 resists development (“new buildings”) in these buffers that would lead to the coalescence of settlements. The site of the implemented planning permission for an entrance to the mine and related infrastructure on land at Bradford Road lies within part of the buffers. The applicant’s offer to give up this planning permission would achieve a net benefit in terms of Policy E5 by maintaining the buffers. The current application site does not lie within the defined buffers.

#### **9.3 Highway Safety**

Policy MDC1 of the W&SMDCPDPD requires assessment of the extent to which proposals facilitate sustainable transport. Policy MDC8 relates specifically to sustainable transport and minerals planning. It states that development will only be permitted where, in particular, it is demonstrated that it would have direct access or suitable links with the Wiltshire HGV route network or primary route network. Mitigation will be expected where/if there would be adverse impacts on the safety, capacity and use of the highway.

The application is accompanied by a comprehensive Transport Assessment (TA) and supplementary Technical Notes. These assess the capacity and safety of the highway network hereabouts, and conclude the following –

*“The site benefits from being located in an area with direct access to the Wiltshire HGV Route Network, for the movement of freight, and the development is also within proximity of sustainable and public transport infrastructure provision. The proposed access is within immediate access of pedestrian footways on the A4 Bath Road.*

*An industrial scale access has been designed to accommodate a suitable design vehicle using geometry of typical industrial scale accesses. Visibility can be achieved in accordance with the observed 85th percentile speeds. A tracking assessment of the proposed arrangement demonstrates that the design vehicle can comfortably access and egress the site with no conflict. A Stage 1 Road Safety Audit raised a single issue which had already been considered through development of the design and is addressed in the associated Designers Response report.*

*Bus services can be accessed within a 300m walk west of the development, along desire lines and via footways provided on the A4 Bath Road. The X31 bus routes near the site and operates a regular service between Bath and Chippenham on a daily basis.*

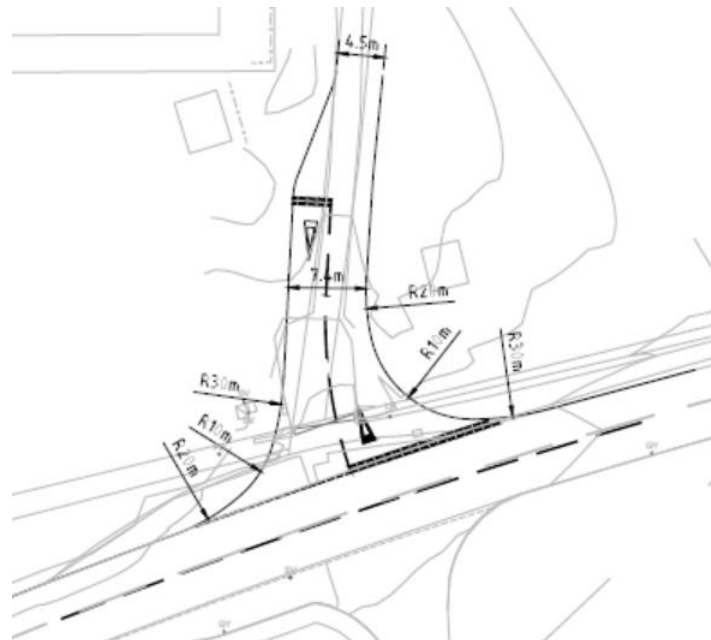
*A study of accident data demonstrated that there are no particular safety concerns on the highway network surrounding the site that would warrant mitigation as part of the proposed scheme.*

*Also, the proposed development is forecast to generate 20 two-way vehicle trips during the AM and PM peak hour periods respectively. This would equate to the addition of at most c. one additional trip on the local highway network c. every 3 minutes.*

*When considered alongside the committed development and future-year traffic forecast to be added to the local highway network in 2023, this level of trip generation would have a negligible impact on the operation and safety of the adjacent highway network and access junction”.*

These statements in the TA are agreed. Significantly, the proposal is for direct access from the site on to the A4 – which is a designated strategic lorry route, designed and intended for HGVs. This route has capacity to accommodate the traffic the development would generate; and, in any event, traffic generation would be comparable to that which would be generated by the approved mine access to the south, (the permission for which the applicant now proposes to give up).

The existing access is proposed to be upgraded, including initial widening to allow two vehicles to pass. The widened section would be c. 27m in length, allowing sufficient clearance from Bath Road for entering vehicles to wait should another vehicle be departing at the same time.



In response to the Highways Officer’s questions relating to how HGV’s would be managed inside the site itself, the TA supplementary Technical Note states the following:

*“..... detailed information has been provided by the applicant in relation to the management/control of HGV movements, as follows.*

*“The Surface yard manager, Mine manager or Mines administration will take and arrange all block and mineral purchases and enquiries. Once the load is carefully checked and marked it is confirmed with the client. At that stage the designated person will know or will ask what transportation the client will use to collect. If internal then the load will be booked and a collection date and time will be arranged. If the haulage is external then exactly the same process takes place but with a contracted firm.*

*Once the load date and approximate time of pick up is confirmed then this is entered onto the Block Requirement Report and the office diary. This is the responsibility of the designated worker but is shared with Mine Management and administration by email.*

*The process is repeated with each and every purchase and the controller will then ensure that HGVs do not arrive at the same time. In the event of miscommunication or when a delivery of consumables arrives at the same time the 2nd vehicle will pull off the main road into the designated waiting bay adjacent the stacking area. Loading of HGVs takes between 20 and 45 minutes (average depending on block size and therefore numbers of block to achieve capacity). Engines are turned off to reduce exhaust emissions and noise. The appropriate number of lorry movements to adhere to planning permissions (conditions) can be scheduled in advance and again is controlled.*

*The process is carefully controlled by the appointed person, each relevant person is informed, the process is recorded and shared in case of absence by the appointed person and the designated siding allows for any unintended crossover by HGVs.*

*This demonstrates that the applicant has experience and a process in place to record, schedule and control HGV movements in order to avoid conflicting movements and crossover of HGV arrivals/departures”.*

These conclusions, and the planned management approach, are agreed. Notably, that a safe access junction is proposed to be provided and managed, and this would adequately cope with the anticipated vehicle numbers.

The proposal, therefore, complies with Policy MDC8, and notably its requirement for new development to be environmentally sensitive in transport terms. Conditions are recommended to ensure the proposed access is provided and maintained, and to limit the daily HGV movements to no more than 6 ‘ins’ and 6 ‘outs’ (12 movements in total), as proposed, and as forming the basis of, the Transport Statement analysis.

#### **9.4 Heritage assets**

Policy MDC7 relates specifically to the historic environment. It states that proposals will only be permitted where it can be demonstrated through a process of assessment that historic assets of archaeological or cultural heritage importance and their settings can be appropriately protected, enhanced and/or preserved.

##### **9.4.1 Built heritage -**

The application is accompanied by a Heritage Statement. This identifies a number of heritage assets in the vicinity of the application site, and notably five listed buildings which are potentially sensitive to change – Rudloe Manor (Grade II\*), the barn at Rudloe Manor, Foxfire Lodge (Grade II), Entrance Screen and Gates to Rudloe Manor (Grade II) and Rudlow Cottage (Grade II).

Rudloe Manor is, as its name suggests, a country house, originally used for this purpose, but in the twentieth century (until 2000) a base for the RAF. Evidence (other buildings, etc.) of the former military use remains around the house. In more recent times additional residential development has been built close by. As a country house, the setting of Rudloe Manor is relatively wide. However, the lie of the land is such that the application site, located c. 500m to the east, has no visual relationship nor obvious historic functional relationship; the historic route of the driveway to the manor, which runs between it and the application site, provides a clear physical barrier reinforcing the separation. The Heritage Statement assumes that some noise from the proposed development may occasionally be discernible at the Manor (noise is considered in greater detail below). In view of these circumstances – and in terms of the NPPF ‘tests’ – the Heritage Statement concludes that the proposal would likely cause ‘less than substantial harm’ to Rudloe Manor, and this is agreed.

The three other listed buildings form a group, notably set around the gates which historically provided access to the Hartham Estate. As an entrance and modest lodge / estate cottages, the setting of these assets is limited to the intimate space around them and the immediate countryside. The application site - situated beyond the area of woodland to the north-east of these assets - does not form part of this setting. As with the manor, the Heritage Statement assumes that some noise from the site may occasionally be discernible at the group. Accordingly – and in the terms of the NPPF tests – the Heritage Statement again concludes that the proposal would cause less than substantial harm to the assets, and, again, this is agreed.

Paragraph 196 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance<sup>4</sup> of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. In this case public benefits arising include employment and, more particularly, the continued excavation of Bath stone from the mine, which is used in the construction industry and for the maintenance of historic buildings. On this, Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. These public benefits, and the ‘great weight’ emphasis of the NPPF, are considered to tip the balance in favour of the proposal in terms of the heritage ‘tests’, this notwithstanding the less than substantial harm identified which is at the lower end of the ‘harm’ spectrum anyway.

#### **9.4.2 Archaeology –**

The application is accompanied by an Archaeological Desk-Based Assessment. This observes that there are no designated or non-designated heritage assets of an archaeological nature within the boundary of the site or within its vicinity. With regard to unknown remains, there is no evidence to indicate the presence of these. Accordingly, the assessment concludes that no further works are required at this time. This is agreed by the County Archaeologist.

#### **9.5 Ecology**

The application is accompanied by a Preliminary Ecological Appraisal Report and a Bat Ecological Impact Assessment. Following a survey of the site, the first of these reports notes that the Bradford on Avon and Bath Bats SAC (and Box Mine SSSI), hedgerow and

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<sup>4</sup> Historic England defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”. Setting is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

woodlands, bats, hedgehogs, reptiles and breeding birds may be affected by the proposal. Accordingly, the assessment makes recommendations, including that hedgerows and woodland are retained and/or enhanced, means of egress from the site (including excavations) is always provided for hedgehogs, appropriate groundworks are carried out to discourage reptiles from entering the site during construction, and any vegetation clearance is carried out outside of the bird breeding season. Enhancement measures are also proposed, including the gapping-up of the existing 'gappy' hedges and the construction of swales.

With regard to bats, the second report considers these in greater detail. It states that at least 10 of the 17 British resident bat species were recorded foraging and commuting within the site in 2018. Following detailed analysis of the impacts of the proposal on these, the report's Executive Summary concludes as follows:

*“Due to the proximity of the site to known important roosts at Bath and Bradford on Avon Bats SAC and Box Mine SSSI, it is considered that the bat assemblage on site is of Regional to National value. The proposed mine entrance will result in the loss of a small area of woodland to widen the existing access track and extend this into the site. The 4.5m (northern edge) to 7.3m (southern edge) gap created is unlikely to be a significant adverse effect on the bats using the site, including the more sensitive species which are associated with the SAC. Existing trees either side of the access will be allowed to mature which will reduce the width of the gap and new planting will create additional features for use as foraging and commuting corridors, therefore no significant adverse residual effects on bats, including those using the SAC, are anticipated in the long term”.*

The proposed hours of operation of the site means that external lighting would be limited, and the design of this can be controlled by condition anyway. Limited vehicle movements within the site and low vehicle speeds would minimise potential conflict with bats. Enhancement measures suggested in the second report include the green infrastructure measures already referred to (comprising new hedgerow and grassland planting, and swales), and bat boxes.

The conclusions and recommendations in the reports relating to the impact of the proposal on wildlife are agreed. The impacts on all interests are limited by reason of the larger part of the site being an open field in intensive agricultural use anyway. The proposed new entrance road would have a greater impact by reason of the reduction in some of the woodland trees along its course. However, the resulting gap would remain sufficiently wide to not trouble most bat species, and new planting elsewhere on the site (in the form of hedgerows and grassland) would provide new foraging and commuting opportunities anyway. Ultimately there would be a net gain for ecology from these measures, and accordingly concerns raised relating to ecological impacts would not amount to a sustainable reason for refusing planning permission.

Corsham Batscape Strategy –

The Bat Ecological Impact Assessment accompanying the application fully addresses all issues relevant to the recording and consideration of bats. The Corsham Batscape Strategy does not change the Assessments independent survey outcomes, nor its conclusions in respect of the impact of the development on bats. It follows that the proposal does comply with the principles of bat protection, as expected by Policies ED1 and E1 of the Corsham Neighbourhood Plan.

## **9.6 Flood Risk**

The application is accompanied by a Flood Risk Assessment. This confirms that the site is situated in Flood Zone 1 (areas at low risk of river or sea flooding). Accordingly, this is a suitable location for the planned 'less vulnerable' development.

To address the potential for surface water flooding (the proposal would introduce areas of impermeable hard-standing across the site), a surface water management strategy is included in the Flood Risk Assessment. This comprises of a series of attenuation features including dry swales with infiltration trenches.

Overall the risk of flooding at the site or elsewhere as a consequence of the development is considered to be very low. The WC Drainage Engineer raises no objections, subject to conditions requiring full details of the surface water scheme to be provided in advance of the development commencing.

The Environment Agency recommends a number of conditions to safeguard the ground protection zone in which the site is located.

## **9.7 Residential amenity and tranquillity – (noise, dust, vibration)**

### **Noise –**

The application is accompanied by a Noise Assessment, carried out in accordance with best practice. This has been updated during the processing of the application to address detailed matters raised by the Council's Public Protection Officer.

There are essentially four sources of noise associated with the proposal. These are, firstly, construction noise; and then, at the operational stage, noise generated by stone moving vehicles (fork lift trucks, teleporters, etc.) on the site and in the adit, by machinery in the cutting shed/workshop, and by delivery HGV's entering and exiting the access to the site.

Within the vicinity of the site there are a number of residential properties (referred to as 'existing sensitive receptors' (ESRs) in the Noise Assessment). The closest receptor to the proposed working yard area is Foxfire Lodge (ESR5) – c. 90m away (the houses at Rudloe Manor (ESR1) are c. 300m away, and at Copenacre (ESR3) c. 320m); the closest properties to the proposed access road are in Ashwood Road (ESR2) – c. 40m away, on the opposite side of the A4.

In relation to construction stage noise, (the construction stage is anticipated to last c. 12 months), the Noise Assessment draws the following conclusions -

*“Given the distances between the construction activities and the nearest existing sensitive receptors, the sensitive receptors are unlikely to experience any significant noise impacts.*

*However, to minimise the potential impact of construction works, best working practices should be put in place”.*

A Construction Environment Management Plan can ensure best working practices are applied.



In relation to operational noise, the results of background noise surveys and noise predictions are set out in the following table taken from the Noise Assessment –

Table 10: Calculated Operational Noise Assessment at Existing Sensitive Receptors				
Receptor	Source	Specific Noise (Figures in LAeq)(dB)	Average Measured LA90 (dB)	Difference (dB(A))
ESR1	Building	25	34	-9
	Mobile Plant	28		-6
	Cumulative Site Noise	30		-4
ESR2	Building	38	42	-3
	Mobile Plant	45		+3
	Cumulative Site Noise	45		+3
ESR3	Building	31	42	-11
	Mobile Plant	32		-10
	Cumulative Site Noise	35		-7
ESR4	Building	30	42	-12
	Mobile Plant	40		-2
	Cumulative Site Noise	40		-2
ESR5	Building	29	42	-13
	Mobile Plant	36		-6
	Cumulative Site Noise	37		-5

As is evident, the majority of the predicted noise impacts are less than average measured background noise levels (LA90) at the boundary of each receptor.

Only at ESR2 is there a difference which exceeds the background noise levels. This is from the predicted noise of the delivery lorries entering and exiting the site. On this the Noise Assessment considers the sensitivity of this receptor, and concludes the following –

*“Residential receptors have a high sensitivity. During operational hours ..... the residential receptors are generally considered to be at their least sensitive. The noise at ESR2 from the development is due to HGV movements on the site access road. The existing residual noise at nearby sensitive receptors is dominated by road traffic on Bath Road, therefore ESR2 is considered less sensitive to road traffic noise and HGV movements, which lessens the impact”.*

This conclusion is agreed – specifically, in the context of the existing daytime noise generated by traffic on the A4, the additional noise generated by the limited numbers of HGVs entering and leaving the site would not amount to a sustainable reason for refusing planning permission.

Notwithstanding the conclusions of the Noise Assessment, the Council’s Public Protection Officer has expressed concern over the subjective nature of some of its assumptions about the noise associated with the on-site activities – notably at the cutting shed / workshop – this in terms of considerations including the tonal quality of the noise. Accordingly, the Public Protection Officer has recommended mitigation in the form of an acoustic fence (to be erected on the east, south and west boundaries of the working yard), and noise insulation (to be provided in the fabric of the cutting shed / workshop). The applicant has agreed to these extra precautionary measures, and conditions requiring their implementation are recommended accordingly.

## **Dust –**

A dust suppression scheme has been provided with the application setting out control measures. The measures include keeping all vehicles and machinery clean and well-maintained, applying a maximum on-site speed limit, using water to dampen down dry areas in dry conditions, stopping work in particularly windy conditions, and training all staff. The measures are considered appropriate to ensure potential dust emissions are suppressed and/or can be enforced.

## **Vibration –**

A number of third parties have referred to potential disturbance arising from vibrations caused by mining activities. As the actual mining activities do not form part of this application (because they already benefit from the earlier planning permission), and because the current proposal does not propose changes to the earlier permission, this is not a relevant consideration now.

The equipment proposed in the current application would not cause vibrations likely to adversely impact on residential amenity.

## **9.8 Other matters**

A third party has expressed concern that operations at the existing mine have caused subsidence on the land above. The current planning application does not propose to change any part of the extant planning permission for the existing mine. It follows that concerns relating to alleged subsidence are not relevant. But in any event, alleged damage caused to another party's property or land is a private matter between the affected parties, and so is not a material planning consideration.

A third party has requested confirmation that the proposed mine entrance would be structurally sound. The application is accompanied by a New Mine Entrance Geotechnical Design statement which must be relied on for this purpose.

A number of third parties have expressed concern that the proposal would not be carbon neutral or carbon positive. The proposal is to effectively 'replace' an existing planning permission for a new mine access and yard with a new planning permission for a mine access and yard, albeit in different locations. The impact – in terms of carbon production – is, therefore, and to all and intents and purposes, the same.

As stated above, the current planning application does not propose to change the extant planning permission for the existing mine. It follows that the mine will have to be worked in accordance with that planning permission, including its phasing requirements. An informative is proposed to remind the applicant of this.

Wessex Water refers to the need for it to have continued access to its Water Treatment Works. This is a private matter between Wessex Water and the applicant.

## **10. Conclusion**

The planning application demonstrates that the planned mine access and related yard can be accommodated on the application site without harmful effects on matters of

acknowledged importance – notably the landscape, highway safety, ecology, heritage and general amenity. A continuing supply of Bath stone for new building and renovation purposes is an important material consideration. Accordingly – and subject to the existing planning permission for a new mine entrance and yard at nearby Bradford Road being rescinded (as is proposed by the applicant) – the application is recommended for approval.

## **RECOMMENDATION**

**That, subject to the applicant first entering into a legal agreement to prevent planning permission no. 15/00712/WCM from being further implemented, the Head of Development Management be given delegated authority to grant 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 for a limited period, expiring on 21 February 2042 or at such time as extraction of stone from the underground stone mine permitted by planning permission no. N/98/01945/WCM ceases (whichever is the earlier). At such time the site shall be restored within a period of 12 months in accordance with the details shown on drawing no. ST16481-022C (Landscape Restoration Plan) dated 26/02/2020.

REASON: To secure what is applied for in the interests of amenity, and for the avoidance of doubt.

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

- No. ST16481-018B (Site Location Plan) dated 27/11/2019
- No. ST16481-011D (Site Layout with Preferred Adit Layout) dated 27/11/2019
- No. ST16481-012B (Typical Support Details) dated 08/08/2019
- No. ST16481-016A (Office Building) dated 08/08/19
- No. ST16481-017B (Workshop / Processing Building) originally dated 08/08/2019
- No. ST16481-023D (Softworks Plan) dated 29/02/2019
- No. ST16481-039 (Acoustic Fencing) dated 18/02/2020
- No. ST16481-019C (Drainage Layout) dated 21/11/2019
- No. ST16481-025D (Landscape Restoration Plan) dated 26/02/2020
- No. ST16481-022C (Vehicle Autotracking (inc. HGV on-site weighting bay)) dated 17/12/2019
- No. J32-3384-PS-001D (Access (inc. signage)) dated 20/12/2019

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

- 4 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents / interested parties to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0700 to 1730 hrs Monday to Friday, 0700 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The CEMP shall be implemented at all times during the construction phase as approved.

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

- 5 The development hereby permitted shall be constructed and operated at all times strictly in accordance with the Construction and Operational Dust Control Measures, the Dust Emissions Response Measures, and the Monitoring and Recording measures set out in the Dust Suppression Scheme by Wardell Armstrong dated August 2019.

REASON: In the interests of amenity.

- 6 The acoustic fencing forming part of the development hereby permitted shall in its entirety be installed prior to the mine entrance or workshop-processing building becoming first operational. The acoustic fencing shall in its entirety be constructed in accordance with the specification set out on the Acoustic Fencing drawing (no. ST16481-039). The acoustic fencing in its entirety shall be retained and maintained for the life of the development.

The Workshop-Processing Building forming part of the development hereby approved shall be constructed using materials that achieve 46dB Rw; the details of these materials shall be first submitted to and approved in writing by the local planning authority. The Workshop-Processing Building shall be retained and maintained with these materials for the life of the development. Duration the operation of any machinery inside the Workshop-Processing Building (other than forklift trucks, teleporters or other similar mobile vehicles), the building's doors and windows shall be kept completely shut.

No machinery (other than forklift trucks, teleporters, delivery lorries and other similar mobile vehicles) shall be operated on open parts of the site.

At all times the site shall be operated in accordance with the best working practice

measures set out in the Noise Assessment by Wardell Armstrong dated January 2020.

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.

- 7 All soft landscaping comprised in the approved details of landscaping (drawing no. ST16481-023D (Softworks Plan) dated 29/02/2020) shall be carried out in the first planting and seeding season following the development becoming first operational 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.

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

- 8 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", 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.

- 9 The development hereby permitted shall be constructed and operated at all times in accordance with the Discussion and Recommendations of the Preliminary Ecological Appraisal Report by Wardell Armstrong dated April 2019, and the Assessment of Effects set out in the Bat Ecological Impact Assessment by Wardell Armstrong dated August 2019.

REASON: To safeguard wildlife.

- 10 No development hereby permitted shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access road), 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 fully 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.

- 11 No development hereby permitted shall commence on site until details of the works for the disposal of sewerage including, if relevant, the point of connection to the existing public sewer have been submitted to and approved in writing by the Local

Planning Authority. No operation shall first commence until the approved sewerage details have been fully implemented in accordance with the approved plans.

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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 12 No part of the development hereby permitted shall be first brought into use until the access, turning areas and parking spaces relevant to the part have been completed and the existing lay-by on the A4 has been removed, 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.

- 13 No part of the development hereby permitted shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 14 During its operational phase the total number of HGV vehicle movements associated with the development hereby permitted shall not exceed the following limits -

12 movements (6 'in' and 6 'out') per day, Monday to Saturday.

No HGV movements shall take place outside the hours of operation stated in condition no. 16 of this planning permission.

REASON: In the interests of highway safety and residential amenity.

- 15 From the date that any part of the development hereby permitted becomes first operational, a written record showing all HGV vehicles movements in and out of the site shall be kept by the operator, and that record shall be made available to the Mineral and Waste Planning Authority at all reasonable times. The written record shall contain the vehicles' registrations and operating company's identity and time/date of the movement.

REASON: In the interests of amenity and to ensure the limits on HGV movements set by this planning permission are not exceeded.

- 16 Other than for the purposes of essential maintenance and pre-shift inspection of the mine, the development hereby permitted shall only operate between 07:00 and 18:30 from Mondays to Fridays and between 07:00 and 13:00 on Saturdays. Essential maintenance and pre-shift inspection of the mine shall be permitted for one hour only prior to or after these specified times. The site shall not operate at any time on Sundays 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.

- 17 Wheel cleaning of all goods vehicles and machinery leaving the site shall be carried out for the duration of all operations (including construction operations) at the site.

REASON: To ensure that mud and earth deposits are not brought onto the public highway in the interests of highway safety.

- 18 No gates shall be installed across the vehicular access to the site other than where this access enters the working yard area.

REASON: In the interests of highway safety.

- 19 No stone originating from sites other than the existing underground workings at Hartham Park Quarry / Hartham Mine shall be brought and/or stored or processed at the site.

REASON: In the interests of highway safety and amenity.

- 20 No stockpile of stone within the storage yard / stacking area shall exceed 3m in height.

REASON: To safeguard the visual amenities of the area.

- 21 Tunnel and shaft construction using penetrative methods shall not be carried out.

REASON: To ensure that the proposal does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

- 22 There shall be no de-watering of the site or interruptions to ground or surface water flows.

REASON: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

- 23 The development hereby permitted shall not commence until such time as a scheme has been submitted to, and approved in writing by the local planning authority, providing details of:

- the storage of materials;
- the storage of chemicals;
- the storage of oil;
- the storage of hazardous materials;
- the proposed method of working;
- the proposed phasing of development;
- the proposed maintenance and after-care of the site;
- proposed scheme for monitoring; and;
- wastewater management.

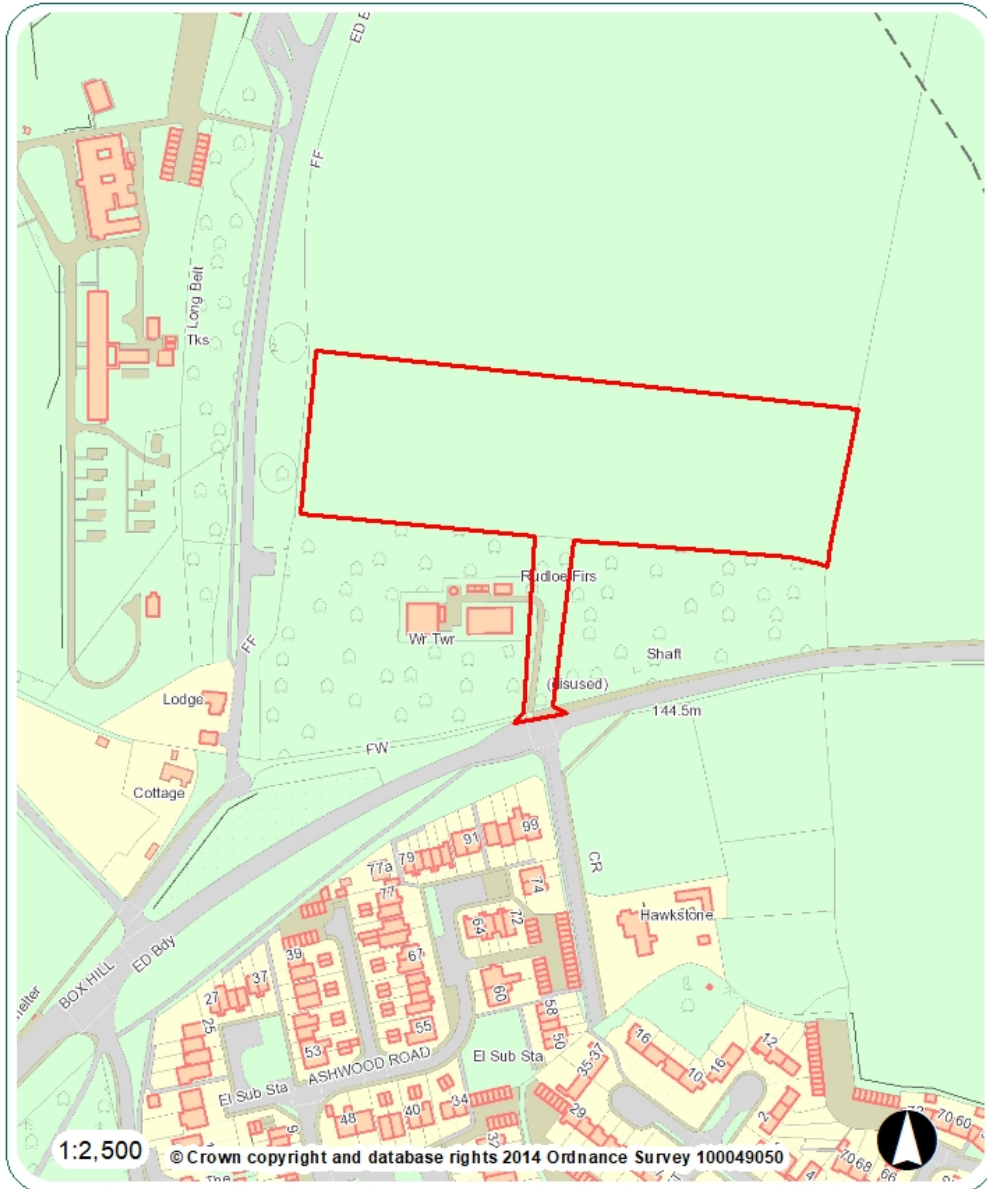
The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme.

REASON: To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

24 INFORMATIVE:

This planning permission does not change in anyway the standalone planning permission no. N/98/1945 relating to Hartham Park Quarry. It follows that N/98/1945 must continue to be implemented in accordance with its planning conditions, including those relating to the method of working and phasing.





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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	13 May 2020
<b>Application Number</b>	19/11524/DP3
<b>Site Address</b>	Wiltshire Council Depot Furnax Lane Warminster BA12 8PE
<b>Proposal</b>	Redevelopment of the existing highway depot. Proposed 4000T salt store, 8no. vehicle bays and welfare facilities and external storage areas.
<b>Applicant</b>	Mr Sean Tye (Wiltshire Council)
<b>Town/Parish Council</b>	WARMINSTER TOWN COUNCIL
<b>Electoral Division and Ward Member</b>	WARMINSTER WEST – Cllr Pip Ridout
<b>Grid Ref</b>	386,640 145,863
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

### Reason for the application being considered by Committee

This is a Wiltshire Council application to which there have been written letters of objection from the public consultation. Therefore, the application is brought to the Planning Committee for determination in the interests of transparency. It is before the Strategic Planning Committee as it is a matter that affects the county-wide delivery of a service. (Members may recall that a similar application at High Post, near Amesbury, was considered by the committee at the January meeting.) This application was originally scheduled to be considered at the March meeting of the SPC, which was cancelled due to the covid 19 situation.

#### 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 subject to conditions.

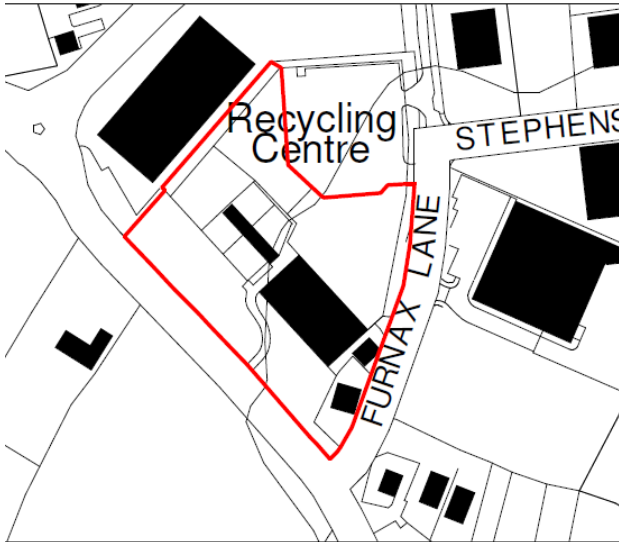
#### 2. Report Summary

The main issues discussed in this report are as follows:

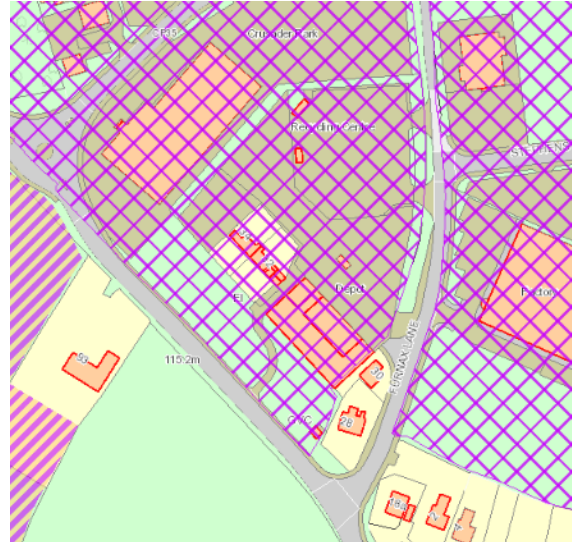
- The Principle of the Development
- Impact on the street scene and Landscape
- Impact on Ecology
- Highway Safety and Parking
- Impact on neighbouring amenity
- Drainage
- s106/CIL

#### 3. Site Description

The application site is located to the north west of Warminster accessed via Furnax Lane which is approximately 65 metres from the junction on to the B3414. The application site is within Crusader Park, designated in the Wiltshire Core Strategy as a Principle Employment Area, under Policy CP35 – *Existing Employment Sites*. Officers note that the grass verge between the rear elevation of the main building and the B3414 is also within the Core Policy 35 allocation for Crusader Park as shown in the image below (right).



**Site Location Plan**



**Extract from Wiltshire Core Strategy Policy Map (Purple hatching identifies CP35 allocation)**

The application site is an existing Council depot which comprises of a large warehouse building that has a double ridged roof and 9 open bays to allow for the parking of vehicles and some covered storage. The rear elevation of this building is separated from the B3414 by a grass verge that is approximately 31 metres deep and 114 metres wide.

There are a further three buildings in the application site: No 30 a commercial building with a lean-to roof and No's 28, 32 and 34 which Council records demonstrate to be residential dwellings. The application submission states that all three dwellings are un-occupied.

Immediately to the north of the application site is the Council's Recycling facility and the eastern boundary of the application site with Furnax Lane is lined by several trees.

The applicants have submitted that a salting operation has been present on the site for over 30 years prior to the recycling centre being built and within the depot the salt pile was located where the recycling centre now stands. Historically the site has held salt storage capacities that range between 1,000-and 5,000 tons and housed 5 gritters.



**View of application site from Furnax Lane**



**View of site from B3414 from Furnax Lane junction and the Grass verge (prior to tree felling)**

#### **4. Planning History**

There is no planning history relating to the depot itself but there are records for No 28 that is within the red outline.

No 28: W/96/91399/FUL – Conversion of derelict bungalow into a trade counter and offices – approved with conditions.

W/07/03619/FUL – Removal or variation of condition 2 of W/96/01399/FUL (to remove requirement that the trade counter must only be used for the retail of UPVC products).

#### **5. The Proposal**

Wiltshire Council owns a number of Highway Depots across the county containing a salt store activity. Currently the council is well provided for in the east of the county whereas historic infrastructure exists in the west. The Council has identified a potential need for more efficient locations and distribution of its 34 gritter vehicle fleet along with the salt storage capacity. Therefore, new and re-configured sites are required at various geographical locations with the ability to better deliver gritting services across the county.

The council has reviewed its assets and has determined that it needs to concentrate facilities in three of its sites, namely Warminster, Royal Wootton Bassett and High Post. Three of the council's salt stores, Semington, Mere & Warminster are under review by the Environment Agency (EA) because they do not comply with current requirements as they are not roofed and are sited on permeable surfaces and the run-off is entering water courses. Therefore the storage of salt on these sites is currently being reduced with a view to looking forward to new appropriate facilities.

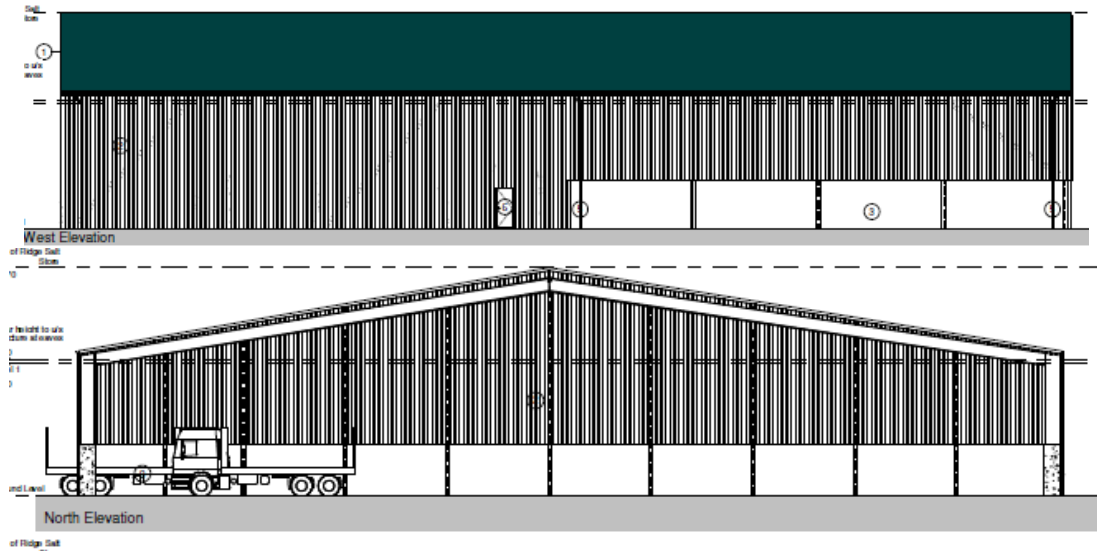
The decision has been made to use the identified sites at Warminster, High Post and Royal Wootton Bassett. In this context, the depot at Warminster forms part of a wider strategy, with a current planning application under consideration for the extension of the Royal Wootton Bassett capacity from 1000 to 2000 tonnes capacity (19/10042/FUL) and one at High Post approved at the last Strategic Planning Committee meeting.

The proposal at Warminster is to demolish all existing buildings on the site and erect a 4000T salt store and a separate 8 vehicle bay and welfare facility building. The existing electricity sub station and an existing Gas converter Station will remain in their existing locations.





**Proposed Vehicle and Welfare Building North Elevation**



**Proposed Salt Store West and North Elevations**

The Vehicle and Welfare building would measure approximately 48 metres long, 13.5 metres wide and 7.7 metres tall sloping to 6.1 metres at eaves.

The Salt Store building would measure approximately 53 metres long, 48 metres wide and 11.2 metres tall sloping to 7 metres at eaves.

Revised plans have been received to change the proposed timber cladding of both buildings so instead of being 'hit and miss' cladding on rails (to allow airflow) the timber cladding will now be board on board cladding to make the buildings more air tight.

Both buildings would maintain a gap of approximately 16 metres to the public footpath on the B3414. There would be no changes to the existing access onto Furnax Lane.

## 6. Planning Policy

**Wiltshire Core Strategy (WCS)** - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP31 (Warminster Area Strategy); CP50 Biodiversity and Geodiversity; CP51 (Landscape); CP57 (Ensuring High Quality Design and Place Shaping); CP60 (Sustainable Transport); CP61 (Transport and Development); CP62 (Development Impacts on the Transport Network); CP64 (Demand Management); CP67 (Flood Risk)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Council Groundwater Management Strategy 2016

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

The Habitat Directive and Habitat Regulations

## 7. Summary of Consultation Responses

### Warminster Town Council – Objection

- Construction beyond the building line
- Loss of trees and habitat
- Possible contamination
- Not complying with the new climate change policies

Wiltshire Council Tree Officer: No objection subject to proposed landscaping conditions

Wiltshire Council Ecology Officer: No objection subject to conditions

Wiltshire Council Highways Officer: No objection subject to conditions

Wiltshire Council Public Protection Officer: I have considered the revised plans and note the comments that this application will not be intensifying activity on site. Given that we have no history of complaints specifically about activities for the salt store, I am satisfied that a Noise Impact Assessment is not required.

## 8. Publicity

A site notice was displayed on 6 January 2020 and neighbour notification letters were sent.

Following this consultation 8 representations were received. Some of these relate to tree felling operations carried out at the site since receipt of the application. (It should be noted that the trees were not protected by Preservation Orders and no separate consent for their felling was required). The representations can be summarised as follows:

- The loss of trees
- Rooks nests and the rooks were present at the time of the felling
- The replacement landscaping will take too long to be a replacement
- Why did you proceed without the agreement of the Strategic Planning Committee?
- Why did the trees get felled without the required permits? Who is responsible for policing this action? Those responsible should held to count for their actions
- Want to see a full independent inquiry into this dreadful act
- The Council have breached the Wildlife and Countryside Act 1981 on nesting birds and bat protection
- The NPPF states that there should be no net loss of biodiversity in the planning system
- The works have been reported to the forestry commission and the police
- Bats should not be shunted around the site and bat boxes are not sufficient enough
- Why couldn't the new buildings have been designed around the existing trees?
- Risk of salt seepage into local water system is too high to risk
- Wiltshire Council needs to act on its own Green pledges
- Where is the logic to increase salt storage when flood defences should be a priority?
- When WWDC set the parameters for Crusader Park there was a set building line that Sydenhams building could not go beyond. This site projects beyond the agreed/set building line and sets a bad example for this Prime access road into town

## 9. Planning Considerations

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



must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Warminster (CP31) area.

## **9.1 Principle of the Development**

9.1.1 Wiltshire Core Strategy (WCS) Core Policy 35 states that “*Wiltshire’s Principle Employment Areas should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for the renewal and intensification of the above uses within these areas will be supported.*” The depot is considered to be an employment use and the principle of development is therefore supported by CP35, including the extension of the buildings as the site is all within the Principle Employment Area.

## **9.2 Impact on the street scene and Landscape**

9.2.1 WCS Core Policy 57 states that development should “*respond positively to landscape features in terms of building layouts, built form, height, mass, scale, building line and elevational design to effectively integrate the building into its setting*”. Development should also “*retain existing important landscaping in order to take opportunities to enhance bio diversity, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.*”

9.2.2 The existing main Depot building is approximately 45 metres long and 25 metres wide. The ridge of the main building is approximately 5 metres high, sloping to 2.5 metres at eaves.

9.2.3 Therefore the proposed replacement Vehicle and Welfare building would be similar, measuring at 48 metres long, 13.5 metres wide and 7.7 metres tall. The building would thus be higher, but also narrower, and Nos 28 and 30 would also be demolished. The main difference with the replacement Vehicle and Welfare Building would be that it would be approximately 8.7 metres closer to the B3414 Bath Road but when viewed from Furnax Lane,

9.2.4 The proposed Salt Store would measure approximately 53 metres long, 48 metres wide and 11.2 metres tall sloping to 7 metres at eaves. Historically the salt has always been stored in the open or under tarpaulin. However, as noted above, this is no longer acceptable environmental practice due to concerns relating to water pollution. Storing the salt in a secure weather tight building is both a reasonable and necessary requirement.

9.2.5 Whilst the salt store would be a large building it would be set back approximately 68 metres from Furnax Lane and in the context of being within the Crusader Park and with the Warminster Business Park opposite it is not considered that the building would look out of character or unduly prominent or dominant in the street scene.

9.2.6 By way of comparison, the Dents building on Furnax Lane is approximately 49 metres long, 49 metres wide and 9 metres tall. Therefore, from Furnax Lane, it is submitted that the proposal would not cause any harm to the character of the street scene.



**Image showing the access to the dept on the left and the Dents building to the right**

9.2.7 The impact on the B3414 (Bath Road) would be more prominent because the proposal is extending the built form of the depot approximately 8.7 metres to the south, reducing the width of the grass verge from approximately 28 metres to 16 metres. The proposal also increases the footprint, height, bulk and mass of the depots' built form by the introduction of the salt store.

9.2.8 The third party objections also raise issue that the 'building line' from the Sydenhams Building to the existing Depot would be broken by the proposal. Whilst the Sydenhams Building and the Depot are equally set back from the B3414 the WCS CP35 policy includes the grass verge and therefore the right to '*intensify*' B8 uses has to be supported, but subject to WCS Core Policy 57 – *Ensuring high quality design and place shaping* criteria.

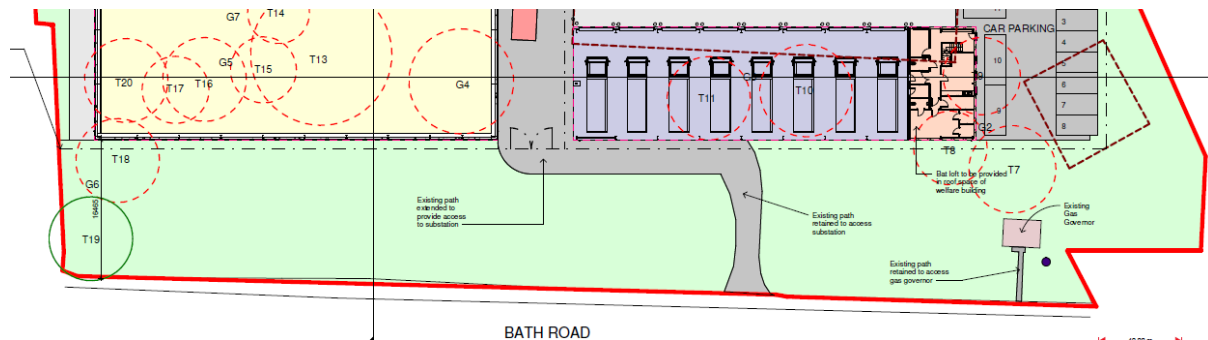
9.2.9 At the main roundabout entrance into Crusader Park, the Sydenhams building is quite large in the street scene.

9.2.10 Furthermore, whilst the Sydenhams building is set back from the B3414, like the Council depot application site, its boundary and courtyard storage/display area are defined by a c2m tall palisade security fence between brick columns which extends mostly up to the pedestrian footpath. Sydenhams product range can also be seen through the fence and therefore the presence of the business is considered to be immediately realised adjacent to the B3414 Bath Road.



9.2.11 Whilst the recent tree felling has made the site more apparent, the proposal, set in its current employment estate context would not be harmful to the character of the area.

9.2.12 There would still be an approximate 16-metre-wide landscape strip (at the western end) which widens to 18 metres to the junction with Furnax Lane. Additionally, as the Proposed Site Plan confirms neither new building would be closer to the road than the existing No 28 unoccupied bungalow (the red square to the right of the image below).



**Extract from the Proposed Site Plan**

9.2.13 Furthermore the proposed soft landscaping plan shows that 38 new trees are to be planted in this landscaping strip to replace the 24 trees that were recently felled across the site. The trees would be supplemented by native and ornamental shrub mixes to add further depth and variety to the mitigating soft landscaping.



**Extract from the Proposed Landscaping Plan**

9.2.14 Whilst the proposed landscaping will not fully screen the salt store or vehicle and welfare building from view even at full maturity, it will mitigate the impact of both buildings on the street scene to an acceptable degree.

### 9.3 Impact on Ecology

9.3.1 Paragraph 170 d) of the National Planning Policy Framework requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Whilst circa 28 trees have been recently felled the proposal would plant 40 replacement trees as well as plant new hedgerows which is considered to be a net gain to bio-diversity.

9.3.2 The Councils Ecology Officer has reviewed the submitted information against OS maps and aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species and has no objection to the proposal.

9.3.3 The Ecology Officer has also reviewed the Ethos Environmental Planning Ltd submission and is satisfied that sufficient survey work has been conducted to properly inform the application.

9.3.4 The site comprises mainly existing hard standing, with some early mature, leggy trees on the boundaries and species-poor hedgerows. In general, the site offers a low level of functionality for biodiversity, although the bungalow (due for demolition as part of the proposal) does support four species of roosting bats, they are all fairly common species. The proposed mitigation for the loss of the roost will be in the form of a dedicated bat loft area within the new welfare building, as well as some free-standing bat boxes. The Ecology Officer is satisfied that the proposed bat mitigation will be sufficient and that a Natural England licence for the development will likely be forthcoming.

9.3.5 The supporting Ecological Assessment states that the recently felled trees “*provided suitable foraging and commuting habitat \*for bats\**” but “*The site was set in a relatively urban environment on the edge of an industrial estate and the \*bat\* habitats onsite were poorly connected with other habitat in the wider environment.*”



**Aerial photograph of the application site in its wider landscape context**

9.3.6 The proposed landscaping would be linear to the B3414 and would complement the tree line on the other side of the road. The proposed landscaping would help make the B3414 a stronger foraging bat commuter route potentially linking with the landscape woodland to the east of the Warminster Business Park as can be seen on the image above.

9.3.7 The application site is not within the consultation zone for the Bath and Bradford on Avon Bats SAC, or in the zone of influence for any other European site. Therefore, a Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) are not required in this case.

9.3.8 The proposal includes the removal of a significant number of trees but the applicants' arboriculturist has confirmed that those to be removed are of low conservation value. Replacement planting of new trees, hedgerow and wildflower areas will eventually provide an increased function for wildlife, with better connectivity to surrounding habitat areas, allowing better permeation of the wider landscape by wildlife individuals.

## **9.4 Highway Safety and Parking**

9.4.1 The Council's Highways Officer has no objection to the proposal and notes the existing use as a Depot with its varying amount of salt storage and operation. The access to the depot is well established and Furnax Lane is in very close proximity to the B3414 to allow for easy access to the wider road network.

## **9.5 Impact on neighbouring amenity**

9.5.1 The Council's Public Protection Officer was initially concerned that: *"The barn will be constructed of hit and miss timber cladding to the upper areas of the structure under a 2500mm high concrete retaining wall to assist with natural ventilation. The vehicle bays will also be constructed of hit and miss timber cladding...."*

9.5.2 Revised plans have been received to address this issue by changing the 'hit and miss' cladding to board cladding to make it more air tight. The Public Protection Officer is satisfied with this change.

## **9.6 Drainage**

9.6.1 The site lies within an area classified as Flood Zone 1, the low fluvial flood risk area. Whilst there may have been salt seepage issues into the local watercourses previously, by protecting the salt from the elements and storing it on hardstanding salt seepage should no longer be an issue.

## **10. Conclusion (The Planning Balance) -**

This application proposes the construction of new facilities at an existing Salt and Gritting Depot to enable this necessary function serving the County's roads and keeping them safe for users to operate at an optimal level and therefore there is a strategic need for this development.

The principle of development at this site is supported by the Wiltshire Core Strategy to renew and intensify existing employment uses. The site is also an existing salt depot which has historically operated with 5,000 tones of salt compared to the proposed 4,000 tonnes in this application. The proposal would not cause adverse harm to the street scene and replacement landscaping would mitigate against the loss of the trees and provide an overall bio-diversity net gain. Officers are also satisfied that the use will not be more harmful to neighbouring amenity and that the revised plans to have close boarded timber will help mitigate against noise issues.

## **11. RECOMMENDATION: Approve with conditions as follows:**

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; Site Plan (Existing Services); Proposed Site Plan; Proposed Site Sections; Proposed Landscape Section; Proposed External Lighting Plan; Proposed Salt Store Roof Plan – 0201 Rev 7; Indicative Proposed Drainage Layout Plan; Proposed Welfare Floor Plans;

Proposed External Lighting Illumination levels plan; Proposed Soft Landscaping Plan; Proposed outline plant schedule; Proposed Vehicle Bay floorplan; Flood Risk Assessment;

Tree Report; Design and Access Statement and Ecological Assessment – all received on 2 December 2019 and;

Salt Store Details 03 – Timber Cladding – Rev P5; Proposed Salt Store North East and South West Elevations – Rev P5; Proposed Salt Store North West and South East Elevations – Rev P4; Proposed Salt Store Floor Plan – Rev P5; Proposed Elevations – Vehicle Bay and Welfare – Rev P4; Proposed Roof Plan – Vehicle Bay and Welfare – Rev P5 - All received 9 March 2020

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

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

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

4. The proposed development shall be carried out in strict accordance with section 8 of the Ethos Ecological Assessment dated December 2019 and shall be maintained as such at all times thereafter in perpetuity.

REASON: In the interests of protecting protected species

5. No part of the development hereby permitted shall be first occupied until the access, 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: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

6. The development hereby permitted shall not be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car



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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	13 May 2020
<b>Application Number</b>	19/09862/VAR
<b>Site Address</b>	Tricky's Paddock, Brickworth Road, Whiteparish, Wiltshire, SP5 2QG
<b>Proposal</b>	Variation of Condition 3 of Planning Approval 18/09609/VAR to allow an additional pitch and changes to the existing pitch to include for each pitch a static mobile home, a family dayroom and tourer for a family member with associated treatment plant.
<b>Applicant</b>	Mr James Gammell
<b>Town/Parish Council</b>	Whiteparish
<b>Electoral Division</b>	Alderbury and Whiteparish – (Cllr Richard Britton)
<b>Grid Ref</b>	423138 123536
<b>Type of application</b>	Variation of condition
<b>Case Officer</b>	Joe Richardson

### Reason for the application being considered by Committee

The application has been called-in by Cllr Britton to consider the following matters:

- Adverse impact on the environment
- Increased highways risk on this busy and fast stretch of the A27
- Incremental growth of an alien feature in open countryside

The application was originally scheduled to be heard on the March 25<sup>th</sup> meeting of the Strategic Planning Committee, which was subsequently cancelled due to the covid 19 situation.

### 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 for the reasons set out below.

### 2. Report Summary

The issues relevant to the consideration of this application include:

1. Principle and planning history issues
2. Impact on amenity
3. Impact on the character of the surrounding landscape
4. Highway safety
5. Other matters raised by CP47

Fifteen representations were received from third parties objecting to the proposal on grounds including being contrary to the previous planning Inspectors decision, adverse impact on the surrounding landscape, contrary to the policies of the Wiltshire Core Strategy, adverse impact on the character of the village, strain on the facilities and amenities in the area and adverse impact on Highway safety.

Whiteparish Parish Council recommends refusal for the following reasons:

- The scale and the increase in the number of pitches;
- The permanence of the proposed structures of the day rooms;
- The detrimental effect on the open countryside;
- Highways – more traffic onto a national speed limit road – the A27;
- Previously imposed occupancy conditions should be enforced;
- The Parish Council is struggling to understand how the proposed family dayroom in the SE corner will be satisfactorily connected to the waste treatment works.

- 

### 3. Site Description

The application site is located on the south side of the A27 Brickworth Road, to the east of the settlement of Whiteparish. The site is not within the defined limits of development for the settlement. The site is within the countryside and the designated Special Landscape Area (saved local plan policy C6 refers).

The site has a vehicular access to the A27 Brickworth Road and the living accommodation (being a static mobile home) is located approximately 75 metres to the south of the road with access being provided via an unmade track.



**Site Location**

#### 4. Planning History

There is an extensive planning history on this site but the applications listed are the most relevant

S/2012/1307/S73	Vary condition 1 & 3 and remove condition 2 of permission S/2008/708 to allow permanent occupation of the site, to remove the personal occupation restriction, and to allow an additional touring caravan on site Granted on Appeal 06.09.13
14/01571/VAR	Remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction. Refused 14.05.14
14/11305/VAR	Remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction Refused 31.07.15
18/09609/VAR	Variation/removal of Conditions 1 & 2 of permission S/2012/1307/S73 relating to the personal use of the site. Granted 05.12.18
19/04590/VAR	The removal or variation of Conditions 1 & 2 of planning permission S/2012/1307/S73 to remove the personal and temporary restrictions on the use/provision of the site as a gypsy pitch. Refused 05.07.19

#### 5. The Proposal

The application seeks the variation of condition 3 of planning approval 18/09609/VAR (as above) to allow an additional pitch for a family member which would then double the number of pitches on the site from one to two to allow the additional pitch for a family member (Current occupier is a Mr James Gammell). Each pitch would have:

- A Static Mobile Home;
- Family Dayroom building;
- Tourer;
- Parking for 2 vehicles.

The site would be occupied by Mr James Gammell with his wife and his son, Mr Jimmy Gammell and his resident dependants. The reordered site would see the retention of the existing vehicular access and track leading to the proposed pitches with the insertion of an associated treatment plant. A detailed landscape plan and schedule has been submitted with the application.



*Proposed Site Layout*

## 6. Planning Policy

### National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

### Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policy 47 Meeting the needs of Travellers and Gypsies

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport/highways

### Other relevant planning policies

DCLG Planning Policy for Traveller Sites (PPTS) August 2015

Saved Salisbury District Local Plan (SDLP) policy C6

## 7. Summary of consultation responses

Wiltshire Council Highways – No objection subject to a condition about visibility splays.

Southern Water – No objections

Wiltshire Council Public Protection – No objection but comments received around the installation of the non-mains sewerage system

Wiltshire Council Landscape officer – No objection

Wiltshire Council Spatial Planning – Comments in respect of planning history, accommodation need, site location and policy considerations of which landscape impact is a key consideration

Whiteparish Parish Council recommends refusal for the following reasons:

- The scale and the increase in the number of pitches;
- The permanence of the proposed structures of the day rooms;
- The detrimental effect on the open countryside;
- Highways – more traffic onto a national speed limit road – the A27;
- Previously imposed occupancy conditions should be enforced;
- The Parish Council is struggling to understand how the proposed family dayroom in the SE corner will be satisfactorily connected to the waste treatment works.

## 8. Publicity

The application was publicised by a site notice and neighbour notification letters.

Fifteen representations were received from third parties objecting to the proposal on grounds including:

- being contrary to the previous planning Inspectors decision,
- adverse impact on the surrounding landscape,
- contrary to the policies of the Wiltshire Core Strategy,
- adverse impact on the character of the village,
- strain on the facilities and amenities in the area and
- adverse impact on Highway safety.

## 9. Planning Considerations

### 9.1 Planning history

As Members can see, the site has a history of planning applications, the latter of which relate back to the conditions imposed on the 2012 appeal permission. The following paragraphs offer a brief summary of the history and help explain the context to the current application.

#### 9.1.2 Planning application reference S/2012/1307

Planning application S/2012/1307 was allowed on appeal under Appeal Decision APP/Y3940/A/12/2188911 dated 6 September 2013 following a refusal by the Council. The appeal gave consent for the continued occupation of the site as a gypsy site by the named applicants and their resident dependants (Condition 1), and required that when the land ceased to be occupied by those named in Condition 1, the use shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place (Condition 2).

The important points for Members regards this Decision are as follows:

- Landscaping - The Inspector for the above case was of the opinion that the harm to the landscape had been significantly mitigated by landscaping measures already put in place by the applicant (mixed hedgerows which are now quite dense and of significant height have been planted around the mobile home and parking area), resulting in considerable screening of the development from public vantage points which, if retained and supplemented is likely to increase the existing level of mitigation. The Inspector took account of the above factors, together with the willingness of the applicant to carry out further landscaping if necessary, and concluded the level of harm to the character and appearance of the countryside had been mitigated.
- Personal circumstances - the Inspector considered (and discounted) the proposal to remove Conditions 1 & 2 of the previous planning approval relating to the personal nature of the approval (planning reference S/2008/0708). Paragraph 45 of the 2012 appeal statement states:

*'On the matter of whether the personal restriction should be maintained I consider that in this particular instance there are good reasons for doing so. The personal circumstances of the appellant and his family are factors which have had a bearing on reaching the conclusions to grant planning permission. He has taken particular steps to try to reduce the impact of the mobile home and has given his support to further mitigation measures. I have taken account of the overall need for gypsy sites but find that in this case, given the location of the site, this is an insufficient reason to allow for the lifting of the personal restriction. The retention of the personal condition would enable the Council to have control over the subsequent use of the land should Mr Clarke and his family vacate.'*

Consequently, with regards to the 2012 appeal decision, it was clear that the use of the application site for residential occupation as a gypsy site was found to be acceptable at that time only on the basis of the personal circumstances and the demonstrated good custodianship of the then -applicant (formerly a Mr Clarke) in terms of good landscaping and screening.

#### 9.1.3 Application ref 14/11305/VAR & 14/01571/VAR

Subsequently, planning application 14/11305/VAR (which sought to remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction) were refused by the LPA. These permissions were not appealed.

#### 9.1.4 Planning application (18/09609/VAR)

Planning application 18/09609/VAR was made in October 2018 following a change in the occupier(s) of the site whereby the previously named occupiers (Mr Clarke and family) had moved away and no longer resided at the site. The site had become occupied by the applicant for that and the current application, Mr Jimmy Gammell and his wife and dependents. Officers are satisfied that Mr Gammell is a recognised person of gypsy and traveller status.

Planning application 18/09609/VAR had as its primary intent the removal of Conditions 1 and 2 of S/2012/1307/S73 which would in its effect result in a permanent single gypsy pitch which could be occupied by any person(s) of gypsy and traveller status, however the applicant at the time indicated in the application documentation that he would be content with a Variation which made him the named occupier of the site.

Planning application 18/09609/VAR was subsequently considered by Wiltshire Council's Strategic Planning Committee and was granted subject to eight Conditions including:

- 1 The use and occupation of the land hereby permitted shall be carried on only by Mr Jimmy Gammell, his wife and their resident dependants.

Reason: To define the scope of the consent and to enable the local planning authority to maintain control over the occupation of the site.

- 2 When the land ceases to be occupied by those named in condition (1) above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To ensure the restoration of the site upon the cessation of the use hereby authorised.

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.

Reason: In the interests of amenity and the character of the surrounding landscape.

Of note also was condition 08 of the above consent, which related to the ongoing maintenance of existing landscaping at the site.

#### 9.1.5 Application 19/04590/VAR

Application 19/04590/VAR sought permission from the LPA for the removal of conditions 1 & 2 and the variation of condition 3 of planning permission 18/09609/VAR as outlined above, to remove the personal and temporary restrictions on the use/provision of the site as a gypsy pitch and to increase the number of caravans permitted to be stationed from 2 to 4. This application was refused by the Council for the following reasons:

*It is considered the original harm to the surrounding landscape (which was previously outweighed in part by the personal circumstances of former occupier Mr Clarke at the time) has since been mitigated to a significant extent so that the impact of the authorised use of the site for a single*

*gypsy and traveller pitch no longer results in an undue adverse impact on the surrounding landscape, however the current application (in respect of the proposed variation of Condition 3) would result in an increase in the number of pitches within the site from one to two, with a new pitch becoming established to the immediate west of the existing and a consequent increase (doubling) of the number of caravans and associated vehicles, paraphernalia etc. in an area of the site that has little screening within the wider landscape and would be visible from the main Brickworth Road (A27) to the north.*

*Whilst new planting around the additional pitch is shown on the submitted proposed plans, this (as previously shown in respect of the planting and screening around the original pitch) would likely take a number of years to establish and mature sufficiently to provide a meaningful and appropriate level of screening in order to sufficiently mitigate the visual impact of the additional pitch within the character of the surrounding landscape.*

*In this respect it is considered the development would be likely to result in an undue and detrimental visual impact on the character of the surrounding Special Landscape Area and is consequently considered discordant with criteria vi and viii of Core Policy CP47 of the adopted WCS, national planning guidance contained within the PPTS and the aims and objectives of the NPPF & NPPG.*

*It was considered as part of the determination of planning application 18/09609/VAR that the retention of the personal condition (amended to reflect the current occupiers) would still be a reasonable and necessary measure to enable the Council to have control over the subsequent use of the land should Mr Gammell and his family vacate, and this continues to be the case.*

This decision was not appealed.

This new application subject of this report therefore needs to be considered against the previous planning history, which is a material consideration, and the issues and matters raised and considered as part of that history. However, Members will note that the main issues throughout the recent history centre around the landscape impact of the proposal and the maintenance of the site and its planting, and the maintenance of a personal condition – in later applications referring directly to the existing occupier.

Members should note that the current occupier, Mr Gammell, would remain on site (in the reconfigured/enlarged pitch) , and would be joined by his son in the additional pitch.

## **9.2 Principle and planning policies**

Clearly, the current site has been accepted as a suitable location for a traveller pitch of the current scale, and that the landscaping of the site has been an important factor in this.

National Planning Policy supports the provision of suitable traveller sites through the Planning Policy for Traveller Sites document, subject to suitable criteria.



The main Local Plan policies which apply in this case are considered to be primarily Core Policy 47 (Meeting the needs of Gypsies and Travellers), Core Policy 51 (landscape impact), CP57 & 61 (general amenity impacts and highway issues).

#### 9.2.1 Need

The Council's Spatial Planning (policy) officer indicates that:

*"...Adopted Core Strategy Core Policy 47 identifies a pitch requirement of 19 for the South Housing Market Area for 2016-21. Against that requirement, 3 pitches have been granted. In the previous 5 years 2011-16 the Council granted permission for 8 pitches against a requirement of 37.*

*Therefore, there remains an outstanding requirement of 16 against the current 2016-21 requirement. In 2014 the Council published its latest Gypsy and Traveller Accommodation Assessment. It identifies a proposed pitch requirement for the 2019-2024 period which is 10. Since July 2019, no permissions have been granted against that requirement."*

#### 9.2.2 Five-year land supply

The Council's Spatial officer indicates that: *"...In August 2019 the Council published a Five-Year Supply Statement for permanent gypsy and traveller pitches, .....The Statement confirms that as of January 2018 there was a 0.09-year supply of pitches in the South HMA against the CS requirement in Core Policy 47. Because the 2014 GTAA forms the latest assessment of need, a five-year supply position against its requirement is also presented in the Statement. It confirms that as of July 2018 there was a 0.5-year supply of pitches in the South HMA.*

*Therefore, there remains an outstanding requirement for additional pitches, **and there is no 5 year supply of deliverable sites in the South HMA**".*

#### 9.2.3 Locational criteria

The Council's Spatial Planning Officer indicates that... *"Core Policy 47 provides locational criteria against which proposal will be determined. Other development plan policies may also be relevant. From a spatial planning perspective, most criteria cover subjects that can be better covered by other consultees. The location has been found to be sustainable (criterion v) at appeal with limited harm to the local landscape arising from a single mobile home. However, this is a new proposal for additional structures on site which would result in two pitches. The applicant proposes additional planting to mitigate potential effects. The landscape officer would be best placed to assess the suitability of the proposed mitigation. Similarly, highways and drainage officers, and the county ecologist will be able to confirm if the proposal accords with the criteria in CP47".*

#### 9.2.4 Summary of Principle issues

As a consequence, it is clear from the above comments that there is no 5 year supply and the pitch requirements identified in the Core Strategy and the 2014 GTA remain unmet.

The use and occupation of the site as a single gypsy pitch has been ongoing for approximately 19 years, according to Council records.

The need for the provision of gypsy and traveller pitches across Wiltshire is made clear by the Spatial Planning officer's response above, with all other considerations aside it is a material

consideration that the current occupation and proposed expansion of the site by the applicant contributes towards achieving that need. There is a requirement for gypsy and traveller pitches (currently 19 across the South Housing Market Area for 2016-2021) with only three being granted in this time. Against the previous 5 years (2011-2016), only eight pitched have been granted against a requirement of 37. It is therefore apparent that there is a need for additional traveller and gypsy pitches across the South of Wiltshire.

Given the identified need and no provision of a five year land supply for gypsy and traveller pitches, it is evident that the Local Planning Authority need to give significant weight to the fact that the expansion of the existing site will contribute towards meeting the outstanding need of land and supply of pitches, as identified by the Spatial Planning Officer comments.

### **9.3 Landscape Impact**

There has been much consideration and examination of the landscape impacts of the use and occupation of the site over the course of its history. Most notably both the appeal decision in 2009 and the 2012 appeal decision identified that the impact of the development on the character of the surrounding landscape was a primary consideration in each case.

The 2012 appeal Inspector noted there had been significant changes in the visual impact of the site insofar as mixed hedgerows of significant height and density had been established around the mobile home and parking area. At paragraph 20 he noted *“the planting that has taken place provides considerable screening of the development from public vantage points and if retained and supplemented is likely to increase the level of mitigation”*. The Inspector concluded the level of harm to the character and appearance of the countryside had been reduced since the previous appeal was considered.

Since 2013 the planting and natural screening around the original site has continued to establish and mature and in the opinion of officers, the site is now very well screened and consequently difficult to distinguish within the surrounding landscape.

CP47 criterion vi) relates to landscape. The site is located within the designated Special Landscape Area. The Special Landscape Area designation remains as a saved policy (policy C6) as saved within appendix D of the adopted WCS. Core Policy 51 is also relevant.

The proposed variation of Condition 3 would result in an increase in the number of pitches within the site from one to two, with a new pitch becoming established to the immediate west of the existing, with a consequent increase (doubling) of the number of caravans and associated vehicles, paraphernalia etc. in an area of the site that has little screening within the wider landscape and would be visible from the main Brickworth Road (A27) to the north.

Notwithstanding the existing landscaping around the site which is to be retained, the detailing of the new planting is shown within the landscaping plan submitted and shows that the proposed hedgerow is already of a certain height and maturity, approximately 1.5 to 2 metres in height around the perimeter (north and north/western boundaries) of the proposed new pitch. Comments received from the Council’s Landscaping Officer raise no objection to this landscaping plan. Therefore, having regard for these comments, it is considered that the development would

sufficiently mitigate the visual impact of the changes on the surrounding landscape and therefore, does not cause significant detrimental impact to the character of the Special Landscape Area. Consequently, it is considered that the proposal would achieve the aims of policy CP51, and of criterion vi of CP47 regards landscape impact.

As the Council's Landscape Officer has no objection to the proposal, and given that the previous 2012 Inspector and a subsequent approval by the Council also considered landscaping to be a solution to the visual intrusion caused by works on this site, it may therefore be difficult to refuse this current application on the grounds of landscape impact.

With regard to the outcome above, Members are advised to refer to the recent appeal decision (please see appendix 1) at Valley View, East Grimstead, Wiltshire, SP5 3SD which was refused by officers in respect of the proposal not adhering to criterion ii, vi and viii of CP47 of the WCS, namely that the location of the site causing an unacceptable impact on the character and appearance of the landscape. This appeal site is similar in respect of its location within the landscape to this proposal, and both this site and the appeal site are within the Special Landscape Area..

The decision of the LPA was overturned by the Planning Inspectorate and planning permission was granted as the Inspector considered that this proposal, essentially the creation of a one pitch, did not cause any significant harm or visual instruction to the appearance of the landscape.

#### **9.4 Residential Amenity**

Previous planning decisions on this site have not related to the harm to any adjacent residential or other amenity. The application site, being surrounded by agricultural/open land on all sides and being set back approximately 75 metres from the road with substantial natural screening (around the original pitch) is relatively distant and well separated from the closest residential uses. The site has been occupied as a single gypsy pitch for approximately 19 years. The Council's Public Protection officer has raised no objection to this proposal for an additional pitch on the site subject to the proposed sewerage system obtaining the relevant building control compliance if required.

It is concluded the use would not result in undue impacts on the amenity of nearby occupiers or uses. The aims of CP57 are therefore met.

#### **9.5 Highways considerations**

Previous decisions related to this site have not involved highway issues or the access arrangements. The applicants intend to retain the existing access arrangements for this proposal. The Council's Highway officer raises no objection to the proposal subject to a condition around a visibility splay. Comments received refer to the appeal decision APP/Y3940/A/12/2188911 dated 6 September 2013 S/2012/1307 that was allowed on appeal. These comments state:

*'I attach herewith an extract from the Appeal Decision on S/08/0708 from which you will note that the Inspector considered that it would not be unreasonable to require a 'y' distance of 160m to be available. I would therefore require the hedge to be set back in order to provide and maintain a visibility splay of 2.4m x 160m in the westerly direction. The 2.4m distance should be measured along the centre line of the access, back from the edge of the carriageway. The hedge should of course be planted to allow for its mature growth to be clear of the splay.'*

Subject to a condition to this regard, it is considered that the proposal would not have any significant adverse impact to Highway Safety that would warrant the refusal of planning permission. The aims of CP57 and CP61 are therefore met.

## **9.6 Other consideration of WCS Core Policy 47**

Notwithstanding the above main issues, CP47 contains a number of other criteria and issues. These are not considered to be a significant issue for this application, as outlined briefly below:

CP47 i): There are no hazardous land uses at this site or in the vicinity which would impact on the development or residents. The site is located predominantly in Flood Zone 1. The Environment Agency's Flood Map shows that the access to the site from Brickworth Road falls within Flood Zones 2 and 3. However it is noted that the previous appeal decisions dealt with flood risk and permission was granted in each case. It is also noted that the mobile home is on an elevated position of the site within Flood Zone 1 so it would not be exposed to flood risk.

CP47 ii): It is noted the Highways officer has not objected to this application subject to a condition around visibility splays.

CP47 iii): The site has been in existence for approximately 19 years and in its current configuration since at least 2008 – there is no evidence to suggest the site has not been and cannot continue to be satisfactorily drained. There is no reason to suggest that the suggested septic tank shown on the plans will not work properly. However, this is largely a matter for other regulations.

CP47 iv): The parking and turning arrangements as per previous planning permissions were approved by the Council. For information, DLCC guidance on traveller site design (2008) states that access roads and the site design itself should be capable of providing sufficient space for the manoeuvrability of average size trailers of up to 15 metres in length, with capacity for larger mobile homes on a limited number of pitches where accessibility can be properly addressed in the light of the land available.

CP47 v): This site is already established as being in principle suitable for this use. The site lies approximately 1,500m away from the centre of Whiteparish and the facilities and amenities available within the village include a pre-school, primary school and a surgery. It also has a food store, recreational and leisure facilities, a pub, a village hall, and a church. There are bus links to Southampton and Salisbury from the bus stop near the site, at the A27/A36 junction. Given the availability and range of facilities at Whiteparish, and public transport links being available to higher order settlements the location of the site is considered sustainable. The site is located near to an existing settlement within reasonable distance of a range of local services and community facilities.

## **10. Conclusion**

The need for the provision of gypsy and traveller pitches across Wiltshire is made clear by the Spatial Planning officer's consultation response, with all other considerations aside it is a

significant material consideration that the current occupation and proposed expansion of the site by the applicant contributes towards achieving that need.

It is considered the original harm to the surrounding landscape (which was previously outweighed in part by the personal circumstances of former occupier Mr Clarke at the time) has since been mitigated to a significant extent so that the impact of the authorised use of the site for a single gypsy and traveller pitch no longer results in an undue adverse impact on the surrounding landscape.

The new proposal in respect of the proposed variation of Condition 3 would result in an increase in the number of pitches within the site from one to two and the provision of a new static mobile home, tourer and dayroom within each pitch (existing and proposed). The proposed planting/hedgerow around the additional pitch is to be approximately 1.5 to 2 metres in height, would be of a certain maturity and species which is considered acceptable to the surrounding area. In this respect, it is considered that the landscaping proposals would sufficiently mitigate the visual impact of the changes on the surrounding landscape and therefore, does not cause significant detrimental impact to the character of the Special Landscape Area that would justify the refusal of planning permission.

In all other respects, the development meets the criteria in CP47. In these circumstances, it is considered that the development adheres to the requirements of Core Policy CP47, CP51, and CP57 of the Wiltshire Core Strategy, national planning guidance contained within the PPTS and the aims and objectives of the NPPF & NPPG and should therefore be approved.

## **RECOMMENDATION**

### **Approve with conditions as follows:**

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:

DWG No: 19/Trick/01 Rev B Site Location Plan Date Received 06.02.20

DWG No: 19/Trick/05 Proposed Site Location Plan Date Received 12.02.20

DWG No: 19/Trick/04 Rev A Existing and Proposed Road Elevations Sections Date Received 06.02.20

DWG No: 19/Trick/03 Rev A Proposed Day Room Elevations, Floor and Roof Plan Date Received 21.11.19

Revised Landscape Schedule and Management Plan Date Received 11.12.19

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

3. The use and occupation of the land hereby permitted shall be carried out only by Mr James Gammell and his resident dependants and Mr Jimmy Gammell and his resident dependants.

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

4. When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took

REASON: To preserve the appearance of this part of the Special Landscape Area.a.

5. There shall be no more caravans other than those shown on approved plan DWG No: 19/Trick/05 Proposed Site Location Plan Date Received 12.02.20, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home for each pitch) shall be stationed on the land at any time.

REASON: In the interests of amenity and the character of the surrounding landscape.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON: In the interests of amenity and the character of the surrounding landscape.

7. No commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of amenity and the character of the surrounding landscape.

8. No structure or erection or planting exceeding one metre in height shall be placed between the A27 carriageway and the 122m by 2.4m visibility splay measured in a westerly direction from the centreline of the access point onto the public highway.

REASON: In the interests of amenity and Highway safety.

9. The existing and proposed parking and turning areas as shown on approved drawing: DWG No: 19/Trick/05 Proposed Site Location Plan Date Received 12.02.20 shall be retained thereafter for as long as the use permitted subsists and shall not be used for any other purposes other than the parking and turning of vehicles.

REASON: In the interests of amenity and Highway safety.

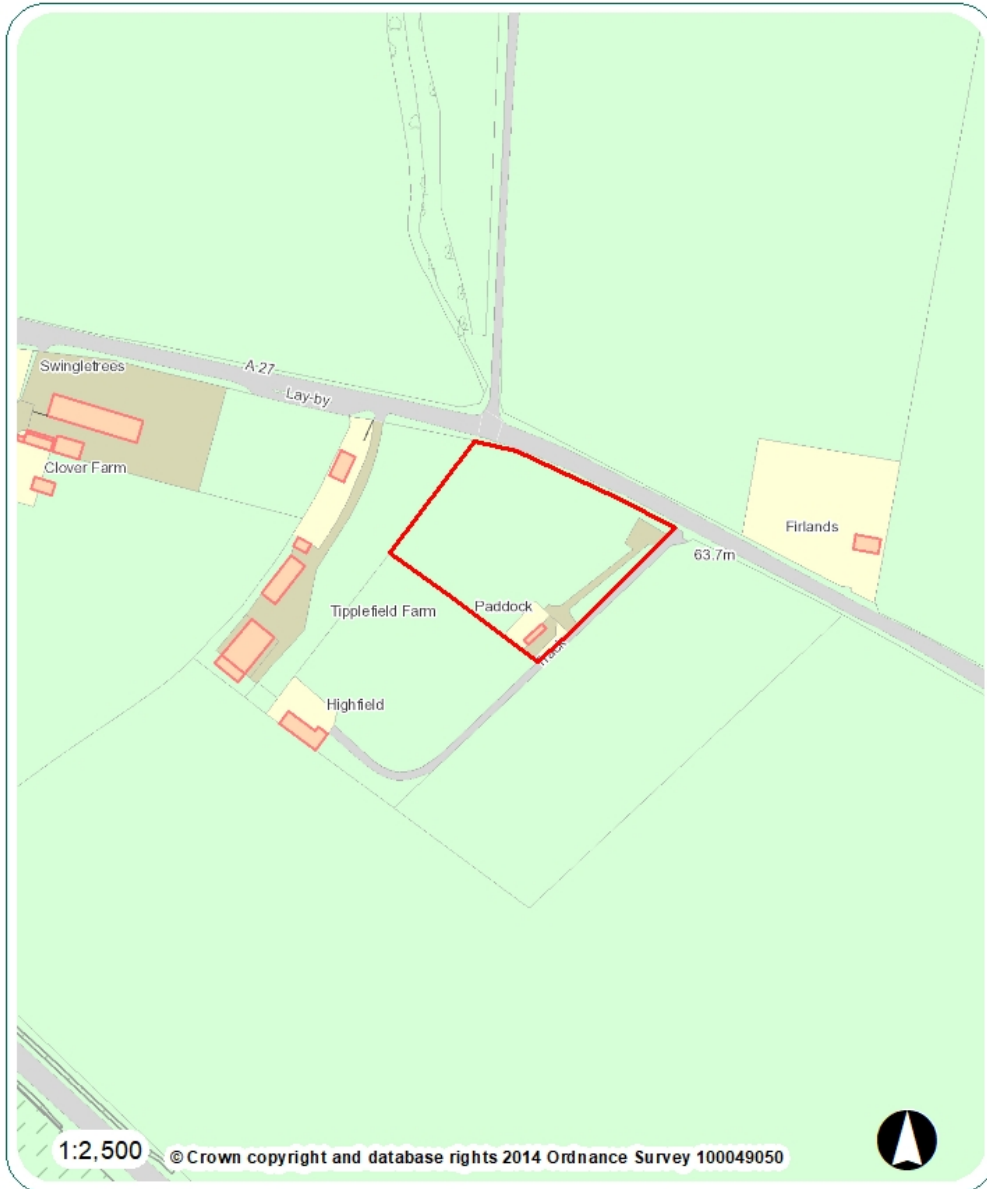
10. All soft landscaping comprised in the approved details of the landscaping plan shall be carried out in the first planting and seeding season following the first occupation of the additional pitch or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall 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.

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## Appeal Decision

Hearing Held on 24 July 2019

Site visit made on 24 July 2019

**by Rory Cridland LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

**Decision date: 13 August 2019**

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**Appeal Ref: APP/Y3940/W/18/3215416**

**Valley View, Dean Road, East Grimstead, Sculsbury SP5 3SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Nicola Terry against the decision of Wiltshire Council.
  - The application Ref 17/01798/FUL, dated 23 February 2017, was refused by notice dated 19 July 2018.
  - The development proposed is change of use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes together with the formation of hard standing, and landscaping and erection of Max 2.8m fence and stables.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes together with the formation of hard standing, and landscaping and erection of Max 2.8m fence and stables at Valley View, Dean Road, East Grimstead, Sculsbury SP5 3SD in accordance with the terms of the application, Ref 17/01798/FUL, dated 23 February 2017, subject to the conditions set out in the attached Schedule.

### Preliminary Matters

2. Part of the development has already been carried out with the stationing of the mobile home on the land, the erection of fencing and the change of use of the land for residential purposes. I have dealt with those parts of the application on a retrospective basis.
3. Following the submission of the original application, the description of development was amended. In addition, the erection of stables in the north western corner of the site was added to the application. However, the stables were not included in the amended description. The Council confirmed at the hearing that they had included the stables as part of their consideration and agreed that the description should be amended. I concur and, accordingly, have used the agreed wording above.

### Application for Costs

4. An application for costs was made by Ms Nicola Terry against Wiltshire Council. This application is the subject of a separate Decision.

## **Gypsy Status**

5. The Council accepts that the appellant meets the definition of gypsy and traveller as set out in Annex 1 of the Planning Policy for Traveller Sites (2015) (PPTS). Similarly, there is no dispute about the lack of availability of alternative accommodation.

## **Planning Policy Background and Main Issues**

6. The PPTS requires local planning authorities to identify a five year supply of specific deliverable sites to meet locally assessed need. In addition, it requires the identification of a supply of specific developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15.
7. The Council accepts that it cannot currently demonstrate the required 5 year supply of specific deliverable sites. Furthermore, it estimated at the hearing that there is currently an unmet need for approximately 46-48 pitches in the area. While I am mindful that these figures are out of date and may not be particularly robust, all parties agree that there is a significant need that is not being met. Furthermore, the Council has not identified any allocated sites and confirmed at the hearing that it expects this outstanding need will be met by private pitches. Based on the evidence before me, I have no reason to conclude otherwise and as such have not considered these matters further
8. It is against this backdrop that Policy 47 of the Wiltshire Core Strategy<sup>1</sup> (WCS) seeks to make provision for the recognised need for gypsy and traveller sites. It makes clear that proposals for new pitches will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations with preference given to previously developed land or vacant or derelict sites in need of renewal.
9. It goes on to identify nine general criteria against which proposals will be judged. The Council's reasons for refusal focused on four of these criteria. In particular, that it considered the development fails to provide safe and convenient pedestrian access (criterion (ii)), is not located within a reasonable distance of a range of local services and community facilities (criterion (v)), has an unacceptable impact on the character and appearance of the surrounding landscape (criterion (vi)), and is not appropriate to the scale and character of nearby East Grimstead (criterion (viii)). These concerns are echoed by the Grimstead Parish Council ("the Parish Council").
10. Consequently, I consider the main issues are:
  - (i) whether the appeal site offers an acceptable location for the proposed development having regard to national and local planning policy;
  - (ii) the effect of the proposed development on the character and appearance of the surrounding landscape;
  - (iii) whether the development provides safe and convenient pedestrian access; and

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<sup>1</sup> Wiltshire Core Strategy (adopted January 2015).

- (iv) whether the development is appropriate to the scale and character of the surroundings, including East Grimstead.

## Reasons

### *Location*

11. East Grimstead is a Small Village as defined by the Council's settlement strategy. It has a limited range of services and facilities which include a church, village hall/reading room. WCS Core Policy CP1 limits development in these areas to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Furthermore, WCS Core Policy CP2 limits such development to infill within the existing built up area and, in principle, supports development which seeks to meet local housing needs.
12. The appeal site itself is located on the outskirts of the village, around 1.2km from East Grimstead and outside any recognised development boundary. It comprises an area of around 0.3 hectares and forms part of a larger agricultural field. It is set back from the highway and accessed via a shared track which also forms part of public bridleway Grimm22. To the west is neighbouring Dillon's Farm while to the east is a development known locally as 'the encampment'. To the south is open countryside.
13. The Council accepts that the site is not isolated. However, it is concerned that it is not located within a reasonable distance of a range of local services and community facilities and as such will place heavy reliance on the use of the private car. The site is clearly near to the settlement of East Grimstead which I accept has a limited number of local services and community facilities. However, while I note the Council's argument, advanced at the hearing, that criterion (v) of WCS Core Policy 47 requires East Grimstead itself to offer a range of local services and community facilities, I do not agree. Instead, I concur with the approach taken by the Inspector on the neighbouring Dillon's Farm site<sup>2</sup> that those services and facilities need not necessarily be within the nearest settlement.
14. Although East Grimstead itself offers only a limited number of services and facilities, there are a variety of services within a reasonable distance of the site including local schools and health services, many of which are accessible by public transport. While I note the concerns raised by both the Council and the Parish Council in relation to the limited bus service, there is no policy requirement for sites to be located on regular bus routes and I note that the bus service available would enable occupiers to access services and facilities in West Dean as well as the large number of services and community facilities in Salisbury and other nearby settlements.
15. Furthermore, I note that the surrounding area forms part of a national cycle network and it is clear from the evidence that there are also opportunities to access other nearby settlements, including White Parish, on foot via the public rights of way network. I am also mindful of the contribution to which traditional lifestyles can make towards sustainability in general, particularly in limiting the number of travel to work journeys.

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<sup>2</sup> APP/Y3940/A/14/2211452.

16. In addition, the WCS specifically provides for some modest development in the Small Villages to respond to local needs. This includes the identified need for gypsy and traveller sites. I also note the conclusions of the Inspector in the Dillon's Farm Appeal who came to the view that this was a sustainable location for a gypsy site which would not undermine the settlement strategy for the area. I see no reason that the present site would not be equally acceptable in this respect.
17. Consequently, I find the proposal would be located near to an existing settlement and would be within a reasonable distance of local services and community facilities. As such, I find it accords with criterion (v) of WCS Core Policy 47.

*Effect on the landscape*

18. The appeal site is situated in a locally designated Special Landscape Area (SLA). WCS Core Policy 51 and Saved Policy C6 of the Salisbury District Local Plan 2011<sup>3</sup> (SDLP) seek to ensure that development protects, conserves and where possible enhances landscape character and maintains the character of the SLA. In addition, criterion (vi) of WCS Core Policy 47 favours new gypsy and traveller sites which do not have an unacceptable impact on the character and appearance of the landscape and are sensitively designed to mitigate any impact on their surroundings.
19. The Council's concerns centre on the effect the proposal would have on the SLA. However, it was confirmed at the hearing that no particular viewpoints had been identified from which the proposal would be visible other than from within the site itself. Indeed, the site is generally well hidden within the landscape. It is very well screened along its northern boundary with Dean Road and there is little intervisibility with Dillon's Farm to the west. The undulating topography of the land to the south provides a considerable amount of screening in views from the south and east including from the public bridleway.
20. I acknowledge the site falls within an area characterised as being very rural, isolated and peaceful in character with sparse human settlement, and note the suggestion, made at the hearing that development within the SLA is, by definition, harmful. However, a large section of the district is covered by the SLA designation and in view of its restricted size and visibility, its impact on the character of the wider landscape is limited.
21. Consequently, I consider the development to have been sensitively positioned so as not to have an unacceptable impact on the character or appearance of the surrounding landscape or the SLA. As such, I find no conflict with criterion (vi) of WCS Core Policy 47, WCS Core Policy 51, or Saved Policy C6 of the SDLP.

*Pedestrian safety*

22. The appeal site is accessed off Dean Road, a rural country road with no pavement or street lighting and where the speed limit is 60mph. The highway authority accepts that adequate visibility can be achieved and has raised no objection to the proposal on safety grounds.

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<sup>3</sup> Adopted June 2003.

23. The Council accepts that Dean Road is not heavily trafficked. This accords with the appellant's traffic survey as well as my own on-site observations. The Council has, however, raised concerns with pedestrian safety in accessing the site - pointing to the lack of pavements and street lighting in the surrounding area.
24. I noted during my site visit that there was an absence of footways and street lighting along the majority of Dean Road and throughout much of East Grimstead and the surrounding area. The absence of such features is often a characteristic of rural roads. These rural lanes form part of a national cycle network and I observed numerous signs directing walkers to interesting routes some of which involve navigating these sections of highway.
25. However, the Council has not provided any evidence that there is an existing risk to pedestrian safety either at the site access or more widely. Likewise, there is no evidence which would indicate that use of the site by the appellant has had any material increase in risk to pedestrian safety at the site access.
26. In the absence of evidence which would substantiate the Council's position, I find that the proposal would not result in an increased risk to pedestrian safety and find no harm in this respect. As such, I find the development accords with criterion (ii) of WCS Core Policy 47.

*Whether the proposal is appropriate to the scale and character of East Grimstead.*

27. Criterion (viii) of WCS Core Policy 47 favours development that is appropriate to the scale and character of its surroundings and existing nearby settlements. Similarly, the PPTS advises that sites in rural areas should respect the scale of, and not dominate, the nearest settled community.
28. The permission sought is for a single pitch. East Grimstead itself is classified as a Small Village and has around 70 households. Accommodating an additional gypsy and traveller pitch in this location would not be inappropriate to the scale and character of its surroundings and would not have a dominant effect on that nearby settlement.
29. Consequently, I find that the development is appropriate to the scale and character of its surroundings and does not dominate the nearest settled community. As such, I find no conflict with WCS Core Policy 47 or the PPTS in this respect.

### **Other Matters**

30. Both the Council and the Parish Council have raised concerns around the cumulative impact that granting permission for an additional pitch would have on the local community when taken with other nearby gypsy and traveller sites. However, the Council confirmed at the hearing that the neighbouring site known as 'the encampment' was not a gypsy and traveller site and should not form part of any such assessment. The remaining sites identified are limited in both size and number. There is no robust evidence that even when taken with the appeal site, they have any dominant effect on the nearby settlement. While I note the various concerns put forward by the Council and the Parish Council, there is no evidence before me which would indicate that the addition of a single pitch at this location would have any material impact on East Grimstead.

31. I have considered the various comments made by both the Parish Council and the South Wiltshire Campaign for the Protection of Rural England. However, for similar reasons to those already set out above, they do not provide sufficient reason to withhold planning permission in the present case.

### **Planning Balance**

32. I have found above that the proposal would accord with WCS Core Policies 47 and 51 and Policy C6 of the SDLP. Furthermore, it is clear that there is a considerable unmet need for gypsy and traveller sites and that private sites, such as the appeal site, will play a significant part in meeting this need.

33. Consequently, I consider the development would accord with the development plan when taken as a whole as well as with the guidance set out in the PPTS.

### **Conditions**

34. I have had regard to the various planning conditions suggested by the Council. A condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty. Likewise, a condition limiting occupation of the site to gypsies and travellers is necessary in view of the permission being applied for.

35. Similarly, conditions restricting the number of caravans that can be situated on the land and restricting commercial activities and the storage of large vehicles is necessary in order to ensure that the character and appearance of the surrounding area is preserved.

36. A condition restricting the burning of manure or other material derived from the keeping of horses on the site is necessary in order to protect neighbouring amenity. A condition securing the provision of visibility splays is necessary in the interests of highway safety.

37. I do not, however, consider a landscaping condition is necessary as there is already a considerable amount of hedgerow and boundary planting along the eastern boundary with Dean Road. Similarly, I do not consider the suggested condition which seeks to guard against the discharge of surface water onto the highway is necessary in view of the disused canal between the site and the highway. Furthermore, the Council confirmed at the hearing that a condition on surfacing was not considered necessary in view of the limited evidence of existing problems at this shared access.

### **Conclusion**

38. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Rory Cridland*

INSPECTOR



## **SCHEDULE**

### Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Drawing Nos: 16-823-001 Site Location Plan; 16-823-003 Proposed Site Plan; 16-823-004 Rev A Proposed Elevations, Floor Plan of the Utility/Day Room; 16-823-005 Fence Panel Detail; 16-823-005 Proposed Stable Block, Elevations, Section. Floor Plan and Roof Plan.
- 2) The site shall not be occupied by persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (2015).
- 3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 6) No burning of manure or other material derived from the keeping of horses or livestock in the stables hereby approved shall take place on the site or on the land edged blue on Drawing No: 16-823-001.
- 7) Within two months of the date of this decision, the visibility splays shown on drawing number 020.0308.001 (Proposed Visibility Splays) shall have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be kept free of obstruction at all times thereafter.

END OF SCHEDULE

## **APPREARANCES**

### **FOR THE APPELLANT:**

Ms Nicola Terry  
Ms Alison Heine  
Mr Paul Butler

Appellant  
Planning Agent  
Friend of Appellant

### **FOR THE COUNCIL**

Mr Richard Hughes  
Mr Joe Richardson  
Mr Warren Simonds

Team Leader - Planning  
Planning Officer  
Consultant

### **Documents submitted at the hearing:**

1. Case officer report for application reference 16/05231/FUL dated 07/07/2016 (Land North of Broken Cross Bridge, Winterbourne Earls, Salisbury) (Ref A.2).

END