

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 28 September 2022

Time: 3.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Stewart Palmen
Cllr Bill Parks (Vice-Chairman)	Cllr Antonio Piazza
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr David Vigar
Cllr Andrew Davis	Cllr Suzanne Wickham
Cllr Edward Kirk	

Substitutes:

Cllr Matthew Dean	Cllr George Jeans
Cllr Jon Hubbard	Cllr Gordon King
Cllr Tony Jackson	Cllr Mike Sankey
Cllr Mel Jacob	Cllr Graham Wright

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Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 6 July 2022.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 21 September 2022 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 Friday 23 September 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 17 - 18*)

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

7 **Planning Applications**

To consider and determine the following planning applications:

7a **PL/2022/01141 - Kingsdown Farm, Lords Hill, Longbridge Deverill, BA12 7DY** (*Pages 19 - 64*)

Variation of condition 3 (timescale for deposit of waste materials) on 17/09988/VAR

7b **PL/2022/02156 - 17A Horse Road, Hilperton Marsh, Trowbridge, BA14 7PE** (*Pages 65 - 94*)

Replacement and raising of roof and associated vertical extension to create bedrooms on the first floor and replacement garage (resubmission of PL/2021/09030) and retrospective permission for a garden room single storey infill addition to rear.

7c **PL/2021/09909 - Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET** (*Pages 95 - 128*)

Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works)

7d **PL/2022/03938 - Plot D2, Land at Kingdom Avenue, Westbury** (*Pages 129 - 164*)

Construction and operation of a 7.5mw gas peaking generation plant, to include an electrical substation, gas kiosk, gas engines, access, CCTV, lighting and associated works (Resubmission of 20/10440/FUL)

8 **Urgent Items**

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

Part II

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

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Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 JULY 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

50 **Apologies**

Apologies for absence were received from Cllr Pip Ridout. Cllr Ridout was replaced for this meeting by Cllr Mike Sankey.

51 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 May 2022 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 11 May 2022.

52 **Highway Consultation Conference Feedback on The Forest & Sandridge Primary School application (PL/2021/06702)**

The Committee received a verbal update from the Development Management Area Team Leader in relation to a request by the Committee at its last meeting held on 11 May 2022, for the Area Team Leader to discuss the highways consultation response for the Forest and Sandridge Primary School (application number PL/2021/06702) with the highways officer and to report back.

The Area Team Leader confirmed that a discussion had taken place with highways officer and a briefing note of that discussion is attached as an appendix to these minutes.

Cllr Vigar enquired about why a pedestrian crossing was not justified and in response, the Area Team Leader confirmed that there was no highway or planning need for an additional highway crossing pursuant to the additional number of pupils to be accommodated within the 2-form entry primary.

Briefing Note for Forest and Sandridge School

53 **Declarations of Interest**

Cllr Ernie Clark declared a personal interest in the planning applications at agenda item 8 being considered by the Committee, as he is also a member of Hilperton Parish Council who considered the applications as a consultee.

Cllr Clark spoke and voted on both applications.

54 **Chairman's Announcements**

The Chairman asked that all phones were switched off or turned to silent mode to minimise any potential disturbances and explained the procedure if a fire alarm were to sound.

55 **Public Participation**

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

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

56 **Planning Appeals and Updates**

The Planning Appeals Update Report for 29 April 2022 to 24 June 2022 was received.

The Development Management Team Leader concentrated on reporting the recently allowed appeal decision for land at Semington Road, Melksham for up to 50 dwellings. The committee was advised that at the appeal stage, the development parameters were changed at the request of the appellant to provide 100% affordable housing (and not just the 30% as was submitted and determined by the LPA). The Committee was advised that the combination of the affordable housing needs and the lack of land housing supply influenced the inspector's decision in allowing the appeal despite the moderate adverse landscape harm, the material loss of a visual gap between Melksham and Berryfield and the accepted adverse impact of allowing the development in conflict with the recently made Neighbourhood Plan.

Officers responded to queries in relation to the neighbourhood planning and building affordable housing on greenfield sites.

Resolved:

To note the Planning Appeals Update Report for 29 April 2022 to 24 June 2022.

57 **Planning Applications**

The Committee considered the following applications:

57a PL/2021/10373: Bekson Farm, 54 Whaddon Lane, Hilperton, BA14 7RN

Public Participation:

- Becky Holloway – applicant - spoke in support of the application

David Cox, Senior Conservation/Planning Officer presented the report that recommended planning permission should be approved subject to the conditions and informatives as detailed in the report, for the retrospective permanent siting of a Biomass boiler and container for the control unit.

The officer stated that the main issues for consideration by the Committee was an assessment of the principle of development, the environmental impacts (air quality), neighbouring impacts, highway impacts and biodiversity.

The case officer described the site which included detail on the proximity to other properties, access and the use of the adjoining agricultural fields. He explained that the boiler was powered by burning wooden pallets, which were stored both outside and inside. Members were advised that heat from the boiler is used to dry wood chip which is sold on for biomass boilers to use.

Prior to the committee meeting, members attended a site visit, and it was noted that the boiler was in use but was producing any smoke. Members were also advised that the boiler was not used when there is a south westerly wind.

The report detailed the previously imposed restrictions in terms of the use and hours of operation of the boiler whilst it benefitted from temporary permission, which had now lapsed.

Members heard that the same conditions were recommended for any permanent facility to define the terms of the permission and to provide neighbours with sufficient respite from dispersed smoke or fumes in the evening and weekends and bank holidays.

The Committee noted that the applicant was willing to adhere to the restricted hours of operation and the number of container loads.

For this application a new condition was recommended to secure more robust boiler management plan for its use and operation to reflect best practice.

The officer indicated that during the initial consultation there had been one objection from Hilperton Parish Council, and no objections from the Council's Environmental Health Officer (subject to conditions), the Council's Highways Officer and the Environment Agency. A further letter of objection was received during the second consultation. Overall, the publicity generated seven letters of objection and one in support.

Officers confirmed the options available to the Committee and advised that they should only appraise the application as submitted.

Members of the Committee were then given an opportunity to ask technical questions to the officer. The main issues raised included the justification for making the current temporary permission permanent, comments from Public Protection in relation safeguarding of the environment and residential amenities from potential harmful levels of smoke, fumes and general disturbance, how hours of operation would be enforced, and questioned the long-term source of fuel for the boiler.

In response, officers confirmed that there had been no complaints received pursuant to the use of the boiler during the temporary permission, and advised that through securing an updated Boiler Management Plan, officers were satisfied that the boiler would operate within acceptable parameters. Members were advised that the environmental health officer would undertake random checks on compliance, and the committee was advised that alternative non-hazardous sources of fuel may need to be sourced for the boiler should pallets become unavailable.

Members of the public, as detailed above, then had the opportunity to address the Committee and speak to the application.

Local Unitary Member, Cllr Ernie Clark, addressed the Committee and detailed his objections to the application, and confirmed to being unsatisfied that the proposal would be an acceptable permanent facility due to the proximity to neighbouring properties, the failure to protect nearby residential amenity from the smoke produced by the boiler, and that the proposal would be contrary to the adopted Wiltshire Core Strategy Core Policy 57 criterion vii.

Cllr Clark then moved to refuse the application against officer recommendation, which was seconded by Cllr Antonio Piazza.

During the debate, Cllr Vigar commented on concerns about smoke and odour radiating from the boiler when it was in operation and the frequency of out of operational hours visits by Environmental Health officers. He suggested that the length of the flue could be extended to reduce the impact of smoke and odour on neighbouring properties. Cllr Wickham observed that wind direction was not a constant and indeed was liable to change.

At the conclusion of the debate a vote was taken on the motion to refuse the application.

Following which, it was:

Resolved:

To refuse the planning application for the following reason:

The Council is not satisfied that this proposal would be an acceptable permanent facility in such relative close proximity to residential properties. The Council argues that by reason of the smoke produced by the boiler it fails to protect nearby residential amenities, contrary to adopted Wiltshire Core Strategy Core Policy 57 vii.

(Note – During the debate the Committee intimated that the applicant should be encouraged to submit a separate application for a taller flue to ensure the boiler accords with the enhanced smoke dispersal as outlined in the supporting surveys).

58 **PL/2022/02786: Yew Tree Cottage, 10 Horse Road, Hilperton Marsh, Trowbridge, BA14 7PE**

Public Participation:

- Andrew Bryant – Neighbouring resident spoke in objection to the application
- Fran Larkin - Applicant spoke in support of the application

Yancy Sun, as the planning case officer presented the report and recommended that planning permission should be approved subject to conditions and informatives as detailed in the report, for additional domestic accommodation in the form of a single-storey annexe located in the rear garden.

The case officer stated that the main issues for consideration by the Committee was an assessment of the principle of development, the impacts on visual amenity, heritage assets, effects on neighbour amenity and highways.

The officer described the site being located within the village settlement limits of Hilperton and relating to a two-storey end of terrace residential property. The site was not subject to any specific land designation constraints and was not at risk of flooding. Members were informed that the Conservation Area was located over 600m to the southeast and the nearest listed building is over 50m away with several other properties and gardens between the nearest heritage asset and the application site.

Prior to the committee meeting, Members attended a site visit and were shown the application site and surroundings and noted that the site was set back from the main road and was not readily seen from the public domain.

The case officer indicated that there was no objection from Hilperton Parish Council, although some Parish Councillors had raised concerns about access for the construction phase. Publicity had generated four letters of objection, three of which were from neighbouring properties.

Members of the Committee were then given an opportunity to ask technical questions to the officer. The main issues raised included the relevance of the applicant's status in relation to the application and permitted development rights allowing for the construction of a slightly smaller building.

In response, officers confirmed that they had not given any weight to the status of the applicant and that the application was assessed on its own merits and land-based planning material considerations. In terms of a permitted development fallback option, the committee was informed that the applicant could construct a slightly smaller building using the provisions set out within Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order (2015) (As amended) as an alternative to the application before the committee, and the LPA would not have any decision making authority for such an alternative.

Members of the public, as detailed above, then had the opportunity to address the Committee and speak to the application.

Local Unitary Member, Cllr Ernie Clark, addressed the Committee and detailed his objections to the application, which specifically related to concerns about the structure being permanent rather than temporary, and the design and appearance being in direct contravention of Core Policy 57. Cllr Clarke also argued that the application would not be well integrated in its surroundings, and that it did not make any significant contribution to the specific area of Hilperton. Additional concerns were raised about the height of the proposed annexe and its impact on neighbouring properties.

Cllr Clark then moved to refuse the application against officer recommendation, which was seconded by Cllr Andrew Davis.

During the debate, Committee members enquired about the potential to restrict the height of the annexe by condition, and sought officer advice in terms of Core Policy 57 and delivering high quality development. In response, officers confirmed that the committee was not able to materially alter what was proposed including the height of the annexe, and if the committee resolved to refuse the application, CP57 would be the policy to refer to defend any subsequent appeal. Members were advised that the applicant could however make use of permitted development rights to construct a slightly smaller annexe without relying on an appeal.

At the conclusion of the debate a vote was taken on the motion to refuse the application.

The vote to refuse the application was lost with 4 votes for and 6 votes against the motion.

A further motion was moved by Cllr Palmen, seconded by Cllr Piazza to grant the application in accordance with the officer recommendation.

Following which, it was:

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 following approved plans:

Location and block plan Drawing 2114.100, and Proposed plans and elevations: Drawing 21145.102, received 5 April 2022

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

3. The ancillary annexe accommodation hereby approved shall only endure for the benefit of the owner/occupiers of the host dwelling at Yew Tree Cottage (otherwise known as No.10 Horse Road) and it shall only be used for purposes ancillary to the residential use of the main dwelling and shall remain solely within the same planning unit as the main dwelling and not be sold or let as a separate unit of accommodation.

REASON: To define the terms of this planning permission and in the interests of good planning.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses or any other ancillary domestic outbuildings shall be erected within the curtilage of the host dwelling unless approved under a separate planning application.

REASON: It is considered necessary to remove any residual Permitted Development rights for any additional outbuildings to safeguard the character and appearance of the area.

5. No development shall commence on site, until a Construction Method Statement, which shall include details of the following:

- (a) the parking of vehicles of site operatives.
- (b) loading and unloading of plant and materials.
- (c) storage of plant and materials used in constructing the development.
- (d) measures to control the emission of dust and dirt during construction.
- (e) hours of construction, including deliveries.

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

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

6. No development shall commence beyond slab level until full details of the exact colour and finish to the external walls of the annexe as well as the surface water details and the foul connections to be made to the sewerage system have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area and to ensure appropriate site servicing connections are made available prior to occupation.

Planning Informatives:

Pursuant to condition 3, the applicant is advised that this application is hereby approved on the basis that the ancillary annexe has and maintains a direct, functional and dependant relationship with the main dwelling.

59 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.50 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services,
direct line 01225 718259 x18259, e-mail Ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email
communications@wiltshire.gov.uk

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Wiltshire Council
Western Area Planning Committee
28th September 2022

Planning Appeals Received between 24/06/2022 and 16/09/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/06919/OUT	Land to the north east of 150 High Street Chapmanslade Wiltshire, BA13 4AP	Chapmanslade	Outline planning application for 5 no. serviced self-build plots, with all matters reserved except for access	DEL	Written Representations	Refuse	13/09/2022	No
PL/2021/08565	Land off Shop Lane, Wingfield, Wiltshire, BA14 9LN	Wingfield	Change of use to private Gypsy site for 1 pitch to consist of a mobile home, touring caravan and day room	DEL	Hearing	Refuse	17/08/2022	No
PL/2021/09635	Land rear of 39 Woodrow Road, Melksham, SN12 7AY	Melksham	Erection of new dwelling	DEL	Written Representations	Refuse	05/07/2022	No
PL/2021/10779	1 Orchard Road, Trowbridge, BA14 7AR	Trowbridge	Proposed 2 bedroom detached house located in western part of existing garden	DEL	Written Representations	Refuse	16/09/2022	No
PL/2022/00964	17 Middle Lane, Trowbridge, BA14 7LG	Trowbridge	To Build a new garage at the front of the dwelling	DEL	Householder	Refuse	24/06/2022	No

Planning Appeals Decided between 24/06/2022 and 16/09/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/07022/FUL	Land East of The Poplars Residential Park, Poplar Tree Lane, Southwick, Trowbridge, Wiltshire, BA14 9NB	Southwick	Use of land for the stationing of caravans for residential purposes and the erection of a stable.	DEL	Hearing	Refuse	Allowed with Conditions	25/07/2022	Appellant applied for Costs – ALLOWED (PARTIAL)
18/07033/FUL	Land East of The Poplars Residential Park, Poplar Tree Lane, Southwick, Trowbridge, Wiltshire, BA14 9NB	Southwick	Use of land for the stationing of caravans for residential purposes and the erection of a stable.	DEL	Hearing	Refuse	Allowed with Conditions	25/07/2022	Appellant applied for Costs – ALLOWED (PARTIAL)
18/07423/VAR	Plots 1 - 3, The Poplars Residential Park, Poplar Tree Lane, Southwick, BA14 9NB	Southwick	Removal of condition 2 on appeal APP/Y3940/W/15/3006435 to remove the personal condition and allow occupation of the site by anyone who is a Gypsy and Traveller	DEL	Hearing	Refuse	Allowed with Conditions	25/07/2022	Appellant applied for Costs – REFUSED
PL/2021/11357	Meadow View Farm Bradford Leigh Wiltshire	South Wraxall	Proposed agricultural workers dwelling and associated works	DEL	Written Reps	Refuse	Dismissed	17/08/2022	None

Agenda Item 6

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 September 2022
Application Number	PL/2022/01141
Site Address	Kingsdown Farm, Lords Hill, Longbridge Deverill, BA12 7DY
Proposal	Variation of condition 3 (timescale for deposit of waste materials) on 17/09988/VAR
Applicant	Mr and Mrs J Phillips
Town/Parish Council	SUTTON VENY CP
Electoral Division	Wylve Valley, Councillor Christopher Newbury
Grid Ref	153659, 156239
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Newbury requested the application be called-in for the elected members of the western area planning committee to determine should officers be minded to approve or refuse planning permission for the above proposed development citing the following concerns:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact
- Other: Called in at the request of Longbridge Deverill Parish Council to give their objections the benefit of public debate: concerning impacts of haulage traffic, effect on landscape (AONB) and ecology, agreed planting and screening not having been actioned, mud on road, and possible contamination.

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 should be approved.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on the character and appearance of the area/AONB/public footpaths
- Impact on the living conditions of neighbouring residents
- Highways issues
- Ecology issues
- Other issues

Sutton Veny Parish Council raises no objection. Longbridge Deverill Parish Council raises objections. 88 third party representations raising objections; 81 third party representations offering support.

3. Site Description

The site comprises approximately 6.9ha of grade 3 agricultural land located approximately 2.5kms from Longbridge Deverill and 2.6kms from Sutton Veny. Two existing agricultural buildings are located on the application site, built side by side referred to as buildings 4 and 5 (approved under application 17/09988/VAR). An existing farm building is located directly to the south of these buildings while an existing farmhouse is located to the south of the agricultural buildings. Only buildings No's 4 and 5 are located within the red line application site for this application.

Re-profiling of the site has commenced as per the approved scheme (W/10/02377/FUL – see appendix 1 below for copy of report). Access to the site is via a track approximately 1.2kms long, off the A350 to the southwest of the site.

The site lies within a vale that runs east to west sloping down towards the A350 with higher ground located to the north, east and south of the site. The site lies within the Cranbourne and Chase Area of Outstanding Natural Beauty (AoNB), Salisbury Plain and West Wiltshire Down Countryside Character Area and Hampshire River Avon Catchment Area.

Public footpath SVEN11 is located over 740 metres to the east of the site while public footpath SVEN12 is located approximately 630 metres to the south.



***Aerial photo of existing site (taken from Google Maps)
detailing existing farm buildings & farmhouse (to south)***

The above aerial photo shows the existing farmhouse to the south with an existing agricultural building to the north of the farmhouse and buildings 4 and 5 approved under application 17/09988/VAR to the north.



Existing site viewed from access track to the south

4. Planning History

PL/2022/01033 – Stationing of a caravan for use as an agricultural workers dwelling – Approved

17/09988/VAR – Application to vary Condition 10 to Planning Permission reference 17/03155/VAR to amend the approved plans in respect of buildings 4 and 5 – Approved (condition 8 discharged by letter dated 12/12/18)

17/07058/APD – Proposed agricultural track – Prior approval not required

17/03155/VAR – Variation of Condition 9 pursuant to application W/10/02377/FUL (Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings) regarding timescale for the deposit of waste – Approved (see appendix 2 below for copy of report)

16/03111/REM – Application for approval of all reserved matters comprising access, appearance, landscaping, layout and scale for the erection of an agricultural workers dwelling. (following Outline approval 14/11851/OUT) – Approved

14/11851/OUT – Erection of an agricultural workers dwelling (Outline application with all matters reserved) – Approved

14/10064/AGD – Erection of stock building – Prior approval not required

W/10/02377/FUL – Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) – Approved (see appendix 1 below for copy of report)

W/09/01164/FUL – Extend existing agricultural building – Approved

W/09/01142/FUL – Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings – Refused (appeal dismissed) – for the following reasons -

1. The proposed development by reason of its scale, siting, linear form and re-profiling of land would result in an incongruous and visually prominent form of development that would be harmful to the special landscape character of this nationally important rural landscape contrary to Policies C1 and C2 of the West Wiltshire District Plan 1st Alteration (2004), Policy C8 of the Wiltshire Structure Plan 2016 and paragraphs 21 and 22 of Planning Policy Statement 7: Sustainable Development in Rural Areas.
2. The proposed development by reason of the absence of an acceptable Flood Risk Assessment provides inadequate information to fully assess the flood risks arising from the development and is contrary to Planning Policy Statement 25: development and Flood Risk paragraphs 10, E3 and E8.

Although the appeal was dismissed the Inspector identified the key issues as being the finally balanced judgment between the impact of the scheme on the character and appearance of the AONB and the agricultural justification for the proposal. On balance the Inspector determined to dismiss the appeal on the basis of the submitted plans due to the harm to landscape. However, the Inspector did not accept that the proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape setting. This steer led to the submission of application W/10/02377/FUL which was approved.

05/01858/FUL – Farmhouse and garage – Approved

04/00702/FUL – Erection of agricultural stock building (to replace approved stock building not erected) – Approved

01/01484/OUT – Farmhouse and farm buildings (outline) – Refused (appeal dismissed)

01/00829/AGD – Extension to existing agricultural building and erection of new agricultural building – Approved

5. The Proposal

The application seeks to vary condition 3 of permission no. 17/09988/VAR to increase the time limit to deposit waste on site by an additional three years to 31 December 2025. Condition 3 of application 17/09988/VAR reads:

The deposit of waste and all earthworks required to form the approved development shall be completed no later than 5 years after the date of this decision. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

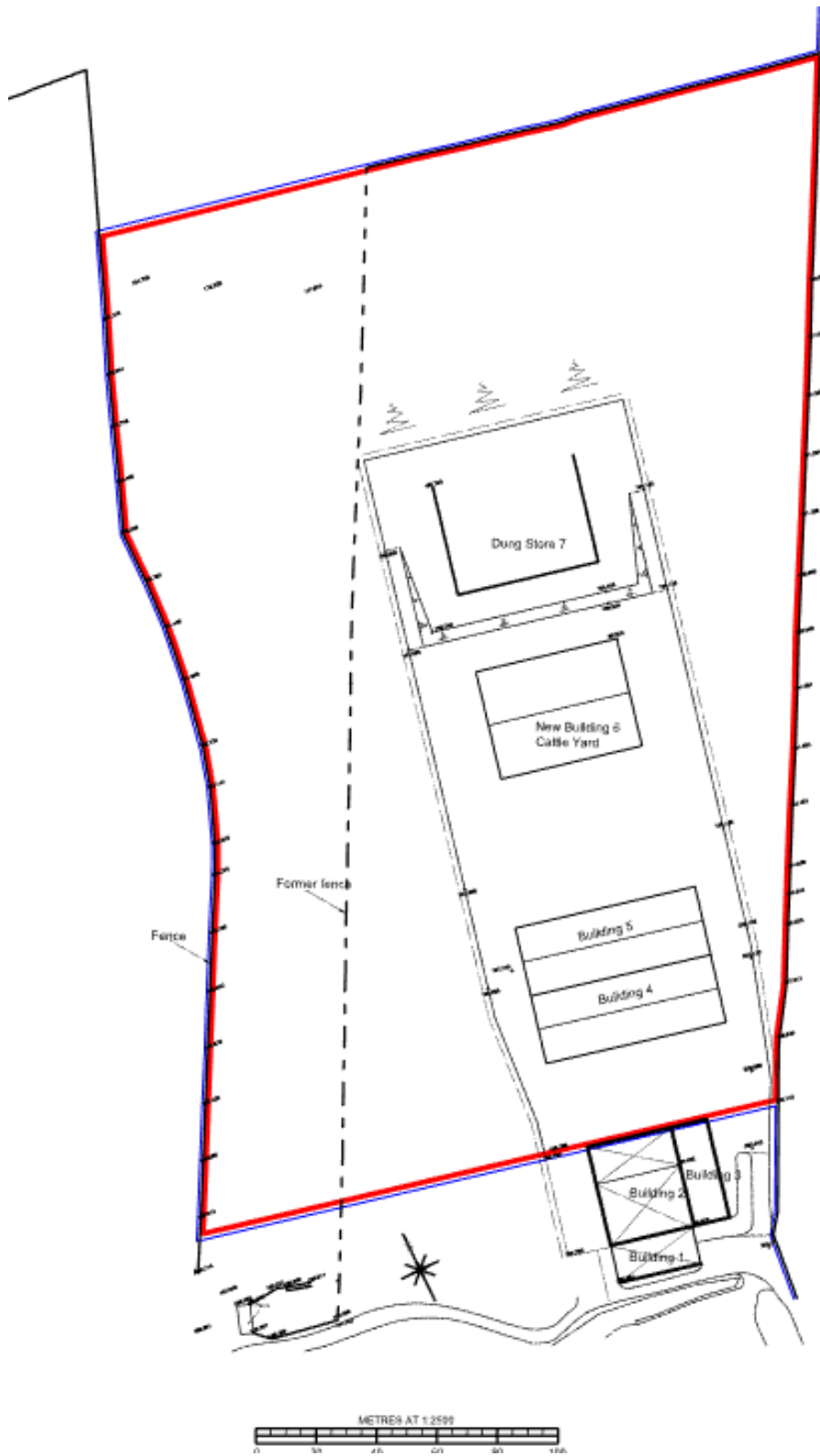
This application seeks to extend the time-period to allow for the continued deposit of waste and construction of earthworks for an additional 3 years to 31st December 2025. The proposed amended condition would read:

The deposit of waste and all earthworks required to form the approved development shall be completed by 31 December 2025. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

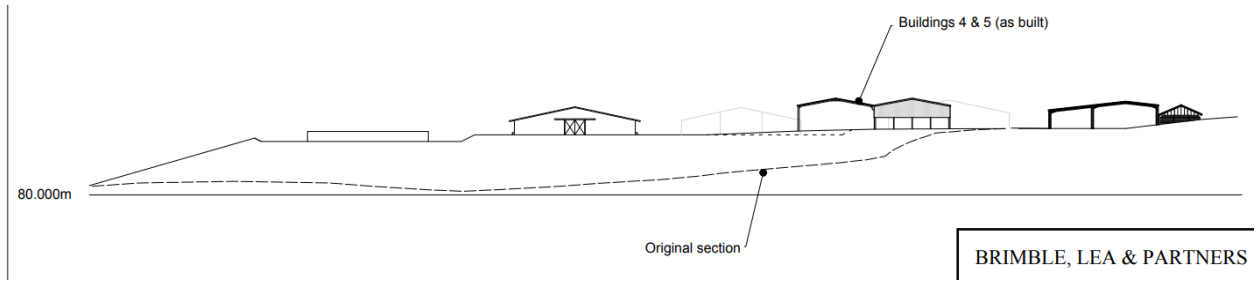
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

The applicants have stated that due to continued shortages of waste material over the past few years - which was exasperated by the Covid 19 crises and increased competition for such waste - they were unable to complete the deposit of waste and construction of the earthworks in the allotted time (27 June 2022 as approved under applications 17/03155/VAR (where the extension of time to 2022 was agreed) and 17/09988/VAR). However, the applicants state the availability of material is expected to significantly increase in the next 12-18 months following the pandemic, and with developments coming forward the applicants wish to extend the period for completing the deposit of waste and earthworks by an additional 3 years to 31 December 2025. The applicants further state that following a land survey and established through software modeling, it has been calculated that 513,079 cubic metres of material was required to complete the earthworks as approved in 2010. Since 2010 367,311 cubic metres of material has already been imported onto site; as such an additional 145,768 cubic metres of material is required to complete the development. The applicants envisage the earthworks will take approx. 3 years to complete.

Plan of approved scheme 17/03155/VAR (and varied by 17/09988/VAR) –

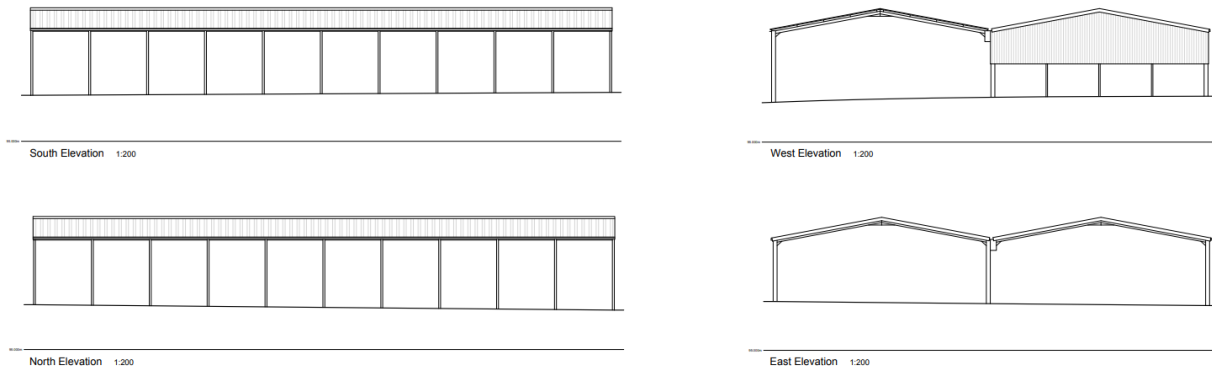


Proposed layout approved scheme 17/09988/VAR



Approved cross section north to south detailing extent of proposed land fill (17/09988/VAR)

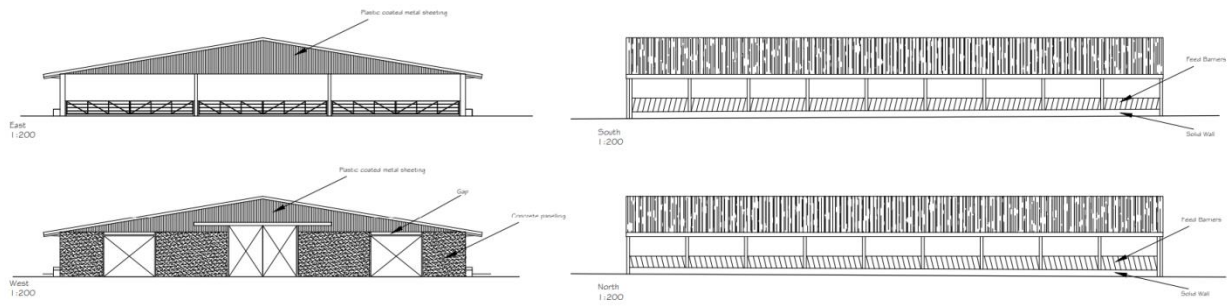
Existing farm buildings (referred to as buildings 1, 2 and 3) are located directly to the north of the farmhouse and fall outside the red line location area of the current scheme and are used to house farm machinery. The approved scheme (17/09988/VAR) includes the erection of building 4 (livestock shelter) and 5 (storage of hay bales) which have been constructed on site. Permission has also been granted for the construction of building 6 to be used as a livestock shelter and a building to be used as a dung store. The livestock shelter and dung store are yet to be constructed. Significant works of re-profiling on site have commenced (see photos below).



Approved building 4 and 5 (17/09988/VAR) – constructed on site



Photograph of building 4



Approved building 6 (17/09988/VAR) – not yet constructed



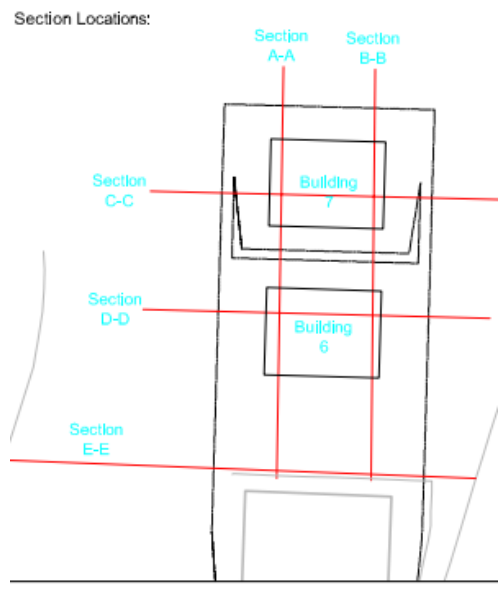
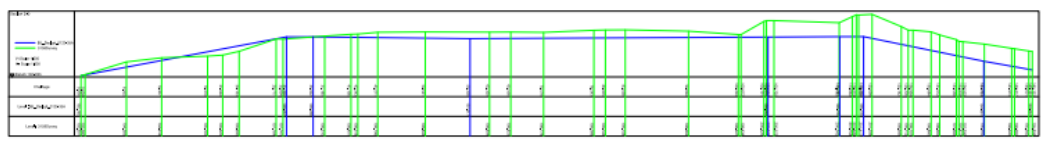
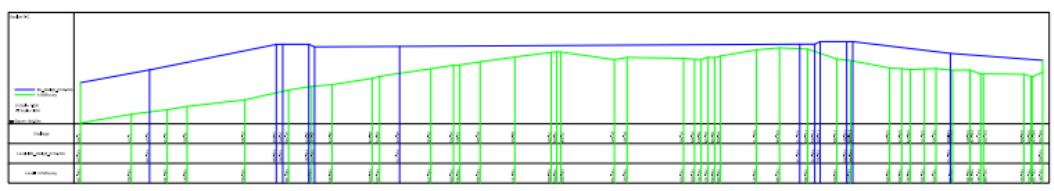
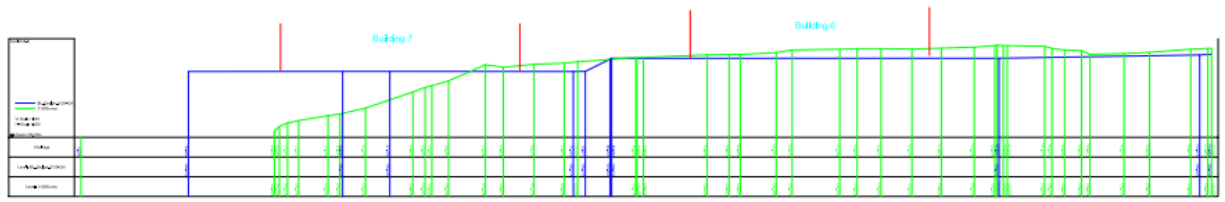
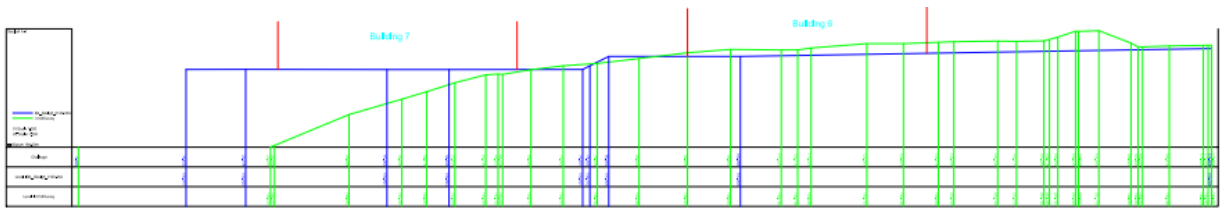
**Profiled land to west of agricultural buildings looking towards
Lords Hill Barn and the A350 to West**



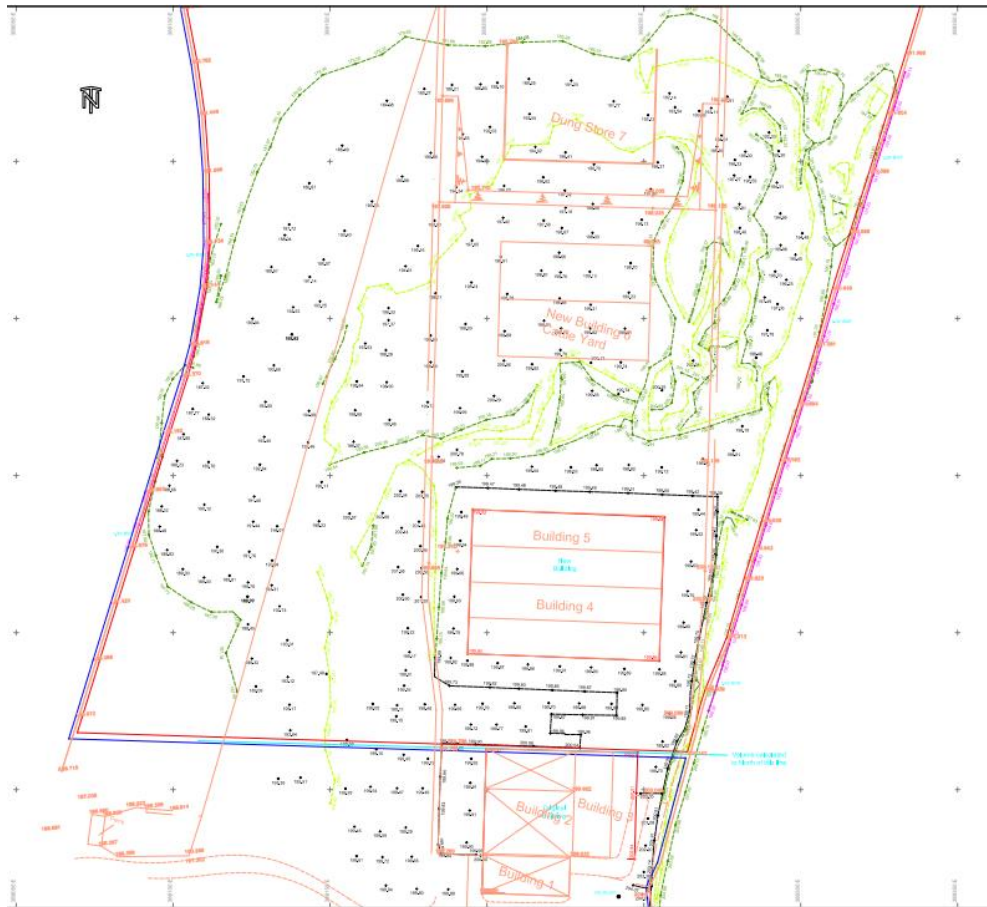
Profiled land to west of agricultural buildings looking towards Southwest



Profiled land to the north



Detailed cross section survey through site undertaken 2022



Detailed survey – existing/current land height levels with location existing/proposed buildings superimposed

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 64: Demand Management

National Planning Policy Framework 2021 (The Framework)

Other

Planning Practice Guidance (PPG)
Wiltshire Local Transport Plan 2011-2026

7. Summary of consultation responses

Sutton Veny Parish Council: No objection

Longbridge Deverill Parish Council: Object

Longbridge Deverill Parish Council object to this application with the following comments:-

- 1. The applicant states it has not caused harm to local residents; however, this is not the case with increased haulage traffic through the villages of Longbridge Deverill and Crockerton.*
- 2. Access to the site off the A350 is unsuitable, with mud often being deposited on the road, causing danger to other road users.*
- 3. Original timescale granted in 2010 for 3 years has been extensively extended and it is time for its conclusion.*
- 4. Non-compliance with original application, extensions to timescales, planting and screening not actioned.*
- 5. Environmental impact – it is not known what waste is being deposited and what checks are carried out.*
- 6. Possible contamination to chalk streams and rivers.*
- 7. The site in an AONB and therefore continues to have a significant impact on the landscape and to the ecology of the area.*

Upper Deverills Parish Council: Object

- 1. Since 2010 there has been a large volume of HGV traffic on the A350 and feeder subsidiary roads, including through the Upper Deverills, due to this activity near Kingsdown Farm. Any extension will further cause inconvenience and dangerous road conditions due to mud and verge erosion. It is therefore not true that an extension to the activity "would not cause any harm to local residents and the wider community".*
- 2. It is not true that there has been "a shortage of landfill material in the last ten years".*
- 3. There is little evidence that the existing permission's conditions regarding screening and planting have been complied with in full.*
- 4. The impact on the environment has not been properly addressed by the applicant.*
- 5. Large vehicles spraying mud, eroding verges and dumping excess loads of landfill will do nothing to "improve our environment", particularly in this AONB.*

Wiltshire Council Highways Officer: No comment

Wiltshire Council Waste Management: Do not comment on agricultural development

Wiltshire Council Public Protection: This department has no observations to make regarding this application.

Environment Agency: Following comments submitted by third party representations updated comments from the Environment Agency were requested:

Comments dated 10 August 2022 are as follows –

Thank you for contacting us following additional responses being provided. We have no additional comments to make beyond those in our letter dated 18 March 2022 (Ref: WX/2022/136196/01-L01). We have no objection to the extension of the time period as set out under Condition 3, however the tonnage authorised under the permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required. This is separate process to obtaining planning permission.

Comments dated 8 July 2022 with regards comments and information submitted by third parties:

The site has the waste permit for the large fill and exemption for using waste in construction such as tracks and yards around the farm. I inspected the site earlier this year and found no non-compliances. We had some reports from members of the public regarding construction of a track but the material in the photographs and reasoning given by the operator did not give any concerns over any wrongdoing. I discussed it with Wiltshire and as the track already existed and was being resurfaced rather than created from nothing, I believe they said it wouldn't require any planning consideration. As the site reached the permitted limit of the main fill they will have to vary the permit to continue accepting waste.

The issue of tyres seen in the photos from 2015 has been discussed internally and as we would not investigate a report of this age if it came in regarding an unrelated site, we will not be pursuing any additional investigation into it at this stage. The yard area identified may be visited during a future inspection but we won't be making a specific visit for it.'

Comments dated 18 March 2022 –

The site currently holds an environmental permit relating to the associated waste activity. We have no objection to the extension of the time period as set out under Condition 3, however the tonnage authorised under the permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required.

Cranborne Chase Area of Outstanding Natural Beauty (AONB): Object

In summary – Self-evidently this development has dragged on for far too long, equally clearly the buildings were not that vital otherwise they would have been erected and the project completed much sooner. There have been far too many extensions and it is not appropriate to have such an open ended development in one of the nation's finest landscapes. There has been more than enough time for the development to have been completed and the AONB Partnership strongly recommends that no further extensions should be given and that the landscape works to blend the tipping into the landscape should be carried out and completed within the next planting season. As you will have observed the buildings that have so far been constructed are very obvious in the landscape and the absence of additional fill for the project will place the final buildings at a lower level and hence enable those buildings to be less immediately obvious in the scene.

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. The following comments were received:

88 objection comments were received –

- As site has now been operating for 12 years which should represent adequate time for the reprofiling
- The applicant has had more than ample opportunity to complete works
- Covid argument poor justification for continued waste dumping

- The Environment Agency are currently investigating
- Adverse impact on character of AoNB
- Development a permanent scar on the landscape
- Many more suitable locations to create a commercial development
- Will set a precedent
- Additional buildings are not needed
- Village is blighted by haulage vehicles
- Adverse impact on health and safety of residents
- Watercourses stand to be contaminated from material being dumped at the site
- Access point onto the A350 is frequently covered in mud
- Dangerous access to the A350
- Lorries entering and exiting the site are a considerable hazard
- No screening of site
- No monitoring of site
- Adverse impact on wildlife
- Condition imposed to make sure development was completed in a timely manner with least disruption possible
- Extension to 2025 unreasonable
- Detrimental impact on this whole area due to dust, noise, vibration and emissions of the HGV's accessing the site
- Site remains a scar on beautiful landscape
- Increases the risk of land slippage, toxic gases leaking and water contamination
- Increased levels of pollutants from lorry journeys
- Site is totally inappropriate as a dumping ground for building waste
- Works going on at night
- Reached Environment Agency capacity limits
- Adverse impact on drainage in the area
- Applicant has failed to complete the conditions imposed in the previous application
- Lack of enforcement action
- The aggressive mounding and infill has been utilised in a manner that seems to serve only as an ever extending foundation for a series of massive agricultural buildings
- Persistent run off of foul smelling seepage onto the adjoining grass

81 supporting comments were received –

- Site well monitored and maintained
- No impact on environment either visually or ecologically
- Should be supporting/aiding farmers
- Due to the recent Covid pandemic applicant was unable to meet deadline
- The entrance and exit are perfectly fine especially for HVG traffic
- There is a wheel wash on site so no mud is dragged out
- There has never been any mayor incident involving lorries
- Extension of time is required to complete landscaping etc
- If not completed will only leave an unfinished site
- Independent food production is vital for any country to balance imports
- There is no legal or environmental reason to disrupt completion of this project
- Development will enhance animal welfare

- The existing enterprise, combining livestock and cereal production within a single farm using regenerative and circular farming practices is a model for sustainable agriculture
- Barns are required to improve animal welfare
- The site is hardly visible from the A350/screened by hedges
- Traffic will not be increased as stated
- Should be allowed to develop business
- The proposed plans are in keeping with the surrounding area
- Extending period of time would be a benefit to highway safety as vehicles entering/existing the site would be spread out over time
- Farmers require the right level of infrastructure and need to invest in buildings and roads, in addition to machinery/ farming has become a very challenging industry
- Has already been given planning permission
- The materials being tipped are inert waste and top soil
- Inert waste is waste which is not biologically nor chemically hazardous it is notT biodegradable waste or hazardous waste! Inert waste is typically produced at certain stages of construction activity and include concrete, rubble, sands, clay, chalk & soil.

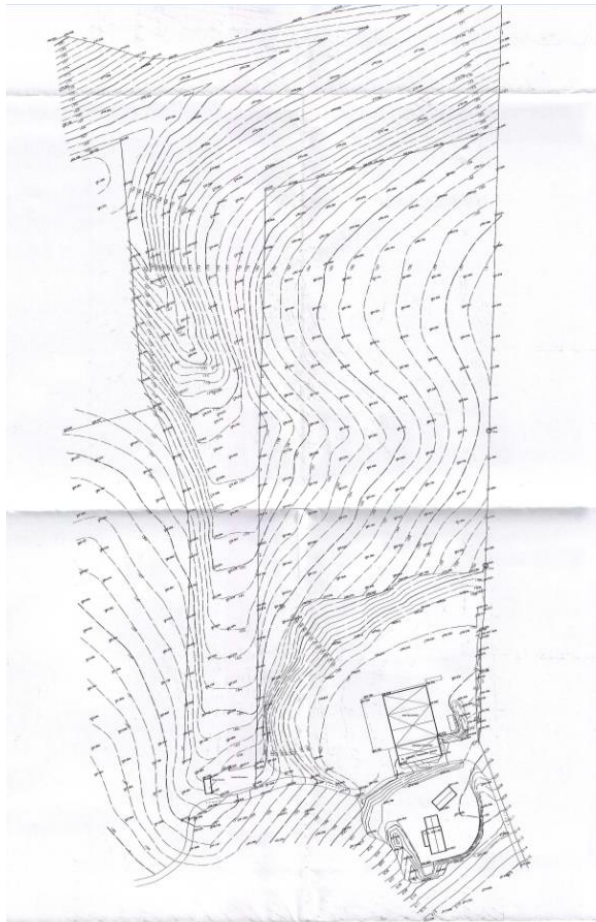
9. Planning Considerations

9.1 The Principle of Development

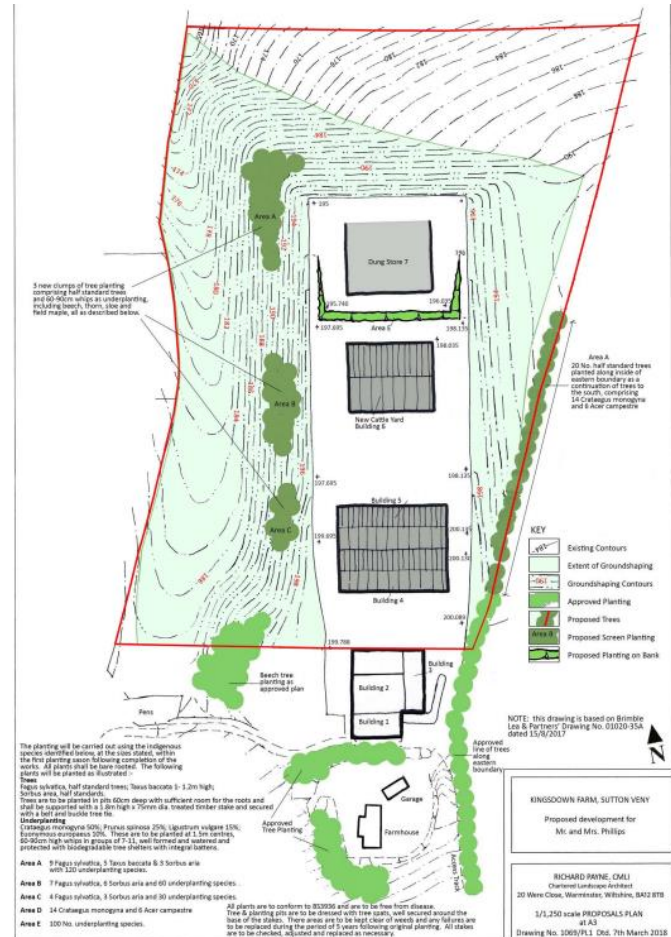
Planning permission was originally granted for agricultural buildings and the re-profiling of land for these buildings in 2010 under reference W/10/02377/FUL (the deposit of waste and all earthworks were conditioned to be completed within 3 years). Application 17/03155/VAR approved a 5 year extension to the time allowed to dispose waste onsite. The current layout of the site and building design was approved under application 17/09988/VAR.

Two existing agricultural buildings are located on the application site, built side by side referred to as buildings 4 and 5 (approved under application 17/09988/VAR). The re-profiling of the land would involve filling the land to create an elongated and tiered site measuring overall approximately 90 metres wide by 250 metres long. It was advised that approximately 173,000 cubic metres of fill material had been delivered to the site by 2017 hence the requirement to extend the time required to deliver waste to the site and the submission of application 17/03155/VAR, subsequently approved. Following a land survey carried out in 2022 and established through software modelling, it has been calculated that 513,079 cubic metres of material is required for completion of the earthworks. 367,311 cubic metres of material has already been imported onto site and an additional 145,768 cubic metres of material is required to complete the development.

As detailed above the applicants were unable to complete the deposit of waste and earthworks by 2013 and the Council extended this period by another 5 years to 2022 under application reference 17/03155/VAR. Condition 3 in relation to the deposit of waste was carried forward on subsequent application 17/09988/VAR where an amendment to the design of the approved buildings 4 and 5 was sought. The pre-development topography and approved layout and landscaping for the scheme are detailed in the following plans -



Existing topography pre-development



Approved Landscape scheme 17/09988VAR (W/10/02377/FUL)

As such the principle of development for the erection of livestock buildings, dung store, access track and re-profiling of the land has been established by the granting of previous planning permissions W/10/02377/FUL and 17/09988VAR and accordingly it would not be considered reasonable to revisit the principle of the approved development.

9.2 Impact on the Character and Appearance of the Area / AoNB / Public Footpaths

The site lies within the Cranbourne and Chase AONB, Salisbury Plain and West Wiltshire Down countryside character area. The buildings as detailed on the above plans were approved under application W/10/02377/FUL, where a Landscape and Visual Impact Assessment was submitted to support the application, and varied by application 17/09988/VAR. A landscape scheme for the site was conditioned under application 17/09988VAR (see plan above) and subsequently discharged. A condition would be required again on any approval requiring the landscaping to be carried out in accordance with the approved plan.

This application seeks to vary condition 3 of application 17/09988/VAR and extend the time limit to allow continued deposit of waste materials and earthwork construction. Comments by third parties and the AONB officer are noted. However, the impact of the proposed agricultural buildings on the rural character of the area, the AONB and public footpaths were assessed under application W/10/02377/FUL and 17/09988/VAR where it was determined that the impact of the scheme on the character of the area/ AoNB and right of way was not sufficiently harmful

to warrant a recommendation for refusal. Amendments to the design of buildings 4 and 5, now constructed on site, were assessed under application 17/09988/VAR. No alterations are proposed to the approved buildings, access to the site or business practices, As such an extension of the time limit for deposit of waste materials would have no greater impact on the rural character of the area/AoNB or public footpaths than already exists or was approved under previous applications.

9.3 Impact on the Living Conditions of Neighbouring Residents

Any impact of the development on the living conditions of neighbouring residents was assessed under application W/10/02377/FUL and accompanying variations (17/03155/VAR and 17/09988/VAR). The current scheme proposes no alterations to the approved buildings or changes to the access or business operations on site. In addition, the nearest residential properties to the site are located over 880 metres distant at Parsonage Down Farm to the southeast, Lords Hill Barn to the west which is over 1km distant and Haycombe Hill Farm to the northeast which is over 900 metres distant. A condition was imposed on the original scheme and carried forward to application 17/09988/VAR restricting noise levels onsite and this condition would be re-imposed on any approval.

As such it is considered the proposed amendments to time limits for deposit of waste material would not result in additional harm to the living conditions of neighbouring residents and any existing impacts would be no greater than already experienced as a result of the approved scheme.

9.4 Highway Issues

Access to the site is off a track leading from the A350 approaching the site from the south. Vehicles exit the site via another track that leads from the site to the A350 further north of the access. In addition there are vehicle washing facilities available at the exit. As stated above the proposed development involves no alterations to the access or access tracks leading to or from the site. There are no objections to the scheme from the Council's highways officer and no evidence of highway safety issues at the entrance or exit to the site.

Comments by third parties with regards HGV traffic passing through the local villages and impact on their living conditions in terms of noise and other adverse impacts on amenity and safety are noted. However, the level of traffic generated by the current scheme in comparison to the level of traffic using the busy A350, which is considered a heavily trafficked arterial road, would be minimal. It would be extremely difficult to attribute harm in terms of noise etc purely to the level of traffic generated by the current scheme.

A condition was imposed on the original application (W/10/02377/FUL) and subsequent variations limiting HGV traffic entering the site to no more than 50 on any working day or 25 on Saturdays while a condition was also imposed restricting operating hours in relation to the formation of the earthworks. These conditions would be re-imposed on any approval.

9.5 Ecology Issues

The development involves the re-profiling of land and erection of 4 agricultural buildings on site, 2 of which have been constructed. In terms of the ecological impact of the 2010 approval there was no significant loss of hedgerows or trees on site and no existing agricultural buildings were demolished. As such the impact of the original 2010 development is considered limited with no

adverse impact on ecology and the current proposal to extend the time limits to deposit waste would also have no significant adverse impact on local biodiversity. A condition was imposed on application W/10/02377/FUL and subsequent revisions limiting the installation of external lighting unless agreed in writing by the LPA. This condition would be re-imposed on any approval.

9.6 Other issues

A condition restricting the type of material to be imported and deposited on site to inert waste and topsoil only would be re-imposed on any approval.

Enforcement Issues have also been raised by third parties. However, these matters have been investigated by the Council's enforcement team and the cases closed (see Planning History above).

10. Conclusion (The Planning Balance)

The application seeks to vary condition 3 of application 17/09988/VAR to increase the time limit to deposit waste on site by an additional three years.

The principle of development for the erection of livestock buildings, dung store, access track and re-profiling of the land has been established by the granting of previous planning permissions W/10/02377/FUL and 17/09988/VAR and it would not be considered reasonable to revisit this principle of the development.

Comments by third parties on the impact of the development on the character of the area and AONB and living conditions of adjacent residents are noted. However, whilst accepting that the variation of condition would lead to a longer period before completion of the land fill and landscaping, it is considered the extension of time would not cause additional harm to the amenity of local residents or harm the character of the AoNB.

In summary conditions relating to the number of vehicles allowed to enter the site and delivery times would be re-imposed. There are no highway safety issues with the access or egress and no objections to the development from the council's highway officer. The impact of the development on the character of the AoNB, living conditions of neighbouring residents, highway, ecology and drainage issues were dealt with under the previous approved applications and it was concluded, subject to conditions, the development would not cause significant harm.

The delivery of materials onto the site has been occurring since application W/10/02377/FUL was approved. The delivery of material was once again approved in 2017 to operate until 2022. It is noted that of the 22 comments on application 17/03155/VAR to renew waste deliveries, there was only one objection and no objections from the parish councils. The harm caused by the delivery of waste and construction of the earthworks was not considered sufficient to warrant a refusal of application W/10/02377/FUL, and also not considered sufficient to warrant a refusal of application 17/03155/VAR or subsequent 17/09988/VAR. There are no objections to the scheme from the council's highways team or public protection team and there have been no significant changes in local circumstances or planning policy. The scheme proposes no changes to the design of the buildings, access or on site business practices. Therefore, officers conclude the proposed extension of time would also not cause the level of harm required to

either the character of the area, local amenity of highway safety, as to warrant a recommendation for refusal.

RECOMMENDATION: Approve subject to conditions

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

Location plan scale drg no. 01020-31 A received on 26.07.2010
Topographic Survey drg no. 3158/01 received on 29.06.2022
Site Sections A-A, B-B, C-C and D-D drg no. 3158/03B received on 29.06.2022
Site Section E-E drg no. 3158/04B received on 29.06.2022
Site layout drg no. 01020-35 A
Proposed plans and elevations buildings 4 and 5 drg no. 01020-37 received on 12.10.2017
Proposed plans and elevations building 6 drg no. 01020-26 F received on 12.10.2017
Proposed plans and elevations 'Dung Store' drg no. 01020-32 A received on 26.07.2010
Proposed site section scale 1:1000 drg no. 01020-38 received on 13.12.2017
Landscape plan scale 1:1250 drg no. 1069/PL1 dated 7 March 2018

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

2. The deposit of waste and all earthworks required to form the approved development shall be completed by 31st December 2025. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.'

3. Landscaping shall be carried out in accordance with the approved plan (drg no. 1069/PL1 dated 7 March 2018) approved under application 17/09988VAR. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the 31 December 2025 or substantial completion of the earthworks, whichever is 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 and in the interests of the character of the area and character of the AONB.

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009 approved under application W/10/02377/FUL), and the mitigation measure as detailed within this document.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

5. No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

6. No operations relating to the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

7. No more than 50 HGVs (heavy goods vehicles) shall enter the site on any working week day, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

9. During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

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

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

INFORMATIVE:

The applicant's attention is drawn to the comments of the Environment Agency advising the tonnage authorised to be deposited under the existing permit has been reached. If further waste is to be deposited under this permit, a variation (from the Environment Agency) will be required.

INFORMATIVE: The applicant's attention is drawn to the compliance clauses applicable to conditions relating to details in conditions 2 (material samples), 3 (submission of a programme of archaeological works), 6 (submission of a CEMP), 7 (scheme for the reception of waste materials) and 17 (highway works) under Decision Notice W/10/02377/FUL.

Appendix 1: Approved application W/10/02377/FUL (officers report plus conditions list)

DELEGATED REPORT

Application Number	W/10/02377/FUL	
Site Address	Kingsdown Farm Lords Hill Longbridge Deverill Wiltshire BA12 7DY	
Proposal	Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL)	
Applicant	Mr And Mrs JM And K Phillips	
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 5597 rosie.macgregor@wiltshire.gov.uk

1. Purpose of Report

To consider the above application and to recommend that permission be granted.

2. Main Issues

The main issues to consider are:

- * Impact on the special landscape quality of this nationally important Area of Outstanding Natural Beauty.
- * Design
- * Relevant planning history
- * Highway safety implications
- * Protection of groundwater
- * Archaeological interests
- * Neighbouring land uses

3. Site Description

The application site is located within the nationally important landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The site is typical of its location, part of the rolling chalk downlands which make up the character of this special landscape.

The application site is within a designated area of archaeological potential and interest and a groundwater source protection area.

The application site is approximately 7.14 hectares in area located in open countryside, some 2.5km south east of Longbridge Deverill to the east of the A350. The A350 is part of the primary route network and runs between Warminster and Shaftesbury.

The proposed development would be sited adjacent to the existing steel frame agricultural building which is approximately 40 metres by 35 metres and an agricultural workers dwelling.

4. Relevant Planning History

Relevant history of this general site area:

01/00829/AGD - Extension to existing agricultural building and erection of new agricultural building - Prior approval of details not required - 05.09.2001

04/00702/FUL - Erection of agricultural stock building (to replace approved stock building not erected)
– Permission - 05.10.2004

05/01858/FUL - Farmhouse and garage – Permission - 26.01.2006

W/09/01164/FUL - Extend existing agricultural building – Permission - 22.05.2009

Further relevant history in the vicinity:

01/01484/OUT - Farmhouse and farm buildings (outline) – Refusal - 23.05.2002 (Dismissed at appeal on 10.02.2003)

W/09/01142/FUL - Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings - Refused 16.07.2010 followed by appeal.

This application was subsequently dismissed on appeal.

However, the Inspector identified the key issue as being the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. On balance he determined to dismiss the appeal on the basis of the submitted plans due to the harm to the landscape.

However, he did not accept that the appeal proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape. These comments were based on an alternative scheme, the subject of the current application, which was placed before the Planning Inspector by the appellant's agent at the Appeal.

5. Proposal

This is a revised scheme to the one that was dismissed on appeal. There are a number of significant changes between the current scheme and the one that was dismissed.

The proposal is to erect 2 livestock buildings, straw storage building, dung store and to re-profile the land to facilitate the new buildings and hardened track between them. The buildings would be constructed from concrete panels and plastic coated metal sheeting.

The proposal would result in approximately 330,000 cubic metres of fill material being brought to the site comprising inert waste, subsoil and topsoil.

The re-profiling of the land would involve filling the land to create an elongated and tiered site measuring overall approximately 90 metres wide by 250 metres in length.

Access to the site is off a By-Way, a private road, and the land slopes steeply from the entrance level down to the site.

The floor level of the first new building would be at the same level as the hard standing adjacent to the existing barn. The remaining buildings would be at a lower level approached by an access road leading down from the upper of the two levels.

The proposed platforms off which the buildings would be erected would be landscaped to provide screening.

The application is accompanied by a Design and Access Statement, an agricultural justification report, a Landscape and Visual Impact Assessment, a Flood Risk Assessment and Drainage Strategy and a Phasing Plan.

A topographical survey accompanies the plans.

The original application was the subject of an Environmental Statement(ES). However, the Planning Inspectorate did not share the view of the local planning authority that the proposal required an ES. A further screening under EIA was carried out on submission of the current application and the view taken that in view of the reduction in the scale of the buildings and changes to the topography of the land an ES was not required. Furthermore, the application is accompanied by statements and reports that will be the subject of consultation with the necessary bodies.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection
C2 Area of Outstanding Natural Beauty
C15 Archaeological Assessment
C31a Design
C32 Landscaping
C35 Light Pollution
C38 Nuisance
U1a Foul Water Disposal
U2 Surface Water Disposal
U4 Groundwater Source Protection Areas

National guidance

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13:Transport
PPG16:Archaeology and Planning
PPS23:Planning and Pollution Control
PPS25:Development and Flood Risk

7. Consultations

Sutton Veny Parish Council

'Are in support of this application, and feel that their views should be considered paramount as the majority of land at Kingsdown Farm falls within the boundaries of this Parish.'

Longbridge Deverill and Crockerton Parish Council

'Support subject to conditions.

1. subject to increased planting and copping, which should commence within the first planting season, thus improving landscape view as soon as possible.
2. Solely for the purpose of agriculture
3. The Parish Council would not want to see any further development of this site in the Area of Outstanding Natural Beauty.'

Highways

No objection subject to conditions relating to the Byway.

Library & Heritage

The Wiltshire Sites and Monuments Records show that the proposed development area is of archaeological interest. Several features noted on aerial photographs may represent fragments of an earlier field system. In addition a number of ring ditches and round barrows indicative of Bronze Age funerary activity have been recorded in the vicinity.

In view of this the following recommendation is made in line with PPG16.

Recommendation: Full condition.

No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Principal Ecologist

Although there are badger records nearby, it's unlikely badger setts would be found near the proposed buildings since the works are in the middle of a field and don't seem (from 2005/06 aerial photographs) to affect hedgerows where setts are most likely to be located. No further comments to make.

Agricultural Consultant

On commenting on the previous application on which the appeal was based stated that the proposed buildings are warranted by the proposed agricultural practice.

Environment Agency

The Environment Agency has no objection in principle to the proposed development subject to conditions, recommendation and informatives forming part of any approval granted:-

The site falls entirely within Flood Zone 1 (low risk) as defined within Table D.1 of Planning Policy Statement 25 (PPS25) Development & Flood Risk. The total area of the proposed development is given as some 8.4 hectares. It is therefore appropriate that the applicant has supplied a site specific Flood Risk Assessment (FRA) in support of this proposal, in compliance with the requirements of PPS25.

Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

Objects to the scheme as currently proposed and therefore strongly recommends refusal because the the proposals would significantly harm the character and appearance of the AONB.

Campaign for the Protection of Rural England

Strongly support the agricultural case made by the applicant. Recognise that the farming industry needs to be allowed to be viable and sustainable. Accept that there is bound to be some intrusion into the AONB and traffic generation but suggest shelter belts and copses to mitigate the impact.

Country Land and Business Association

Supports this well researched and practical proposal which fully accords with the Government's national and local planning guidance and their objectives for sustainable farming and food.

8. Publicity

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

Expiry date: 01.09.2010

Summary of points raised:

One letter of objection has been received on the following grounds:

Visual impact in AONB as a result of alien and dominant buildings that will ruin a lovely part of Wiltshire Downland.

22 letters have been received in support of the application on the grounds that there would be no harm and that agriculture is essential to the rural economy.

9. Planning Considerations

9.1 This is a revised scheme and significantly different to the one that was dismissed on appeal and the comments made by the Inspector, highlighted above under Planning History are relevant to the determination of this application.

9.2 The site is located entirely within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Beauty. The site is clearly visible from approaches from the north along the A350, which is part of the primary route network.

This part of the nationally important landscape is characterised by typical features of chalk downland, including dry valleys and undulating topography, large fields and sparse field boundaries. It is also noted that there are clusters/copses of woodland within the immediate area. The application site is typical of the area's character.

9.3 Landscapes such as this have been designated as being of national importance and PPS7 states at paragraph 21 that such areas should be afforded significant protection for their own sake. They have the "highest status" of protection in relation to landscape and scenic beauty. Therefore their protection should be given "great weight" in development control decisions.

9.4 Paragraph 22 states that major development should not take place in these designated areas, except in exceptional circumstances. Such applications should be subject to the most "rigorous examination". Major development proposals should be demonstrated to be in the public interest and have to meet set criterion including the need for the development, consideration of locating development outside these areas and the detrimental impact of the proposals and how this may be moderated.

9.5 PPS7 also discussing the issues of agricultural development specifically as the national planning policy statement for sustainable development in rural areas. The government recognizes the importance of agriculture in shaping the countryside and our "valued landscapes". It states at paragraph 27 that development plans must recognize this and have policies to support farming.

9.6 Further PPS7 comments on matters of tourism and leisure, which is an important consideration also given the outstanding landscape character of AONB. The AONB obviously presents opportunity for visitors and tourism which also contribute to the diversified rural economy. In paragraph 34 of PPS7 tourism is described as being "vital to many rural economies".

9.7 In addition to PPS7 the development plan has policies which reflect this position. Policy C2 of the West Wiltshire District Plan 1st Alteration (2004) states that "priority will be given to landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted." To emphasis the development plan policy explicitly states that landscape consideration has priority over other considerations in the AONB.

9.8 Policy C2 goes on to state that development essential to the economic and social well being of the rural community will be permitted, having regard to, amongst other things, location, siting, design, materials and landscaping. Policy C1 regarding general countryside protection also emphasises the need to protect the quality and variety of the countryside and rural landscape.

9.9 It is noted that the proposals would be in effect an extension of the existing agricultural provision at this site which currently is made up with a substantial steel framed barn and an agricultural workers dwelling with garage which is nearing completion. The development currently visible is subject to a landscaping condition which has yet to be fully implemented/enforced.

9.10 The significance of the proposals and likely impact on the landscape should not be underestimated because it would include substantial re-profiling of land, and the erection of four

further substantial structures. However, the agricultural need must be balanced against the impact on the landscape and it should be noted that the Council for the Protection of Rural England and the local parish councils are now supportive of these revised proposals.

9.11 The agricultural unit has recently been established in this location following refusal of an earlier application for a farmstead including a dwelling in another prominent location. The Inspector in that case found the previous site unacceptable and highlighted that other locations might be more appropriate but did go as far as to accept development in any other location.

9.12 Given the establishment of the farmstead at the current location, and the most recent appeal decision on this site, it is accepted that an agricultural operation is being established at this site and following the Inspector's advice that the appeal proposal was not the only possible solution, it is appropriate that an intensification of the current site may be acceptable. Furthermore, the Council has taken the view that no significant harm would occur as a result of the earlier permissions. The current development is clearly visible within the landscape but the previously approved landscaping is as yet incomplete. However the impact of the proposals, significantly reduced in level and height since the appeal decision, could be mitigated by further sensitive landscaping which is indicated as part of the current proposals. Indeed, the application has been supported by a full landscape and visual assessment which forms part of the documents submitted with the application. The key issue identified by the Inspector is the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. The Inspector took the view that the appeal proposal was not the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape.

9.13 It is acknowledged that the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty maintains its objection to the proposals. However, its interpretation of the recent appeal decision is different from that of the local planning authority. The AONB's concern is the failure to preserve the landscape character. Yet it could be argued that any development within this location would have a harmful impact on the landscape quality. The existing farmstead is already a noticeable feature of the landscape but its impact will be significantly reduced once the proposed landscaping has matured. In any case any harm must be balanced against the agricultural need of the enterprise. It is considered that additional landscaping currently proposed will mitigate the impact of the proposals on the AONB.

9.14 The highway officer who formerly had no objection to the proposals has now raised concerns over the impact on the By-way and is seeking improvements to this privately owned public right of way. The applicant's agent has been made aware of these recent observations. It must be noted that these additional works fall outside the red-line boundary of the site although the land is in the control of the applicant. The only way in which conditions could be imposed would be through a 'Grampian' style condition, that is to say a negatively worded condition. This suggestion has been made to both the highway officer and the applicant's agent and for the most part would be an appropriate way to secure these additional works.

9.15 There is a significant level of local support for the proposals with 22 letters of support having been received from local residents.

9.16 In conclusion the development proposed is a significant improvement in scale to the original. Although the infill and four structures are of significant size and would be clearly visible within the landscape from the A350 it is likely that with careful landscaping the impact would be reduced.

9.17 It must be stressed that this is a balanced recommendation but that the need for the development and issues surrounding the practicality and welfare of the animals present sufficient justification to outweigh the harm to the landscape.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

- 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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 No development or preliminary groundworks of any kind shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

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

POLICY: Planning Policy Statement 5: Planning for the Historic Environment.

- 4 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009), and the mitigation measure as detailed within this document:

Management of surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site, and will not increase the risk of flooding off-site.

REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

- 5 Written notification of the date of commencement of the development shall be sent to the Local Planning Authority within seven days of such commencement.

REASON: To enable the Council to control the development and monitor the site to ensure compliance with the planning permission.

- 6 No development shall take place until a construction and environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

(i) details of the type of machinery to be employed, methods of working, provision for determining the depth, direction and phasing of tipping; defining the boundary of the tipping area and the gradients of the tipping area;

(ii) a scheme and programme of measures for the suppression of dust including:

a) Measures for the suppression of dust caused by moving and storage of soil and overburden and other materials within the site;

b) Measures for suppression of dust caused by traffic on haul roads, including speed limits; and
c) Provision for monitoring and review of the scheme:

(iii) details of the arrangements to be made to prevent lorries and other vehicles leaving the site depositing mud and other materials on the public highway;

(iv) details of all proposed temporary welfare and other buildings, compounds for the storage of materials and plant, and areas to be used for the parking of vehicles;

(v) details of any external lighting to be used on the site, including security lighting and mobile working lights;

(vi) details of measures to be taken to minimise the risk of uncontrolled release of polluting liquids (e.g. fuel and lubricants) associated with plant operating on the site, including details of the arrangements to be made for fuelling, inspection and maintenance of vehicles, plant and machinery, and details of emergency response equipment to be kept on site for use in the event of any accidental spillage of polluting materials; and

(vii) details of speed limits, signage and other measures proposed to facilitate the safe passage of vehicles and plant about the site.

The development shall be carried out in accordance with the approved construction and management plan.

REASON: In the interests of highway safety and to safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 7 No waste shall be deposited at the site until a detailed scheme for the reception of waste materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a quality control system for incoming waste which establishes criteria by which materials will be identified as uncontaminated and suitable for disposal at the site. The scheme shall identify under which circumstances a pre-acceptance analysis of materials would be necessary, the making available of analysis results to the local planning authority on request, and the management of wastes brought to the site which are unsuitable for disposal at the site. Once approved, the scheme shall be implemented and shall continue to be operated for the duration of the works.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 8 No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.

REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 9 The deposit of waste and all earthworks required to form the approved development shall be completed no later than 3 years after the date of commencement of development. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 10 No operations relating the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 – 17.30 on Mondays to Fridays and 08.00 – 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 11 No more than 50 HGVs (heavy goods vehicles) shall enter the site on any working week day, and no more than 25 on Saturdays.

REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 12 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 13 During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

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

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C2, C35 and C38.

- 15 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

(i) indications of all existing trees and hedgerows on the land;

(ii) details of any to be retained, together with measures for their protection in the course of development;

(iii) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed development;

(iv) finished levels and contours;

(v) means of enclosure;

(vi) the number, size, location and species of additional planting and trees to be planted.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32.

- 16 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the development first being brought into use. 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 C31a and C32.

- 17 No construction or infilling operations shall commence on site until the following works have been carried out to the by-way:
- (i) the by-way shall be widened by 2 metres on its northern entry radius and shall be finished in a bound surface material (tarmac) for the initial 30 metres from the A350 and maintained as such in perpetuity;
 - (ii) the provision and continued maintenance of visibility splays of 3m by 215m at the junction with the A350;
 - (iii) the provision and continued maintenance of two additional 6m by 15m passing places on the by-way to the west of the site's access drive and midway along the eastern section of the by-way;
 - (iv) the provision of advanced signing on the A350, warning of the presence of 'Heavy Vehicles Turning', details of which, including the location, shall be agreed in writing with the local planning authority prior to their installation.

REASON: In the interests of amenity and highway safety.

Informative(s):

- 1 The Environment Agency has requested that the following recommendations, advice and informatives should be included in the Decision Notice:

Please note that the Environment Agency accept no liability for the FRA supplied or any detailed calculations contained. This permission does not constitute approval of any such calculations nor does it constitute any consent or approval that may be required under any other statutory provision, byelaw, order or regulation.

Should the Applicant require any further clarification of the Environment Agency's position in respect of flood risk, or the requested planning condition, please refer to our Development and Flood Risk Engineer in this matter - Gary Cleaver (01258 483434).

The proposed development will require an Environmental Permit. This must be obtained from the Environment Agency prior to any development commencing. The applicant is advised to contact the local Environmental Management team at this office on 01258-483307 for further information or visit our web site www.environment-agency.gov.uk.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes and reception of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site. All relevant documentation must be completed and kept in line with regulations.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the operator wishes more specific advice they will need to contact the Environment Management Team at our Blandford offices on 01258-4833123 or look at available guidance on our website www.environment-agency.gov.uk/subjects/waste/

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All foul drainage, including foul surface water runoff, must be disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with connection to a watercourse.

Storage of slurry must be made within a sealed system.

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.

The applicant is advised that staff from the Environment Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The applicant is advised to contact a farm waste consultant, to obtain guidance on drainage arrangements.

Under the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, the person who proposes to have control over any relevant storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

Manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water and the Nitrate Pollution Prevention Regulations 2008.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

The Environment Agency must be notified immediately of any incident likely to cause pollution.

RELEVANT APPLICATION PLANS

Drawing : 01020-SURVEY 6 received on 26.07.2010
Drawing : 01020-25 D received on 26.07.2010
Drawing : 01020-26 D received on 26.07.2010
Drawing : 01020-27 D/1 received on 26.07.2010
Drawing : 01020-31 A received on 26.07.2010
Drawing : 01020-32 A received on 26.07.2010
Drawing : 01020-33 received on 26.07.2010

Case Officer:
Senior Officer: **Date:** 20/10/10

Appendix 2: Approved application 17/03155/VAR (officers report plus conditions list)

CASE OFFICER'S REPORT

Application Reference: 17/03155/VAR
Date of Inspection: 21/04/2017
Date site notice posted: 21/04/2017
Date of press notice:

POLICIES

The Wiltshire Core Strategy (WCS)

CP51 (Landscape)
CP57 (Ensuring high Quality Design and Place Shaping)

Wiltshire Local Transport Plan 2011-2026:

Government Guidance:

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

AONB Management Plan

ISSUES

This application is for a variation to Condition 9 to Planning Permission granted under LPA Ref. W/10/02377/FUL which states: under reference:

“The deposit of waste and all earthworks required to form the approved development shall be completed no later than 3 years after the date of commencement of development. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).

REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.”

The key issue therefore is whether or not, given the site history, an extension to the time period for the works is acceptable and, if so, for how long.

REPRESENTATIONS

Sutton Veny Parish Council

No comment received.

Wastes Team

Only comment with regard to urban/residential development, No comments to make.

Environment Agency

Only need to comment where they requested a condition (this condition wasn't requested, so no comment to make)

Highway Officer

The Officer notes that Condition 9 refers to the infill and earthworks approved on site and limits these works to a three year period from the date of commencement. Whilst works will continue over a longer period of time, the officer sees this as a benefit to highway safety, as vehicle movements to the site will be spread out more and less intensive on a daily basis. The officer does however note that a number of Highway related conditions were attached to the consent and subject to these being retained; in particular conditions 6, 10, 11 and 17, no Highway objection is raised.

Cranborne Chase AONB

The Officer notes that Council will be aware from the history of this site the AONB has been very concerned about the visual impact of the development and the deposit of waste and the associated disturbance to the AONB. The applicants and their agents were quite clear at the outset of this unfortunate development that they both needed and could provide the amount of fill. It is noted that competition with other fill sites is the main reason for seeking relief from the condition. That seems to be simply down to the management of the site by the applicant and their agents and not a matter for the planning authority and that is, in the opinion of the AONB, not a valid reason for seeking an extension of time. This site has been an eyesore for far too long and the works so far have demonstrated that the proposed development is much more intrusive than the application documents asserted. In the opinion of the AONB development should be modified to make use of the material currently deposited and hence install the buildings at a lower, and a much less intrusive, level. The AONB objects to the relief of Condition 9 of the 2010 application.

ASSESSMENT:

The development on this site began following the discharge of various pre-commencement conditions and the granting of a permit by the Environment Agency on 7 June 2011. The agent advises that *"A significant amount of inert waste and top soil has subsequently been imported in connection with the re-profiling of land to facilitate new buildings. However, there is still a considerable amount of earthworks required to enable further consented agricultural development to be constructed. It is accepted that Condition 9 has therefore not been complied with and this application seeks to vary Condition 9 accordingly."*

CP 51 (Landscape) requires development to protect landscape character and CP 57(Ensuring high design quality and place shaping) requires that development does not give rise to unacceptable harm. CP 51, in particular, is relevant, stating that:

".. proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.*
- ii. The locally distinctive character of settlements and their landscape settings.*

- iii. *The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.*
- iv. *Visually sensitive skylines, soils, geological and topographical features.*
- v. *Landscape features of cultural, historic and heritage value.*
- vi. *Important views and visual amenity.*
- vii. *Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.*
- viii. *Landscape functions including places to live, work, relax and recreate.*
- ix. *Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.*

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting."

CP51 aligns with Para 115 to the NPPF which states that : *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic Beauty"*

In this instance condition 9 was imposed *"To safeguard the amenities of local residents and the wider environment during the construction phase."* This is understood to mean a dual purpose of avoiding harm to neighbouring amenity to the works and aspects such as vehicular movements, and to ensure that the appearance of the wider environment is re-instated within a reasonable time period and no

A topographical survey has been carried out to determine progress made and a site section drawing has been submitted with the current application to show the original ground levels, the ground levels consented by the planning permission and the current level as at 28 February 2017. The current deviation between the current section and approved section is where imported material is deposited upon arrival and this is then moved to reflect the eventual levels. As such, it is only a moment-in-time deviation. The agent advises that, from the drawing/survey, the current fill has been calculated at approximately 173,000m³ by comparing original levels to current levels. The planning permission did not limit the volume although, as a measure of progress, the application for a Permit to The Environment Agency estimated that approximately 300,000m³ of material would be required.

The agent further advises that the *"...main reason why the deposit of waste and earthworks has not been completed is because approximately 14 new sites have been granted planning permission and licensed to take inert waste since works began, and the increased competition for material has significantly hindered the Applicants' ability to complete the earthworks. Given the ongoing and likely increased competition for inert material, the Applicants predict that it could take up to 5 years for all of the earthworks to be completed through no fault of their own, and the Condition should therefore be varied accordingly."*

There are no indications in the forms of complaints from the vicinity that the works thus far carried out have led to loss of amenity issues. However, in respect of landscape considerations the AONB officer has objected, further advising that a revised scheme should be submitted to amend the location of buildings

on the site. Whilst accepting that the variation of condition would lead to a longer period before landscaping is complete it is not considered reasonable – where the LPA granted approval under W/10/02377/FUL on the basis of - to revisit the whole proposal on those grounds. In assessing the W/10/02377/FUL proposals the officer observed, in respect of site history:

W/09/01142/FUL - Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings - Refused 16.07.2010 followed by appeal.

This application was subsequently dismissed on appeal.

However, the Inspector identified the key issue as being the finely balanced judgement between the impact of the scheme on the character and appearance of the Area of Outstanding Natural Beauty and the agricultural justification for the proposals. On balance he determined to dismiss the appeal on the basis of the submitted plans due to the harm to the landscape.

However, he did not accept that the appeal proposal was the only feasible solution and gave a clear steer that an alternative scheme that reduced the building heights and finished ground levels would be significantly less harmful to the landscape. These comments were based on an alternative scheme, the subject of the current application, which was placed before the Planning Inspector by the appellant's agent at the Appeal.

And

9.13 It is acknowledged that the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty maintains its objection to the proposals. However, its interpretation of the recent appeal decision is different from that of the local planning authority. The AONB's concern is the failure to preserve the landscape character. Yet it could be argued that any development within this location would have a harmful impact on the landscape quality. The existing farmstead is already a noticeable feature of the landscape but its impact will be significantly reduced once the proposed landscaping has matured. In any case any harm must be balanced against the agricultural need of the enterprise. It is considered that additional landscaping currently proposed will mitigate the impact of the proposals on the AONB.

9.14 The highway officer who formerly had no objection to the proposals has now raised concerns over the impact on the By-way and is seeking improvements to this privately owned public right of way. The applicant's agent has been made aware of these recent observations. It must be noted that these additional works fall outside the red-line boundary of the site although the land is in the control of the applicant. The only way in which conditions could be imposed would be through a 'Grampian' style condition, that is to say a negatively worded condition. This suggestion has been made to both the highway officer and the applicant's agent and for the most part would be an appropriate way to secure these additional works.

9.15 There is a significant level of local support for the proposals with 22 letters of support having been received from local residents.

9.16 In conclusion the development proposed is a significant improvement in scale to the original. Although the infill and four structures are of significant size and would be clearly visible within the landscape from the A350 it is likely that with careful landscaping the impact would be reduced.

The approval was granted with the Inspector's conclusion in mind. The Officer did not however draw any conclusions in respect of the time-frame required. The applicant has now estimated that the works would take up to 5 years to be completed where the EA estimates a total fill of 300k m³ And 175k m³ has been brought onto site.

The applicant has requested the longer period but also argues that the condition may not meet the 5 tests for conditions in the NPPF (Planning conditions should only be imposed where they are necessary,

relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.) Whilst the agent has advised that the applicant is also anxious (like the LPA) to see the work finished in order to proceed with the agricultural activities which it would further enable. It is considered that it is wholly reasonable to place a time limit on the works as necessary to meet Core Policy (and NPPF) requirements that the AONB landscape is not left scarred for an indeterminate period. The condition therefor remains relevant to this aspect of planning. Given that the works (estimated) are over half-way complete, a five year maximum extension is also considered to be reasonable to allow for finalisation (in particular where the applicant expresses the desire to complete the works). The plans provide detail which is both measurable and enforceable. The removal of the condition is therefore not considered to be justified but a variation can be reasonably argued.

Where the variation to the condition would constitute a new decision in relation to the development, relevant conditions and those not discharged from the previous approval should be re-stated. (It is noted that works have been carried out to meet certain of the conditions recommended by the highway officer and these can be omitted).

RECOMMENDATION:

Approval subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Alan Webb Engineering Consultant - Revision A, dated December 2009), and the mitigation measure as detailed within this document. Management of surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site, and will not increase the risk of flooding off-site.
REASON: To prevent flooding by ensuring the satisfactory storage of or disposal of surface water from the site.
- 2 No materials other than inert waste and topsoil shall be imported into and deposited on the site. There shall be no screening or processing of inert waste material on the site at any time.
REASON: To control the type of waste imported and to safeguard the amenities of local residents and the wider environment during the construction phase.
- 3 The deposit of waste and all earthworks required to form the approved development shall be completed no later than 5 years after the date of this decision. Within a period of a further 12 months all plant and machinery shall be removed from the site (except which the local planning authority agrees in writing is required for future maintenance of the site).
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.
- 4 No operations relating the formation of the raised platform, including HGV vehicles entering and leaving the site, shall take place except between the hours of 07.00 - 17:30 on Mondays to Fridays and 08.00 - 13.00 on Saturdays. No operations related to the formation of the raised platform shall take place on Sundays, Bank or Public Holidays.
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

- 5 No more than 50 HGVs (heavy goods vehicles) shall enter the site on any working week day, and no more than 25 on Saturdays.
REASON: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site and highway safety.
- 6 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers where noise levels adjust automatically to surrounding noise levels.
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.
- 7 During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to normal waste importing and depositing operations shall not exceed 55dB as recorded at the boundary of any inhabited property.
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.
- 8 No additional external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.
- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the development first being brought into use. 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.
- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:
01020-SURVEY 6 - received on 26.07.2010
01020-25 D - received on 26.07.2010
01020-26 D - received on 26.07.2010
01020-27 D/1- received on 26.07.2010
01020-31 A - received on 26.07.2010
01020-32 A -received on 26.07.2010
01020-33 - received on 26.07.2010
01020-34 A - received on 29.03.2017
REASON: For the avoidance of doubt and in the interests of proper planning.

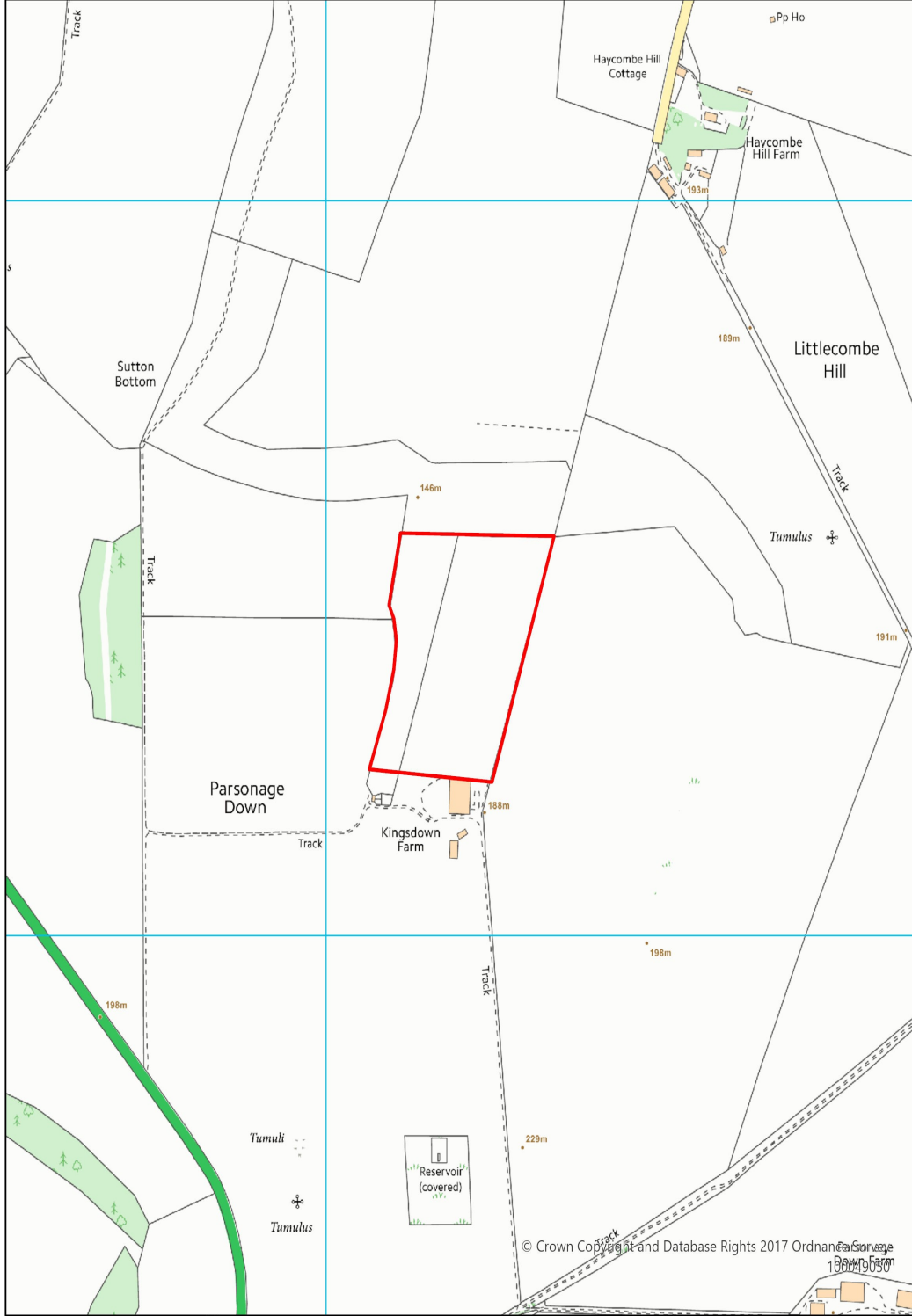
INFORMATIVE: The applicant's attention is invited to the compliance clauses applicable to conditions relating to details in conditions 2, 3 , 6, 7 and 17 under previous Decision Notice W/10/02377/FUL.

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Wiltshire Council

PL/2022/01141

Kingsdown Farm, Lords Hill,
Longbridge Deverill, BA12 7DY



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 September 2022
Application Number	PL/2022/02156
Site Address	17A Horse Road, Hilperton Marsh, Trowbridge, BA14 7PE
Proposal	Replacement and raising of roof and associated vertical extension to create bedrooms on the first floor and replacement garage (resubmission of PL/2021/09030) and retrospective permission for a garden room single storey infill addition to rear.
Applicant	Ian Lucas
Town/Parish Council	Hilperton Parish Council
Electoral Division	Hilperton ED – Cllr Ernie Clark
Grid Ref	386-159
Type of application	Full Planning Permission
Case Officer	Yancy Sun

Reason for the application being considered by Committee

In accordance with the Council's Scheme of Delegation Specific to Planning', this application is brought to the committee at the request of Cllr Clark, based on the following:

The scale of the development, the visual impact on the surrounding area, the relationship to adjoining properties, the design - bulk, height, and general appearance, the environmental or highway impacts, and car parking.

The application seems to be at odds with previous permissions given on the site.

How many more applications will the LPA accept from this applicant for this site? It would seem that the applicant is working on the theory that they can embark on a 'war of attrition' in the hope that local residents, and the local WC member, will finally cease to object to their application. The LPA has the right not to register 'repeat' applications and, surely, that time has now come.

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 planning considerations and to recommend that the application should be approved subject to conditions.

2. Report Summary

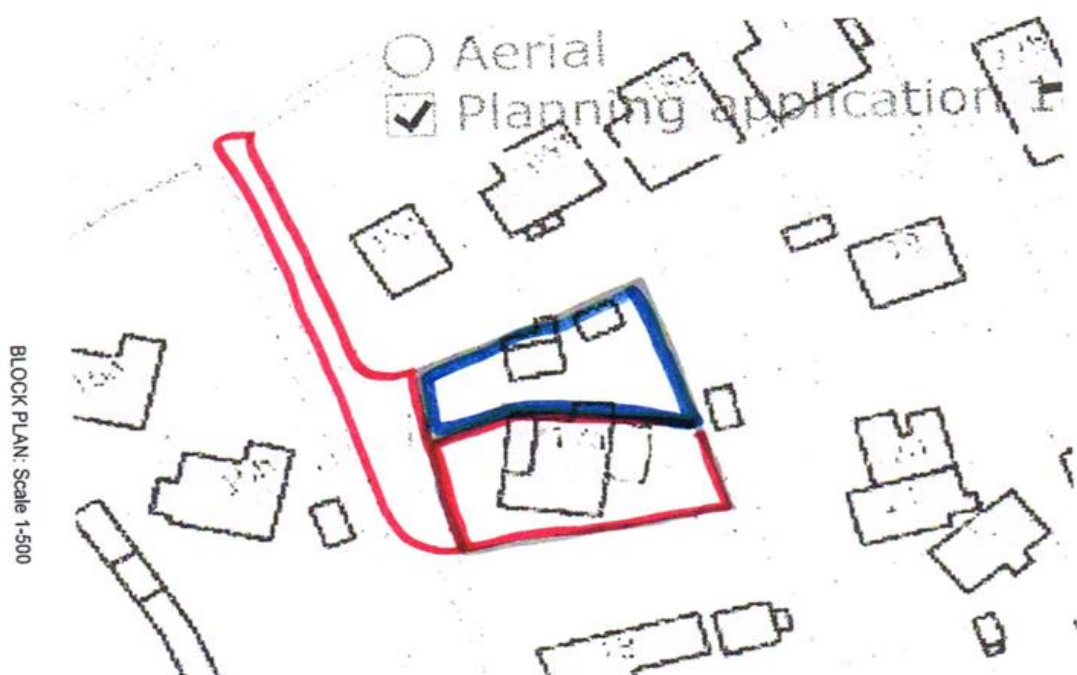
The main issues discussed in the report are as follows:

- Principle of development
- Impact on visual amenity
- Impact on heritage assets
- Impact on neighbour amenity
- Highway impact and parking provision

Hilperton Parish Council objects to the application. 15 third parties have raised objections to the application.

3. Site Description

This application relates to a detached bungalow at No.17a Horse Road in Hilperton. The application site is shown below and is accessed via an unadopted lane – which is also a public right of way footpath (HILP6) which serves several properties along Horse Road.





The subject property is not located within a Conservation Area, and it is not a heritage asset. The property at 17a and its immediate context are shown in the below inserts:



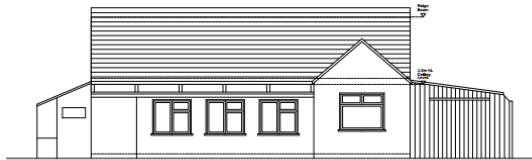
The nearest heritage asset to the application site is the grade II listed dwelling located further along Horse Road at No. 17 – which is hatched on the above illustration and positioned about 35m to the southwest and on the other side of the lane, with limited intervisibility.

4. Planning History

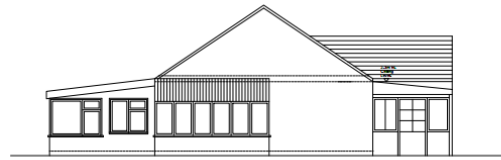
20/02982/FUL - Amendments to the existing roof height and design to accommodate a first floor, rebuild the existing single-storey rear extension and retrospective permission for the construction of a single-storey side extension - Approved with Conditions

This application approved an upper floor extension to create 2 upper floor bedrooms with a mansard style roof and rooflights and replacement extension on the rear elevation.

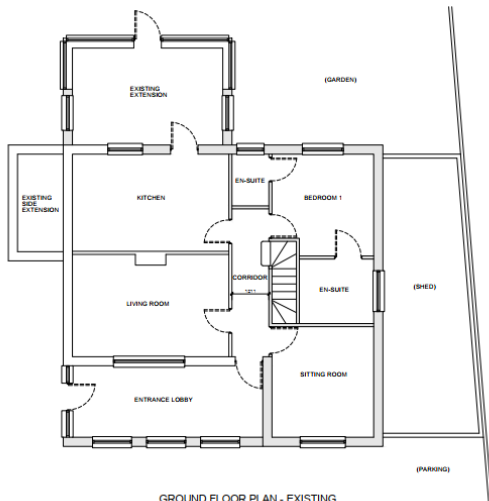
The 'existing' and approved extensions are shown below.



FRONT ELEVATION - EXISTING (Facing West)



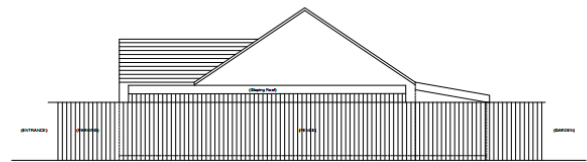
SIDE ELEVATION - EXISTING (Facing North)



GROUND FLOOR PLAN - EXISTING



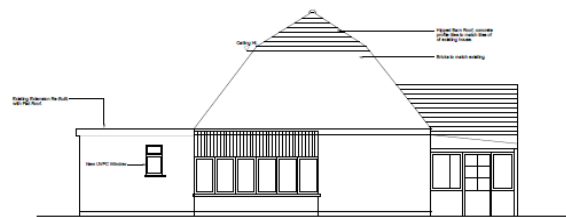
REAR ELEVATION - EXISTING (Facing East)



SIDE ELEVATION - EXISTING (Facing South)



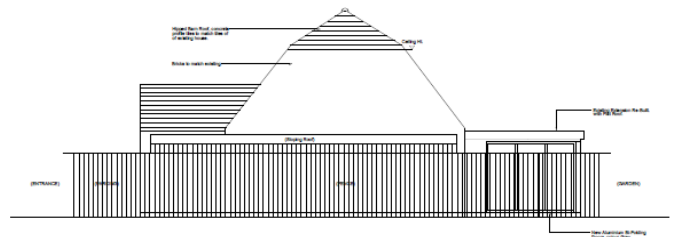
FRONT ELEVATION - PROPOSED (Facing West)



SIDE ELEVATION - PROPOSED (Facing North)



REAR ELEVATION - PROPOSED (Facing East)



SIDE ELEVATION - PROPOSED (Facing South)

20/03753/FUL - Proposed dwelling within existing garden – Application Withdrawn by Applicant

20/09713/FUL - Ground and first-floor extensions – Application Withdrawn by Applicant

PL/2021/09030 - Replacement of roof and associated works to create bedrooms – Application Withdrawn by Applicant

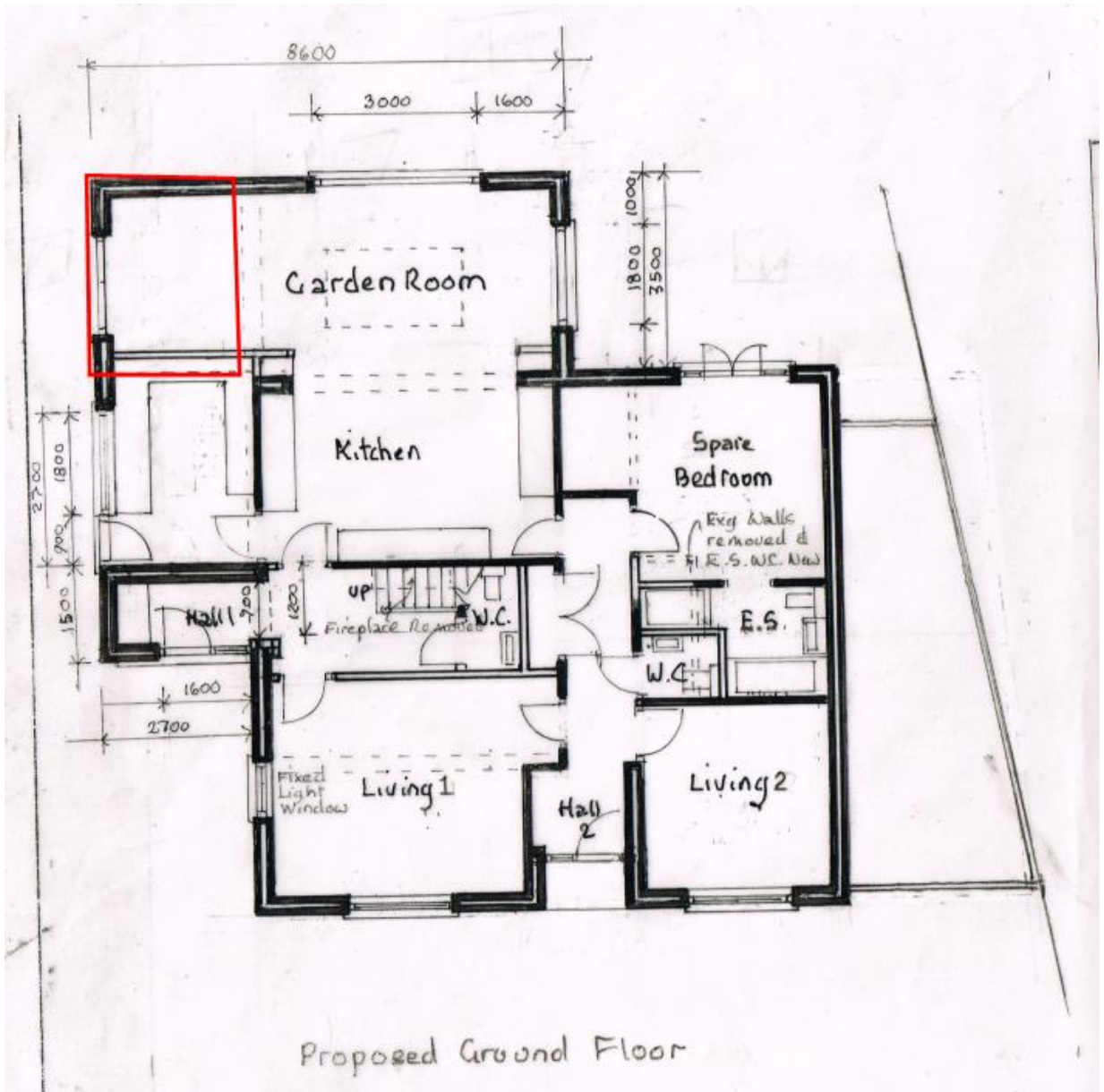
5. The Proposal

This application seeks planning permission for various alterations and extensions to the existing dwelling comprising replacing the roof, extending upwards to create bedrooms on first floor, regularising a ground floor extension (partially constructed) and replacing the detached garage.

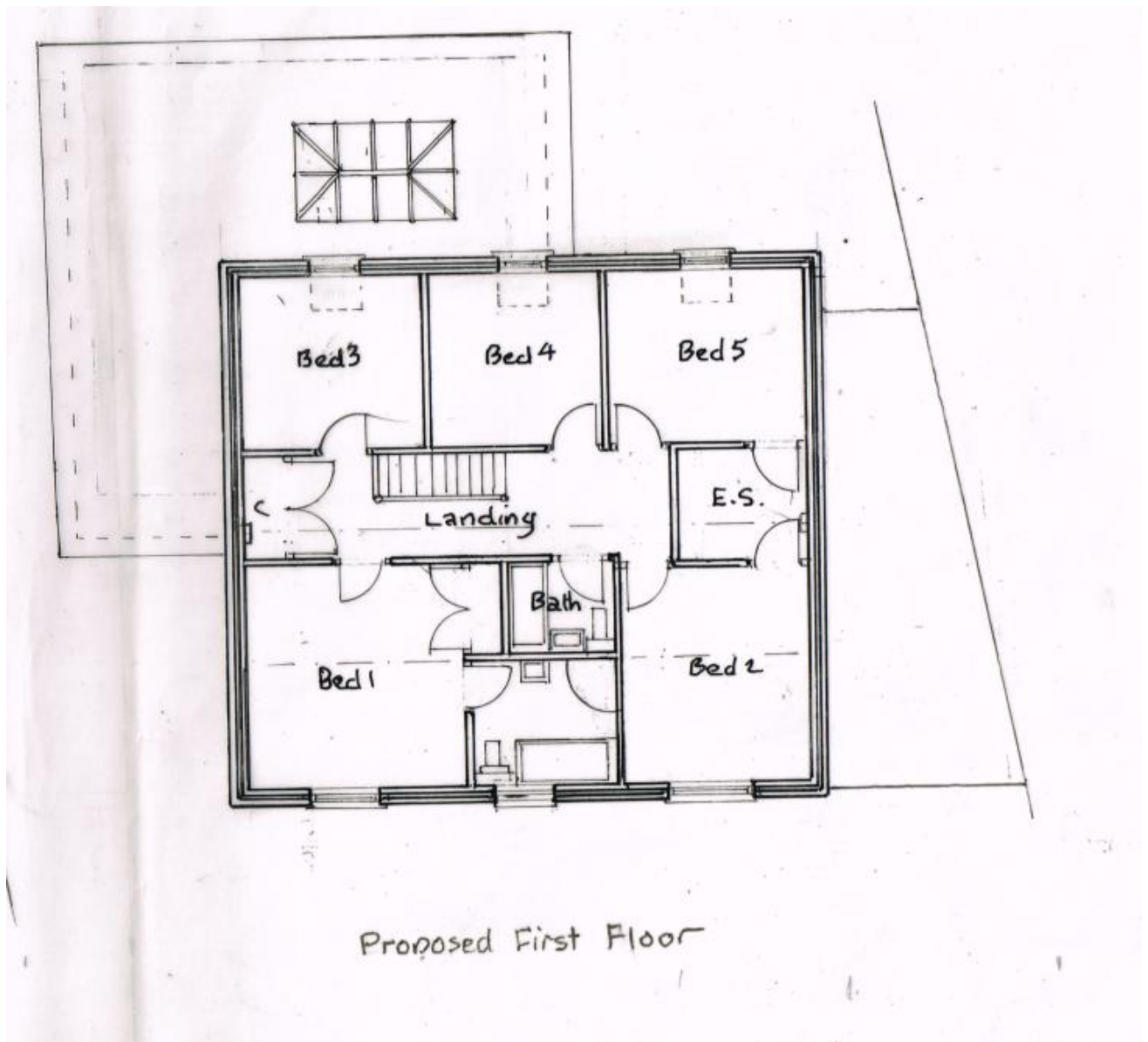
Mindful of the above-mentioned planning history, it should be noted that the applicant has commenced with the ground floor additions granted by application 20/02982/FUL, but has not implemented the extant upper floor extension.



The former conservatory on the east elevation and the store on the north elevation have both been demolished and replaced with an L-shaped single-storey extension, which is 2.3sqm larger than what was approved under the aforesaid 20/02982/FUL consented application, and that element forms part of this application – to which the following insert illustrates (identified in red outline).



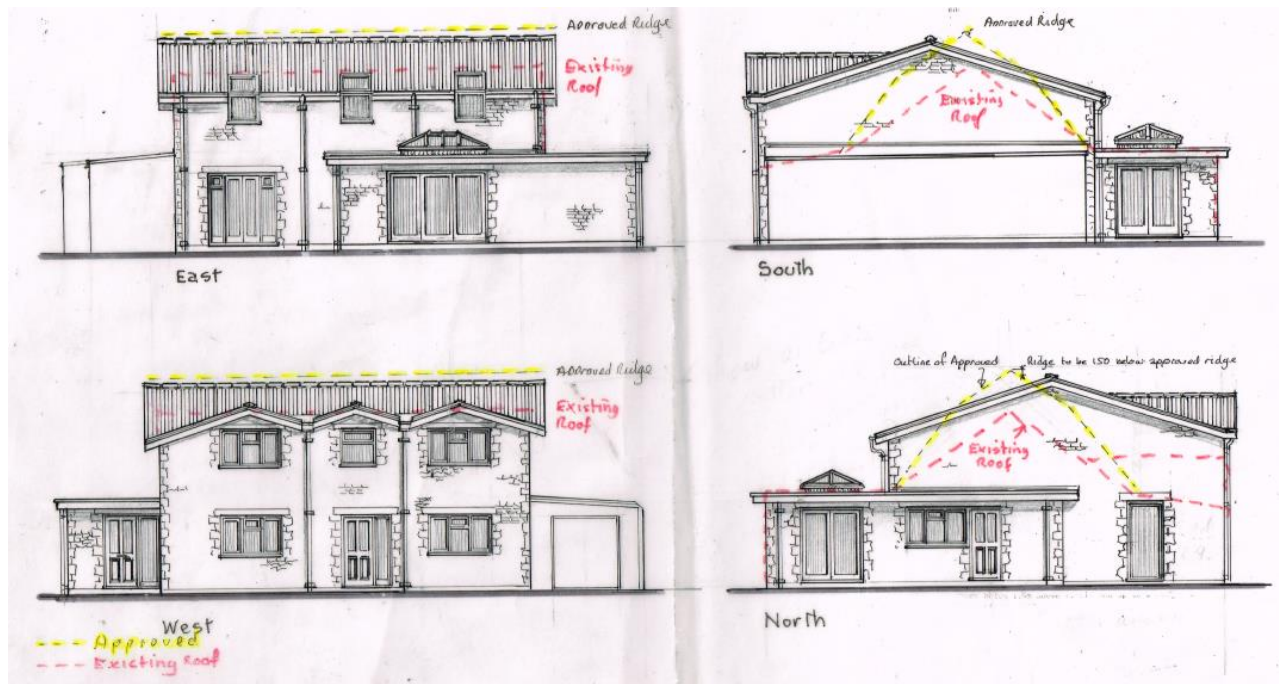
The application also seeks planning permission for an upper floor extension to accommodate 5 bedrooms on the first floor with 2 bedrooms sharing an en-suite.



The proposed upper floor extension would extend above the ground floor plan of the dwelling and would project to 6.2m to the ridgeline, which is broadly 1.1m taller than the ridgeline of the existing bungalow (which measures over 5m).

The upper floor extension would have two-bedroom windows and one bathroom window on the western (front) elevation and three-bedroom windows on the eastern (rear) elevation. No upper floor wall openings are proposed for either the northern or southern elevations.

The following illustration shows the proposed elevations; it also shows the existing roof line (shown in red dashes) and the 20/02982/FUL approved roof form which has not been implemented (shown in yellow dashes).

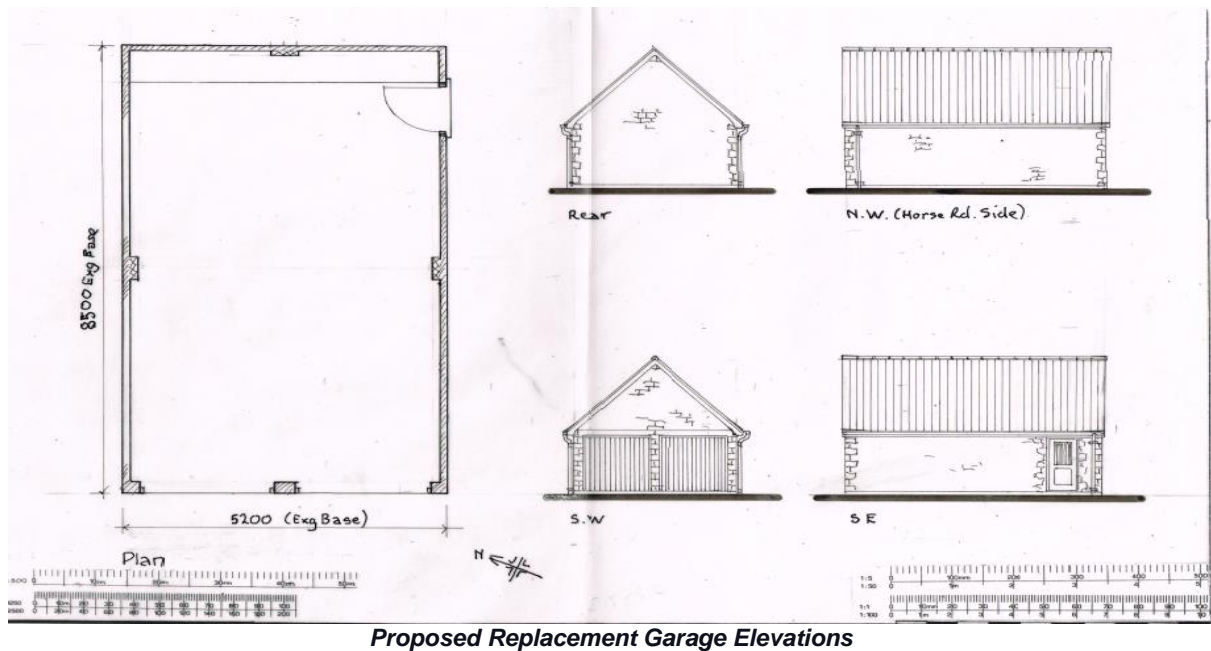


Proposed elevations

The application also seeks permission to erect a replacement detached garage along the northern site boundary as shown below and having a footprint of 8.4m (long) x 5.2m (wide), 2.4m (to the eaves) and 5.2m (to the ridge). The block plan also reveals separation distances to neighbouring properties specifically in relation to the proposed upper floor windows.



Proposed Block Plan



The proposed extension and replacement garage would be constructed using reconstituted blocks for the walls, to match the existing bungalow under a concrete tiled roof.

6. Planning Policy

Wiltshire Core Strategy (WCS) Adopted 2015: Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 29 – Spatial Strategy for the Trowbridge Community Area; Core Policy 57 – Ensuring high-quality design and place-shaping; Core Policy 58 – Ensuring the conservation of the historic environment; Core Policy 61 – Transport and new development; Core Policy 62 - Development impacts on the transport network; Core Policy 64 – Demand management

The made Hilperton Neighbourhood Plan

The Hilperton Village Design Statement

The Wiltshire Car Parking Strategy (Adopted 2015)

The National Planning Policy Framework

The Planning (Listed Buildings and Conservation Areas) Act 1990: in particular: Section 72

7. Summary of Consultation Responses

Hilperton Parish Council – Objects strongly to the proposals on the following grounds: -

- Overdevelopment of the site
- Insufficient parking spaces – parking on the non-adopted public right of way is not permitted. There is no turning space within the property, and backing out onto the public right of way would be dangerous
- There is little garden/amenity space left at the rear of the property
- The sewer system is inadequate which is very old and in need of an upgrade, with several properties having had sewerage spillages.

- Adjoining properties would be overlooked from the proposed upstairs windows, taking away their privacy unless these windows have obscure glass. Permission for upstairs rear windows was not granted on a previous application
- This development would be out of character with surrounding properties

The Parish Council is also concerned that the measurements are not accurate and would urge the planning officer to make a site visit to check these are correct; and also, to view the proposed parking spaces on the plans – there is not enough room for six vehicles to park or to turn within the property grounds.

Highways Department – No objection

8. Publicity

The application was advertised by neighbour notification and in response, 15 objections were received. The concerns raised have been summarised below (aided with a map insert illustrating neighbouring/nearby properties).



Impact on Neighbouring Amenity

- The upper floor window on the rear elevation would overlook No.19, No.18C Horse Road
- Loss of light to No. 19 and No.18E Horse Road
- Loss of privacy to No.19 and No.20 Horse Road

- Overbearing to No.18, No.18C and No.20 Horse Road
- Overshadowing to No.18C Horse Road
- Previous consented application (20/02982/FUL) did not have upper floor windows on the side and rear elevations
- The upper floor extension would overshadow and reduce day light and sunlight levels to No.20 Horse Road
- Adjoining properties would be overlooked from the proposed upstairs windows unless these windows have obscure glass
- The replacement garage would block existing sunlight and put the gardens into shade.
- The replacement garage is unreasonable and out of character with the area.

Overdevelopment of Site

- Six bedrooms are considered excessive
- Concerns expressed about the garage being converted into a seventh bedroom
- A six-bedroom house would be out of character with the area
- There would be little garden left once all the extensions have been completed

Impact on Parking Provision

- Parking remains an issue with vehicles being parked along Horse Road and the lane.
- Additional parking would overflow into the lane and Horse Road
- There is inadequate onsite parking provision
- The cars that cannot fit onto the drive have been parked along Horse Road which reduces visibility for local residents pulling out of their own drives which are very dangerous
- Emergency services vehicles would not be able to get to the site.

Visual Impact

- The size and bulk of the new, larger roof would dominate several nearby properties
- The size and siting would result in over-development and harm the character of the area which mainly consists of low-rise properties.
- The proposed garage is sited less than one metre from the boundary

Water Pressure

- Problems have been experienced locally with low water pressure and sewers backing up. This development would put additional strain on the infrastructure.

Unauthorised Development

- The building footprint has been extended and approved by Building Control which does not marry up with what was previously approved by the LPA.
- There is a port-a-loo at the property, as well as a very large, caged trailer on-site.
- The trailer is being used by mobile engineers as a waste transfer depository and when full is taken away to be emptied which has attracted rats
- The building has already been extended on all four sides almost doubling the original footprint

Excessive number of Planning Applications

- Is there an upper limit on the number of planning applications an applicant/ developer can make on the same site until they get their own way, or one slips through the net?

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.

9.1 Principle of Development

9.1.1 This is a 'householder application' seeking to extend and alter an existing unlisted dwelling. The submitted Design and Access Statement and plans explain that the subject property would remain occupied by a single household, and so mindful of the recent approved upwards extension and ground floor extensions, the principle of extending the dwelling as proposed is acceptable when tested against policies CP1, CP2 and CP29 of the WCS. The detailed design and impacts of the specific proposal are assessed in later sections of the report.

9.1.2 Since it has been raised in public representations, it is confirmed that the 2.3sqm garden room infill extension at the rear of the property requires retrospective planning permission, and so it forms part of the application submission. The fact that it is presently unauthorised can have no bearing on its assessment; the extension should be considered as if a fresh proposal.

9.2 Design and Visual Impact

9.2.1 Adopted Wiltshire Core Strategy Core Policy 57 titled "*Ensuring high-quality design and place-shaping*" states that a high standard of design is required for all new development. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

9.2.2 Paragraph (iii) of CP57 requires new development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, street scape and roof lines to effectively integrate the building into its setting.

9.2.3 Paragraph (vi) of the same policy requires development to make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively with the immediate setting and the wider character of the area.

9.2.4 The 'made' Hilperton Neighbourhood Plan, forms part of the adopted Development Plan framework and must be given full weight on the planning balance. The made Plan sets out in Policy 3 (titled *Heritage and Design*), that the Hilperton Village Design Statement (HVDS) must be taken into consideration in assessing whether new proposed development preserves and enhances the area and constitutes as acceptable design.

9.2.5 New development is expected to demonstrate how it satisfies the principles of the Village Design Statement, including the use of local and traditional materials and architectural features.

9.2.6 The HVDS identifies the buildings in Horse Road to be predominantly built from Bath Stone or reconstituted stone blocks, with clay-tiled roofs in brown and red shades. The post-war estate located to the north of Horse Road comprises brick-built houses, with brown or red clay tiles. Overall, yellow and red shades of brick are prevalent along Horse Road. The VDS identifies the immediate area as having a spacious plot arrangement with gaps between domestic properties contributing to the local character.

9.2.7 The following insert illustrates the plot arrangements on the south side of Horse Road and further south having a distinctly different characteristic and form when compared to the properties on the north side of Horse Road. The insert also reveals a marked variation in plot and property character with respect to the two-storey properties fronting Horse Road having an indefinable building line, whereas the properties found to the south and accessed off the two unadopted lanes (shown below without any highway key-coded demarcation) have been developed with a far more informal

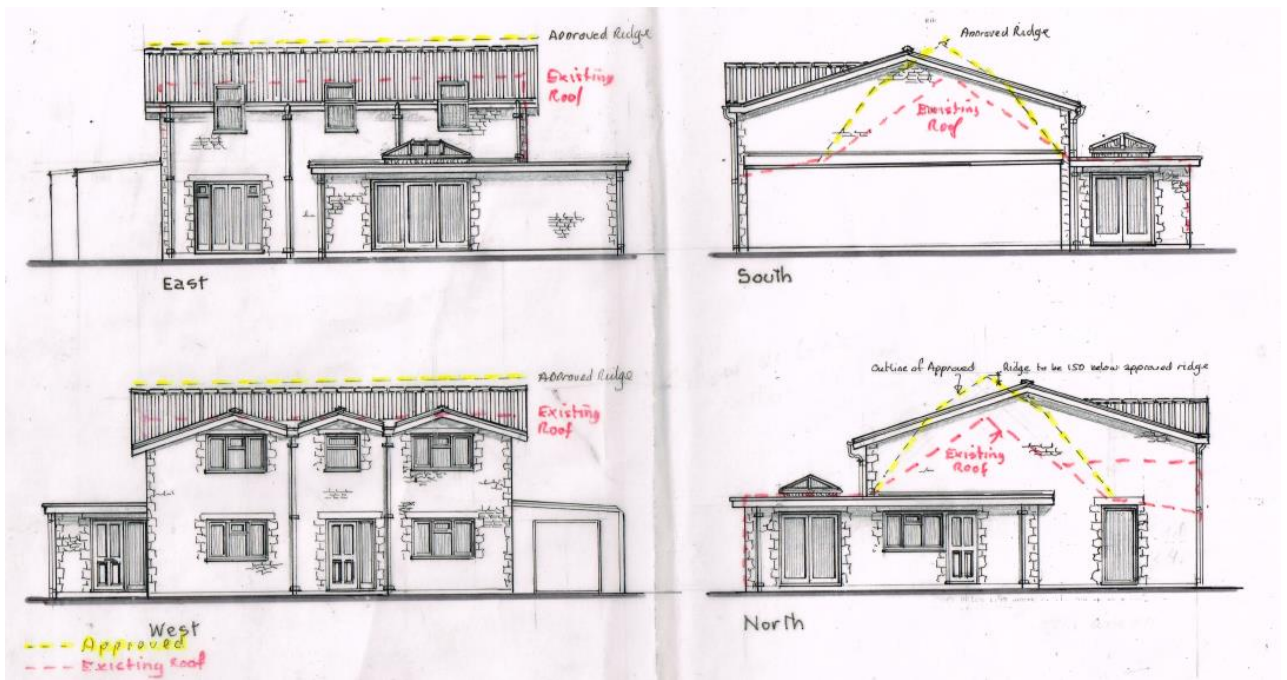
arrangement, without a definitive building line and (as shown in previous site photos) there is a mix of dwelling types and materials used.



9.2.8 The HVDS require new development to be constructed to appropriate scale and be compatible with surrounding development. Rendered finishes should not be used except to maintain continuity for existing rendered buildings. New buildings and extensions should have gable ends and new buildings should conform to existing building lines.

9.2.9 The proposal would result in a taller building than the existing bungalow. However, it is important to recognise that the principle of altering the building in this way – that is, into a two-storey dwelling with additional bedrooms on the first floor – is established under planning permission no. 20/02982/FUL. It should also be noted that the upper floor extension proposed in the current application would have a more traditional pitched roof form that would be more reflective of the predominant roof design found locally compared to the previously approved mansard roof.

9.2.10 The proposed upwards extension would not extend beyond the squared ground floor plan; and it is considered that unlike the proposals in the above noted withdrawn applications, this application proposal would, in visual and design terms, be more in-keeping with the character and appearance of the surrounding area.



Proposed Elevations



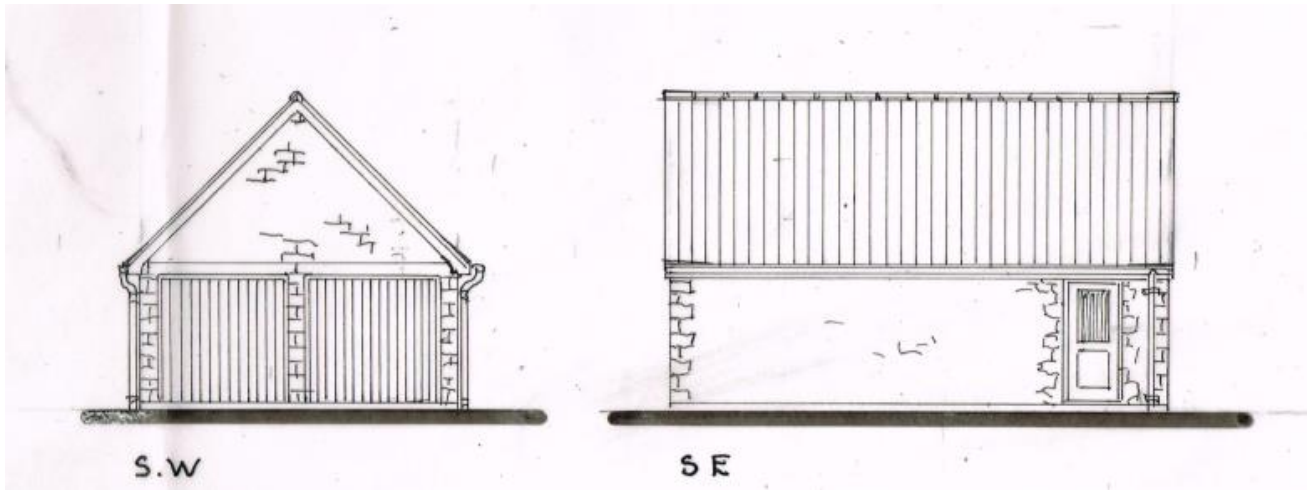
View of No.17A from the main Horse Road

9.2.11 The additional 1.1m height would not harm local and street scene views. When viewed from the unadopted lane or from Horse Road itself (as shown above), the proposed increased height and changed bulk of the building would not be inappropriate.

9.2.12 The proposed replacement double garage would also have a pitched roof and would extend to about 5.3m and 2.4m from ground to eaves level. This would replace existing outbuildings which do not contribute positively to the local character. The following site photos reveal the front and side

elevation of the existing garage and rear outbuildings which would be removed to accommodate the proposed double garage.





Proposed Garage

9.2.13 The proposed replacement garage would appear subservient in the context of the main dwelling, and would be constructed using materials to match the main dwelling. Within the wider local area there are various garages/outbuildings set within residential curtilages of varying size and design. Mindful that each application must be assessed on its own merits, the proposed garage would not constitute as overdevelopment or incompatible design.



Map of the area with outbuildings highlighted



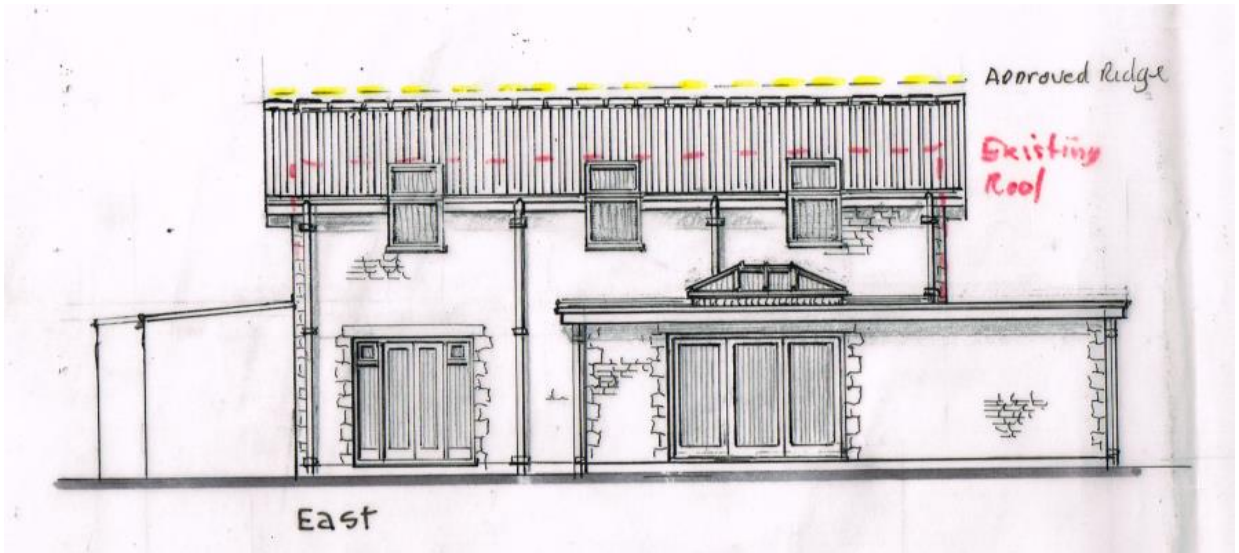
View of No.17a host property and neighbouring properties to the north (fronting Horse Road)

9.2.14 Most of the neighbouring dwellings are two-storey, with pitched roofs. The host property at No.17a is one of two bungalows in this part of Hilperton Marsh with No.16B Horse Road being the other. As previously explained, an upwards extension creating a two-storey property has previously been approved, and thus this principle has already been established. The proposed design of the extension and garage replacement are considered to be acceptable in terms of their visual impact, scale, form and use of materials, and the proposal is considered policy compliant when tested against the Core Strategy, the made Hilperton Neighbourhood Plan, the Hilperton Village Design Statement and the NPPF.

9.3 Impacts on Neighbouring Amenity

9.3.1 Paragraph (vii) of CP57 states that development proposals should have regard to the compatibility of adjoining buildings and land uses, as well as having an acceptable impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise, smoke, fumes, effluent, waste or litter).

9.3.2 Regarding overlooking and loss of privacy (as raised by some parties), the proposed upper floor windows on the east elevation would be 'combination' units, with obscured glazing in the vertical elements and unobscured glazing in the sloping elements (an example of which is reproduced on the following page). A planning condition is recommended to secure the installation of obscure glazing to protect neighbouring amenity within the adjoining rear gardens. The neighbouring properties at No's 19-21 are broadly sited 21m distant and whilst No.18 is closer, window to window relationships are acceptable, and the obscure glazing condition would safeguard rear garden amenity for all adjoining neighbours.



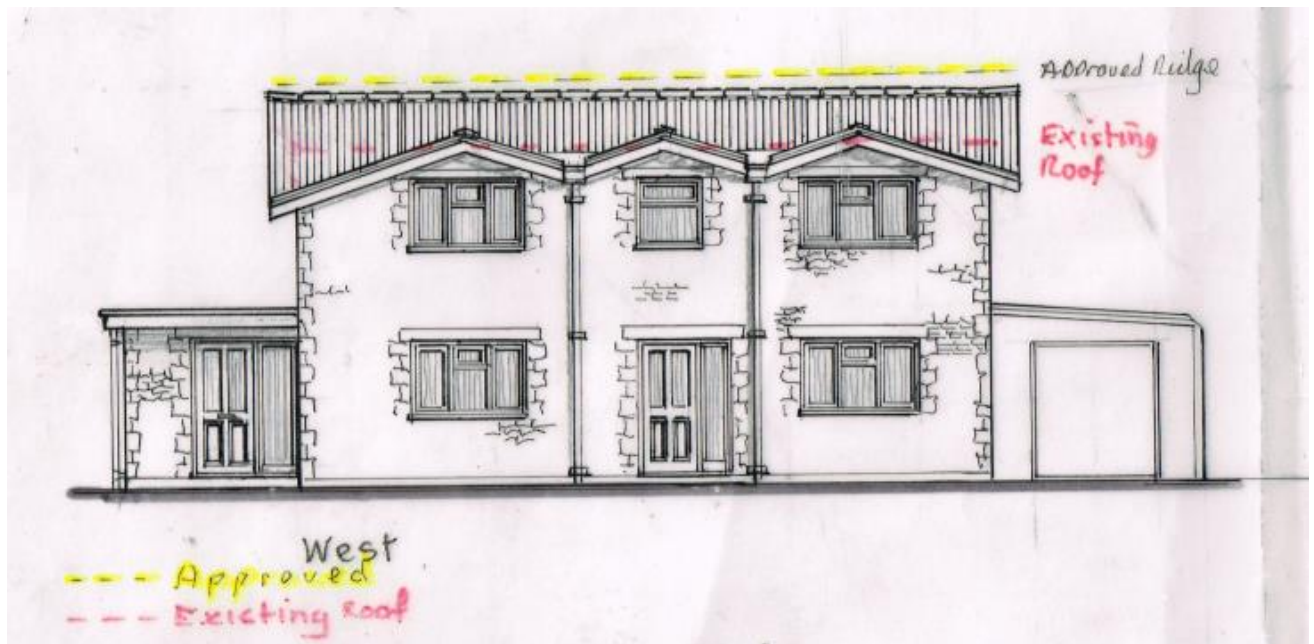
Example combination window unit with image showing extent of obscure glazing



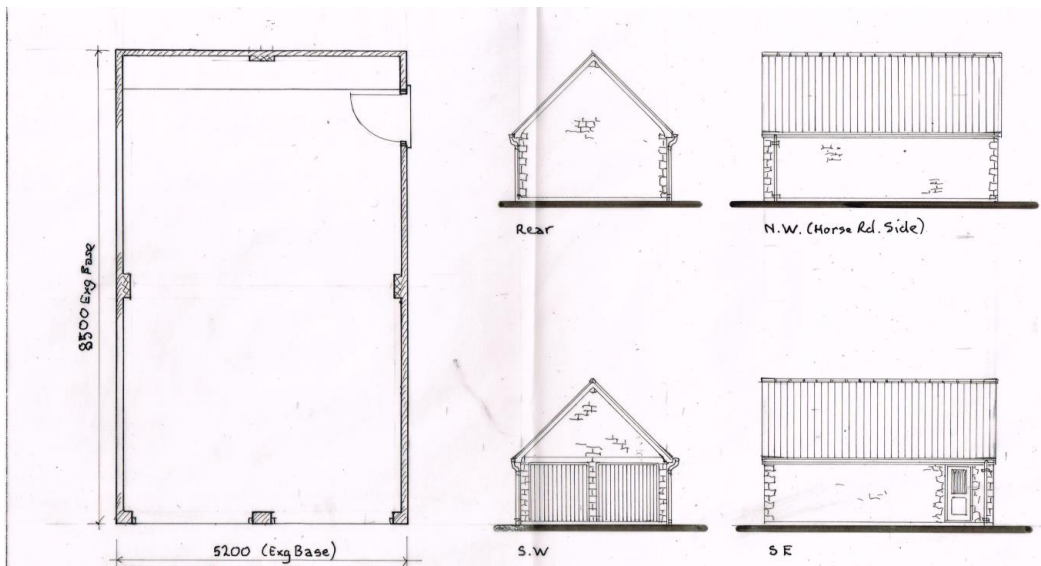
Map of the area with neighbours labelled

9.3.3 As a general rule, the Council seeks a separation distance of 21m between habitable windows, although with varying angles, the separation distances can be adjusted. Conservatories, bathrooms, kitchens, corridors, and utility rooms are not considered habitable rooms, whereas bedrooms, dining rooms and living rooms are. With the recommended imposed planning condition securing obscure glazing for the vertical elements of the windows, there would be no substantive overlooking or loss of privacy to the rear.

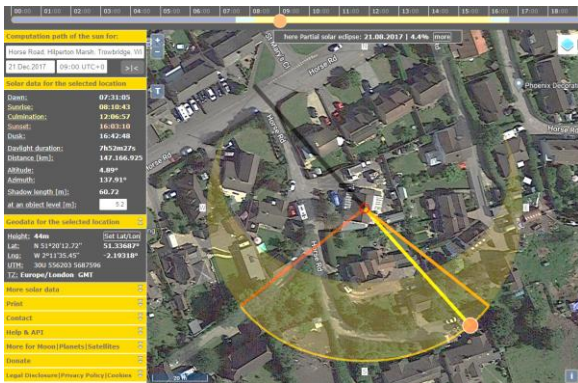
9.3.4 At the front, the proposed upper floor windows on the west facing elevation would be positioned around 21m from No.16B which is located on the other side of the unadopted lane, and in view of this neighbouring amenity would not be harmed or require these windows to be obscure glazed.



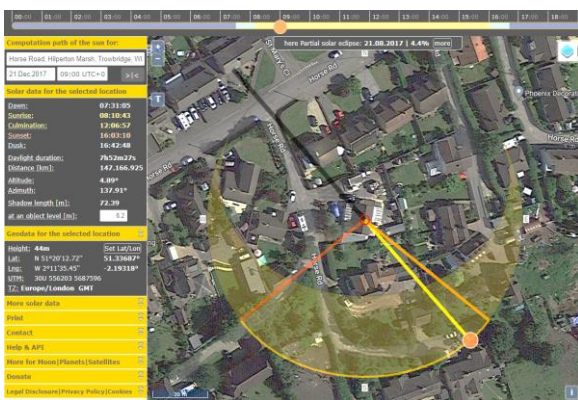
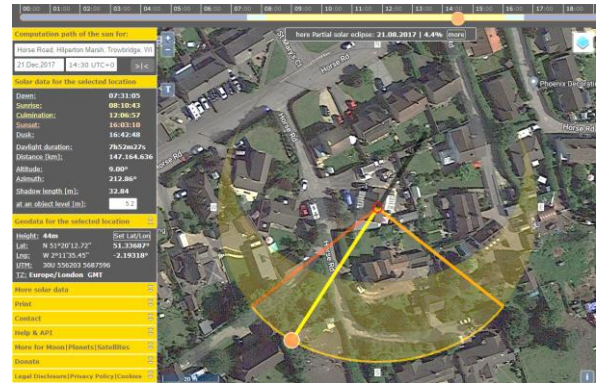
9.3.5 The applicant does not propose to have any windows in the garage. The only openings would be the double garage doors at the front and a side access door on the south-east elevation facing the host property. There would therefore be no substantive overlooking harm to neighbours.



9.3.6 In response to the concerns raised about the proposed added bulk and upwards extension, it is necessary to have regard to the recently approved extension referred to above. The proposed development would not project beyond the existing floor plan of the host building, and after assessing overshadowing impacts, it is considered that the proposed development would not result in neighbouring harm or warrant a refusal.



Calculated sun-path diagram of the existing bungalow and shadow cast effects tested at the winter solstice when the sun is at its lowest

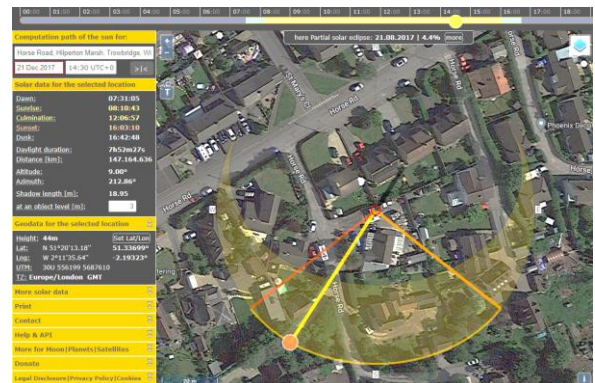
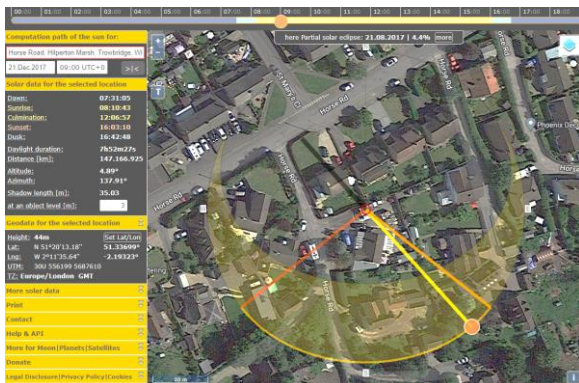


Calculated sun-path diagram of the host property with proposed upper floor extension shadow cast effects tested again at the winter solstice

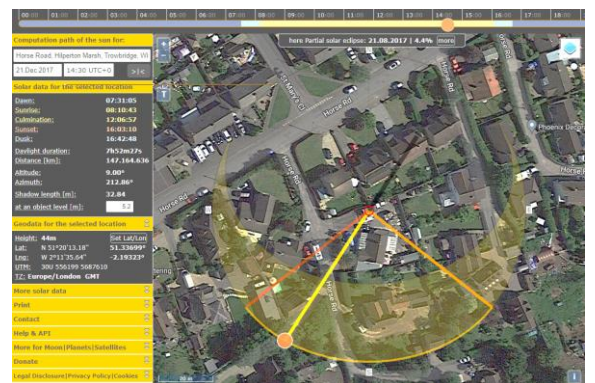
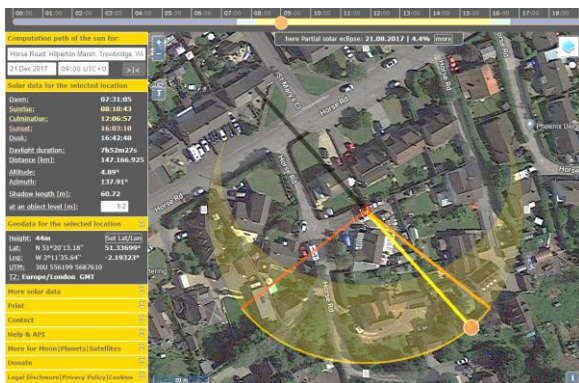
9.3.7 The above inserts are taken from accessing a web based tool www.suncalc.org which reveal that there is some shadowing effects at present, and the consequential shadowing created by the proposed upwards extension would not be significant, and in any event temporary and limited in extent.

9.3.8 In terms of the added bulk, there would be no substantive overbearing effects.

9.3.9 The existing approximately 3m high garage creates some shadowing across neighbouring gardens, and the proposed replacement would have a similar effect and would not substantively compromise residential amenity to warrant a refusal of planning permission. Again, it must be appreciated that as the sun moves, the shadowing effects would be limited to certain times of the day (and when the sun shines).



Calculated sun-path diagram shadowing effects for the existing garage at winter solstice when sun is at its lowest (AM and PM)



Calculated sun-path diagram shadowing effects for the proposed garage

9.3.10 It is appreciated that the proposed garage would be 2m taller than the existing garage. In applying the 25-degree test pursuant to the neighbouring properties at No.18C, No.18D and No.19 Horse Road (i.e., the directly abutting neighbours, and those closest to the proposed garage), the garage would not breach the 25-degree guideline.



View of No.18C, No.18D and No.18E from the site (with the proposed garage replacing the various outbuildings shown above)



View of site from No.20 and No.19 Horse Road access lane



View of from No.20 and No.19 Horse Road from site

9.3.11 It is appreciated that the proposed L-shape ground floor extension would project closer to the common boundary. However, in recognition of its relatively modest 2.8m height and the separation distance to neighbouring properties, it would not result in an overbearing impact, nor overlook or overshadow, and as far as neighbouring impacts are concerned, the overall proposal would be policy compliant subject to the imposition of a -planning condition to secure obscure glazing for the upper floor vertical windows on the rear eastern elevation.

9.4 Impact on Heritage Assets

9.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Further, paragraphs 193-202 of the NPPF require local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and to make an assessment as to whether there would be substantial harm, less than substantial harm or no harm to the heritage asset.

9.4.2 Paragraph (iv) of CP57 also states that proposals should be sympathetic to historic buildings and historic landscapes. Core Policy 58 titled 'ensuring the conservation of the historic environment' states that the historic environment, including non-designated heritage assets, which contribute to the local character and identity should be conserved.

9.4.3 The application site is not located within a Conservation Area and the subject property is not a listed building and is not a non-designated heritage asset. The nearest heritage asset to the site is the grade II listed No. 17 Horse Road, which is located about 35m further along the lane, but given the limited inter visibility between the listed property and No. 17a and the intervening development and landscaping, the proposed development would not result in harming the setting of the heritage asset. No other heritage asset would be harmed by the development.



View of site from the grade II listed No.17 Horse Road

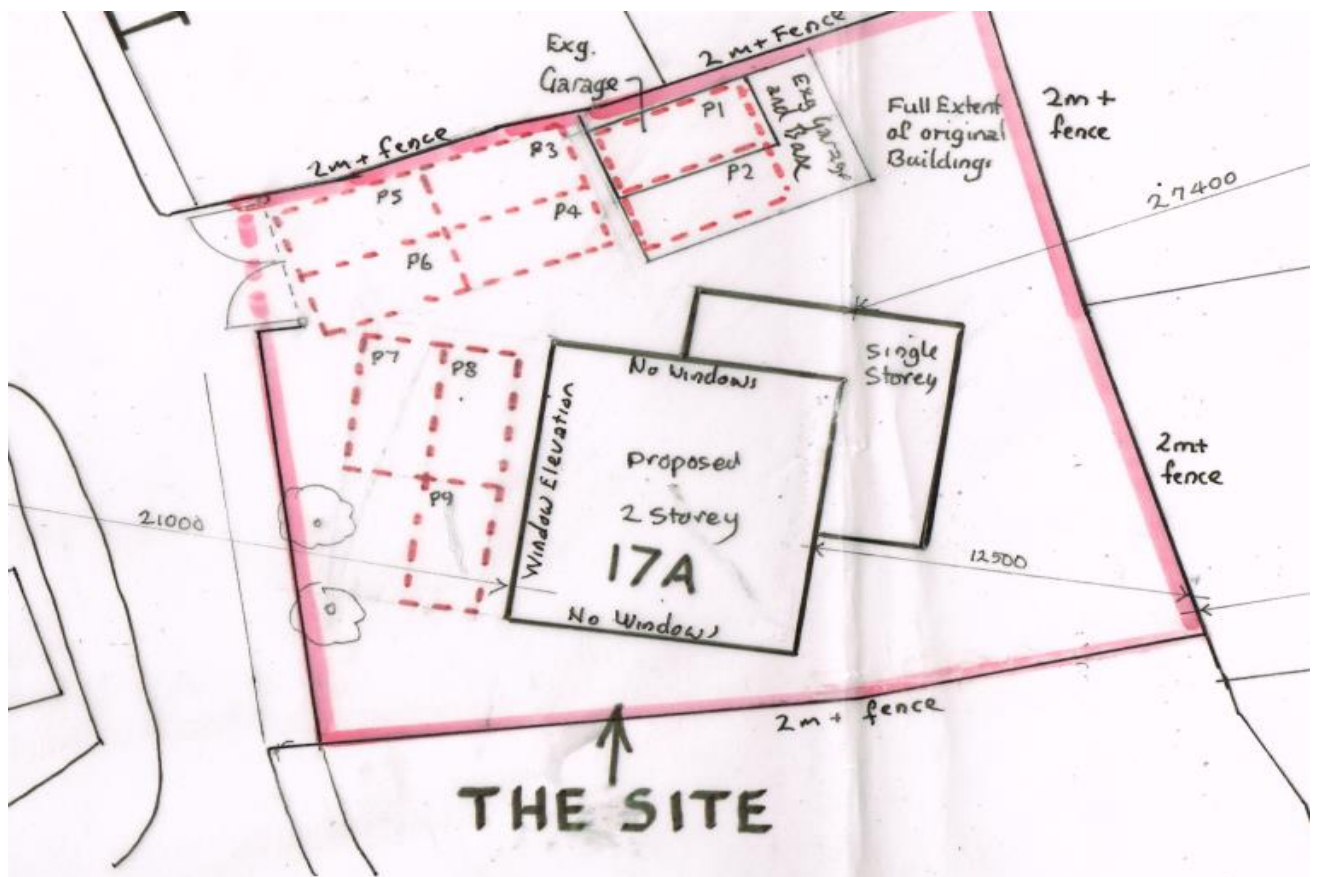
9.4.4 The proposal would not lead to a conflict with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, criterion (iv) of CP57 and CP58 of the Wiltshire Core Strategy or the Hilperton Neighbourhood Plan.

9.5 Highway Impacts

9.5.1 Paragraph 110 of the NPPF seeks new development to provide safe and suitable access for all users. Paragraph 111 furthermore states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

9.5.2 The adopted Wiltshire Car Parking Strategy seeks to secure minimum parking standards and for a 4-bed (+) dwellinghouses, the applicant would be expected to provide 3 on-site parking spaces. The minimum parking requirement for each external parking space should be no less than 2.4m x 4.8m. Internal garage parking spaces should be 3m x 6m.

9.5.3 The insert below reveals that the site would have ample on-site provision for more than 3 car parking spaces (if the applicant needed more than 3 motor vehicles to be parked. The Councils highway officer has confirmed having no objection and the application accords with local policy and there would not conflict with the NPPF in this respect.



9.6 Other Matters

9.6.1 In response to the local concerns raised about constrained sewerage and water infrastructure, it would be necessary for the applicant to obtain all relevant other consents from the statutory undertakers. There are no substantive reasons to prevent granting planning permission in terms of local infrastructure.

9.6.2 In response to the criticisms raised about the number of applications submitted by the applicant, there has not been a dismissed appeal for the subject property and the recent withdrawn applications have come about through officer/agent discussions when it was made clear that the previous proposals would not be supported. There is, therefore, no legitimate restriction placed on the site or applicant; and to satisfy the NPPF, the planning authority has worked, and must continue to work, proactively with applicant and make well informed, reasoned decisions. Preventing the applicant from submitted a revised proposal would be tantamount to unreasonable behaviour.

9.6.3 In response to the local resident comment encouraging a site visit to be undertaken, the case officer has visited the site on numerous occasions, including gaining access to neighbouring properties and gardens.

9.6.4 The concerns raised about potential future subdivision of the dwelling and garage are noted but such concerns cannot influence the determination of what is proposed. The applicant is not proposing to sub-divide the property in any event. A planning condition is recommended to ensure the garage is retained for garaging purposes and not be converted into habitable floorspace.

9.6.5 Concerns raised about displaced parking on the lane and along Horse Road are also noted, however there is no evidence of this creating a substantive hazard and it must be understood that any hazardous parking resulting in highway obstruction or danger would be a matter for the police or civil

enforcement and so it is not a reason to refuse planning permission. In any event the application site can accommodate vehicle parking in accordance with adopted standards.

9.6.6 Concern relating to vermin/pests at the site are for the Public Protection team address.

10. Conclusion (The Planning Balance)

The proposal complies with relevant policies of the adopted Wiltshire Core Strategy, the made Neighbourhood Plan, and the Village Design Statement for Hilperton and the NPPF, and accordingly it is recommended for approval subject to conditions.

11. RECOMMENDATION: Approve with conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Location and Block Plan - Drg No. 2470/BR/1 Rev A
- Block Plan (dimensioned) – Drg No. 2470/BR/2 Rev A
- Existing Bungalow – Drg No. 2470/BR/7
- Proposed Elevations – Drg No. 2470/BR/3 Rev B
- Proposed Floor Plans – Drg No. 2470/BR/4 Rev E
- Block Plan with parking spaces – Drg No. 2470/BR/6 Rev A
- Proposed Replacement Garage Plan – Drg No. 2470/BR/8

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

3. The vertical sections of upper floor windows in the east elevation of the extension hereby approved shall be glazed with obscured glass only to an obscurity level of no less than level 4 and they shall be permanently fixed with a ventilation stay restricting the opening of the window, this prior to the first floor being first brought into use; and thereafter, the obscured glass shall be permanently maintained for the lifetime of the development.

REASON: In the interests of residential amenity and privacy.

4. The flat roofed part of the garden room hereby approved shall not be used as an external amenity area or roof garden.

REASON: In the interests of residential amenity and privacy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

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

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

REASON: In the interests of the neighbour amenity of the area and to enable the Local Planning Authority to consider individually whether planning and in the interest of visual amenity.

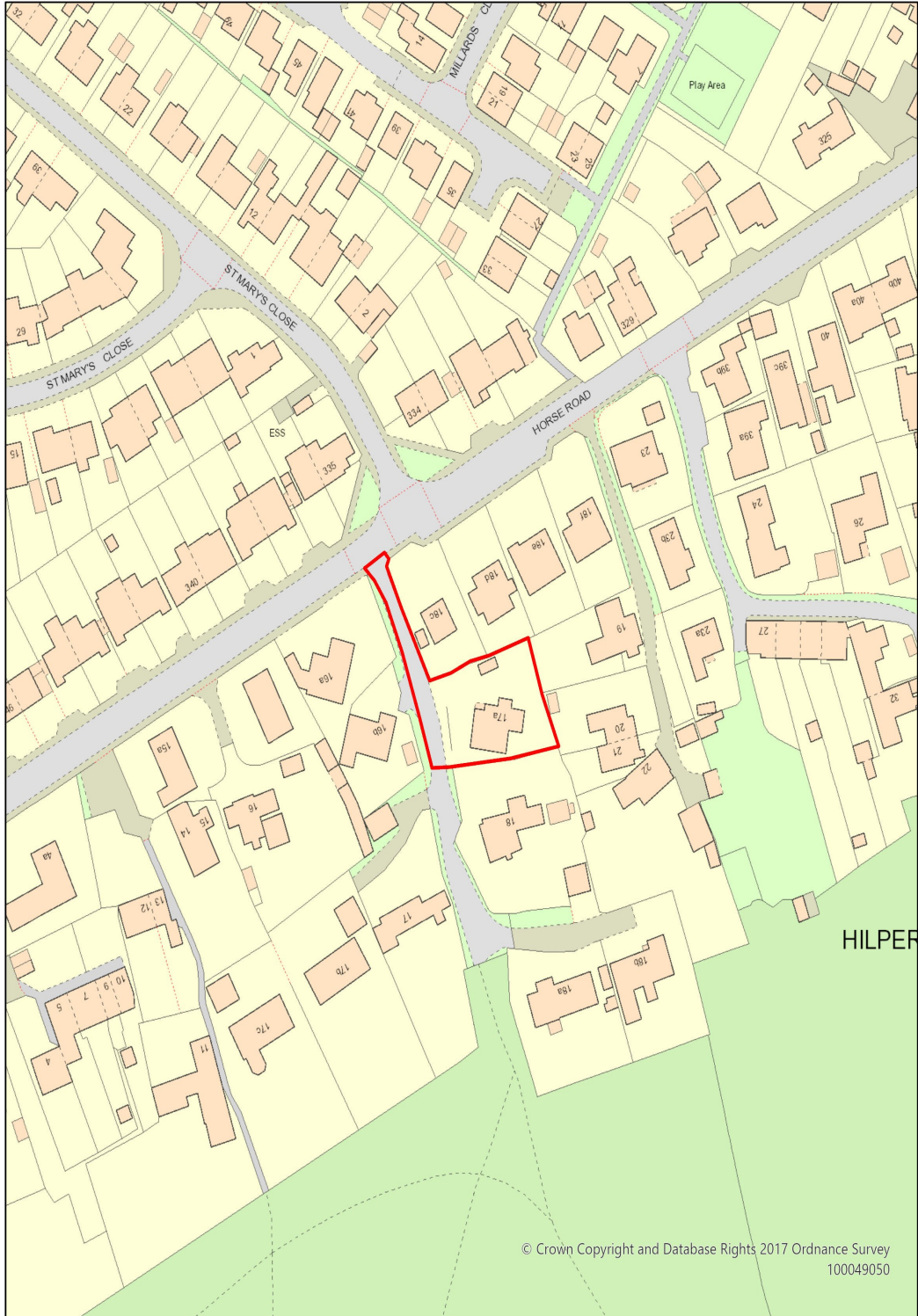
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted within the upper floor elevations of the dwellinghouse or within the northern elevation of the garage hereby permitted.

REASON: In the interests of residential amenity and privacy.

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Wiltshire Council

PL/2022/02156
17A Horse Road, Hilperston
Marsh, Trowbridge, BA14 7PE



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 September 2022
Application Number	PL/2021/09909
Site Address	Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET
Proposal	Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works)
Applicant	Stone Circle Development Company Limited
Town/Parish Council	TROWBRIDGE TOWN COUNCIL
Electoral Division	Trowbridge Central – Cllr Stewart Palmen
Grid Ref	321032 197206
Type of application	Full Planning
Case Officer	Gen Collins

Reason for the application being considered by Committee

The Scheme of Delegation requires this application to be decided by Planning Committee because the applicant (and landowner) Company, whilst a recognised separate legal entity, is affiliated with Wiltshire Council as the Council is the shareholder of the Company and there are outstanding objections to the proposal from local residents on the basis of concerns about Highways, parking, hedgerow retention and residential amenity.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on Heritage Matters
- Design/Visual Appearance
- Housing
- Landscape and Public Open Space

- Ecology
- Education
- Impact on the residential amenity
- Highways/parking issues
- Drainage
- S106/CIL
- Other Matters

Trowbridge Town Council raises no objection, although this is caveated. 12 third parties raise objections or make comments.

3. Site Description

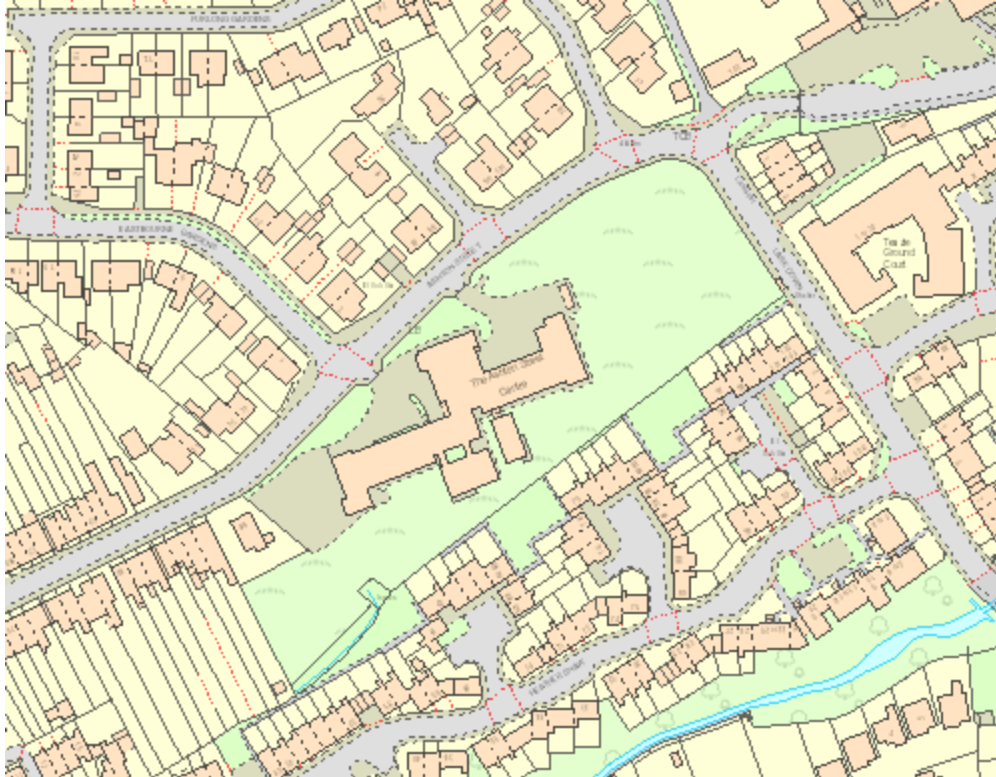
The application site comprises circa 1.1ha of brownfield land formerly known as the Ashton Day Care Centre complex, which is now demolished due to the relocation of the Centre. The site is located within Trowbridge Development limits approximately 1km from the town centre. It is located within the established Principal Settlement of Trowbridge, within the Trowbridge Community Area and has no obvious constraints or specific site designations. It is outside any Conservation Area and there are no heritage assets in close proximity. The topography of the site is generally flat, and it is located within Flood Zone1 indicating the lowest risk of flooding. It is located within the grey hatched area of the Trowbridge Bat Mitigation Strategy.

The boundaries of the Application Site are well defined. The northern boundary of the Application Site entrances are formed with a tarmac surface, a natural hedgerow, trees and brick walling, beyond which is existing residential housing (Ashton Street) subject to a speed limit of 30mph; beyond that is further housing known as Eastbourne Gardens and Furlong Gardens. The eastern boundary is formed by a natural hedge and residential gardens of Lark Down and Teazle Ground Court. The southern boundary is formed by a natural hedge and residential gardens of Heather Shaw. The western boundary is formed by further tree planting beyond which is a large, detached house known as No. 98 Ashton Street, and further existing housing along Ashton Street.

The general nature of the locality is medium density residential, and the grounds and adjacent properties contain a variety of maturing trees and shrubs.

The site area is brownfield with modern housing around the site creating a fully suburban character.

The site is shown below taken from the Development Management Portal map.



Below is an aerial photograph of the site with buildings removed extracted from the Planning Design and Access Statement submitted with the application.



4. Planning History

19/08205/DEM Proposed demolition of main building, garage, 2 x stores, pratten building and bin store Prior Approval Granted - 11 Sept 2019.

5. The Proposal

This application seeks full planning permission for the erection of 48 dwellings, with associated gardens, swale and car parking.



The proposed site with parking, amenity space and access

The site provides 30% affordable housing with 8 homes for affordable rent and 6 for shared ownership.

There are twelve different house types ranging from 1bed flats to 4 bed houses. The proposed housing mix is as follows:

Private Housing Mix:	
2B - 2 Bed House	- 11no
3B - 3 Bed House	- 11no
4B - 4 Bed House	- 4no
1BF - 1 Bed Flat	- 2no
2BF - 2 Bed Flat	- 6no
Private Total - 34no	
Affordable Housing Mix:	
2B* - 2 Bed House	- 3no (Shared Equity)
3B* - 3 Bed House	- 3no (Shared Equity)
1BF* - 1 Bed Flat	- 2no (Rent)
2BF* - 2 Bed Flat	- 6no (Rent)
Affordable Total - 14no	

Proposed Plans and Elevations are contained on the main file available to view.

6. Local Planning Policy

Wiltshire Core Strategy Policies:

- CP1: Settlement Strategy;
- CP2: Delivery Strategy;
- CP3: Infrastructure Requirements;
- CP29: Spatial Strategy for the Trowbridge Community Areas;
- CP30: Trowbridge Low Carbon Renewable Energy Network;
- CP41: Sustainable Construction and Low Carbon Energy;
- CP43: Providing Affordable Homes;
- CP45: Meeting Wiltshire’s Housing Needs;
- CP50: Biodiversity and Geodiversity;
- CP51: Landscape;
- CP52: Green Infrastructure;
- CP55: Air Quality
- CP56: Contaminated Land;
- CP57: Ensuring High Quality Design and Placeshaping;
- CP60: Sustainable Transport;
- CP61: Transport and Development;
- CP62: Development impacts on the Transport Network;
- CP64: Demand Management;
- CP67: Flood Risk

West Wiltshire Leisure and Recreation Development Plan Document (Adopted February 2009)

LP4: Providing Recreation Facilities in New Developments
 Waste Core Strategy and Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal
U2 Surface Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire Council's Local Transport Plan and Car Parking Strategy 2011- 2026

7. Summary of consultation responses

Trowbridge Town Council: No objection subject to no significant adverse impact on neighbour amenity and subject to the condition that the town council is offered first refusal to take over ownership and maintenance of the public green spaces (avoiding the use of a management arrangement).

The Town Council is disappointed to note that there is a lack of equipped play facilities in the immediate vicinity of the site and this would have been a suitable location for such facilities.

WC Assistant County Archaeologist: No objection subject to condition

WC Public Open Space: No objection.

POS On Site Requirements for this proposal are as follows -

- Casual OS - 1359.36 SQ.M
- Play - 56.64 SQ.M
- Sports - 1132.80 SQ.M

WC Ecology: No objection subject to conditions.

The Ecological Assessment (Ethos Environmental Planning, September 2021) report has mistakenly stated that the area is located 560m north-west and 350m south-east of the Mottisfont Bats SAC zone. The Mottisfont Bat Special Area of Conservation (SAC) is designated for the Annex II rare barbastelle bats and is located further away in the south of the county close to Salisbury.

Conditions:

- 1) The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

- 2) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

CIL - Developer contributions for strategic recreational pressure mitigation:

The site lies within the grey hatched zone, and this identifies the distance within which 75% of visitors to Green Lane Wood, Biss Wood, Picket and Clanger Woods are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Any new residential development located within the grey hatched Medium Risk Bat Sensitivity Zone will require an allocation from CIL to ensure mitigation measure can be created for the increase in recreational pressure. The contribution for such strategic recreational pressure mitigation will be made via CIL as follows:

- For residential development, calculated at £641 per dwelling. Developers will not pay this directly, but it will be calculated annually from the number of housing completions and taken from the CIL receipts.

WC Education: No objection

S106 contributions requirements from this application, as per our consultation response of 25/11/21:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

WC Affordable Housing: No objection

An on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 48 new homes, the on-site affordable housing requirement will be for 14 affordable homes and it is noted that the applicant proposes 14 affordable homes, which is acceptable. From this a tenure split of 60% affordable rented homes and 40% shared ownership homes is required, which the applicant has proposed and is acceptable.

Therefore, 8 homes for affordable rent and 6 homes for shared ownership will be sought.

The affordable property type mix being proposed by the applicant does not meet our required affordable property type mix, which is as follows:

Affordable Rented (8 units) -

- 1 bed/2 person apartments = 2 units in a 'house-style'/maisonette arrangement
- 2 x 2 bed/4 person houses = 2 units 2 bed/3 person bungalow = 1 unit to be (this should be built to M4(2) Standard with a level access shower)*
- 3 bed/5 person houses = 2 units
- 4 bed/7 person house = 1 unit Shared Ownership (6 units)
- 2 bed/4 person houses = 4 units 3 bed/5 person houses = 2 units

Shared Ownership (6 units) –

- 2 bed/4 person houses = 4 units
- 3 bed/5 person houses = 2 units

Due to potential maintenance/management issues, flats over garages/courtyard entrances is not an affordable housing type we would be able to currently support.

In relation to the proposed 6 x 2 bed flats for affordable rent it is noted that these units are to be provided in a separate block to the open market flats, which is acceptable. However, these units are proposed to be delivered in a 3-storey block which does not have a lift. Wiltshire Council's Tenancy Services Team and the RP Partner's that form the Homes4Wiltshire Partnership struggle to allocate 2 bed flats above the ground floor due to the fact that households registered on the Council's housing register, for 2 bed homes, mainly contain dependent children.

- 2 bed flats above ground floor often do not contribute to sustainable communities as households wish to move on quickly to alternative accommodation leading to a high turn-over of stock. To increase tenancy and community sustainability, I would suggest that the 3 -storey block of 6 x 2 bed flats are considered for shared ownership as there is a demand from individuals/couples for this type and size of shared ownership home in this location. The 2 x 1 bed flats, 3 x 2 bed houses and 3 x 3 bed houses should all be considered for affordable rent.

Taking the above points into consideration and providing as affordable rented 2 x 1 bed/3 person flats, 3 x 2 bed/4 person houses and 3 x 3 bed/5 person houses (currently shown as 4 person houses on the Amended Plans) and the block of 6 x 2 bed/3 person flats as shared ownership, will mean that this scheme could work very well in meeting the housing demand of those households registered for affordable housing in Trowbridge.

The clustering of the affordable homes shown on the Affordable Tenure Plan is acceptable as is the proposed in-curtilage car parking for the affordable homes.

Adapted units will be required to be built to Building Regulations M4 Category 2:

- Accessible and adaptable dwellings standards with ground floor units to be wheelchair accessible and provided with level access showers (rather than bathrooms) suitable for wheelchair users and a ground floor bedroom with a ground floor level access shower in 3 and 3+ bed houses.
- Based on current demonstrable need we can advise at least 10% of these affordable homes i.e. at least 1 affordable rented unit is required to be built on a nil subsidy basis to meet the specific needs of vulnerable and older people or those with disabilities and this should be the 1 bed ground floor affordable rented maisonette. This should be built to M4(2) Standard with a level access shower and should be located on a suitable topography, taking into consideration the needs of future occupiers of this dwelling.

Any affordable housing units agreed should be provided at nil subsidy, transferred to a Registered Provider approved by Wiltshire Council or to Wiltshire Council and should remain as affordable housing in perpetuity.

The completed affordable homes will need to be nominated in line with the Council's current Allocation Policy and Procedures and secured by the appropriate mechanism/legal agreement.

WC Urban Design: No objection following revisions to the scheme.

Wiltshire Council Highways Officer: Confirmation that a staggered barrier will be provided on the footpath connection to Larkdown. The staggered barrier does not however seem to be shown on plan, but it has been confirmed that the site will be offered for adoption by this Highway Authority and so the barrier can form part of the S.38 highways adoption submission.

The adjustments to the RCV swept paths are appreciated and now show no overrun of the footway area.

The updated travel plan is accepted and the addition of the £300 green travel vouchers welcomed. These will be provided to the first occupants of each dwelling only. Reference of and inclusion of the Connecting Wiltshire resources are also appreciated.

The revised submission also includes the proposed S.106 Heads of Terms. The two suggested highway elements are accepted, but these should be accompanied by the TRO contribution (£6,000) for the amended waiting restrictions on Ashton Street.

Additional comments on each element below;

- Bus Stop Improvement Works – the bus stop on Larkdown is to be improved with a new shelter, raised kerb and bus clearway markings. The developer can undertake these works, which would require their inclusion in a S.278 Highways Agreement or alternatively, the developer could provide a £12,000 contribution to enable the Council to undertake the works. I am happy for this obligation to be open ended, with a decision made on the best way to implement these works between the developer and the Local Highway Authority at the appropriate time. If the developer is to undertake the works, these should be completed prior to first occupation of the site. If the developer is paying a contribution, the developer will be required to pay this upon commencement of development and the contribution could be repaid if unspent within 5 years of receipt.
- £6,000 TRO contribution – payable upon request by the Local Highway Authority. The payment of this will be dependent upon the access works, which are likely to require a S.278 Agreement.
- Green Travel Plan Vouchers provided to every dwelling to the value of £300. Vouchers only provided to the first occupants. The developer is responsible for providing these vouchers directly to the occupants and these should be included as part of the Travel Plan measures/ welcome packs.

No Highway objection is raised to the proposal, subject to the above S.106 obligations and below conditions and informative being attached to any permission granted;

- 1) No part of the development shall be first brought occupied, 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 always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

- 2) No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 3) No dwelling on the development hereby approved shall be 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.

- 4) No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

- 5) INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.

WC Drainage: No objection subject to conditions as follows:

- No development can commence until the Drainage Strategy plan shows all FFLs above the cover levels.
- No development can commence until a construction management plan been provided showing how surface water will be managed during the construction phase

WC Public Protection: No objection subject to the following conditions:

- 1) No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.
 - Step (i) Site Characterisation: An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - A survey of the extent, nature and scale of contamination on site;
 - The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

- Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

- Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

- Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works. The verification report should be submitted to and approved in writing of the Local Planning Authority.

- Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Air Quality

- No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

Construction Phase

- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- There shall be no burning undertaken on site at any time
- In addition to the above no development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. The movement of construction vehicles;
 - ii. The cutting or other processing of building materials on site;
 - iii. Wheel washing and vehicle wash down facilities;
 - iv. The transportation and storage of waste and building materials;
 - v. The recycling of waste materials (if any)
 - vi. The loading and unloading of equipment and materials
 - vii. The location and use of generators and temporary site accommodation
 - viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

WC Landscape: No comment

Wessex Water: No objection

The applicant has indicated within the submitted Drainage Strategy Drawing Ref: 21-006-003 Rev A dated August 2021 an intention to requisition a new 150mm dia foul sewer with a new connection to the existing 150 mm dia public foul sewer at MH ST86573926 located in the carriageway adjacent to 67 Heather Shaw, Wessex Water has no objections to this in principle, however, the applicant will need to complete a sewer requisition application which will require technical approval from our regional engineer.

The applicant has indicated an intention within the submitted Drainage Strategy Drawing Ref: 21 006-003 Rev A dated August 2021 to capture and attenuation surface water runoff on site with a discharge to the open watercourse located at the southern tip of the site.

Wiltshire Police: No objection following revisions to the scheme.

Natural England: No comment.

Salisbury and Wilton Swift: No objection subject to an appropriate number of swift boxes being installed.

8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site.

As a result, fifteen representations have been received from 12 third parties commenting or objecting on the scheme on the following grounds:

- Highway Safety;
- Too many vehicles;
- Increased traffic;
- Parking;
- Loss of privacy to adjacent occupiers;
- Loss of light to adjacent properties;
- Loss of a view;
- Less housing and more green space required;
- Overdevelopment;
- Hedgerows need protecting;
- Playground required.

9. Planning Considerations

9.1 The principle of development

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 in the WCS form the relevant development plan for the area.

The application site is located within the designated Principal Settlement of Trowbridge as defined in Core Policy 1 of the adopted WCS. Core Policy 2 sets out the delivery strategy for the Council and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements.

In addition to the above, it is also necessary to be mindful that the Council cannot at the present time, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the policies enshrined within the WCS (or the WWDP) that seek to restrict residential development.

This proposal is fully supported by officers for the efficient and effective re-use of land to provide 48 new dwellings including policy compliant 30% affordable housing and is supported by policy. Accordingly, the proposed development is acceptable in principle subject to the following technical considerations.

9.2 Impact on Heritage Assets

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*". The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The site is not located within any Conservation Area and is not in close to listed buildings (see extract plan below with listed buildings hatch in black and the Conservation edge hatched in grey):



Notwithstanding this, Trowbridge has a lengthy history dating back to the medieval era and beyond, and this is reflected in its archaeological potential.

The Assistant County Archaeologist has been consulted on the application and confirms that the site is located outside the medieval core of Trowbridge in an area known to be populated by small medieval settlements and former moated manors along with associated field systems and evidence of charcoal burning in areas of former woodland.

While much of this site has been heavily impacted by the construction of the day-care centre in the late 1960s, the north-east quarter and the area immediately to the south-west of the current building have survived as open spaces where the potential remains for as yet unrecorded archaeological features and/or deposits associated with this earlier medieval activity.

The Assistant County Archaeologist had requested that these green areas are to made the subject of a geophysical survey and trial trench evaluation with this work to be secured via a condition to be attached to any planning permission that may be issued. It is considered that this would meet the 6 tests for conditions and is recommended to be applied to any grant of planning permission.

The proposed development therefore complies with Core Policies 57 and 58 of the WCS and the advice contained within the Framework.

9.3 Density, Design Landscape and Visual Appearance

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The proposed development is supported by a Master Plan and Landscape and Ecological Management Plan.

The site is located in an area demonstrating a wide variety of architectural styles and materials. The site is relatively flat and rectilinear surrounded by dense residential housing.

The proposed new dwellings will be a mixture of 2, 2.5 and 3 storeys in height ranging from circa 8m to 10.2m to ridge height with a variety of depths and widths depending on the housetype. The proposed widths range from 5m in width for terraced properties to 15m in width for the block of flats comprising plots 35 – 46. The depths range from 7m on plots 1-4 to 12m deep for the block of flats. This height, bulk and scale is generally consistent with Ashton Street and the surrounding area and as such is considered appropriate to the locality. The proposed dwellings all meet and often exceed nationally prescribed space standards. The concept is based on a broad mix of house types but predominantly 3bed and 2bed, so would be responsive to local need. The inclusion of apartments is welcomed.

Hedges, stonewalls and timber fences are a feature of the area forming boundaries between the road and properties and as such the proposed development intends to include these materials for boundary treatments.

The proposed new dwellings will be designed to reflect appropriate vernacular within the local area where new housing has been constructed. In order to ensure that they complement the surroundings the following materials will be used: -

- Facing brickwork and vertical cedar boarding, with slate roof tiles,
- Render with render panel;
- Feature stone band, ashlar stone and chimneys;
- Anthracite grey UPVC windows;
- Anthracite grey UPVC French doors and Bi-fold doors;
- Velux rooflights;
- Timber entrance doors;
- Stainless steel recessed balconies (Flat Block only);

It is recommended that details of all proposed external materials are conditioned prior to development above ground slab level in the event that permission is granted.

The gross density is circa 39dph which is acceptable for central urban locations such as this and the proposed development is considered to represent an efficient and effective use of land. Whilst a landscaping scheme is contained within the submitted documents, it is considered that conditions requiring the implementation of the landscaping, together with compliance with the submitted LEMP and maintenance of the landscaping should be attached to the grant of any permission.

All ancillary outbuildings and external storage have been integrated into the overall design and layout solution as part of the landscaping proposals however it will still be necessary to secure a contribution towards waste and recycling facilities required by CP3 (Infrastructure requirements).

The layout is well-considered, with active frontage, good street enclosure, and legible access. Furthermore, it is considered that the contemporary style elevational designs are, in general, a distinctive and successful response to the predominant materials and variety of housing forms that positively characterise the local area, with well-proportioned fenestration in particular at ground floor level and simple but clean detailing.

There is a fair amount of open space on the site meeting requirements requested by the Public Open Space team. All dwellings save for the flats are provided with personal rear gardens and all of a size that reflects the ground floor footprint of the dwellings in line with Building for life guidance. Concern has been raised that there should be a play area proposed on site; however, it is considered that there is an adequate amount of play facilities within walking distance of the site that meet the required guidelines and as such a formal request for an onsite play area cannot be justified.

The proposed trees will comprise of a mixture of predominantly native species with some selectively chosen ornamental species to give seasonal variety. Planting tree species that also produce flowers and berries for birds and insects. A framework of shrubs and native trees is proposed to encourage the wildlife and habitat value of the site as well as its connectivity with the wider landscape and ecological network. Hedging to plot frontages will be used extensively, with additional planting. An Arboricultural Report prepared by Sharples Tree Services accompanies this Application as supporting documentation and should be conditioned as part of the approved plan pack in the event of a grant of permission.

Air source heat pumps will be included in all properties with electric car charging points available within the scheme's parking provision. Local sustainable materials will be employed, and energy

efficient white goods are proposed throughout. The proposed development meets requirements for sustainable construction in accordance with policy CP41.

In light of the above assessment it is considered that the proposed development complies with the objectives and criteria of the Core Policies 51 and 57 of the WCS. The development will result in a change to the character of the site to that of an urban development and this is considered appropriate for this location which employs careful high quality design and landscaping.

9.4 Impact on the Amenities of Neighbouring Residents

Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

The site is located within a residential area with residential properties in proximity to the established boundaries of the site. The application is supported by site sections and the proposed development has been designed to meet requirements of BRE Guidance in terms of relationship distances ensuring that all proposed dwellings are set a minimum of 21m away from neighbouring properties and in some cases 25m.

Notwithstanding this, prior to design discussions, internal separation distances vary with the majority remaining at 21m however plots 1 & 3, and 2&4 had rear façade projections which are only about 13m apart with bedroom windows facing each other and closely overlooking neighbour's gardens. This has been resolved by swapping the wide and narrow windows in the relevant bedroom, so that larger windows address the streets and the smaller windows the rear garden. This also improved the active frontage of the public realm. Some side facing windows at plots 5 and 16 have also been removed to ensure no intervisibility between habitable rooms or overlooking would occur.

The 3-storey flats have a ridge height of 10.2m. The distances between 77 / 79 Heather Shaw and the new flats are 21m (flat block gable) and 24m (flat block main face). The flats sit at a lower ground level within the site in relation to Ashton Street level and no intervisibility is considered to arise having regard to the drawing pack, specifically section drawing E-E.

Concern has been raised by local residents that the height of some of the buildings would result in a loss of light to their properties and gardens. As such daylight assessment sections were requested and these have been provided relating to no's 79 and 97 Heather Shaw dwg ref 2830/173. An assessment has also been undertaken by the officer on the SunCalc application which provides an estimate of likely possible shadowing throughout the year and this together with the location of the tallest buildings, the path and orientation of the sun would indicate that no overshadowing or loss of light will occur to such an extent that it would result in significant loss of light to the habitable rooms of neighbouring properties. The majority of the shadow cast is likely to be on properties to the north of the site on Ashton Street and this would only be during the early morning and mid-afternoon temporarily during the winter months. This is not considered to result in a detriment to the amenities of these occupiers that would be sufficient to warrant refusal of the application.

Finally, public protection has been consulted on the application. They raise no objection but require that pre-commencement conditions are imposed to ensure that there is no contamination left on the site by the previous use given that the proposed new use as residential is considered

to be a more vulnerable use. They have also requested that a Construction Management Plan is submitted and approved prior to commencement of development to ensure that any waste is adequately dealt with and to ensure that the amenities of local residents are not significantly adversely affected during any construction period. These conditions are recommended to be attached in the event of any grant of planning permission.

The proposed development therefore complies with Core Policy 57 of the WCS and paragraph 130 f of the NPPF.

9.5 Impact on Highway and Pedestrian Safety

This section focuses on the impact of the proposed development on highway and pedestrian safety and the ability of the existing highway network to accommodate the vehicular and pedestrian movements associated with the development.

Core Policy 61 'Transport and New Development' of the WCS seeks to ensure that applications demonstrate that the scheme proposed has given consideration to the needs of all transport users and that the proposal is capable of being served by safe access to the highway network.

Core Policy 62 'Development Impacts on the Transport Network' then seeks to ensure that development provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Transport Assessment and has been subject to a number of revisions following discussions with the Council's highways engineer.

Due to the former use of the site, the scale of the development proposed is not anticipated to create a significant amount of additional traffic movements than what the previous use of the site would have attracted if it was fully utilised to capacity and the principle for residential development is acceptable in Highway terms.

The two existing vehicular accesses from Ashton Street will be retained, widened and improved, with an overall carriageway width of 5.5m, with two 2m wide footways around the 6m radii. Visibility splays are improved to 2.4m x 43m, which is welcomed. Following concerns by residents requiring retention of the hedgerow it has been agreed to retain the hedgerow in its current location but trimmed and kept to a maximum height of 600mm to provide acceptable visibility splays. A condition requiring this is recommended.

The developer has agreed to pay associated costs (£6,000) of amending the existing waiting restrictions at these accesses to be secured by a legal agreement.

Internally, the road layout provides essentially a main loop road and two cul-de-sacs served from this loop. The cul de sacs are formed as shared surface style roads with a 4.8m carriageway, a 2m wide service strip and a 1m buffer strip. This layout is considered suitable and meets 20mph zone guidance. Details of these shared surfaces and the finish of the roads etc should be conditioned to ensure satisfactory design is achieved.

Swept Path analysis has been provided for a Refuse Collection Vehicle (RCV), which demonstrates that access can be gained throughout the site.

A new 2m wide pedestrian link is provided to Lark Down, which is welcomed. The implementation

of this should be secured by condition prior to occupation. The footpath connects at the point of the build out pedestrian crossing and will thus require a staggered barrier on the footpath, prior to back of the existing footway.

Cycle parking has been provided for each dwelling either within a garage or dedicated store, which is welcomed and meets policy requirements. Furthermore, a green travel plan has been submitted for the site, which is generally considered acceptable and again should be secured by legal agreement.

Related to the travel plan measures, a £10,000 contribution has been agreed to help fund improvements to 'Wayfinding' signage in Trowbridge, to help connect the site to the pedestrian and cycle networks. A further £12,000 has been agreed as a contribution towards the improvement of the Lark Down bus stop, which is welcomed and these contributions should be secured by legal agreement.

Following highway discussions and in response to an objection from Highways based on insufficient parking provision, car parking has been provided to almost meet Wiltshire's Minimum Residential Car Parking Standards, including appropriate visitor car parking spaces, which are well located. The proposal is now 4 parking spaces short of meeting the required policy amount and it is considered that such a shortfall, while it may put some pressure on parking spaces, would only cause minor harm and would not result in a severe impact on the highway network or significant detriment to the safety of highway users to justify a refusal on this basis. This is especially so given the site's relatively central and sustainable location which is served by bus stops outside the site, to which a contribution for improvement is proposed.

It is also noted that the pre-application response from the LPA did confirm an acceptance of a reduced car parking standard given the central and sustainable location together with improvements proposed to the existing bus stops, a number of cycle parking spaces, contributions towards traffic regulation orders and a new footpath improving the accessibility of the site for pedestrians. On balance therefore it is considered that the proposed development would not result in a significant detriment to the safety of highway users and the proposed development is acceptable in the round in terms of policies CP60, CP61, CP62 and CP64 together with the NPPF paragraphs 110, 111 and 112.

9.6 Ecology

The NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Furthermore, Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application is supported by an Ecological Assessment (Ethos Environmental Planning, September 2021), a Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) and a Biodiversity Net Gain Assessment (Ethos Environmental Planning,

September 2021) together with a Construction Environmental Management Plan (Ethos Environmental Planning, September 2021).

The proposed development lies in Trowbridge where development has the potential to affect the Bath and Bradford-on-Avon Bat SAC. The Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) (adopted in February 2020) was prepared to support the Wiltshire Housing Site allocations Plan (WHSAP). The SACs qualifying features are Bechstein's bat, Greater Horseshoe bat and Lesser Horseshoe bat. In particular, the woodlands to the east and south-east of Trowbridge are known to be important for a large and significant breeding population of Bechstein's.

The TBMS recognises the importance of both woodlands and their surrounding habitats through two buffer zones. The nearest woodland to the application site is Green Lane Wood (c. 1.2km south-east of the site).

This application is within the grey hatched zone which identifies the distance within which 75% of visitors to Green Lane Wood/Biss Wood (or Picket and Clanger Woods) are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Therefore, this application will be subject to Community Infrastructure Levy (CIL) developer contributions for strategic and recreational pressure.

Habitats recorded on site to be cleared included amenity grassland, shrub and a large area of hardstanding where buildings were demolished in 2018/2019. Boundary hedgerows likely to be used by bats will be protected and retained. Bat mitigation (two free-standing four chambered bat houses) secured under an EPS Mitigation Licence for buildings demolished in 2018/2019 will be retained in the southern part of the site within an area of mixed scrub and biodiversity area.

The site has limited potential to support amphibians and reptiles but has potential to support breeding birds, hedgehog and badger. A Construction Environmental Management Plan has been submitted and provides measures to protect boundary hedgerow and trees during the construction phase, and a precautionary methodology for clearance of habitats for breeding birds, hedgehog and badger.

Biodiversity net gain proposals are detailed to enhance the site for a range of species include the creation of two ponds, wildflower grassland, and a native hedgerow. Together with swift boxes and hedgehog fence panels enabling ecological enhancement across the site.

Accordingly, there is no objection subject to conditions being attached to the grant of any permission securing compliance with the documents provided and ensuring that no external lighting is installed without prior approval of the lux levels from the LPA.

As such the proposal meets requirements contained in CP50 of the WCS and the NPPF together with associated guidance.

9.7 Education

Policy CP3 and saved WWLP policy S1 requires that all new development will be required to provide for necessary onsite, and where appropriate, off-site infrastructure requirements. The education officer has assessed the proposal on the basis that policy compliant affordable housing will be provided and as such all one bed units have been excluded and a 30% affordable housing

discount applied to remaining 11 affordable units = 5. As such the education response has been provided on the basis of an assessment of 42 properties.

To summarise, the proposed development would give rise to the following pupil yield.

- Early Years: 6
- Primary: 13
- Secondary: 9

The School Development Officer has advised that all areas of provision are at capacity and as such the following contributions towards education provision would be required:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

All to be subject to indexation and secured by an S106 agreement to which standard terms will apply.

9.8 Recycling and waste facilities:

All new development will be required to provide for the necessary on-site infrastructure requirements arising from the proposal. In the event of competing demands for infrastructure provision, essential infrastructure will be afforded the highest priority. 'Waste management services such as recycling and collection facilities' are classed as 'essential infrastructure'.

Under policies CP3 and saved policy WCS6, the council requires s106 contributions towards the provision of waste and recycling containers for each residential unit at £91 per unit resulting a contribution requirement of £4,368.

It is recommended that this provision is secured through a legal agreement.

9.9 Drainage Matters

The Application Site, as noted above, is located within Flood Zone 1 and is therefore at low risk from flooding. The application is supported by a revised Flood Risk Assessment and Drainage Strategy following discussions with the Lead Local Flood Authority. This demonstrates that development of the site would not increase the risk of flooding on site or elsewhere.

Surface water is to be discharged by a positive means of drainage via storage and discharge to watercourse as part of development. The development would not impact existing drainage arrangements for the site however it provides an additional swale to ensure that surface water is adequately dealt with in the case of high rain fall.

Concern has been raised regarding the safety of this swale, however given the gentle incline and the likelihood that it would only have water within it in the worst cases of rainfall being dry most of the year it is considered that this swale in this location would not result in a danger to life.

9.10 s106 and CIL

The Council's adopted Wiltshire Community Infrastructure Levy (CIL) Charging Schedule applies to the proposed development. The site falls within Charging Zone 1 which sets a charge of £85 per square meter of residential floor space.

The application is also supported by suggested Heads of Terms for a S.106 agreement.

In summary, it is anticipated that the following planning obligations will be required:

- Affordable housing at 30% (14units) on a split between 60% affordable rent (8units) and 40% shared ownership (6units);
- Education contributions:
 - Early years places = £105,132
 - Primary school places = £225,096
 - Secondary school places = £206,460
- Transport contributions relating to Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)
- Open Space Management - The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP, will need to be secured as part of the section 106 agreement.
- Recycling and Waste Facilities - The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

9.11 Planning Balance

The proposed development proposes the reuse of brownfield land for housing within a principal settlement. The provision of 48 dwellings carries significant weight given that the Council cannot as yet demonstrate a robust five year land supply. Of the 48 units, 14 will be affordable housing and this also carries significant weight given that there is a need for affordable housing in this location.

The proposed development would also provide an improvement to the location visually in terms of improved landscaping and demonstrates an efficient and effective use of land.

It would provide contributions to education facilities and provide construction jobs as well as inviting 48 new households who would spend money locally and likely contribute to the local employment pool. These benefits are afforded moderate weight.

The introduction of a swale and provisions of a landscape and ecological management plan that would improve drainage at the site and ensure the longevity of the biodiversity and may well

enhance the biodiversity. These benefits are afforded minor weight as they are on the whole proposed as embedded mitigation.

The provision of additional cars may put a slight squeeze on parking availability in the area to which slight harm is attributed, however the scheme has sought to increase on-site parking as much as possible and attracts no highway objection or concerns in terms of highway safety. Additional contributions in the form of a Green Travel Plan, works to improve the existing bus stops at the site, a new footpath and contributions to Traffic Regulation Orders in the locality are also considered benefits which attract moderate weight.

Accordingly on balance, the numerous benefits in favour of the scheme outweigh any harm identified and as such in accordance with paragraph 11 of the NPPF 2021 the proposed development benefits from a presumption in favour of it and it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION:

That the Committee delegates authority to the Head of Development Management to grant planning permission subject to the conditions and informatives listed below following the completion of a s106 agreement to secure the matters also set out below –

S106 Heads of Terms

Affordable Housing: Core Policy 43 'Providing Affordable Housing' of the WCS requires 30% affordable housing in this location (i.e. 14 affordable homes). The Council's Housing Enabling team indicated that a tenure split of 60% affordable rented homes (8 homes) and 40% shared ownership homes (6 homes) will be required.

Public Open Space: Policy CP3 of the WCS and Saved policy LP4 'Providing Recreation facilities in New Developments' of the former West Wiltshire Local Plan requires developments to provide recreational open space. The POS team indicated that a development of 48 dwellings generates a requirement for 1359m² of casual open space, 56.64m² of play space and 1132m² for sports.

Open Space Management: The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP.

Highways: Policy CP3 Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)

Recycling and Waste Facilities: The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

Education Infrastructure: Policy CP3 and Saved policy S1 'Education' of the former West Wiltshire Local Plan outlines that where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development. In this case the education requirements are:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

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 Plans list ref 21054 received on 12.09.22 as well as the following documents:

- FRA and Drainage Strategy: received 28 June 2022
- Arboricultural Method Statement
- Waste Minimisation Statement
- Proposed Access Arrangement Plan: Drg. SK01_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 1of2 Drg.SK03_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 2of2 Drg.SK03_RevA
- Travel Plan Report RevA
- Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ground Investigation Report
- Biodiversity Net-Gain Assessment

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

3. The development will be carried out in strict accordance with the following:

- Ecological Assessment (Ethos Environmental Planning, September 2021)
- Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021)
- Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021)
- Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

4. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition),

until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary,

a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance

REASON: To ensure the amenities and safety of future occupants of the development.

6. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: To ensure the amenities and safety of future occupants of the development.

7. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday
8. No development works shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:
 - The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - The movement of construction vehicles;
 - The cutting or other processing of building materials on site;
 - Wheel washing and vehicle wash down facilities;
 - The transportation and storage of waste and building materials;
 - The recycling of waste materials (if any);
 - The loading and unloading of equipment and materials;
 - The location and use of generators and temporary site accommodation;
 - Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.
 - There shall be no burning undertaken on site at any time.

The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard the amenities of the area.

9. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

10. The development shall be undertaken in accordance with the details set out in the approved drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

11. The development shall be undertaken in accordance with the details set out in the approved Construction Environment Management Plan.

REASON: To ensure the amenities and safety of future occupants of the development.

12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use and no dwelling hereby permitted shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner.

13. No part of the development shall be first brought occupied, 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 always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

14. No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

15. No dwelling on the development hereby approved shall be 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.

16. No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

17. No unit shall be occupied until full details of the proposed new footpath and staggered barrier connecting to Lark Down as shown on approved site has been approved and implemented.

REASON: In the interests of pedestrian safety and reducing the amount of private car movements to and from the development.

18. The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

19. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

20. The development hereby approved shall not commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the LPA , the details of which shall include:

- a. detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b. finished levels and contours;
- c. means of enclosure;
- d. car park layouts;
- e. other vehicle and pedestrian access and circulation areas;
- f. all hard and soft surfacing materials;

- g. minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- h. proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

21. 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.

22. No development shall commence on site above slab level until details and samples of the materials to be used for the external walls and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

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

23. No development shall commence within the area indicated by application PL/2021/09909 until:

a) 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

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The evaluation is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The

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

Costs of this work are to be borne by the applicant.

24. The development hereby approved shall be undertaken in strict accordance with the details as submitted and approved within the tree survey prepared by Sharples Tree Services dated November 2021.

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

25. The development shall not be occupied until details of at least 24 swift/bird boxes/bricks have been submitted to and approved in writing by the LPA and installed to be retained for the lifetime of the development.

REASON: IN the interests of ensuring biodiversity at the site.

26. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: 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.

Informatives

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy
2. INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.
3. INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
4. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

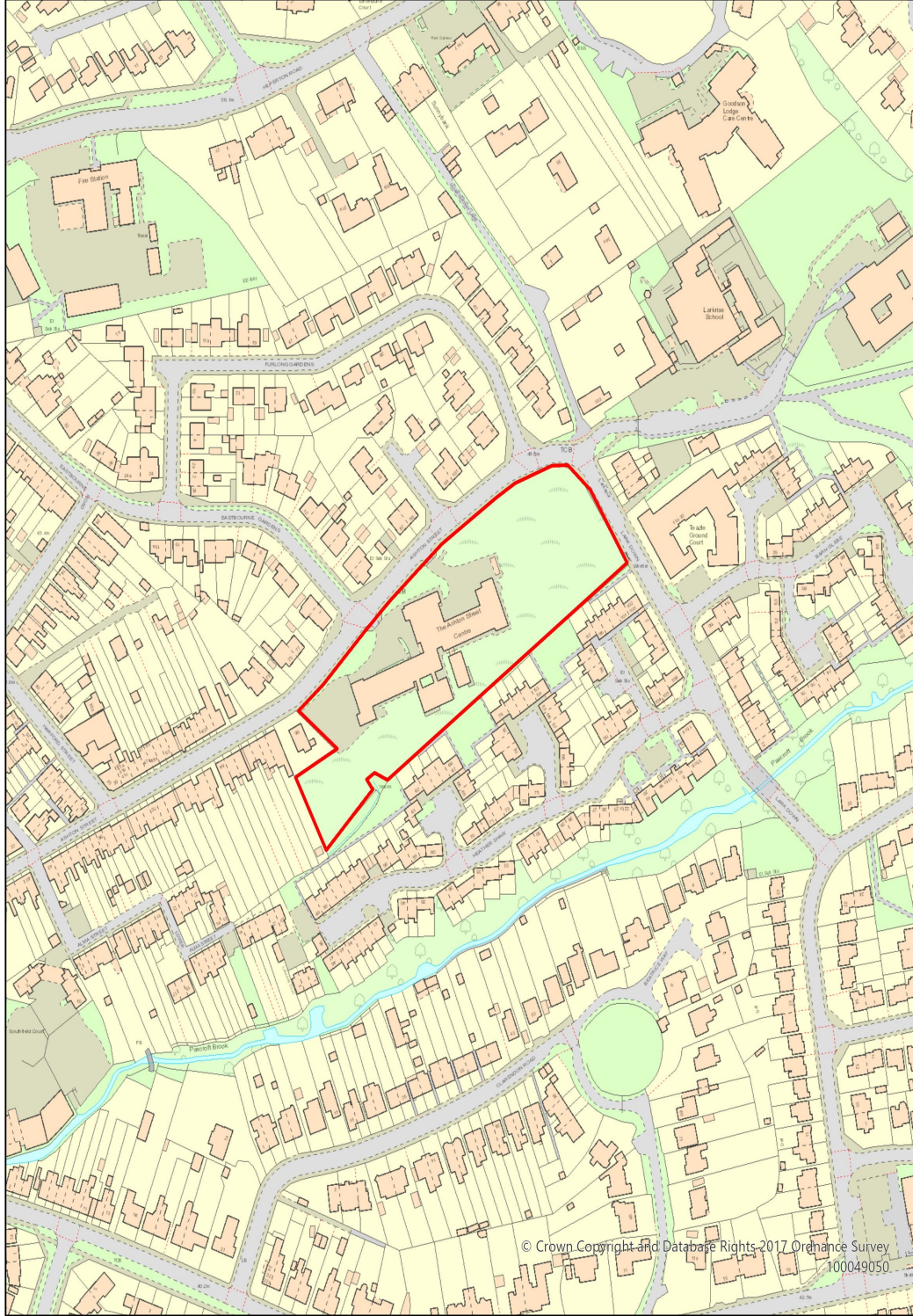
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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Wiltshire Council

PL/2021/09909

Ashton Street Centre, Ashton
Street, Trowbridge, Wilts, BA14
7ET



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 September 2022
Application Number	PL/2022/03938
Site Address	Plot D2, Land at Kingdom Avenue, Westbury
Proposal	Construction and operation of a 7.5mw gas peaking generation plant, to include an electrical substation, gas kiosk, gas engines, access, CCTV, lighting and associated works (Resubmission of 20/10440/FUL)
Applicant	Mr Daniel Thomas
Town/Parish Council	WESTBURY TOWN COUNCIL
Electoral Division	Westbury West – Cllr Matthew Dean
Grid Ref	385687 - 152383
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

The application is before the Committee because it is a re-submission of an earlier planning application (20/10440/FUL) which was refused by the Committee. It is, therefore, appropriate for the Committee to decide the case again.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

2. Report Summary

The key determining planning issues are considered to be:

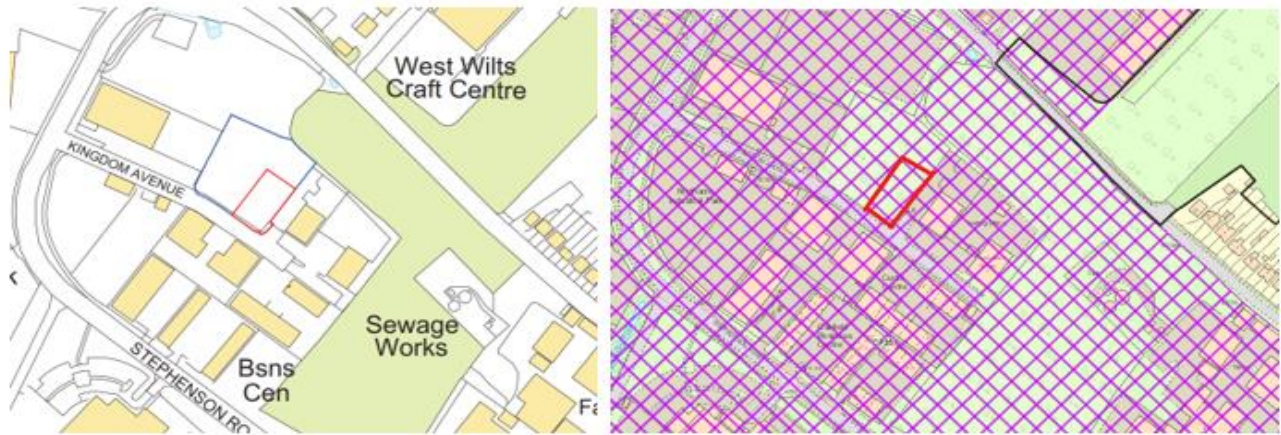
- The Principle of Development,
- Supporting Energy Supply and Impact on Climate Change/Carbon Neutrality,
- Environmental Impacts (especially air quality),
- Neighbouring Impacts;
- Highway Impacts;
- Impact upon the setting of a local Heritage Asset,
- flood risk and
- ecology impacts

Westbury Town Council objects to the application. Dilton Marsh Parish Council objects to the application. Five third parties object to the application.

3. Site Description

The red lined extent of the application site is shown below left – it is a 0.1-hectare parcel of land that is currently formed as hardstanding, and is located on the north side of Kingdom Avenue within the established settlement limits of Westbury and within the Brook Lane and North Acre Trading Estate (which is an existing Employment Allocation).

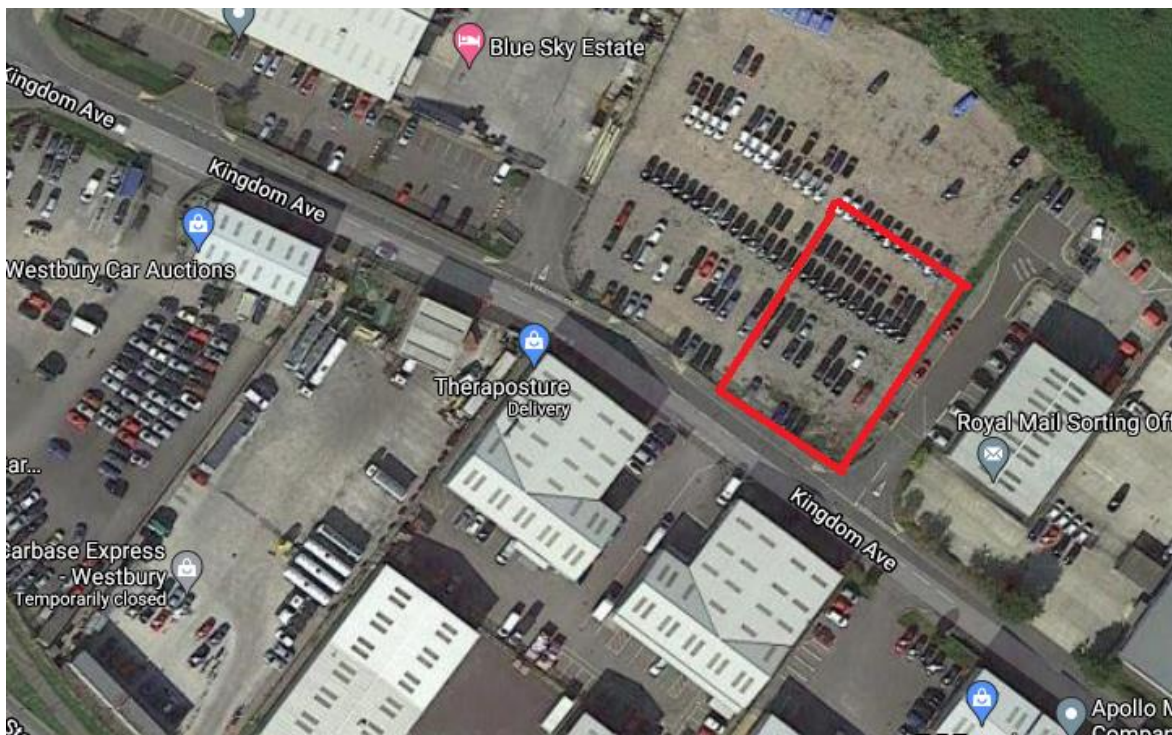
The map insert (below right) shows by way of purple hatching the Employment Allocation. Neighbouring buildings on the plan and map are existing industrial units.



The nearest residential properties to the site (which is shown by a black dot on the below plan) are about 220 metres distant and separated by the Royal Mail sorting office and Storridge Road – which is the main thoroughfare serving the industrial estate:



The application site is not at risk of flooding (being Flood Zone 1). It was used for car parking associated with a car auctioneering business which operates from a unit approximately 100 metres to the west (as shown on the google map image below). This use has ended with the application site now vacant.



Google Aerial image of the site circa 2021

4. Planning History

W97/0903/OUT – Industrial Park (outline) – Approved with conditions

W/00/00447/REM - Erection of industrial units (Use Classes B1, B2, B8) car parking and infrastructure – approved with conditions

W/00/00825/FUL - Removal of condition 12 of outline planning permission W97/0903/OUT and condition 10 of outline planning permission W99/1499 (requirement to include adequate access and land for the provision of a rail terminal) – Approved with conditions

W/04/01865/REM - Factory and offices – Approved with conditions

W/08/01844/FUL - Proposed B2 and B8 units with car parking – Approved with conditions

20/10440/FUL - Full planning application for the construction and operation of a 7.5MW gas peaking generation plant, to include an electrical substation, gas kiosk, gas engines, access, CCTV, lighting and associated work - refused by West Planning Committee on 9 March 2022 for the following reason;

“The proposal, by reason of its scale and nature in proximity to the Westbury Air Quality Management Area, would exacerbate an area of existing poor air quality. The proposed mitigation measure would not, in practice, offset the nitrogen dioxide emissions effectively and would therefore fail to make a positive contribution to

the aims of the Air Quality Strategy. The proposal would also, therefore, fail to protect public health, environmental quality and amenity contrary to adopted Wiltshire Core Strategy Core Policy 55”

There have been 3 specific planning permissions granted for this site for industrial units since 2000 but none of them have been implemented.

It is also of note that across Wiltshire several gas-fired power plants have been approved since the adoption of the Core Strategy in 2015. These include: -

15/08809/FUL - Proposed standby generator compound to include steel acoustic lined containers, external fuel tanks, transformers and acoustic fencing, in order to provide backup power to the National Grid – Roundponds Farm, Shurnhold Melksham - Approved by WAPC on 16 March 2016, subject to conditions.

17/10343/FUL - Proposed installation of a 7.5MW flexible gas-fired power generation plant with associated works and infrastructure - Land at Clark Avenue Porte Marsh Industrial Estate, Calne - Approved by officers using delegated powers on 22 December 2017, subject to conditions.

17/10832/FUL - Proposed installation of a 7.5MW flexible gas-fired power generation plant with associated works and infrastructure - Land at Riverside Mot Centre Bradford Road, Melksham - Approved by officers using delegated powers on 4 July 2019, subject to conditions.

18/10082/FUL - Proposed demolition of existing building and installation of a 7.5MW flexible power generation plant with associated works and infrastructure - Unit 1 Lanes Farm Marlborough Road, Royal Wootton Bassett - Approved by officers using delegated powers on 14 June 2019, subject to conditions.

19/10947/FUL - Installation of a temporary (25 years) Gas-Powered Standby Generation Facility, Ancillary Infrastructure and Equipment and Access - Land at Hawkeridge Road, Westbury – Approved by officers using delegated powers on 1 July 2021, subject to conditions.

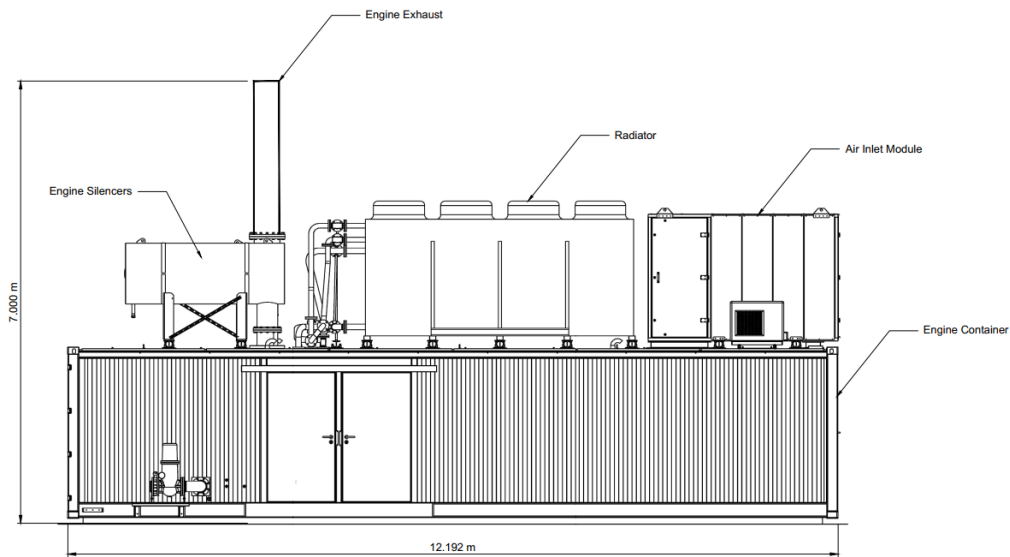
5. The Proposal

This application seeks full planning permission for the construction and operation of a 7.5MW gas peaking generation plant, to include an electrical substation, gas kiosk, gas engines, access, CCTV, lighting and associated works.

The 5 proposed gas engines would measure approximately 12.2 metres long by 3 metres wide. The main steel container and plant would be approximately 4.9m high, with an exhaust stack of 7 metres height. The Electrical Substation building would be approximately 3.5m high with the gas kiosk and oil tank approximately 2.5m and 2.1m high. The existing palisade fencing on the southern and eastern boundaries would be extended to enclose the site from the adjacent (and remaining) car parking area.



Proposed Site Plan



Proposed Gas Engine Elevation plans

The supporting planning statement for this application explains on pages 9-10 (and 20) that:

“Gas-fired peaking plants are power plants designed to balance the fluctuating power requirement in the electricity network and operate during periods of high-level demand for electricity or shortfalls of electricity supply.

This demand and supply variation is due to the increase in renewable energy sources (wind and solar) connected to the electricity grid as part of the UK’s effort to cut CO2 emissions. As such, these sometimes

intermittent and unpredictable renewable sources of power pose a risk to increased fluctuations in energy supply.

The Department for Business, Energy & Industrial Strategy stated that in the first quarter of 2020 renewable energy made up 47% of the UK's electricity generation.

Peaking power plants provide important balancing services where weather conditions prevent output either when the wind isn't blowing, or the sun isn't shining. Peaking plants address this imbalance and reduce stress on the electricity grid, providing power stability – to potentially avoid blackouts and maintain the security of electricity supply.

The peaking plants operate in standby mode when not in use and are called to operate by the electricity grid when there is a demand to supply electricity.

The development will be supported with the provision of a service yard large enough to serve an HGV.

The proposed development would support up to 6 jobs at G2 Energy/Eclipse Energy Generation with 3 engineers performing weekly inspections and general maintenance duties throughout the year. Further to this, the leasing of the land for the proposed development provides an additional funding stream to financially support the car auction business.

A new access to serve the development from Kingdom Avenue is proposed and is shown on drawing ADC2420-DR-001-P5 (Proposed Access Junction Layout). The junction shows appropriate visibility splays of 2.4m x 43m and a 8m Footway Crossover Type Access. Drawing ADC2420-DR-051-P4 (Swept Path Analysis) shows that it is possible for a 18m low loader to turn both left and right into the site safely. A Construction Traffic Management Plan has also been prepared and is submitted as part of the planning application, it provides further information in relation to the construction phase of the development and details:

- The proposal timescales and vehicles associated with the proposed development including likely sizes and frequency.*
- The suitability of the site access; and*
- Proposed routing and onsite arrangements”.*

The Gas Engines as proposed [would have] the following elements Engine Container; Air Inlet Module, Radiator, Engine Exhaust; and Engine Silencer. The engines [would] extend 12.2 metres in length and to the top of exhaust reach 7 metres. The engines [would be] housed in a steel container finished Green (RAL 6018). Details of the Gas Engines can be found on drawings G086-28-05 Rev O - Gas Engine Elevation (with stack) and G086-28-04 - Gas Engine Plan and Isometric.

A noise mitigation solution for all five generators is proposed. The solution detailed within J420_Container_SuSi_LpA55dBA_10m is proposed for all five engines and ensures that internal noise levels and external noise levels are within the recommended criteria and all indicate a Low Impact at the nearby residential receptors during both the daytime and night time periods.

Since the previous submission the specification of the Gas Engines proposed have been updated. The engine manufacturers have produced an updated specification sheet (JGC420GS-NL C02) for the engines which demonstrates an increased electrical efficiency of 42.5% which will subsequently result in a lower exhaust gas flow rate and lower NO2 emissions. This is an increase in efficiency of 0.9% on the previous scheme.

The Gas Kiosk proposed [would] be 5.6metres length by 2.5m width reaching a height of 2.9 metres... [and would] be constructed of Glass Reinforced Plastic and be finished in Hollybush Green 14-C-39 BS4800 in a gelcoat. Details of the Gas Kiosk are shown on drawing G086-28-06 Rev O - Gas Kiosk Plan and Elevations.

The Electrical Substation [would be] located toward the front of the site [and would be] 15 metres in length by 3.5 metres in width...[and] 3.5 metres in height. The substation [would] house a HV Switch Room, a Control Room, a Meter Room and a DNO Room. The substation [would] be constructed of Glass Reinforced Plastic and be finished in Hollybush Green 14-C-39 BS4800 in a gelcoat. Details of the substation are shown on drawings G086-28-07 Rev O – Electrical Substation Plan and G086-28-08 Rev O - Electrical Substation Elevations.

The oil tanks are [proposed to be] 6 metres in length by 2.1 metres in width. The tanks would be 1.6 metres in height... [and would comprise] two chambers for capacity for 500ltrs of clean and dirty oil. The tanks would be constructed of steel and finished in Hollybush Green. Details of the oil tanks are shown on drawing G086-28-09 Rev O - Oil Tanks Plan and Elevations.

The Transformers proposed are 1.8m in length by 1.9m in width with a height of 2.2 metres. The transformers [would] be painted in dark [admiral] grey. Details of the transformers are shown on drawing G086-28-10 Rev O – Transformer.

The boundary of the site is proposed to consist of silver steel palisade fencing and gate to match the existing landowner boundary fence. Details of which are shown on drawing G086-28-12 Rev O - Gate and Fence Elevation.

The CCTV / Lighting columns are proposed to be located in the four corners of the site into the development. The columns are proposed to [be] circa 4 metres in height. Details of which are shown on drawing G086-28-11 Rev O - CCTV and Lighting.

The application has been supported by the following documents: -

Planning Statement – dated May 2022

Tetra Tech – Air Quality Assessment – dated May 2022

Avian Ecology Ecological Assessment Report – 13 November 2020

Avian Ecology Bio-diversity Enhancement Strategy – dated 12 September 2021

Construction Traffic Management Plan – dated November 2020

Heritage Statement – dated November 2020

Tetra Tech Noise Statement – dated November 2020

Tetra Tech (784-A118713) Response to noise concerns Statement – dated 11 February 2021

Supplementary Noise Document “J420 SuSi Container Concept Review” – dated 6 July 2016

6. Planning Policy

National Context:

- The National Planning Policy Framework 2021 (NPPF)
- The Noise Policy Statement for England (NPSE)
- Planning Practice Guidance (PPG)

National Policy Statements and Policy Documents & Guidance

- National Policy Statement (NPS) for Energy (EN-1) (July 2011) presented to Parliament pursuant to Section 6(9) of the Planning Act 2008.
- National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) (July 2011)
The Energy White Paper 'Powering our net zero future' (December 2020)
- Net Zero Strategy: Building Back Greener (October 2021)
- Draft Overarching National Policy Statement for Energy (EN-1) September 2021 (not adopted)
- House of Commons Business, Energy and Industrial Strategy Committee Report - *Revised (Draft) National Policy Statement for Energy* (22 February 2022)
- British Energy Security Strategy (April 2022)

In the British Energy Security Strategy April 2022 (which was published after application no. 20/10440/FUL was considered by the NAPC), the forward from the former Prime Minister states -

"But if we're going to get prices down and keep them there for the long term, we need a flow of energy that is affordable, clean and above all, secure. We need a power supply that's made in Britain, for Britain – and that's what this plan is all about.

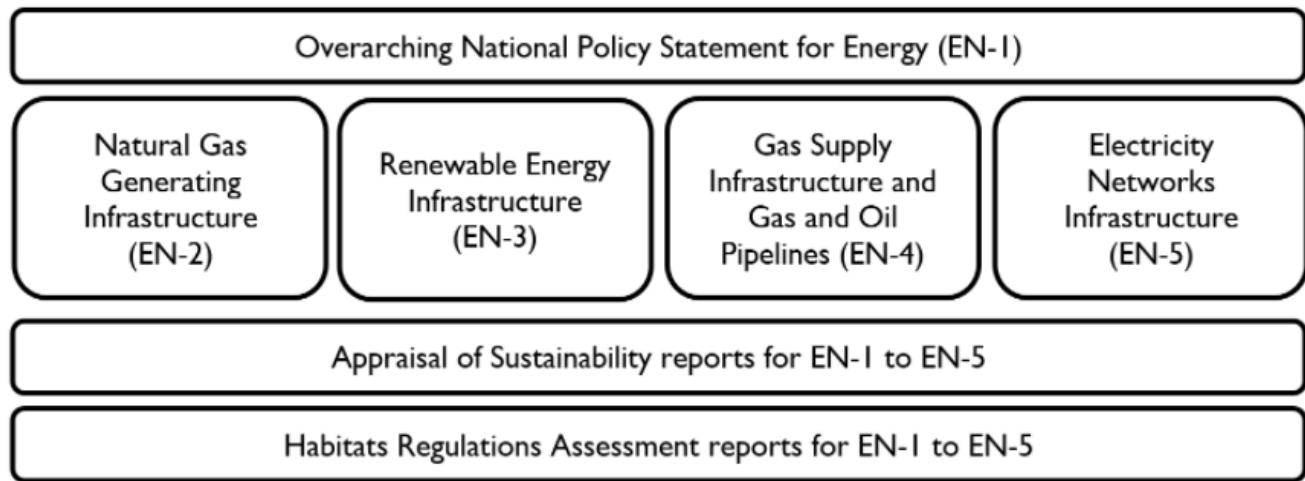
We're not going to try and turn back the clock to the days when we choked our streets and our atmosphere with filthy fumes and ever-rising levels of climate-imperilling carbon dioxide.

Instead, we're going to take advantage of Britain's inexhaustible resources of wind and – yes – sunshine.

We're going to produce vastly more hydrogen, which is easy to store, ready to go whenever we need it, and is a low carbon superfuel of the future.....

And as even the most evangelistic environmentalist would concede that we can't simply pull the plug on all fossil fuels overnight without the lights going out all over Europe, we're going to make better use of the oil and gas in our own backyard by giving the energy fields of the North Sea a new lease of life."

The Draft September 2021 Overarching National Policy Statement for Energy (EN-1) further states that "gaseous fuels have a key role in the UK energy landscape, accounting for around 28% of primary energy demand in 2019. They are used in the domestic sector for heating and cooking; in the industrial sector, as a source of energy and as a feedstock and, in the power generation sector, as a reliable source of flexible generating capacity" (para 3.4.1).



The draft Government publication leads on to stress that “*We need a diverse mix of gas supply infrastructure including pipelines, storage and reception facilities in order to meet our energy objectives. Our gas infrastructure must, amongst other things, be sufficient to:*

- *meet ‘peak’ demand for gas. Gas market participants may aim to have some “redundancy” in their supply arrangements, above the minimum amount to meet peaks, to manage the risk that other capacity may not be available (for example, where undergoing maintenance)*
- *allow for a sustained delivery of large volumes of gas, for example, demand over a particularly cold winter*
- *provide access to the most competitive gas supplies. Because the price of gas sources will vary over time, this leads to some redundancy in gas supply infrastructure. Market participants may therefore see distinct value in having access to gas from different sources – imports by pipeline, imports as LNG, and gas from storage (especially close-to-market)” (EN-1 paragraph 3.4.2).*

The final revised NPS has yet to be laid before Parliament, but the Business, Energy and Industrial Strategy Committee Report (February 2022) set out a series of recommendations for the revised NPS to adopt or take into account and specifically notes in paragraph 35 (with added Officer emphasis);

“Many of the proposed changes to the NPS are designed to build more flexibility into the policy framework to reflect the fact that the future energy generation mix will be more complex with energy coming from a wider range of sources (for example renewables, low carbon, hydrogen, with residual use of unabated natural gas and crude oil fuels for heat, electricity, transport and industrial applications) and these will all play a role in the transition to net zero.”

Local Context:

- The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP3 – Infrastructure Requirements; CP32 – Spatial Strategy Westbury; CP35 Existing Employment Sites; CP50 - Biodiversity and geodiversity; CP55 Air Quality; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring the conservation of the historic environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management; CP67 – Flood Risk
- Air Quality Strategy for Wiltshire 2019-2024
- Air Quality Action Plan for Wiltshire (June 2015)

- Air Quality Action Plan for Wiltshire – review document (draft – consultation phase due circa late 2021)
- Draft Air Quality SPD (revisions still in preparation)
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- Trowbridge Bat Mitigation Strategy
- The emerging Westbury Neighbourhood Plan (at call for sites stage with the emerging Plan having no material weight for this application)
- Wiltshire’s Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire’s Community Infrastructure Levy – Funding list

7. Consultations

Westbury Town Council – Objects for the following reasons:

- Does not comply with Core Policy 55 by adding to the air pollution levels in the Westbury area
- Does not comply with the Climate Emergency policies and announcements by Wiltshire Council and Westbury Town Council
- Concerned about the cumulative effects of pollution, given other existing and planned processes in the area
- Lack of clarity on transport impacts – the applicant should be clear about the frequency and type of vehicles expected to enter and leave the plant.
- The proposed use of this plot would not result in an increase of meaningful employment. This plot is currently a managed car park and staffing is already needed to manage this. The proposed technology at this plant will be largely automated and not result in increased employment as claimed by the applicant
- There are a number of other processes which could run this plant which the applicant has failed to consider – burning of fossil fuels is contrary to Core Policy 55
- The applicant has failed to consult with other businesses and premises in the surrounding area on the impacts of odour, noise and associated deliveries
- This application has little benefit to the local community whilst having the potential to inflict a great deal of impact

Dilton Marsh Parish Council – Objects on the following basis:

- No evidence that it will support growth, innovation or improve productivity
- No evidence that it enhanced the natural or built environment and no help in mitigating and adapting to climate change
- This will increase greenhouse gases contrary to Wiltshire Council commitment to seek to make Wiltshire carbon neutral by 2030
- No consideration given to battery storage instead

Wiltshire Council Spatial Planning Officer – No further comments to those made for 20/10440/FUL;

No objection. The main issue in this case is whether or not the proposed development would be acceptable in principle, with particular regard to Wiltshire Core Strategy policies - CP1, CP2, CP32 and CP35.

Gas peaking plants, such as the one proposed, provide important balancing services where weather conditions prevent output from renewable sources, either because the wind isn't blowing, or the sun isn't shining. Peaking plants address this imbalance and reduce stress on the electricity grid, providing power stability to help avoid blackouts and maintain the security of electricity supply. As the grid is evolving to

become decarbonised and more responsive to demand fluctuations, it will require investment to maintain supply which will take time. To ensure the grid is able to adapt and provide security of supply, it will need back-up sources of electricity and that's the role that peaking plants deliver.

Unlike base-load power plants, reserve peaking plants operate in standby mode when not in use and are only called to operate by the electricity grid when there is a demand to supply electricity. This is an important consideration as whilst developments such as that proposed rely on the burning of gas to generate electricity they only do so when needed (approximately 3000hrs per year on current forecasts).

The proposed development would be situated on 0.1ha of land used currently for the storage of cars within the West Wilts Trading Estate (WWTE). The entire WWTE lies within the limits of development for Westbury, a defined Market Town for the purposes of CP 1 and CP2, but is sufficiently distant from sensitive receptors so as not to generate environmental harm. Core Policies (CP) 32 and 35 of the Wiltshire Core Strategy identify the WWTE as a Principal Employment Area, a designation that seeks to protect such sites for B1, B2 and B8 uses.

Whilst industrial in character, the proposed development would not fall within the definitions of development covered by Use Classes B1, B2 or B8. However, as a form of industrial process (i.e., the burning of gas to generate electricity), it would be reasonable to argue that the proposed development would not necessarily be out of place on what is a largely an industrial estate occupied by a range of industrial type uses.*

CP35's primary role is to protect important employment sites for employments uses. That said, it presents criteria to assess proposals for the redevelopment of land currently, or last used for activities falling within Use Class B1, B2 and B8. The applicant has, in my opinion, satisfactorily addressed the five criteria in question, but for the purposes of this response I will deal with each in turn.

Criterion 1 requires any alternative development to generate the same number (or more) permanent jobs. As the application site is leased to a car auction company for the storage of cars and that use would persist on the majority of the leasehold land, then it would be reasonable to conclude that there would be no direct loss of employment should the proposed development be permitted. In fact, the development proposed would generate the additional employment of 6 jobs, including 3 engineers undertaking weekly maintenance of the gas peaking plant.

Criterion 2 seeks to ensure that where alternative development proposals would lead to the loss of more than 0.25ha of employment land, that an equivalent scale of provision is provided elsewhere in Westbury. The proposed gas peaking plant would occupy a footprint of 0.1ha of land and hence this criterion would not apply.

Criterion 3 seeks to ensure that any loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on the greater part of the site. The proposed development would see the loss of 0.1ha of land that is not being intensively used for employment purposes. Moreover, the insertion of the Gas Peaking Plant would not materially affect any of the uses that surround it. If anything, the proposed development would redevelop a small proportion of land and generate jobs.

Criterion 4 aims to control the use of land that falls out of employment use where the operation of such uses has led to a significant detriment to the environment or amenity of the area. The land in question is largely under-utilised for employment uses. The proposed development would be operated and maintained to ensure it runs in accordance with specifications. It would also not be in continual operation and only ever used on demand as and when the grid requires additional energy.

Criterion 5 seeks to ensure that applications for alternative forms of development are supported by evidence to demonstrate that employment sites are no longer viable. Again, the proposed development would occupy 0.1ha of land within a significantly large industrial estate occupied by a multitude of employment uses.

Therefore, if permitted, the Gas Peaking Plant could not reasonably be seen as a threat to the overall economic future of the WWTE.

Notwithstanding that point, the proposed development would generate jobs, be self-sustaining for its operational life and based upon the evidence submitted, not lead to environmental harm.

In conclusion, whilst the proposed development would lead to a very small loss of employment land, there are material considerations that would support such a plant being located in the WWTE alongside a mix of employment uses and industrial type processes. In addition, the choice of site, with direct connectivity to the electricity grid it would serve would help deliver energy supply security at a point in time when the National Grid and District Network Operators are moving towards a decarbonised future which will take time and significant investment.

Note: The Use Class previously known as B1(a) no longer exists as it was subsumed into new Use Class E on 1 September 2020 following Government Planning reforms. Use Classes B1(b/c) remains in operation (correct at the time of writing).

Wiltshire Council Environmental Health Officer – No objection subject to s106 developer contributions

Air quality:

The development will lead to an annual Nitrogen Dioxide increases of 0.026 µg/m³ within the Westbury Air Quality Management Area.

The council's SPD (currently in the public consultation stage) states that where air quality deterioration is observed in an AQMA, this is likely to lead to an objection on air quality grounds unless suitable offsetting financial contributions via a Section 106 agreement can be agreed. The SPD states that financial contributions will be used as a contribution towards mitigation measures as set out within our Air Quality Action Plan. The principle of calculating a financial contribution is to identify the mitigation measures required to offset the additional 'residual' pollutant contribution from the development within the affected AQMA, and then costed, with a fairly related contribution to those costs being sought.

Section 5 of the council's AQAP contains a list of 'hard' measures within each AQMA that have been quantitatively assessed through detailed dispersion modelling software ADMS-Roads v5 (Advanced Dispersion Modelling Software, to predict pollutant concentrations within the AQMA following the application of each measure.

The following calculation is therefore appropriate to calculate the required financial contribution:

Individual annual nitrogen dioxide contribution of proposed gas generator development to relevant receptors within the Westbury AQMA	0.026 µg/m ³
Air quality impact of traffic optimisation measure in Westbury as set out with section 5 of the AQAP	1.2 µg/m ³
Expected costs of traffic optimisation measure	£700,000.00

$$0.04 \div 1.2 = 2.16\%$$

The individual NO₂ Contribution is estimated to count towards 2.16% of the NO₂ reductions associated with the junction optimisation measure.

700,000.00 x 2.16% = 15,120.00

The cost contribution therefore calculated as a % towards the cost of the traffic optimisation measure is £15,120.00. This is the required financial contribution for this application.

Reason: Core Policy 55 development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and where relevant, the Wiltshire Air Quality Action Plan.

The National Planning Policy Framework (NPPF) 2021 establishes the national planning policy context. There is a heavy focus on sustainability. Paragraph 174 details:

“Development should, wherever possible, help to improve local environmental conditions such as air and water quality.” Furthermore, paragraph 186 details planning policies and decisions should: “sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. ”It is further stated:

“Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

Noise:

The noise mitigation as set out in the report by Tetra Tech dated 12 May 2021 Ref 784-A118713 and accompanying document titled J420 SuSi Container Concept Review (provided in previous application 20/10440/FUL) must be implemented in full so as to reduce the specific noise from the generators to 55 dBA at 10m distance as measured by a sound level meter in accordance with measurement method BS EN ISO 3744: 2010 . The mitigation must be maintained for the lifetime of the use of the generators.

Wiltshire Council’s Climate Change Officer – Provided the following comments:

Climate Team have been consulted on the new proposal, and despite the improved energy efficiency of the scheme, comments remain in essence the same.

It is acknowledged that a gas energy generation facility can support the provision of renewable energy (such as solar installations) by providing a source of energy at times when the renewable energy generation is not able to produce enough energy. However, in light of the need to achieve carbon neutrality (as set out in the Climate Change Act 2008, Wiltshire Council’s Climate Strategy Discussion Paper and Committee on Climate Change 6th Carbon Budget Sixth Carbon Budget - Climate Change Committee (theccc.org.uk)) gas-fired energy generation would not seem to be an optimal way of achieving a continuous energy supply, from the perspective of its carbon dioxide emissions.

Alternative ways of achieving a continuous supply, such as battery storage, are available but are not mentioned in the supporting documents. However subsequent communication has indicated that there are currently issues with grid capacity in the location of the development, such that battery storage is not being pursued at this time.

Paragraph 4.49 of the Wiltshire Core Strategy states that “The provision of new or improved infrastructure will be positively supported, particularly where opportunities arise through redevelopment or regeneration in sustainable locations, provided that this has no detrimental impact on the environment and contributes towards mitigation and adaptation to climate change”.

Whilst it has been argued in the supporting documents that this proposal contributes towards mitigation of climate change, as it supports renewable energy installations, a gas-fired power plant in itself, is not a low carbon technology.

It is clear that burning fossil fuels has a detrimental impact on the environment. Moreover, alternative options exist (e.g., battery storage) that can achieve a similar function whilst having a much lower impact on the environment and thereby making a significantly higher contribution towards mitigation of climate change.

However, it is noted that fossil fuels still currently play a part in the production of electricity and there is acknowledgement in the Energy White Paper (dated December 2020) that the type of facility proposed in this application currently plays a role in providing a reliable source of energy.

It should also be noted that the Energy White Paper indicates that gas peaking plants are not likely to be part of the suite of preferred, low carbon solutions by 2050 (p44).

Notwithstanding the above, it is also recognised that the gas supply may in future be replaced by hydrogen, biogas, green gas or other alternative fuels and with this in mind the developer is encouraged to ensure that the facility, if permitted, is able to adapt to these changing types of fuels through its lifetime.

Wiltshire Council Highways Officer – No objection

I understand that the previous application was refused (not on highway grounds) and I assume that the purpose of this application is to address these issues. I therefore consider that my previous comments relating to the 20/10440 application dated 29 January 2021 are still relevant.

This proposed development would not generate a significant volume of additional traffic on the local highway network, including during the construction phase of the development, details of which are outlined within the Construction Traffic Management Plan (CTMP).

The proposed construction and delivery vehicles will include the following

- 12no. 18m low loader;
- 18no. 15.4m articulated lorry;
- 1no. 8m tanker lorry;
- 10no. 10m rigid lorry; and
- 1no. 160-300tn Crane.

The CTMP outlines that HGV movements and routing would be from the north. During the operation of the plant, the facility would likely only generate up to three small vans or 4x4 type vehicle per week visiting the site for maintenance and monitoring purposes.

The proposed development proposes a new vehicular access into the site that would have appropriate visibility splays of 2.4m x 43m and an 8m Footway Crossover Type Access. The junction would be able to accommodate a 18m low loader to turn both left and right into and out of the site.

I note that the CTMP suggests that a temporary TRO could be put in place for the 18m low loader deliveries. For the level of movements being detailed over a 4–6-month construction period, a temporary TRO would be disproportionate. I suggest that a planning informative and condition that the CTMP is a documented approved plan, and that site implementation accords with it. The applicant should also be encouraged to contact the Wiltshire Council Area Highway office, to arrange a scheme and provision of 'no waiting at any time' cones. These cones could be placed on the Public Highway prior to the periods when the 18m low loader/ HGV / crane movements and deliveries are scheduled.

Wiltshire Council Ecology Officer – No comments received, but for 20/10440/FUL had no objection subject to conditions and commented;

The Ecological Assessment Report (Avian Ecology dated 13/11/20) provides a suitable assessment and recommendations. Due to the scale and nature of the proposals and the existing habitats at the site, there are no likely impacts to the Bath and Bradford-on-Avon Bats SAC.

Wiltshire Council Drainage Officer – No comments received but had no objections to 20/10440/FUL

Wiltshire Council Conservation Officer – No objection.

The application is accompanied by a heritage assessment which provides an appropriate assessment of the potential impact on heritage assets in the area. The only built heritage asset with an historic connection with the site, is Storridge Farmhouse – which would not be materially harmed by this proposed development. In reaching this conclusion, officers have recognised that the industrial estate and several industrial units are located between the recorded heritage asset and the application site and that the proposed development would have no additional impact on the setting of the listed farmhouse.

8. Publicity

The application was publicly advertised through the display of a site notice at the site and 69 individually posted neighbour notification letters to units located along Kingdom Avenue and to residential properties located along Storridge Road and Hawkeridge Park. The notification letters were also sent to those who made representations in application 20/10440/FUL. The deadline for third party representations was 8 July 2022.

In response to the public notification exercise, 5 letters of objection have been received. The objections and comments are summarised below:

- We are in a climate crisis. This application should be rejected on the grounds that the UK is policy committed to rapidly transitioning to a green energy infrastructure
- We must stop burning carbon compounds. If complete Co2 recovery is not part of the design permission must not be granted
- The gas plant will have a lifespan of at least 25 years during which we are supposed to be reducing our use of fossil fuels
- Fossil fuel power stations generate nitrogen dioxide, a toxic emission known to cause health problems by aggravating respiratory diseases and contributing to the development of asthma.
- The new gas fired power plant would emit apx 3.6 tonnes of CO2 per hour. This is the equivalent of 400 cars driven at 30mph for an hour. The plant will emit at least 9172 tonnes of CO2 per annum (at 2500 hours of use) and has the capacity to emit up to 30843 tonnes of CO2, which would equate to the annual emissions from about 6,700 cars.)

- Battery use is the way forward
- This will add to air pollution, cumulative effect must also be considered
- It is also worth stating that the application for the waste power generation plant at the Hills site 300m south east of this site has been approved since the refusal of the original application for this plant. This is too much pollution and further air quality deterioration for an area which, because of the other businesses around here (dairy, car preparation) already has unusually high levels of pollution due to vehicle movements.

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.

9.1 Principle of Development – Use of Employment Site Land

9.1.1. The Core Strategy sets out the spatial strategy for Wiltshire and seeks to promote a sustainable pattern of development by directing development to existing settlements and allocated sites to improve self-containment and reduce the need to travel. The Settlement Strategy is set out in Core Policy 1 and the Delivery Strategy is set out in Core Policy 2. The application site is within the limits of development for Westbury and therefore satisfies the first part of the WCS.

9.1.2. Whilst there is no specific policy within the WCS for the type of infrastructure proposed in this application, Strategic Objective 6: titled '*ensuring adequate infrastructure is in place to support our communities*' includes the provision of essential infrastructure and support for new and improved infrastructure provided there are no detrimental environmental impacts. Core Policy 3 identifies new energy facility provision as being essential infrastructure.

9.1.3. The application site is located within an allocated 'Existing Employment site' under WCS Core Policy 35, which requires allocated sites to be retained for employment purposes within Use classes B1, B2 and B8 to safeguard their contributions to the Wiltshire economy. The proposed use would not fall under these use classes and is considered to be a 'sui generis' use. The proximity of the application site to the built-up area of Westbury (and being set within an industrial estate) is a key driver for the selected location.

9.1.4. It is worthy of note that Wiltshire Council has approved five similar gas fired power plants in recent years (following the adoption of the WCS in 2015), in response to the National Grid's urgent requirement to increase the availability of reserve power sources, although there has continually been an acknowledgement that new potential supply has been constrained by the availability of grid connection opportunities which continue to be difficult to secure. However, two of the aforementioned five approved sites have been located within existing employment sites across the County (applications 17/10343/FUL and 17/10832/FUL in Calne and Melksham respectively), and for those two cases, the Council accepted the principle of development of gas-fired powered plants occupying land at an allocated employment site. For this application, the proposal was subject to a fresh consultation with the Council's spatial planning team. Within their response, the following key conclusions have been noted: -

"Whilst industrial in character, the proposed development would not fall within the definitions of development covered by Use Classes B1, B2 or B8. However, as a form of industrial process (i.e., the burning of gas to generate electricity), it would be reasonable to argue that the proposed development would not necessarily be out of place on what is a largely an industrial estate occupied by a range of industrial type uses".*

** Note: The Use Class previously known as B1 no longer exists as it was subsumed into the new Commercial, Business and Service Use Class (Class E) on 1 September 2020 following Government Planning reforms.*

Use Classes B1(b/c) remains in operation (correct at the time of writing). B2 and B8 land uses remain in place (at the time of writing).

9.1.5. Furthermore, it is accepted that the development would deliver employment through the construction, maintenance and operating phases. It is also material to note that the application site is only being used as a car park/storage area at present which generates, at present, less direct employment – compared to what would be delivered by the gas-fired power plant facility.

9.1.6. It is also noteworthy to mention that the employment site allocation affected by this application proposal, was originally identified in 2004, and the first outline application for industrial development was approved in 1997. Twenty-four years on, there still remains a significant amount of land within the industrial estate left undeveloped, and specific to this application site, three planning applications have been approved for industrial development, but none have come to fruition. Officers have measured the (Brook Lane and North Arce CP35 allocation) to be approximately 52.3 hectares and calculate that approximately 9 hectares remains completely undeveloped (*this does not include the currently undeveloped land subject to the Northacre application for the Waste Facility under application 20/06775/WCM*). There is a further approximate 2 hectares of land which either has permission for car storage or is simply being used to store cars (using google aerial images) on other land within the CP35 allocation.

9.1.7. Officers are satisfied that in this particular case, and mindful of the site extent, this application proposal would not undermine the employment site policy itself and as referenced, there is sufficient residual employment site land for future industrial development. It should also not be overlooked that this proposal is seen as being a temporary facility, and in the longer term, the land could well be re-developed for an industrial unit should market demand prevail.

9.1.8. In consideration of the above, officers submit that the principle of development is supported in this instance. Furthermore, the principle of development application 20/10440/FUL was not refused on Core Policies 1, 2 and 35.

9.2 Supporting Energy Supply, Climate Change and moving towards Carbon Neutrality:

9.2.1. The application is for a Gas-Powered Standby Generation Facility to support energy supply during times of high demand. Whilst it is accepted that burning fossil fuels in itself is not environmentally friendly, the process still currently plays a part in the production of electricity, and there is acknowledgement in the Energy White Paper (dated December 2020) that the type of facility proposed in this application does play a role in terms of providing a reliable and continuous source of electricity.

9.2.2. This is confirmed in the forward from the Prime Minister in the governments Net Zero Strategy: Build Back Greener (October 2021) which states:

“We will make sure what you pay for green, clean electricity is competitive with carbon-laden gas, and with most of our electricity coming from the wind farms of the North Sea or state-of-the-art British nuclear reactors we will reduce our vulnerability to sudden price rises caused by fluctuating international fossil fuel markets.” The Secretary of State for Business, Energy and Industrial Strategy continues *“At the same time we will reduce greenhouse gas emissions across the economy to reach net zero by 2050.”*

9.2.3. The Strategy also sets out that:

“we will ensure the biggest polluters pay the most for the transition through fair carbon pricing.”

It further states that:

“Our power system will consist of abundant, cheap British renewables, cutting edge new nuclear power stations, and be underpinned by flexibility including storage, gas with CCS, hydrogen and ensure reliable power is always there at the flick of a switch”.

One of the key policies is that:

“By 2035, the UK will be powered entirely by clean electricity, subject to security of supply.”

9.2.4. The Net Zero Strategy also does not have any substantive policy prohibiting the creation of any new gas-powered plants. There are numerous references made to phasing out the installation of gas boilers by 2035, but there is an acceptance that the use of gas remains within the current energy mix and to ensure a security of supply.

9.2.5. In the British Energy Security Strategy (April 2022) it states;

“Currently around half of our demand for gas is met through domestic supplies. In meeting net zero by 2050 we may still use a quarter of the gas that we use now..... As a result of our plans, the North Sea will still be a foundation of our energy security but we will have reduced our gas consumption by over 40 per cent by 2030.

Gas is currently the glue that holds our electricity system together and it will be an important transition fuel. We are taking a balanced approach to this unique subterranean asset. There is no contradiction between our commitment to net zero and our commitment to a strong and evolving North Sea industry. Indeed, one depends on the other.

On decarbonisation, the flexibility of gas has underpinned our world-leading rollout of offshore wind and UK gas has a lower carbon footprint well under half that of most imported gas.

We will send clear signals on the role of gas in the transition by:

- *The North Sea Transition Authority plans to launch another licensing round in the autumn, taking into account the forthcoming climate compatibility checkpoint and the need for energy security. This will mean more domestic gas on the grid sooner.”*

9.2.6. The proposed development would not generate electricity from renewable sources, but it has a crucial part to play in terms of making the transition to a low or zero carbon future and crucially stabilise supply – which is documented by the Government within EN-1, EN-2, the Energy White Paper dated December 2020 and the British Energy Security Strategy. Officers are satisfied that the type of facility proposed for this Westbury site has a place in the overall mix of energy supply.

9.2.7. Energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires, and getting it to where it is needed, necessitates a significant amount of infrastructure, both large and small scale. It is also critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply the Government has set out within EN1 that:

“we need:

- *sufficient electricity capacity (including a greater proportion of low carbon generation) to meet demand at all times. Electricity cannot be stored (except for hydro pump storage) so demand for it must be simultaneously and continuously met by its supply. This requires a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand;*
- *reliable associated supply chains (for example fuel for power stations) to meet demand as it arises;*

- a diverse mix of technologies and fuels, so that we do not rely on any one technology or fuel. Diversity can be achieved through the use of different technologies and multiple supply routes (for example, primary fuels imported from a wide range of countries); and
- there should be effective price signals, so that market participants have sufficient incentives to react in a timely way to minimise imbalances between supply and demand”.

9.2.8. In the medium term, the Government outlines within EN1 that:

“we face the challenges of reducing our energy demand, replacing existing power plants due for closure and maximising the economic production of our declining domestic oil and gas reserves. Developing our infrastructure (for example with Smart Grids for electricity) will help us maintain and improve our security and access to competitive supplies, particularly for electricity generation and gas importation and storage. This investment challenge drives much of the reform outlined in the 2010 Annual Energy Statement”.

9.2.9. In September 2021, the Government published its draft Overarching National Policy Statement for Energy (NPSE) which sets out the following material observations within para 3.4.4:

*“While the Energy White Paper signals a decisive shift away from unabated natural gas to clean energy, this transformation cannot be instantaneous without jeopardising a secure, reliable, and affordable energy system. As illustrated in Fig 3.1, BEIS latest published reference scenario, based on 2019 assumptions, projects that the UK’s demand for natural gas will continue to fall to 2025 but will stabilise after that to 2035. **There will continue to be demand for natural gas, and therefore a need for the gas infrastructure that supports it, during the transition to a net zero system in 2050 and potentially beyond,** as we develop the means to address the carbon dioxide and other greenhouse gases associated with its use, including though the development and deployment of low carbon alternatives”.*

9.2.10. Under the heading of delivering affordable decarbonisation, paragraph 3.4.9 of the draft NPSE leads on to say:

“Where low carbon alternatives can replace unabated natural gas, we will still need new gas infrastructure. Given the changing nature of the energy landscape, we cannot be certain on the precise role of natural gas, or gas infrastructure, in the future. But the approach we take must remain consistent with our energy objectives”.

9.2.11. It is important therefore to appreciate that new gas infrastructure should not be seen as running counter to the decarbonisation objectives as gas peaking plants could *“be repurposed in the future for use by other gases required to deliver a net zero economy, such as low carbon hydrogen or for transportation of carbon dioxide to storage. Therefore, there is an ongoing need for retaining and developing the infrastructure for importing, storing and transporting gas”.*

9.2.12. Within paragraph 3.4.13 of the draft NPSE, the Government sets out the additional intentions:

“Blending hydrogen into the current natural gas distribution networks (potentially up to 20% by volume) can help support the near-term growth in the supply and demand of low carbon hydrogen. It can also deliver some emission reductions from heat use without requiring changes to domestic appliances. Although trials of up to 20% hydrogen (by volume) in the natural gas network are underway, confirming the specific levels of hydrogen blends that can be used in the natural gas networks requires further work. The Prime Minister’s Ten Point Plan published on 18 November 2020 includes a target milestone for government to work with industry to complete all necessary testing to allow an up to 20% blend into the gas distribution network by 2023”.

9.2.13. *“Looking further ahead, the 2050 pathways show that the need to electrify large parts of the industrial and domestic heat and transport sectors could double demand for electricity over the next forty years. It makes sense to switch to electricity where practical, as electricity can be used for a wide range of activities*

(often with better efficiency than other fuels) and can, to a large extent, be scaled up to meet demand. To meet emissions targets, the electricity being consumed will need to be almost exclusively from low carbon sources. Contrast this with the first quarter of 2011, when around 75% of our electricity was supplied by burning gas and coal".

9.2.14. Within paragraph 2.2.23 of EN1, the Government fully accepts that whilst *"the UK must reduce over time its dependence on fossil fuels, particularly unabated combustion. The Government plans to do this by improving energy efficiency and pursuing its objectives for renewables, nuclear power and carbon capture and storage. However, some fossil fuels will still be needed during the transition to a low carbon economy"*.

9.2.15. Given that the application site, as a location, is considered acceptable in principle, the delivery of this 7.5MW gas peaking energy generation plant deserves considerable weight in the planning balance, and the Department of Energy and Climate Change July 2021 EN1 publication as well as the draft National Policy Statement for Energy, as referenced above, sets out the approach for new energy infrastructure, and fully supports the appropriate provision. The application proposal is also considered to satisfy strategic objective 6 (titled *'to ensure that infrastructure is in place to support communities'* as listed on pages 34-35 of the adopted Wiltshire Core Strategy.

9.2.16. At appeal, planning inspectors have generally supported the provision of gas-fired power plants (such as appeal ref: APP/V3310/W/20/3263845 (dated May 2021) pursuant to a site in Sedgemoor, whereby the appointed planning inspector concluded that: -

"The development would contribute to the reliability of the electricity supply at times of peak demand, thus supporting a national move away from fossil fuel generation to a supply based increasingly on renewable energy. So, although it would itself use natural gas, it would constitute associated infrastructure that would support a nationwide shift towards renewable and low carbon energy. Consequently, the proposal would accord with the Framework's aims of supporting the transition to a low carbon future in a changing climate".

9.2.17. It is important to note that the above appeal decision acknowledges natural gas is a fossil fuel, but that local peak energy provision would help supplement energy supply at times when renewable energy cannot satisfy the levels of demand, thereby supporting the overall transition to a low carbon future.

9.2.18. In another appeal (ref: APP/U1105/W/20/3247638 dated June 2020) pursuant to the installation of a synchronous gas-powered stand-by generation facility in East Devon, the appointed planning inspector set out the following planning judgement:

"The planning balance that applied here is a straight weighing of the benefits of the proposed development against the harm. The overall assessment in this case is finely balanced. The benefits of electricity generation at times of high demand should attract considerable weight in favour of the proposal. The harm to climate change objectives due to GHG emissions from the facility should be given considerable weight against allowing the proposed development. The other matters considered do not weigh significantly in the planning balance. In my judgement, the support the proposed development gains from EN1, which is a relevant material consideration here, notwithstanding that the scheme is not an NSIP, is sufficient to tip the balance in favour of the proposal"*.

[Note: NSIP* as referenced above, stands for Nationally Significant Infrastructure Projects, one such example being the proposed Stonehenge/ A303 tunnel].

9.2.19. In addition to the above, and looking at some large-scale gas related energy development proposals, in August 2020 the Secretary of State granted a s37 application for a DCO (Development Consent Order) for a 299MW gas-fired electricity generating station comprising an open-cycle gas turbine (OCGT) in north Lincolnshire. In the previous year, a separate 299MW OCGT gas fired power station was approved by the Secretary of State for Business, Energy and Industrial Strategy (BEIS) – with both large-scale installations

being considered compliant with the Government's overarching national policy statement for energy EN-1 and in recognition fossil fuel extraction and burning is essential to provide the UK with a continuous electricity supply.

9.2.20. The Sedgemoor and East Devon cited appeals were similar in terms of scale and nature when compared to the Kingdom Avenue proposal, and these have been specifically reviewed by officers, and consistent with the direction set out within EN1 and the two noted appeal decisions, officers apply considerable weight to the benefits of providing additional energy infrastructure and providing more capacity to support a continuous and simultaneous electricity supply – which must be weighed against the acknowledged consequential levels of harm the gas-fired plant would have upon the environment through the use of fossil fuels and the resulting levels of pollution – which is assessed within section 9.3 of this report.

9.2.21. There is support set out within the NPPF to help increase the use and supply of renewable and low carbon energy. The extent to which this type of facility contributes to a low carbon economy was considered by the appeal inspectors in respect of the aforementioned appeals. It is important to appreciate that if approved and built, the proposal would operate directly under National Grid's Capacity Market which aims at delivering low carbon energy supplies whilst maintaining supply security and minimising costs to the consumer.

9.2.22. Many of the letters of representation received by the Council argue that the proposed gas-fired technology is 'obsolete' and that a battery storage or other new technologies would be more appropriate. However, this is not the case as the Government Energy White Paper acknowledges the role of gas-powered peaking plants has in the current energy supply mix. It should not be overlooked either that there is increasing optimism that in the future, these gas-fired facilities could be de-carbonised and retrofitted to function using clean hydrogen (when viable).

9.2.23. As far as Wiltshire Council's Climate Change Strategy is concerned, the following insert is taken directly from the WC website which clarifies matters in terms of the Council's commitment to deliver carbon neutrality by 2030.

Overview

In February 2019 we resolved to acknowledge a climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030. A Global Warming and Climate Emergency Task Group was set up to gather evidence and come up with recommendations on achieving net zero. Our Cabinet subsequently committed to also make the council carbon neutral by 2030.

A new carbon reduction strategy will be prepared to enable us to meet these commitments.

The plan will be evidence and data led and a baseline assessment will be undertaken to assist in identifying needs and determining priorities.

It is proposed that the plan will include a community led approach which engages, empowers, enables and communicates with Wiltshire communities and businesses.

Carbon reduction will be a key theme in the council's recovery from COVID-19.

9.2.24. Whilst the Council has a commitment to make the County carbon neutral by 2030, it is important to stress that this is not enshrined within any adopted planning policy. As set out in the paragraphs above this proposal would help the move towards renewable and low carbon energy by ensuring a fully reliable (and local) back up to energy supply to cover for when the existing renewable and low carbon energy supply cannot meet demand. As set out by the Governments EN1 document, "*demand for *electricity* must be simultaneously and continuously met by its supply*". Until electricity demand can be completely met by low carbon and renewable energy, there will have to be space for this type of development in the energy mix.

9.2.25. Reaching the Governments net zero target by 2050 for carbon dependency will require cutting emissions as much as possible and then balancing out all remaining ones by various means including: planting trees and burying CO₂ underground. To avoid any misunderstanding, there may still be a future for fossil fuel beyond 2030 as alternative energy sources like blue hydrogen is produced by maximising fossil fuels, but its environmental impact can be mitigated by capturing and storing greenhouse emissions underground. Green hydrogen, meanwhile, is produced using renewable energy. In sum, and at present, a move towards a carbon neutral future does not necessarily mean the end to using fossil fuels as a resource.

9.2.26. On 17 August 2021, the Government launched its plan to introduce hydrogen energy into the energy mix. Government analysis suggests that 20-35% of the UK's energy consumption by 2050 could be hydrogen based. In a related online BBC article titled: "**Hydrogen power offers jobs boost, says government**" which was published on the same day, it quoted Dr Jan Rosenow from the Regulatory Assistance Project, an organisation dedicated towards accelerating the transition to clean energy, who argued that:

"As the strategy admits, there won't be significant quantities of low-carbon hydrogen for some time. We need to use it where there are few alternatives and not as a like-for-like replacement of gas... Hydrogen for heating our homes will not play a significant role before 2030. The government's strategy shows that less than 0.2% of all homes are expected to use hydrogen to keep warm in the next decade. This means that for reducing emissions this decade, hydrogen will play only a very marginal role".

9.2.27. Therefore, the role of hydrogen power will not likely play a significant part in changing our energy mix in the fight against climate change for quite some time, which only reaffirms that in the meantime, there is a necessity to maximise and include fossil fuels within the existing energy mix as the transition to more renewable and alternative energy supply continues.

9.2.28. In the Government's Hydrogen Strategy, there is the aim to "*work with industry to assess the safety, technical feasibility, and cost effectiveness of mixing 20% hydrogen into the existing gas supply. Doing so could deliver a 7% emissions reduction on natural gas.*" Officers note that the Strategy does not set out any commitment to ban or end the use of natural gas – but there is an 'ambitious' 10-point plan "*for 5GW of low carbon hydrogen production capacity by 2030 – which could replace natural gas in powering around 3 million UK homes each year as well as powering transport and businesses, particularly heavy industry*". It is thus clear that the Hydrogen Strategy will work alongside fossil fuels in the energy mix for the time being.

9.2.29. Decision makers when tasked with appraising new energy power plants like this development proposal, must appreciate that if energy demand is not met by existing energy sources, the supply could be compromised which would lead to potentially significant economic and social consequences. When energy supplies are reliant upon larger and more remote power stations, there is some energy lost when passing through large power lines, a risk and consequence that would not occur to the same extent with locally sourced power plants.

9.2.30. Officers appreciate that the emerging Wiltshire Local Plan review will *inter alia* focus on the Council's Climate Change approach and progress with appropriate new policies to marry up the Council's abovementioned commitment and ambition to reach carbon neutrality and have development tested against appropriately worded and tested policies. As things stand, this application must be tested against the policies that presently exist, and as set out above, officers are satisfied that the application should be supported, and that substantive weight should be afforded to the delivery of new electricity generation in the planning balance. Officers appreciate that there would be some harm and the following sections respond to the environmental impacts. For the avoidance of any doubt, the insert below is taken from the Council's website which states that carbon reduction will be considered as part of the Local Plan review.

Carbon reduction will be a key theme in our recovery from COVID-19. As well as developing a new carbon reduction strategy, we are carrying out a review of the Local Plan and developing our fourth Local Transport Plan. Carbon reduction will be an integral theme within these documents. We are currently developing a [Green and Blue Infrastructure Strategy](#). From this we will develop a woodland and tree planting policy.

9.3 Environmental Impacts - Air Quality:

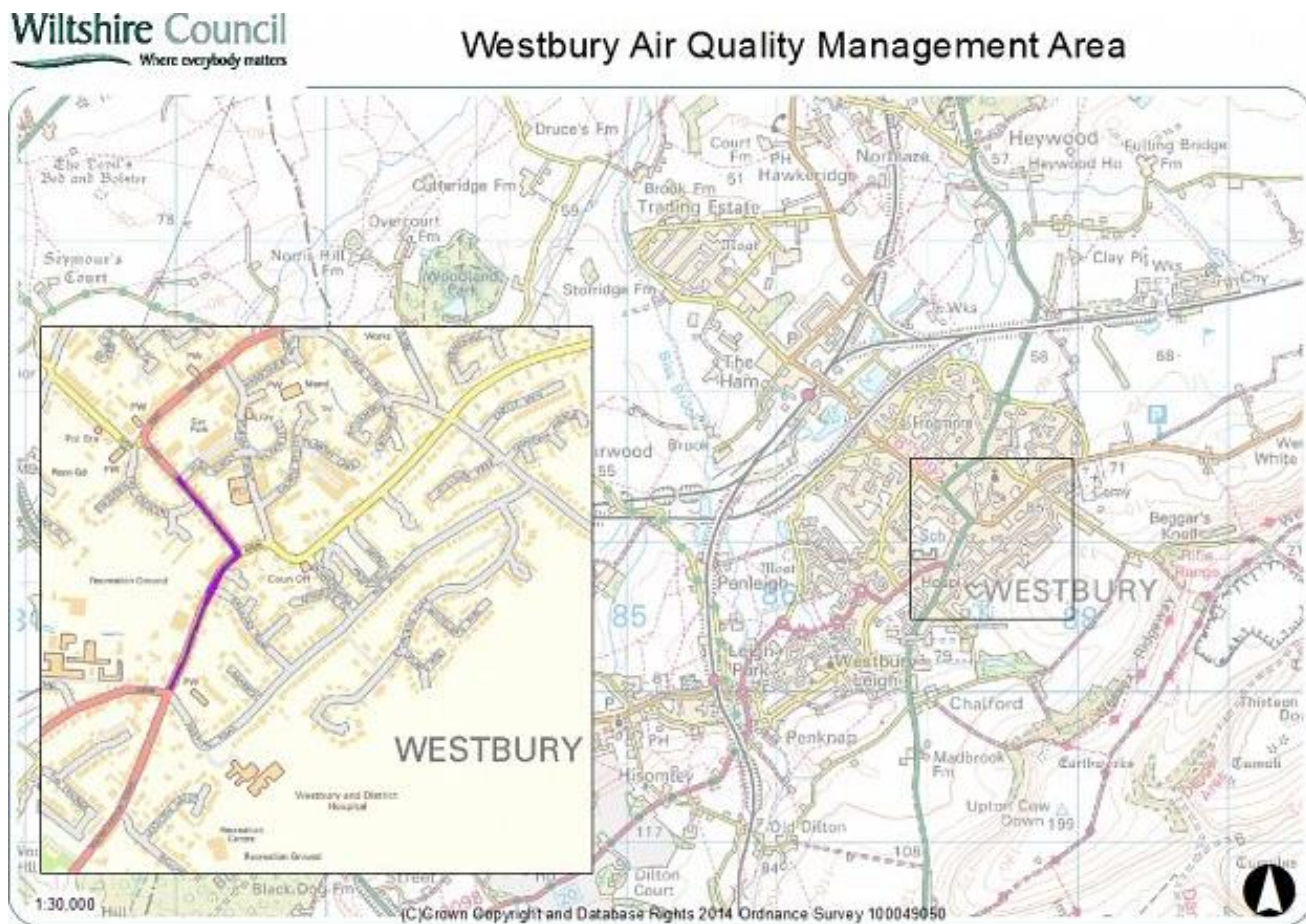
9.3.1. Adopted WCS Core Policy 55 Air Quality sets out that *development proposals by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy and the Wiltshire Air Quality Action Plan.*

Core Policy 55 sets out five options and forms of mitigation which includes criterion v) which states that: -

“where appropriate, contributions sought toward the mitigation of the impact a development may have on level of air pollutants”.

9.3.2. The Air Quality Strategy for Wiltshire reported that the *“Air quality in Wiltshire is predominantly good with the majority of the County having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in exceedances of the annual average for nitrogen dioxide (NO2) and fine particulate (PM10).*

These locations include stretches of the A350 in Westbury, as indicated on the following plan:



9.3.3. An Air Quality Action Plan for Wiltshire is awaiting DEFRA approval, and a specific Westbury Action Plan and an Air Quality SPD are also in preparation. The draft version of the SPD states that: -

“Where developments take place in an AQMA [Air Quality Management Area], mitigation measures must be considered as standard practice, particularly in cases where the development is new and does not replace an existing use. This is especially important where the development has provision for a large number of parking spaces, significantly increasing the number of trips, and/or heating plant. In some cases, it may be necessary to recommend refusal where a development is so contrary to the objectives of the Air Quality Action Plan and Strategy”.

9.3.4. In this particular case, the planning case officer in conjunction with the Council’s Environmental Health officer had extensive dialogue with the applicant and their appointed consultants to address concerns relating to air quality and noise impacts (noting that the noise impact is addressed in the next section of this report). This direct negotiation resulted in the applicant submitting additional information and a cumulative impact assessment which took into account the impact from the approved application 19/10947/FUL (at Hawkeridge Road, Westbury) and the application 20/06775/WCM (North Acre Energy from Waste Facility, Stephenson Road, Westbury) in addition to appraising the level of air pollution that would be created by this proposal.

9.3.5. The Council’s Environmental Health officer has dutifully considered the noise and air quality submissions and following a careful appraisal of the cumulative impact assessment, it has been concluded that because there is an impact in an AQMA i.e. a projected increase in the levels of nitrogen dioxide that has exceeded the national objective set by the Environment Act 1995 (as amended in 2021), the impact is considered to be significant. However, this impact can be mitigated in the form of a developer financial contribution of £15,120.00 which would go towards funding “A12 Junction optimisation at A350” comprising improvements to be made to the roundabouts in Westbury; where the A350 meets the B3098 (Bratton Road) and where the A350 meets the B3097 (Station Road) aimed at reducing air pollution within the town by reducing idling time/congestion, and therefore reduce emissions. The applicant was advised of this mitigation necessity, and agreed to enter into a s106 to secure this financial contribution should members endorse the officer recommendation.

9.3.6. Members will remember from the 9 March 2022 Committee, that application 20/10440/FUL would have had a greater environmental impact producing more nitrogen dioxide which would have resulted in a s106 contribution of £23,333,31. The applicants have informed Officers that an appeal to the Planning Inspectorate has been submitted (on the 6-month deadline) but that at the time of writing the Council is awaiting written confirmation of its receipt from the Planning Inspectorate.

9.3.7. The reason for the s106 financial contribution decreasing from £23,333.31 to £15,120.00 is due to the change in the gas engines which are now more efficient and less polluting. As set out by the Council’s Environmental Health Officer, *“The principle of calculating a financial contribution is to identify the mitigation measures required to offset the additional ‘residual’ pollutant contribution from the development within the affected AQMA, and then costed, with a fairly related contribution to those costs being sought.”*

9.3.8. Application 20/10440/FUL was refused for the following reason;

The proposal, by reason of its scale and nature in proximity to the Westbury Air Quality Management Area, would exacerbate an area of existing poor air quality. The proposed mitigation measure would not, in practice, offset the nitrogen dioxide emissions effectively and would therefore fail to make a positive contribution to the aims of the Air Quality Strategy. The proposal would also, therefore, fail to protect public health, environmental quality and amenity contrary to adopted Wiltshire Core Strategy Core Policy 55

In this new application the scale and nature of the proposal has changed whereby *“the engines have an increased electrical efficiency of 42.5% which will subsequently result in a lower exhaust gas flow rate and lower NO2 emissions. This is an increase in efficiency of 0.9% on the previous scheme.”* This is an important material change.

9.3.9. In the 20/10440/FUL application, officers sought counsel opinion from Christopher Boyle QC (which was received on 11 February 2022) and annexed at the end of this report. Revised advice has not been sought for this application because key questions, which centred on the environmental effects, have already been answered. The first key point to note from the high-level legal opinion is that the predicted Nitrogen Dioxide impact associated with this development on the Westbury Area Quality Management Area (AQMA):

“...is not concerned with the Council’s carbon-neutral pledge”.

9.3.10. Secondly, it is important to acknowledge that the NPPF and the WCS does not set out what methodology should be used to assess any financial contribution to mitigate impacts on an AQMA. The Counsel Opinion also states that the Council is not required to use the DEFRA “emissions factors toolkit”, and it should be noted that the Council has not enshrined the toolkit into its adopted or supplementary planning policy framework. Whilst the toolkit has some useful applications, it has some critical limitations and specific to this application, the legal advice is not to use the toolkit on the basis that:

“..the calculation through the Toolkit may be entirely unrelated to the necessary mitigation measures identified to respond to the increased NO₂ levels predicted in the Westbury AQMA (either too high, or, indeed, too low). By Reg 122 of the CIL Regulations, any contribution sought and secured in the s.106 obligation must meet the statutory test of necessity.

I do not comment on the actual calculation of the sum mentioned; I merely observe that the principle is to identify the mitigation measures required to mitigate the additional NO₂ contribution within the AQMA, and then costed, with a fairly related contribution to those costs being sought. I understand that is the approach that has been taken.”

9.3.11. Members will be aware that any developer obligation must satisfy three legal tests, as set out in the CIL Regulations (s122(2) and NPPF paragraph 57 (to name two sources) which directs decision makers that they must only be sought where they meet all of the following tests:

- They are necessary to make the development acceptable in planning terms;
- They are directly related to the development; and
- They are fairly and reasonably related in scale and kind to the development.

9.3.12. The expert in-house Public Protection advice leads to the conclusion that the impact this development at Kingdom Avenue would have upon NO₂ levels within the AQMA would not be insignificant; but, as reported, can be suitably mitigated through traffic optimisation measures to reduce NO₂ levels overall. For the avoidance of any doubt, the mitigation being recommended here would be off-site, but would deliver more public benefit by reducing the levels of Nitrogen Dioxide within the AQMA. As set out within the reported consultation section for the public protection/environmental health response to this application, the associated quantified nitrogen dioxide levels have been calculated as 0.026 µg/m³ (0.04 µg/m³ in 20/10440/FUL), which with the developer obligation secured, the Council would have money to direct towards traffic optimisation works at two roundabouts in central Westbury and within the AQMA to deliver air quality betterment through reducing NO₂ levels by some 1.2 µg/m³, which in turn, would deliver betterment to residential receptors currently experiencing particularly high NO₂ levels.

9.3.13 In addition, and mindful of the three legal tests cited above, officers have been directed by the requirement that for any planning obligation:

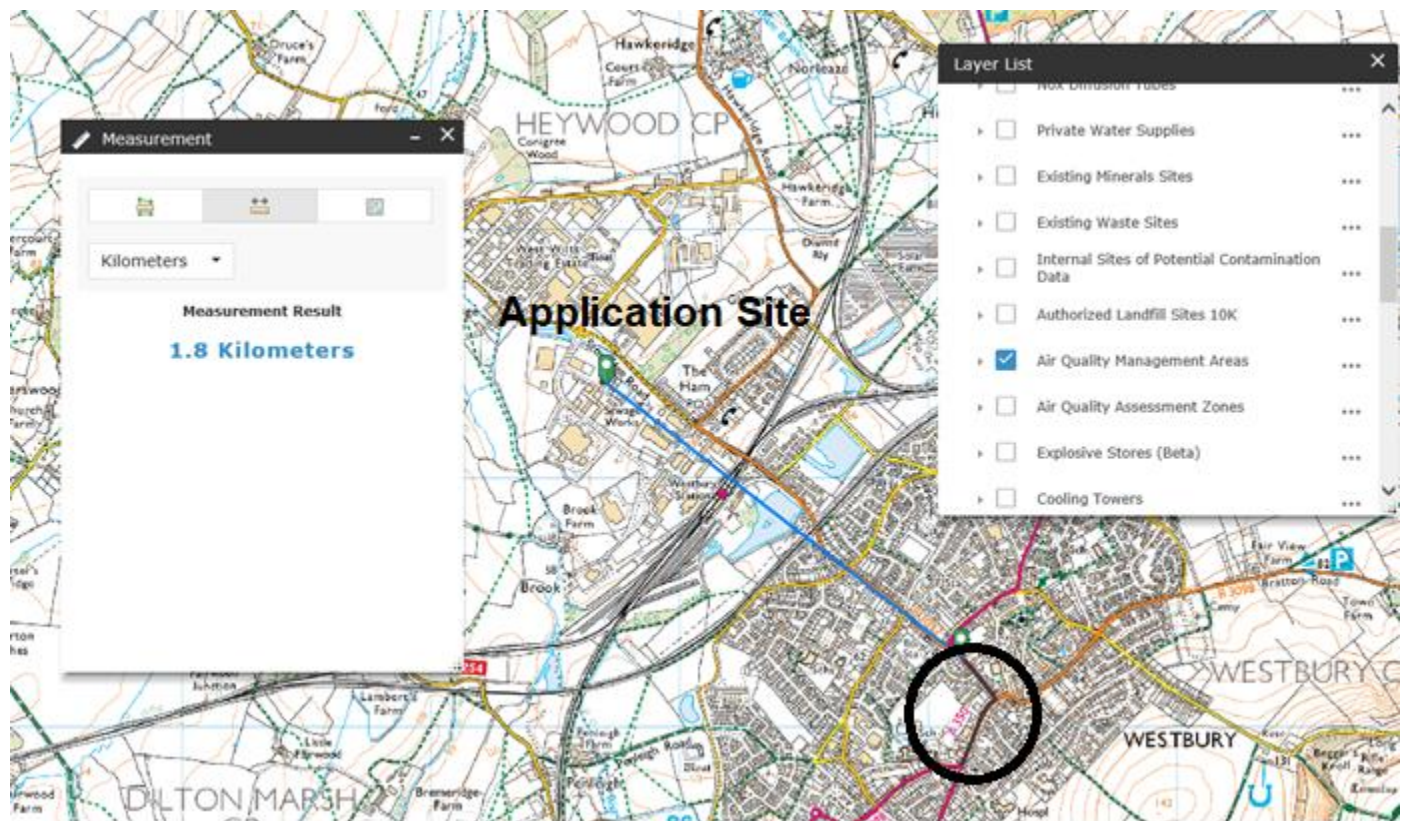
“...there needs to be a connection between the monies sought and the mitigation measures to be undertaken, just as there needs to be a connection between the mitigation measures and the impact otherwise predicted...It must be identifiable that the monies will go to measures relevant to the predicted impact and that contributions can be pooled to enable that package to be delivered.”

9.3.14. As far as air quality is concerned, based on the evidence and expertise provided, officers submit that the environmental impacts would be materially reduced through securing the cited planning obligation to such a degree that an air pollution effect-based refusal reason would not be considered defensible on appeal, and that it could expose the Council to a costs for unreasonable behaviour.

9.3.15. Pursuant to the above, the Government sets out clear parameters for decision makers when refusing planning permission. Within paragraph 55 of the NPPF, the Government directs that

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

9.3.16 Officers are very keen to deliver betterment in all forms and appreciate that this form of development would produce some air pollution, and that the additional use of fossil fuels weighs against the application. However, the delivery of the proposed power plant to support electricity supplies merits significant weight; and as reported above, securing a developer contribution of circa £15k for the referenced air quality improvement project, would contribute towards providing air quality betterment which also merits significant weight in the planning balance and determination. The sum quoted would not, however, solely fund the traffic optimisation project, but there is no reason why the cost of the works could not be funded by CIL receipts as well as through s106 obligations, if the authority decided to deliver the improvement works as a priority (and not necessarily wait until all monies are secured through developer obligations). Ultimately the decision on it and when the traffic optimisation project is delivered is a matter for the Council to make in terms of its infrastructure priorities. In simple terms, the applicant is willing to fund a reasonable proportion of the costs.



9.3.17 this application has been subject to extensive assessment and officers have engaged widely to gain a full appreciation of the effects and impacts of the development proposal; and officers are satisfied that the identified mitigation would deliver tangible air quality improvements within the AQMA. The application site is

not located within Westbury’s AQMA, and is instead, some 1.8km to the north-west as shown above using a green pin drop marker located to the southwest of the Ham – with the designated AQMA being highlighted within the black circle.

9.3.18 Planning officers are satisfied that there is a necessity to secure developer contributions from the applicant to be enshrined within a s106 legal agreement which would need to be sealed prior to the issuing of any planning permission, for the sum quoted being £15,120.00 to fund the identified project that would deliver air quality betterment. The applicant has confirmed a willingness to enter into a legal agreement with the Council and to pay this sum should members decide to endorse this recommendation. However, in the absence of any agreement, should members decide to refuse planning permission for substantive planning reasons, the lack of a sealed s106 should be included as an additional reason for refusal (although it should be acknowledged that at any subsequent appeal stage, the applicant would be entitled to produce a Unilateral Undertaking at their own cost which would need to be shared with the Council and the appointed planning inspector to address the legal obligation, if the applicant remains minded to agree to such a financial burden, which would subsequently remove the reason for refusal).

9.3.19 On the basis of the above, the Council’s Planning and Public Protection officers (and supported by legal advice) consider that with the appropriate mitigation, this application is compliant with adopted Wiltshire Core Strategy Core Policy 55, its objectives, and the Framework, including paragraph 186 which sets out that “opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

9.4 Environmental Impacts – Noise and Neighbouring Amenity:

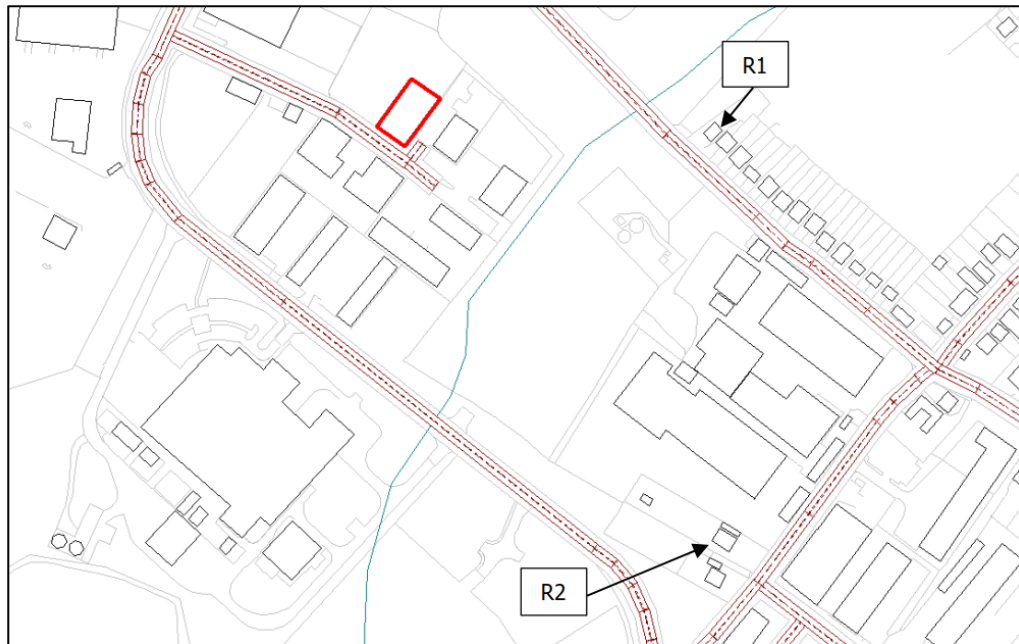
9.4.1. None of the third-party representations received from local residents occupying residential properties along Storridge Road or Hawkeridge Park have specifically cited concerns over noise. Only one objection from an adjacent industrial unit on Kingdom Avenue has objected; but has not specifically raised noise objections (as previously raised in application 20/10440/FUL).

9.4.2. Noise mitigation measures were submitted for application 20/10440/FUL which have been re-submitted for this application, within document reference 784-A118713 – dated 12 May 2021 which proposes the fitting of silencers on the generators, which when applied would result in a generator noise of 55dB at 10m distance, which is considered acceptable in public protection terms. The following inserts refer to the noise assessment which is further explained in paragraph 9.4.3.

Table 1.0 BS 4142 Noise Assessment for Generators

Ref	Representative Background L_{A90}		Specific Noise Level dB(A)	Rating Level dB(A)	Rating Level Relative to Background dB(A)	
	Daytime	Night-time			Daytime (Ground Floor)	Night-time (First Floor)
R1	36	35	33 Ground Floor 33 First Floor	35 35	-1	0
R2	40	40	19 Ground Floor 21 First Floor	21 23	-17	-17

Figure 3.2 Receptor Locations



9.4.3. In appraising the projected level of noise on the nearest residential receptors (R1 being No 25 Storrige Road and R2 being a property known as ‘Crosslands’ on Brook Lane), the noise assessment concluded that: -

“the predictions presented within Table 1.0 [included on the previous committee report page], noise levels at the Receptors are no greater than 1dB below the background noise levels during the daytime and equal to or below the background noise levels during the night-time”.

9.4.4. The submitted details state that in a worst-case scenario, the gas-fired power plant would be in use for approximately 3000 hours in any given year (approximately 8.2 hours a day) and would be expected to be called upon at times of peak demand to supplement the national grid (which is typically during the daytime and early evening). Whilst night-time operations cannot be completely ruled out, this would most likely be the exception rather than the rule when the background noise levels would be typically lower. However, the noise assessment, with the aforementioned silencers being fitted to the generators, the noise levels from this proposed facility would not exceed the background noise levels. The Council’s environmental health officer is satisfied that the proposed development would harmfully impact neighbouring residential amenities, with the closest dwelling being over 200m away distant.

9.4.5. With the mitigation measures in place resulting in a noise level of 55dB at 10m, officers are furthermore satisfied that such noise levels would not result in materially harming the business operations within the existing industrial estate – which as previously referenced is an allocated employment site where various land uses are encouraged including B1, B2 and B8 uses (with Class B1(a) uses being deleted and subsumed into a new Use Class E on 1 September 2020, whereas Use Classes B1(b and c) remain in operation). B2 uses include heavy industry and manufacturing processes; and whilst the noise and disturbance impact of any potential new industrial development would still be fully appraised, based on the details submitted and appraised, officers are satisfied that the proposed development would not be materially harmful or incompatible with the existing adjoining buildings and uses.

9.4.6 As far as noise impacts are concerned, the proposal is considered compliant with the Adopted WCS, the (NPSE) Noise Policy Statement for England and the NPPF.

9.5 Highways Impacts

9.5.1. No highway-based objections or concerns are raised by officers. The development is predicted to generate a moderate volume of vehicle movements during the construction period which is targeted to last for 4–6-months – with the following detail within the submitted Construction Traffic Management Plan which officers recommend should be subject to a bespoke planning condition.

Projected Traffic Generation During Construction:

- 12no. 18m low loader;
- 18no. 15.4m articulated lorry;
- 1no. 8m tanker lorry;
- 10no. 10m rigid lorry; and
- 1no. 160-300tn Crane.

9.5.2. The above quoted level of vehicle movement for this development proposal would not result in unacceptable impacts to highway safety or residual cumulative impacts to warrant a refusal of planning permission (NPPF para 111 refers).

9.5.3 Following the construction period, the facility would not require significant traffic generation, and would only require visits by site operatives and for maintenance purposes comprising of up to three small vans or 4x4 type vehicles per week.

9.5.5 No highway-based concern is raised to the proposed new vehicular access, subject to conditions and the development would be compliant with adopted WCS policy and highway standards and the NPPF.

9.6 Impact upon the setting of a local Heritage Asset, flood risk and ecology impacts

9.6.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘*special regard*’ to be given to the desirability of preserving a listed building or its setting. The only heritage asset with an historic connection with the site is Storridge Farmhouse which is located approximately 435m to the west of the application site and there is little/no intervisibility. Also, on the intervening land, there are a number of industrial buildings which has led officers to conclude that this application proposal would have no material impact or harm on the setting of the listed farmhouse and would have no impact its historic significance.

9.6.2. The application site is within flood zone 1 and officers have no concerns to report on drainage grounds.

9.6.3. The Council’s ecologist reviewed the ecology submission for this application and concluded that there would be no likely impacts to the Bath and Bradford-on-Avon Bats SAC and no ecology-based concern has been raised.

9.6.4. The application site is currently just land filled with hardcore and has no bio-diversity value. However, Paragraph 174 (d) of the NPPF encourages where possible, that planning decisions contribute to the natural environment by providing net gains for biodiversity. Given that the site would remain a compound with a hard top surface, officers have sought to secure the provision of one bat box and three bird boxes. The bat box

would be pole mounted and the bird boxes would either be pole mounted or secured to the boundary security fence as shown on the following inserts.



Bat Box example and indicative proposed locations of the bat and bird boxes

10. Conclusion

Officers acknowledge that the burning of gas to fuel this proposed power plant facility would increase the level of air pollution relatively close to an area that has recorded exceedances of the annual average levels for nitrogen dioxide (NO₂) and fine particulates (PM₁₀). However, following lengthy negotiations with the applicant and their appointed consultants, and direct engagement with colleagues within the Council's Public Protection team, planning officers are satisfied with a combination of planning conditions and a planning obligation to secure a developer contribution, mitigation measures would substantively reduce the environmental effects pursuant to noise and air pollution – to enable the application to be compliant with the adopted Wiltshire Core Strategy Core Policies 55 and 57 and with the National Policy Statement for England (NPSE) and the National Planning Policy Framework (NPPF).

Officers also fully acknowledge that whilst there is a long-term ambition to reduce reliance on fossil fuels and reach a position of carbon neutrality by 2050, the use of fossil fuels in the energy mix remains an essential and viable option to meet peak electricity demand. The use of fossil fuel for power generation is supported by the Government and recent appeals evidence that gas-fired power generation facilities form part of the energy supply mix. They are not obsolete, and in this particular case, the proposal is not considered contrary to national or local planning policy, and consequently, officers recommend that members endorse the recommendation to approve the application subject to the following:

11. RECOMMENDATION:

That the committee delegates authority to the Head of Development Management to grant planning permission subject to the planning conditions and informatives listed below following the completion of a s106 legal agreement to secure a £15,120.00 developer contribution towards the cost of air quality mitigation.

Planning 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 approved shall be for a temporary period of 25 five years, which shall begin when any part of the gas peaking generation plant is first operated. Prior to the end of the temporary period all the buildings, structures and plant forming the development shall be removed, and the land restored to its former condition within 6 months, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

If the site ceases to be used for electricity generation within the 25-year temporary period, all the buildings, structures and plant hereby permitted shall be removed, and the land restored to its former condition within 6 months of its last use, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the visual amenities of the area.

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

Covering letter, Planning Statement, Site Location Plan, Existing Site Plan, Proposed Site Plan, CCTV Elevation Plan, Gate and Fence Elevation Plan, Gas Kiosk Plan, Electrical Sub-Station plan, Oil Tank Plan and Elevations, Proposed Access Junction Layout Plan, Gas Engine Elevation with Stack Plan, Transformer Details, Gas Engine Plan and Isometric View, Electrical Substation Elevation Plans, Swept Path Analysis Plan;

Air Quality Assessment, Noise Assessment (dated November 2020), Tetra Tech 784-A118713 Statement dated 12 May 2021, J420 SuSi Container Concept Review;

Ecological Assessment (dated 13 November 2020), Bio-diversity Enhancement Strategy (with updated bat and bird box site plan) – dated 20 October 2021; Construction Management Plan and Heritage Assessment - All received 20 May 2022

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

4. Prior to first operation the noise mitigation as set out in the report produced by *Tetra Tech dated 12 May 2021 (Ref 784-A118713)* and accompanying document titled *J420 SuSi Container Concept Review* shall be implemented in full so as to reduce the specific noise from the generators to be no more than 55 dBA measured at 10m distance as measured by a sound level meter in accordance with measurement method BS EN ISO 3744: 2010. In addition, the stated noise mitigation shall be maintained as such in perpetuity (or for the lifetime of the use of the generators, and that any replacement generators have the same silencers applied and be subject to the same noise mitigation).

REASON: In the interests of protecting neighbouring uses and amenity from potentially adverse levels of noise

5. The development hereby approved shall not commence until additional information to support the Construction Traffic Management Plan has been submitted to the Council and obtained its written approval pursuant to the following:
- a. A site plan detailing the parking of vehicles of site construction contractors, site operatives and visitors;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in constructing the development;
 - d. Full details of wheel washing facilities;
 - e. Full details of Measures to control the emission of dust and dirt during construction;
 - f. Submission of pre-condition photographic surveys of the adjacent highway;
 - g. The applicant should contact the Wiltshire Council Area Highway office to agree and arrange a scheme of no waiting cones to be placed on the Public Highway in relation to 18m HGV low loader / crane deliveries, in accordance with the swept path analysis (appendix 1).

Thereafter, the agreed details and the Construction Traffic Management Plan dated November 2020 shall be adhered to throughout the construction period.

Within 1 month of the development being brought into first use, post-condition photographic surveys of the adjacent highway shall be submitted to, and approved in writing by the local planning authority.

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

NOTE: Pursuant to requirement f) listed above, the applicant should note that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

6. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans.

REASON: In the interests of highway safety

7. No part of the development shall be first brought into use, until the visibility splays as shown on the approved proposed access junction layout plan (providing 2.4m x 43m visibility) have been provided with no obstruction to the visibility at or above a height of 0.6m above the nearside carriageway level. Thereafter, the visibility splays shall be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

8. Prior to the development hereby permitted first being brought into use, provision shall be made within the site for the disposal of surface water so as to prevent any surface water discharge onto the public highway.

REASON: In the interests of Highway safety

9. The development hereby permitted shall not be first brought into use until the proposed fencing to fully enclose the site has been erected on site and shall be maintained as such in perpetuity.

REASON: In the interests of site security and safety.

10. The development shall be carried out in strict accordance with the Ecological Assessment Report (produced by Avian Ecology, dated 13 November 2020)

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

11. No external lighting shall be installed on site until full details of the new lighting, including specification and application and lux levels have been submitted to and approved by the Local Planning Authority in writing. Any such submission should be informed by the ecological conditions and how any proposed lighting would impact bat species and habitat.

REASON: To safeguard bats and their habitat.

12. The development hereby permitted shall not be first brought into use, until the bat and bird boxes as detailed within the Biodiversity Enhancement Strategy and as shown within '*Figure 1 bird and bat box locations plan*', have been installed on site and thereafter, are retained and maintained for the entirety of the 25-year temporary permission as set out within condition 2.

REASON: In the interests of providing biodiversity betterment and supporting bat and bird habitat.

13. The site shall not be used for the generation of electricity for more than 3,000 hours in any 12-month period. The operator shall maintain a record for all the hours of using the onsite facility and generator runtimes, and the operator shall make this available to the local planning authority upon request.

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.

14. No more than 5 generators, each with a maximum specification of up to 1.5MW engines, shall be installed and operated with the site facility.

REASON: To define the terms of the development

Planning Informatives:

1. The application involves creation of a new vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
2. The applicant should contact the Wiltshire Council Area Highway office (central) (01225 712810) / centralhighways@wiltshire.gov.uk to arrange a scheme of 'no waiting' cones to be placed on the Public Highway in relation to 18m HGV / crane deliveries, in accordance with the swept path analysis (appendix 1).

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Wiltshire Council

PL/2022/03938

Plot D2, Kingdom Avenue,
Westbury, Wiltshire



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