

AGENDA

Meeting: Western Area Planning Committee

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

Date: Wednesday 26 October 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.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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 Pip Ridout

Cllr David Vigar

Cllr Suzanne Wickham

Substitutes:

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Graham Wright

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

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

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

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 30*)

To approve and sign as a correct record the minutes of the meeting held on 28 September 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 19 October 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 21 October 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 31 - 32*)

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

7 **Planning Applications**

To consider and determine the following planning application.

7a **PL-2022-01141 Kingsdown Farm Lords Hill, Longbridge Deverill**
(*Pages 33 - 78*)

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

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

NONE

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2022 AT COUNCIL CHAMBER - 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)

Also Present:

Cllr Matthew Dean

60 **Apologies**

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

61 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 July 2022 were presented.

Resolved:

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

62 **Declarations of Interest**

Cllr Sankey informed the Committee that he had been lobbied in relation to PL/2022/01141 – Kingsdown Farm, Lords Hill, Longbridge Deverill and confirmed that he would listen to all the evidence, comments and detail contained in the report before making a decision. The Chairman indicated that all other Committee members had also been lobbied in relation to this application.

63 **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.

64 **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.

65 **Planning Appeals and Updates**

The Planning Appeals Update Report for 24 June 2022 to 16 September 2022 was received.

The Development Management Area Team Leader commented on three applications that went to appeal for Land East of the Poplars Residential Park, Poplar Tree Lane, Southwick, Trowbridge. He explained that the three applications were refused under delegated powers principally citing concerns about highway safety and additional traffic generation associated with the proposed additional gypsy and traveller plots being accessed via a sub-standard access and restricted junction with the A361 in terms of forward visibility for oncoming traffic heading north-east from Rode direction. At appeal, the inspector did not consider the highway concerns to be sufficient to warrant dismissing the appeals, and allowed all three, subject to conditions. The Development Management Area Team Leader reminded the Committee that applications being refused required robust evidence and pointed out that two of the three appeal decisions were subject to a partial award of costs against the Council in terms of citing a drainage reason for refusal, which the appointed inspector argued could have been adequately addressed by planning condition.

Officers also responded to queries in relation to the dismissed appeal for an agricultural worker dwelling at Meadow View Farm, Bradford Leigh.

Resolved:

To note the Planning Appeals Update Report for 24 June 2022 to 16 September 2022.

66 **Planning Applications**

The Committee considered the following applications:

67 **PL/2022/01141 - Kingsdown Farm, Lords Hill, Longbridge Deverill, BA12 7DY**

Public Participation:

- Sarah Lovell – spoke in objection to the application
- Caroline Hobbs – spoke in objection to the application
- Wilfred Mole – spoke in objection to the application
- Kate Phillips – Applicant – spoke in support of the application
- Jonathan Seed – spoke in support of the application
- Matt Williams – Agent – spoke in support of the application
- Richard Burden – Cranborne Chase AoNB – spoke in objection to the application
- Cllr James Kettler, Longbridge Deverill Parish Council – spoke in objection to the application

Steven Sims, Senior Conservation/Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the report, for the variation of condition 3 (pursuant to the timescale for the deposit of waste materials) imposed on 17/09988/VAR.

The officer advised that the key issues for consideration included, the principle of development, the impact on the character and appearance of the ANOB and available views from public vantages/footpaths, the impact on living conditions of neighbouring residents, as well as highway and ecology issues.

The Committee noted that planning permission was originally granted for agricultural buildings and the re-profiling of land for these buildings dated back to 2010 lodged under application reference W/10/02377/FUL and the deposit of waste and all earthworks were conditioned to be completed within 3 years. However, this was not long enough.

Application 17/03155/VAR approved a 5-year extension to the time allowed to re-profile the site, and even with the extension, the applicants have not completed the land re-profiling.

The current layout of the site and building design was approved under revised application reference 17/09988/VAR, which established the principle of development for the erection of livestock buildings, dung store, access track and continued re-profiling of the land – which was originally established by the granting of application W/10/02377/FUL, and members were advised that this variation application does not propose to deviate away from the previously consented re-profiled land levels or erect different buildings, but additional time is required to complete the works as set out within the submission.

The case officer explained that the application solely seeks the Council's consideration of varying a planning condition to allow the applicant's a longer period to re-profile the land, to provide a level platform for buildings that have consent but have not been constructed along with delivering the landscape planting to provide a landscape buffer and filter views of the development site.

Members were advised that officers consider the variation application to be acceptable and would not materially harm the amenities of local residents or

result in any additional harm to the character of the AoNB, although it was accepted that the delayed landscape planting was a concern.

The officer explained that planning conditions relating to the number of vehicles allowed to enter the site and the delivery times would be re-imposed. Members were advised that there were no highway safety issues with the access or egress and no objections were raised by the Council's highway officer. The visual impacts of the development on the character of the AoNB, living conditions of neighbouring residents, highway, ecology and drainage issues were all dealt with under the previous approved applications, and it was concluded, subject to conditions, the application should be supported.

It was noted that of the 22 comments received for the previous application 17/03155/VAR, there was only one objection and no objection from the parish councils. Any concern highlighted or harm caused by the delivery of inert waste to the site and the land re-profiling works were not considered sufficient to warrant a refusal of application W/10/02377/FUL, and were not considered sufficient to warrant a refusal of application 17/03155/VAR or the most recent 17/09988VAR application.

Members were advised that there were no objections to this current variation submission 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 concluded that the proposed extension of time would not cause harm to warrant a refusal.

The report summarised the responses to the statutory consultations and the public consultation. It was noted that 88 comments of objection were received from the public consultation, and that there was a similar number of supportive third-party submissions.

In response to technical questions asked by the Committee, the officer explained that the Environment Agency were the appropriate authority to review and respond to any pollution or contamination to chalk streams. A consultation had taken place with the EA and no breach had been identified. Members were also advised that the EA had been consulted on three occasions about this application.

Members were also advised that the buildings yet to be constructed could only be lawfully erected once the approved land re-profiling work has been completed.

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

The unitary division member, Cllr Christopher Newbury spoke in relation to a number of concerns he had regarding the application. These included the scale of the development; its visual impact upon the surrounding area as an area of outstanding natural beauty; the relationship and effects on local residents, the

design, bulk, height and general appearance of the proposed development and the consequential environmental and highway impacts.

Cllr Newbury reported that he called in the application at the request of Longbridge Deverill Parish Council to give their objections the benefit of a public debate, these included the impacts of the haulage traffic, the effect on the protected landscape (AoNB) and ecology matters. It was also noted that the approved planting and screening had not been actioned, along with concerns raised about mud on road and possible contamination.

In response to issues raised during public participation and the Unitary Member statement, the planning officer explained that the Environment Agency were the appropriate authority that issued the environmental permit for the site; and that the visual impacts of the land re-profiling and new farm buildings had the benefit of extant permission. Members were advised that the proposed application would not deviate from the previously approved finished re-profiled land levels; and that the highway impacts had been fully assessed and were not considered unacceptable. The Council had approved a landscape scheme and that was an extant requirement for the applicant to complete once the land re-profiling works were complete.

So that the Committee had something to debate Cllr Christopher Newbury proposed a motion to defer the application for a member site visit. This was seconded by Cllr Suzanne Wickham.

A debate followed where some Members confirmed that they had previously visited the site which helped with their understanding of the application and comments received. Other comments made included the potential for securing a planning condition for the phasing of the landscape planting and require the applicant to bring forward some landscape planting on or near the land that is already reprofiled and with some agricultural buildings already in place and in use.

At the conclusion of the debate, it was

Resolved:

To defer consideration of the application to allow for a site visit to be arranged on a date to be agreed.

(Note: The vote for this motion was 5 for a site visit, 5 against a site visit. Therefore, the Chairman used his casting vote in favour of a member site visit.)

68 **PL/2022/02156 - 17A Horse Road, Hilperton Marsh, Trowbridge, BA14 7PE**

Public Participation:

- Cole Bowden – spoke in objection to the application
- David Rose – spoke in objection to the application

- Peter Bevan – spoke in objection to the application
- Ian Lucas – spoke in support of the application
- Alvin Howard – Agent – spoke in support of the application
- Kate Hayes - Longbridge Deverill Parish Council – spoke in objection to the application

Kenny Green, Development Management Area Team Leader introduced the report which recommended that planning permission be approved, for the 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 the rear).

The officer advised that the key issues for consideration included, the principle of development, as well as impact on visual amenity, heritage assets, neighbour amenity and highway/parking effects.

The Committee was advised that the property had been subject to a number of planning applications, which included an extant approved application that allowed the raising of the roof to create an upper floor level as well as extend to the side and rear.

The Committee were advised that the current proposal was a materially different design to the extant approved scheme and would also provide upper floor accommodation, but officers argued it would be complied with relevant policies of the adopted Wiltshire Core Strategy, the made Neighbourhood Plan, the Village Design Statement for Hilperton and the NPPF, and accordingly was recommended for approval subject to conditions.

The report summarised the responses to the statutory and the public consultations, and the Committee was informed that 15 comments of objection had been received from the public consultation, and that the parish council also objected.

There were no technical questions asked by the Committee.

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

The unitary division member, Cllr Ernie Clark spoke in relation to a number of concerns he had regarding the application. These included 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. Cllr Clark felt that the application seemed to be at odds with previous permissions given on the site, and asked if there was a limit to the number of applications for one site.

In response to issues raised during public participation and the Unitary Member statement, the planning officer explained that when comparing the original dwelling, the extant approved scheme and what was now proposed, the

proposal in front of the committee would account for approximately an extra 2% footprint on total site and was not considered as overdevelopment. Compared to the extant approved upper floor addition, planning officers felt that the current application was an improvement in design terms and would be more in keeping with its current surroundings, and with the recommended use of obscure glazed windows to the rear to be secured by condition, the proposed development would not result in material neighbouring harm.

So that the Committee had something to debate Cllr Ernie Clark moved a motion to refuse the planning application for reasons of overlooking and contrary to Core Policy 57, criterion 3, 6 and 7. This motion was not supported by the Committee and Cllr Mike Sankey moved a motion to approve the application subject to the conditions as detailed in the report. This was seconded by Cllr Stewart Palmen.

A debate followed where Members commented on the need to consider the application on planning grounds and not personal reasons.

At the conclusion of the debate, 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 - 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

69 **PL/2021/09909 - Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET**

Public Participation:

- Claire Durbin – Agent – spoke in support of the application

Gen Collins, Senior Conservation/Planning Officer introduced the report which recommended that planning permission be approved, for reasons detailed in the

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

The officer advised that the key issues for consideration included, 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 and S106/CIL.

The Committee noted that the 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. It would also provide (i) an improvement to the location visually in terms of improved landscaping and demonstrate an efficient and effective use of land; (ii) 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.

The officer reported that 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. The provision of additional cars may impact parking availability in the area, however the scheme has sought to increase on-site parking as much as possible and there are 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.

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

In response to technical questions asked by the Committee, the officer explained that a request had been received from Trowbridge Town Council to transfer open spaces for management by the Town Council. This would be for officers to finalise with the Town Council outside of any S106 agreement; meetings between housing officers and the design team have taken place in relation differing views about the design of the affordable housing element -the Chairman asked for Housing Officers to be invited to future Planning Committees where there is a difference of opinion between officers; EV car charging points and air source heat pumps were part of the development.

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

The unitary division member, Cllr Stewart Palmen spoke in support of the application and proposed a motion to approve the application subject to the conditions detailed in the report. This was seconded by Cllr Ernie Clark.

At the conclusion of the debate, it was

Resolved:

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).

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.

70 **PL/2022/03938 - Plot D2, Land at Kingdom Avenue, Westbury**

Public Participation:

- Alan Siviter – Planning Agent – spoke in support of the application

David Cox, Senior Planning Officer introduced the report which recommended that planning permission be approved, subject to conditions and informatives, as detailed in the report, 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 (Resubmission of 20/10440/FUL considered by the Committee on 9 March 2022). The Committee also welcomed Brett Warren – Senior Environmental Health Officer who commented on air quality issues.

The officer advised that the key issues for the Committee to consider included 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.

The officer referred to a legal opinion from Christopher Boyle QC, which was published on the Council's website in Supplement 1. The officer also acknowledged 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 national objective for nitrogen dioxide (NO₂). 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 and the National Planning Policy Framework.

In addition, 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 conditions and informatives.

In response to technical questions asked by the Committee, along with Cllr Matthew Dean, local member, the officer indicated that it was not known whether a local air management quality area existed for a similar application in East Devon that was granted on appeal by the appointed planning inspector; the blend of 20% hydrogen into the natural gas distribution networks was not appropriate for this application; the calculation for a required financial contribution should read 0.026 / 1.2; the Council's Carbon Team had been consulted on the application and they did not raise any objections, air quality issues in the vicinity of the application site would be monitored with diffusion tubes and levels analysed; it was confirmed that the application should be considered as a new application and decisions made accordingly. Any refusal would warrant the employment of an expert to defend a refusal at appeal. Officers also confirmed that the improvements to technology allowed for a 30% reduction in combustion flow out of the flue;

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

The unitary division member, Cllr Matthew Dean spoke in objection to the application. Cllr Dean commented on the application site being on the boundary of his division and the division of Cllr Wickham; the poor air quality levels in Westbury and the impact of the current transport infrastructure; the high mortality rate in Westbury from cardio vascular disease and cancer; the ineffective air management zones and air quality management; the expectation of residents that air quality would improve; he was unconvinced by the comments by Public Protection; the expected costs of traffic optimisation measure may not be available due to backlogs; the obligation on the Committee to refuse the application on the same grounds as the previous application; felt that this was the wrong application in the wrong place.

So that the Committee had something to debate Cllr Suzanne Wickham proposed a motion to refuse the application, with reasons in relation to the cumulative impact on air quality in Westbury. This was seconded by Cllr Mike Sankey.

A debate followed where Members commented on the cumulative impact of cars driving through Westbury; concern about defending a refusal at appeal.

The motion to refuse the application was lost one vote for the refusal, six against the refusal and two abstaining. A further motion to grant the application with conditions and informatives as set out in the report was proposed by Cllr Trevor Carbin. This was seconded by Cllr Andrew Davies.

At the conclusion of the debate, it was

Resolved:

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).

71 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 7.35 pm)

The Officer who has produced these minutes is Stuart Figini, Senior Democratic Services Officer of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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

**Wiltshire Council
Western Area Planning Committee
26th October 2022**

Planning Appeals Received between 16/09/2022 and 14/10/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
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

Planning Appeals Decided between 16/09/2022 and 14/10/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/00547/FUL	Land to the West of Drynham Lane Trowbridge	North Bradley/ Trowbridge	Provision for 91 dwellings, ecological mitigation and associated infrastructure including roads/footpaths, bridge, cycleway, garages and sub-station.(Further amendments and/or additional information relating to access, drainage and ecology)	SPC	Inquiry	Refuse	Dismissed	20/09/2022	None
PL/2022/00964	17 Middle Lane, Trowbridge, BA14 7LG	Trowbridge	To Build a new garage at the front of the dwelling	DEL	Householder Appeal	Refuse	Dismissed	29/09/2022	None

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	26 October 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

This application was deferred at the 28 September 2022 Western Area Planning Committee to enable Councillors to attend a site visit and to assess the application proposal thereafter. 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 raised no objection.

Longbridge Deverill Parish Council objects.

Upper Deverills Parish Council objects

92 third party representations objecting to the application; and,

81 third party representations were received in support of the application.

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.

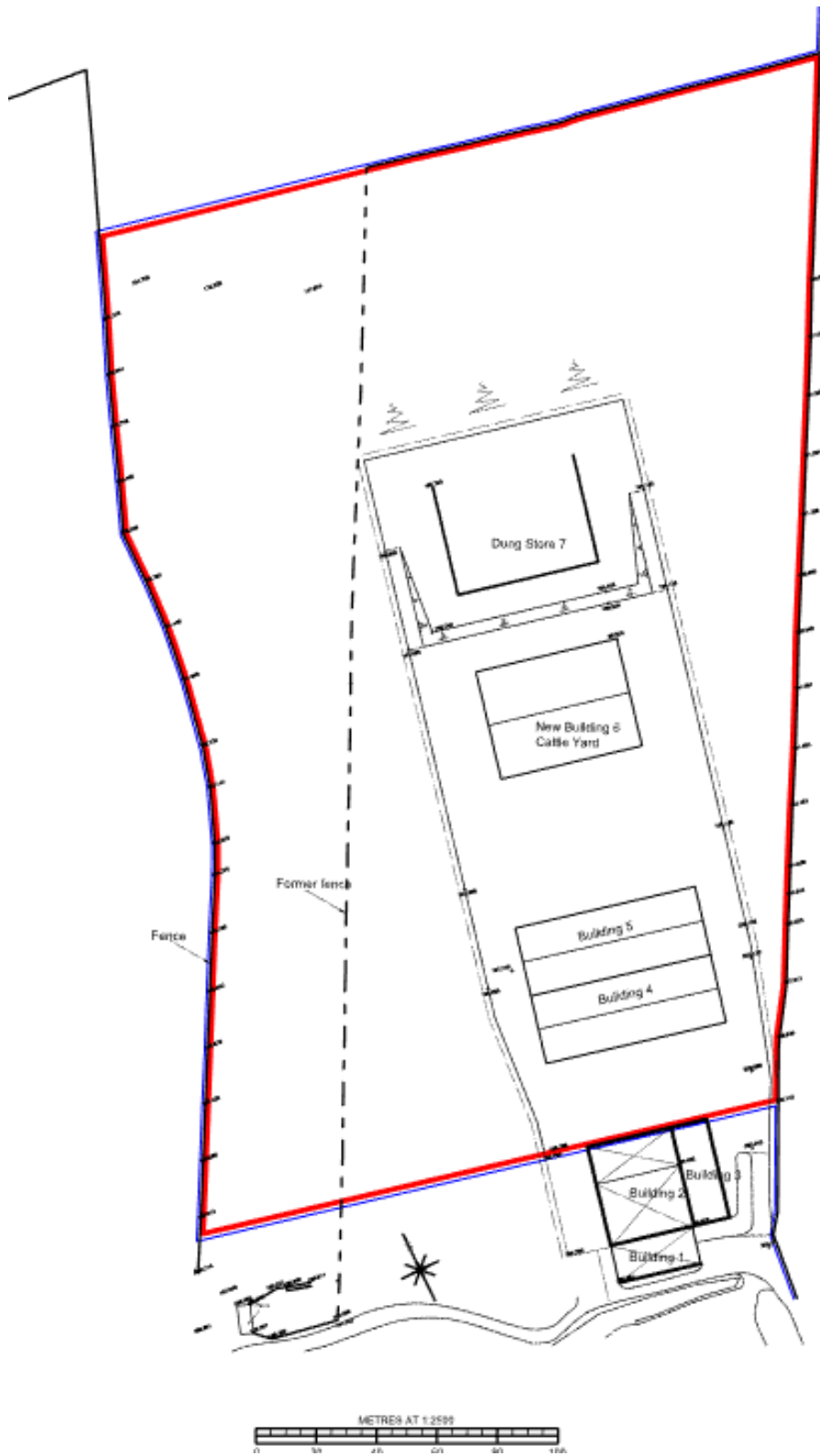
This application seeks to extend the time-period to allow for the continued deposit of waste and construction of earthworks for an additional 3 years to 31st December 2025. The proposed amended condition would read:

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).

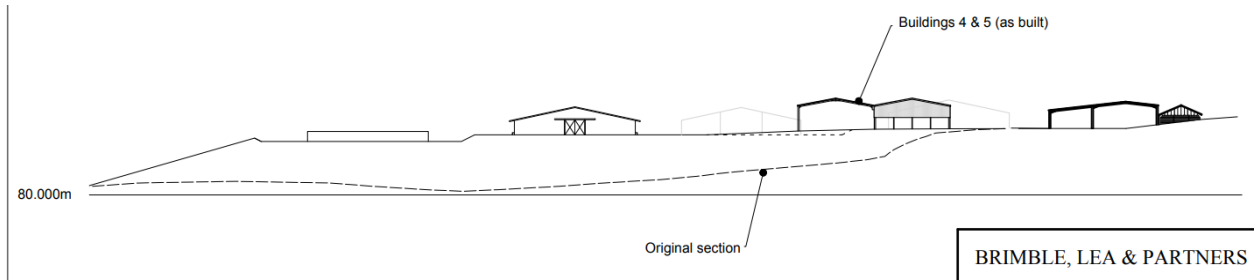
REASON: To safeguard the amenities of local residents and the wider environment during the construction phase.

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) –

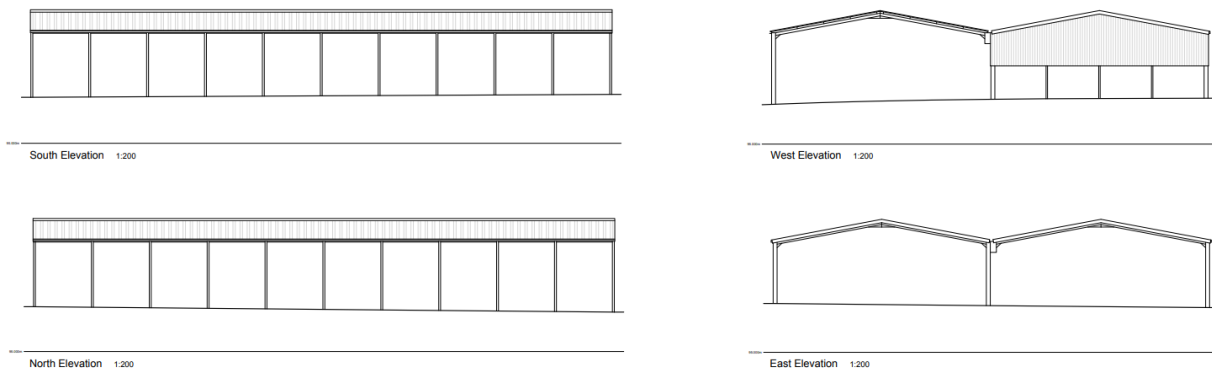


Proposed layout approved scheme 17/09988/VAR



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

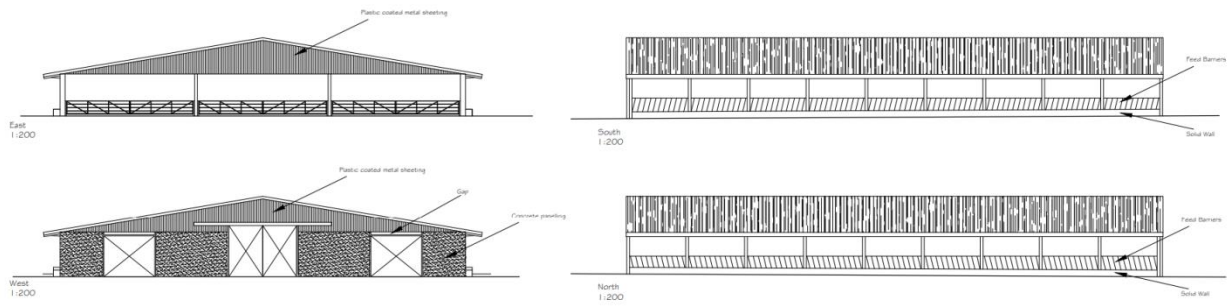
Existing farm buildings (referred to as buildings 1, 2 and 3) are located directly to the north of the farmhouse and fall outside the red line location area of the current scheme and are used to house farm machinery. The approved scheme (17/09988/VAR) includes the erection of building 4 (livestock shelter) 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



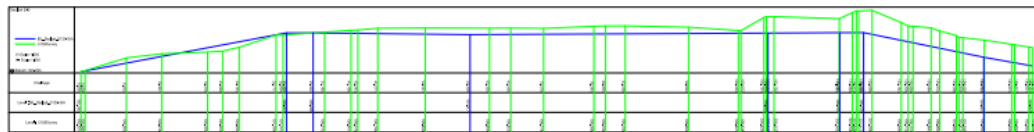
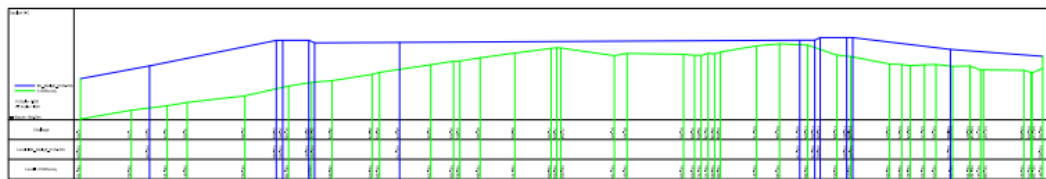
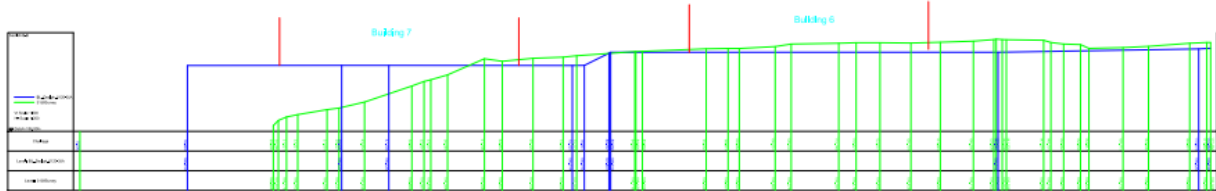
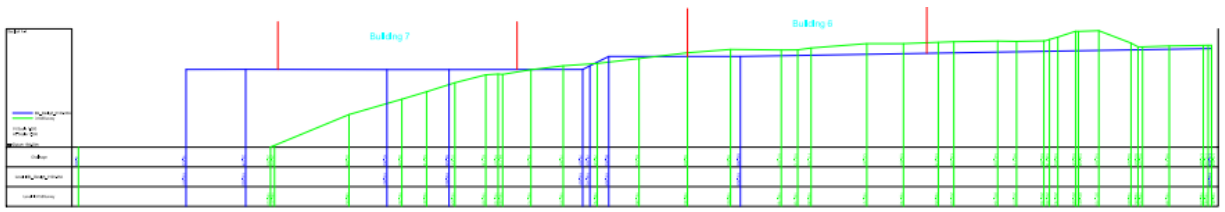
Profiled land to west of agricultural buildings looking towards Lords Hill Barn and the A350 to West



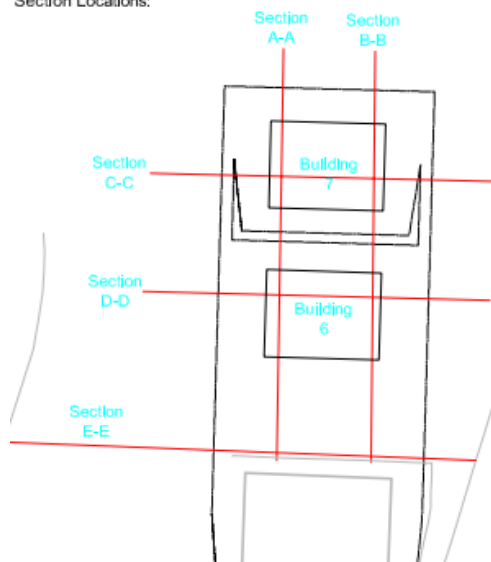
Profiled land to west of agricultural buildings looking towards Southwest



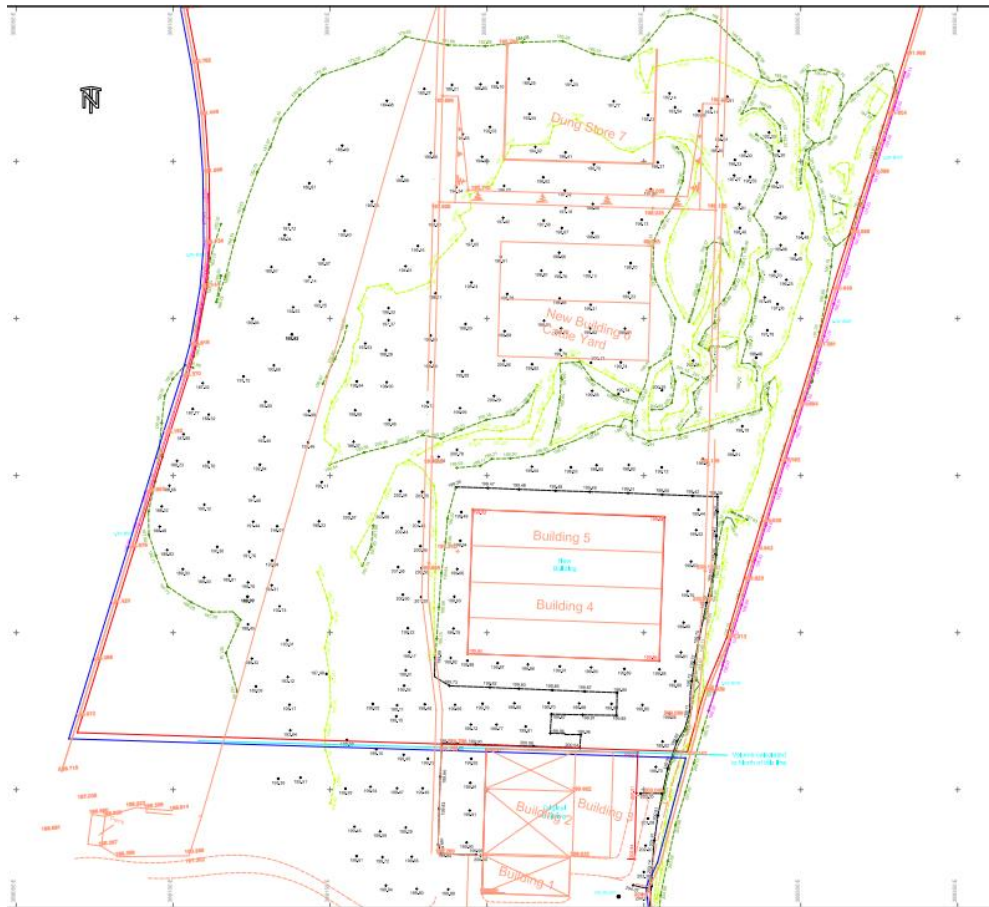
Profiled land to the north



Section Locations:



Detailed cross section survey through site undertaken 2022



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

6. 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: Objects

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: Objects

- 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 comments/objection

Wiltshire Council Waste Management: Confirmed that they do not comment on agricultural related development

Wiltshire Council Public Protection: Confirmed having 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 were 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): Objects

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:

92 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 not biodegradable waste or hazardous waste! Inert waste is typically produced at certain stages of construction activity and include concrete, rubble, sands, clay, chalk & soil.

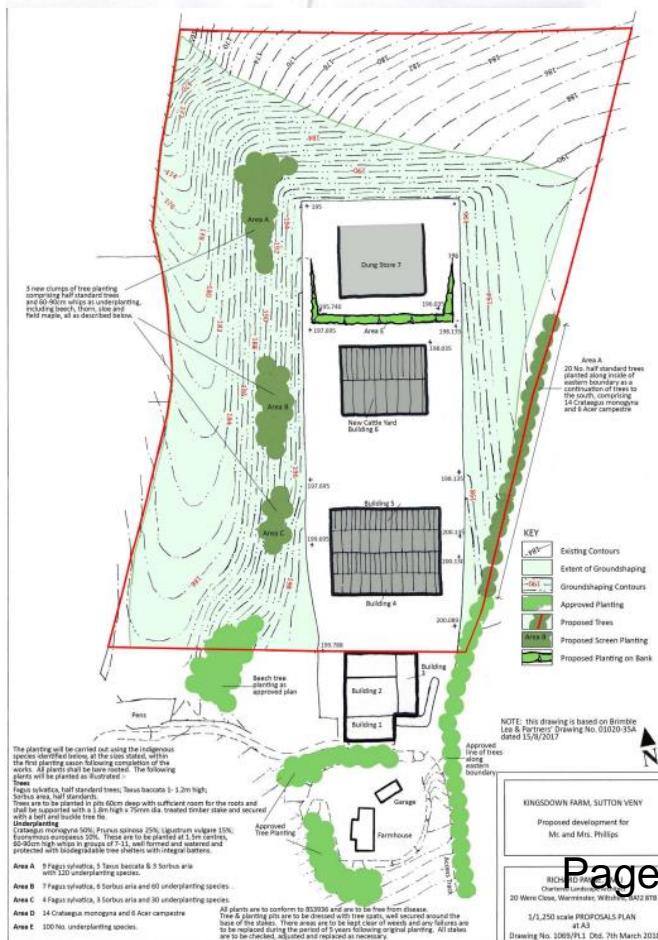
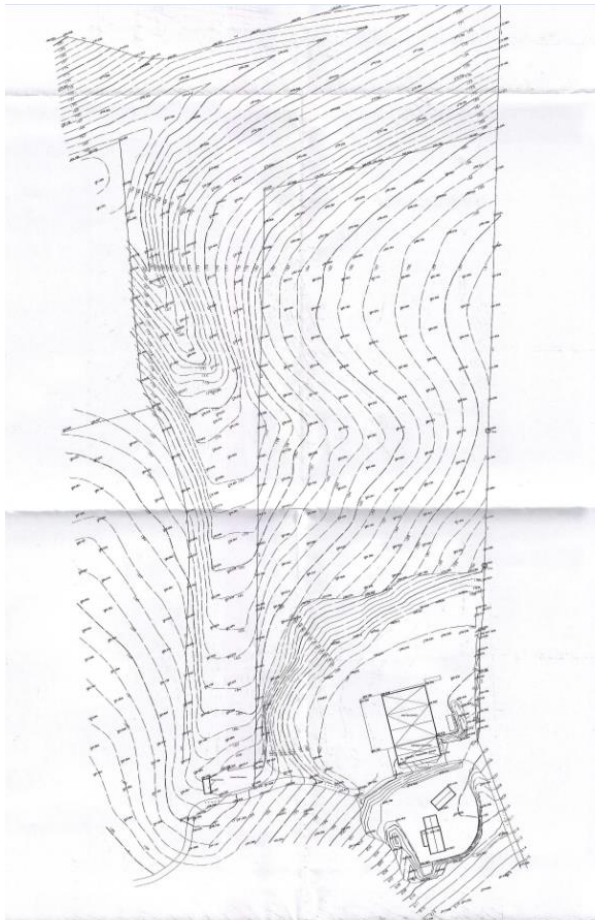
9. Planning Considerations

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 -



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 was subsequently discharged by the Council in 2018.

However, following continued negotiations with the applicant and to redress Councillor concerns and to reduce the visual impact of the part of the approved development which has already been constructed and completed (i.e., buildings 4 and 5), officers have sought to secure a phased / revised landscaping scheme for the site to deliver an effective landscape planting in a phased manner in the interests of safeguarding the AONB character. A revised condition to that which was previously reported to the Committee is recommended at the end of this report

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 17/09988VAR 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 17/09988VAR. 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. Within 1 month of the granting of this permission, a detailed phased landscaping scheme to include full planting stock specification and a detailed planting programme for the next 3 years shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be carried out during the associated planting and seeding season(s), for each phase. Any trees or plants which 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.

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) associated with the importation of waste shall enter the site on any working weekday, 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 free-field 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 1:

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 2: 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 withint 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

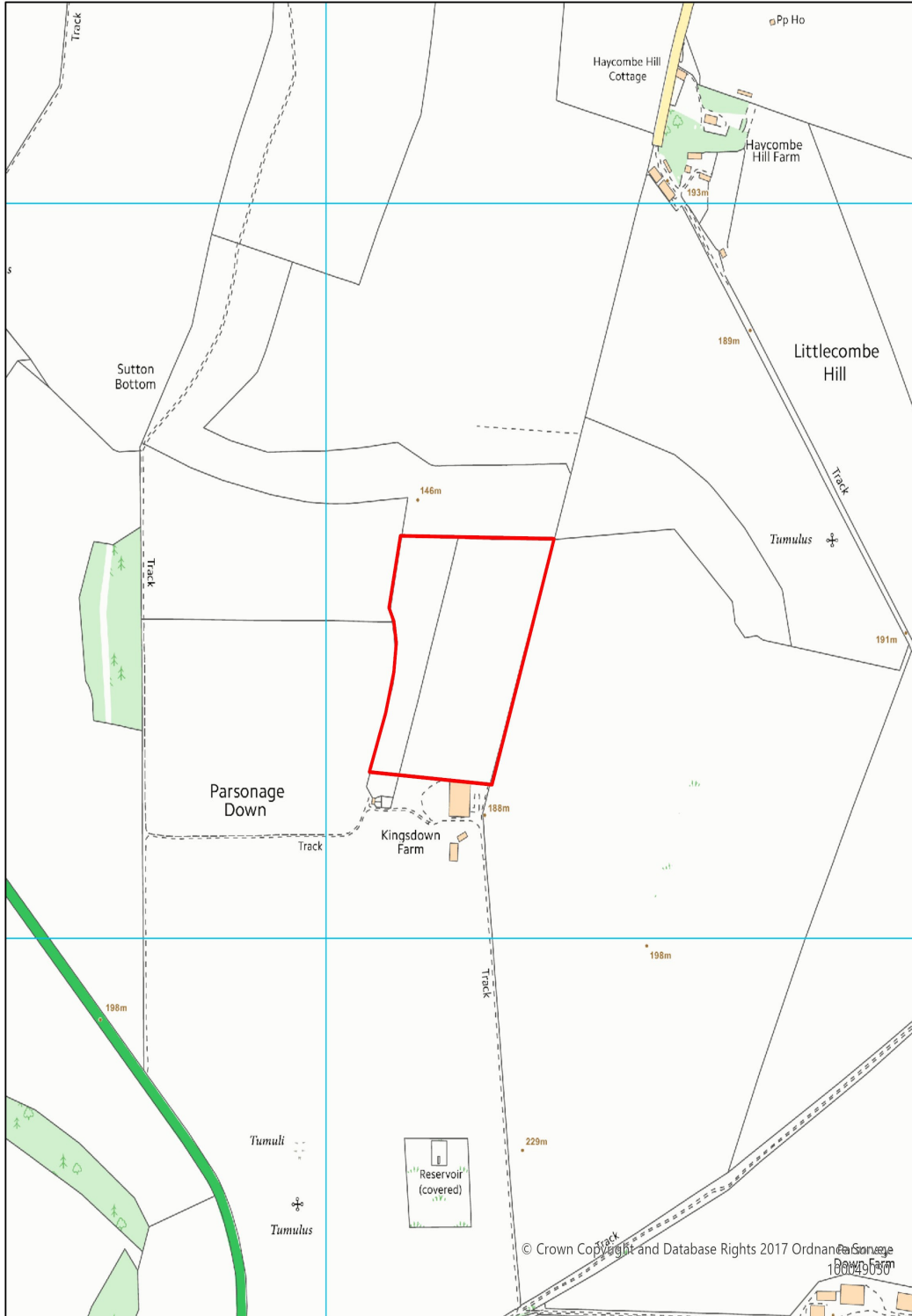
01020-33 - received on 26.07.2010

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.

This page is intentionally left blank



© Crown Copyright and Database Rights 2017 Ordnance Survey 100049050

1:7,500



389219E 139379N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank