

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER  
**Date:** Wednesday 4 December 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Eleanor Slack, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718255 or email [eleanor.slack@wiltshire.gov.uk](mailto:eleanor.slack@wiltshire.gov.uk)

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

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### Membership:

Cllr Christine Crisp	Cllr Mark Packard
Cllr Bill Douglas	Cllr Sheila Parker
Cllr Mollie Groom	Cllr Toby Sturgis
Cllr Chris Hurst	Cllr Anthony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chair)	Cllr Philip Whalley
Cllr Simon Killane	

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### Substitutes:

Cllr Desna Allen	Cllr Dennis Drewett
Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Chuck Berry	Cllr Jacqui Lay
Cllr Mary Champion	Cllr Howard Marshall
Cllr Terry Chivers	Cllr Nick Watts
Cllr Ernie Clark	

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# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 13 November 2013.

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 Chairman.

5 **Public Participation and Councillors' Questions**

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 in person **no later than 5.50pm on the day of the meeting**.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 27 November 2013**. 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 Applications

To consider and determine planning applications as detailed below.

	Application no	Site Location	Development	Recommendation
6a	N/13/02453/FUL	Woodman's Cottage Bowden Hill Lacock SN15 2PW	Two Storey Extension	Permission be REFUSED The application has attracted objections from 1 household
6b	N/13/01065/FUL	Sheldon Business Park, Sheldon Corner, Chippenham. SN14 0SQ	Erection of Commercial Building & Associated Landscaping (Resubmission of N/12/01321/FUL)	Permission be GRANTED subject to conditions.
6c	13/04030/FUL	St Mary's School, Curzon Street, Calne, SN11 0DF	Construction of Sports Hall, Single Storey Extension to Main Entrance, Internal Alterations & Creation of Additional Parking.	Permission be GRANTED subject to conditions.
6d	N/13/2191/FUL	Spittleborough Farm Swindon Road, Lydiard Tregoze Royal Wootton Bassett SN4 8ET	Installation of 23ha 10MW solar PV Farm with ancillary plant, fencing, electrical equipment and landscaping	Permission be GRANTED subject to conditions.

6e	13/01776/OUT & 13/01856/CAC	Langley Park, Chippenham, SN15 1GE	Redevelopment of the site consisting of the construction of up to 114 dwellings, foodstore, up to 102 room hotel, Two retail units, new industrial units, highways works, transport improvements, public open space.	Permission be GRANTED subject to a section 106 agreement and conditions; and to grant conservation area consent for the demolition of buildings within the site.
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- 6a        **13/02453/FUL - Woodman's Cottage, Bowden Hill, Lacock, SN15 2PW**  
*(Pages 9 - 14)*
- 6b        **13/01065/FUL - Sheldon Business park, Sheldon Corner,**  
**Chippenham, SN14 0SQ** *(Pages 15 - 22)*
- 6c        **13/04030/FUL - St Mary's School, Curzon Street, Calne, SN11 0DF**  
*(Pages 23 - 28)*
- 6d        **13/02191/FUL - Spittleborough Farm, Swindon Road, Lydiard**  
**Tregoze, Royal Wootton Bassett SN4 8ET** *(Pages 29 - 56)*
- 6e        **13/01776/OUT - Langley Park, Chippenham, SN15 1GE** *(Pages 57 -*  
*82)*

## 7        **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

## **NORTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

**Present:**

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

**Also Present:**

Cllr Chris Caswill and Cllr Alan Hill

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140 **Apologies**

**Changes to membership**

Following full Council on 12 November 2013 the membership of the Committee was changed as detailed below:

Cllr Howard Marshall removed as a committee member, added as a substitute

Cllr Simon Killane added as committee member.

Cllrs, Clark, Drewett and Chivers added as substitutes.

**Apologies**

Apologies were received from Cllr Simon Killane.

141 **Minutes of the previous Meeting**

The minutes of the meeting held on 23 October were presented.

**Resolved:**

**To approve as a true and correct record and sign the minutes.**

142 **Declarations of Interest**

Cllr Trotman declared an interest in agenda item 7b as the land in question belonged to his cousin. He declared he would chair the item but would not take part in the debate or vote..

143 **Chairman's Announcements**

The Chairman introduced Eleanor Slack, Democratic Services Officer to the Committee.

144 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

145 **Planning Appeals**

The Committee noted the contents of the appeals update.

146 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7b** as listed in the agenda pack.

147 **N/13/01067/DEM and N/13/01094/LBC - Chippenham Railway Station**

Public Participation

Maureen Lloyd and Cllr John Scragg, Chippenham Town Council spoke in support of the application

The officer introduced the report which recommended that no objection be made to the demolition notice and that listed building consent be granted subject to conditions.

He explained that the stepped access on the south side of the previously approved scheme had been the subject on a land ownership issue and it was this element that had been redesigned. The existing bridge was not contemporaneous with Great Western Railway (GWR) or the listed Brunel station building. The proposal added step free access to the central platform and the southern side, benefitting people with impaired movement, cycles and pushchairs. Attention was drawn to the late observations which addressed concerns over the dull grey colour used in illustrations by way of condition.

The Committee then had the chance to ask technical questions of officers and it was confirmed that the Committee could add a condition insisting on real stone

cladding around the lift towers. The height of the lift towers were dictated by both safety and the future line electrification.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Caswill addressed the Committee and raised concerns over the colour scheme and the redesign bring the structure closer to the listed building. He noted the improvements relating to lighting that had been made, and noted the criticism from conservation officers.

In the debate that followed Committee members noted their support and highlighted the need to add a condition regarding the use of real stone cladding. Late night access was discussed as was the need for a lift to be installed as soon as funds were available.

**Resolved:**

**In respect of Listed Building Consent 13/01094/LBC**

**To GRANT Listed Building consent for the following reason:**

**The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building. The replacement footbridge is considered likely to cause some harm to the setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of The National Planning Policy Framework.**

**Subject to the following conditions:**

**1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2. No development shall commence on site until details of the materials to be used on the lift towers, to include real stone cladding, and finish and colour of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.**

**REASON: To ensure that the development is implemented as approved.**

#### **INFORMATIVE**

- 1. Wiltshire Council wish to ensure that there is as short a time period as possible between the removal of the existing footbridge and the first use of the new replacement bridge. This route is well used by local residents and, whilst the new bridge is considered to bring many benefits, the Councils would wish to see temporary inconvenience experienced when the route is not available minimized as far as possible. Similarly, the Council would also urge the applicants to seek to provide the third lift tower on the northern side of the railway line as soon as practically possible, as this will be of further benefit to the residents of Chippenham.**

**In respect of 13/1067/DEM:**

**NO OBJECTION for the following reason:**

**The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building and the Chippenham Conservation Area. The replacement footbridge is considered likely to cause some harm to the Conservation Area and setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of The National Planning Policy Framework and Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.**

**Subject to the following condition:**

- 1. No development shall commence on site until details of the materials to be used on the lift towers and finish and colour of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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



148 **N/13/03635/FUL - Dockers Yard, Calstone**

Public participation

Barry Penicud, Sam Young and Richard Godwin spoke in objection to the application.

Colin Meeke spoke in support of the application.

The officer introduced the report which recommended that the application be granted subject to conditions.

He drew attention to an error in the report that had been corrected in the late observations, confirming that the area in question was 4 acres, or 1.62 hectares, and noted the key issues of design and visual impact. The design of the application had been amended to a more traditional L shape and although drainage was a known issue and not yet solved officers had been advised in principle this could be achieved, therefore a condition had been added.

The Committee then had the chance to ask technical questions of officers, and it was confirmed that should members be minded to request green roofing to address the visual impact then the application could be delegated to grant subject to approval. The change of use related to the whole area indicated by the red line. No precedent would be set as there was a pattern of private stabling known throughout the area of outstanding natural beauty (ANOB). The fences or jumps referred to in condition 9 related to more substantial permanent fences with a lasting visual impact. There was no requirement on the applicant to remedy existing flooding problems, although any development must take account of its own impact. The current arrangements were unsatisfactory, however officers were content it was achievable to mitigate the works. No water supply was needed as immediate water needs were met by capturing and retaining run-off water.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Alan Hill spoke in objection to the application, explaining that it was a combination of issues around flooding, environmental considerations, lack of passing places on Greens lane and no mention of ANOB landscape plans in the officer's report.

In the debate that followed members discussed the inappropriateness of a 4 acre field being changed to equine use, given the potential to hold a cross country course, and whether permission should be granted if there was doubt on the implementation of the drainage scheme.

A motion to refuse the application was seconded, voted on and lost.

The need to delegate permission to allow for revised plans to be submitted showing a more suitable area for equine use with the majority of the area for grazing was highlighted, and it was agreed that a green roof would reduce the visual impact and be more in keeping with the landscape. Concern was raised over fences and jump being left out on the field.

**Resolved:**

**To DELEGATE to the Area Development Manager to grant permission, subject to agreement of a restricted area for jumps and fences, adequate scheme of drainage and, notwithstanding the submitted details, an amended roof colouring:**

**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 not be brought into use until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been inspected on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and maintained as such thereafter.**

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

- 3 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. The access shall be made to drain away from the highway, details of which should be approved in writing by the Local Authority.**

**REASON: In the interests of highway safety.**

- 4 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**

**REASON: In the interests of highway safety.**

- 5 No external lighting shall be installed on site unless approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

- 6 The development hereby permitted shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details.**

**REASON: To ensure that the development can be adequately drained.**

- 7 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

**REASON: In the interests of highway safety and to protect the living conditions of nearby residents.**

- 8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site overnight.**

**REASON: In order to protect the living conditions of nearby residents and the rural character of the area.**

- 9 No fixed or portable jumps, fences or other structures shall be placed anywhere on site outside of the area hatched on plan ref. [insert reference] without the written agreement of the Local Planning Authority.

**REASON:** In order to protect the rural character of the area.

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

**1085 Sheet 1 rev 2 - Proposed Plans and Elevations and Location Plan**

**1085 Sheet 2 rev 2 - Proposed Block Plan**

**Received 7 October 2013**

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

149 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

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

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>4<sup>th</sup> December 2013</b>		
<b>Application Number</b>	<b>N/13/02453/FUL</b>		
<b>Site Address</b>	<b>Woodman's Cottage Bowden Hill Lacock SN15 2PW</b>		
<b>Proposal</b>	<b>Two Storey Extension</b>		
<b>Applicant</b>	<b>Mr A Gill</b>		
<b>Town/Parish Council</b>	<b>Lacock</b>		
<b>Electoral Division</b>	<b>Corsham Without &amp; Box Hill</b>	<b>Unitary Member</b>	<b>Cllr R Tonge</b>
<b>Grid Ref</b>	<b>392966 168202</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Lisa Davis</b>	<b>01249 706522</b>	<b><a href="mailto:lisa.davis@wiltshire.gov.uk">lisa.davis@wiltshire.gov.uk</a></b>

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

Called in by Cllr Tonge for committee to consider the impact of the proposal on the area and neighbour amenity

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission be REFUSED  
The application has attracted objections from 1 household

### **2. Main Issues**

- Principle of development Policies C3, H8 and HE1 of the adopted North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework
- Impact on the host building
- Impact on the Conservation Area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Highway safety/ parking provision

### **3. Site Description**

Woodman's Cottage is a substantially extended, detached property set in open countryside on the edge of Bowden Hill, Lacock. It is located within the Bowden Hill Conservation Area, which includes the nearby National Trust-managed Bowden Common. The property, as existing forms an L-shaped footprint. The original cottage runs along an east-west axis, having been extended to the west, with a substantial later rear wing. A large conservatory has also been erected alongside the extension, along with an associated raised terrace/ patio as the ground slopes away to this aspect. There is a large area to the south of the dwelling, on the western side of which a number of outbuildings have been erected, and a further garden to the north, backing onto open countryside that slopes gently away. The property has been altered extensively to the rear, such as this

elevation does not remotely resemble the original. The front elevation, facing south over the Common however remains relatively intact, retaining significant character.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>12/00667/FUL</b>	<b>Removal of existing conservatory and erection of a two storey extension</b>	<b>Refused/ Appeal dismissed</b>
<b>09/01017/FUL</b>	<b>Workshop, garage and retrospective application for store</b>	<b>Permitted</b>
<b>09/00568/FUL</b>	<b>Carriage house workshop and garage</b>	<b>Withdrawn</b>

#### **5. Proposal**

The proposal follows a previous application for a two storey rear extension which was refused and subsequently dismissed at appeal. Permission is sought for the erection of a part two storey, part single storey extension to the side and rear following the removal of the existing conservatory. The proposed extensions would be set down from the host building with half dormer window detailing to the principal elevation.

#### **6. Consultations**

Lacock Parish Council- raised no objection

Highways- raised no objection

National Trust- confirmed that they own Bowden Common and that the owners of Woodman's Cottage have the right to access their property along the gravel track across the Common. Although no objection was raised, they raised concern that the proposed extension should not result in more than one dwelling being created resulting in additional traffic coming and going along the track.

Rights of Way- raised no objection

#### **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

1 household has objected

Summary of the key relevant points raised:

- Overdevelopment of the site

#### **8. Planning Considerations**

Principle of development

The proposal is for a residential extension within the Conservation Area and as such has been considered in relation to Policies C3 (Development Control Policy), H8 (Residential Extensions) and HE1 (Development in Conservation Areas) of the adopted North Wiltshire Local Plan 2011. These policies allow for household extensions provided that the proposal meets the criteria set out.

#### Impact on the host building

The main issue is the effect that the proposed development would have on the character and appearance of the existing dwelling and the surrounding area. The Inspector decided that the previous application, for a large two storey extension to the rear, would have a harmful impact on Woodman's Cottage and would be detrimental to the Bowden Hill Conservation Area. This application, in comparison proposes an extension which is reduced in scale to the rear but extends the property further to the side at two storey level.

Policies C3 and H8 indicate, amongst other things that proposals for extensions should be in keeping with the host building in terms of scale, form materials and details. Furthermore, development should respect the local character and distinctiveness of the area with regard to amongst other things design, size, scale, and massing.

The property has been substantially extended in the past and the proposal involves a further extension to the side and rear. The existing extension to the side is set down from the ridge and retains the character of the original cottage. Whilst it is accepted that the proposed extensions to side and rear would also be set down in relation to the ridge of the host building, it is considered that the additional built form would detract from the character of the existing cottage, particularly when viewed from the front. The proposed extensions to the rear, whilst not as deep as the previous submission, and with a small single storey element further obscure the original characteristics of the building to this rear aspect.

Whilst it is acknowledged that the proposed extension differs in design from that of the previous application, it is considered the impact of the proposal on the character of the host building remains as harmful.

#### Impact on the character and appearance of the Conservation Area

Policy HE1 indicates that proposals for development should preserve or enhance the character or appearance of the area. In the appeal decision of the 18<sup>th</sup> June 2013 the Inspector recognized that the retention of aspects of the building's original appearance was an important and attractive feature of its current form, which in turn makes a significant contribution to the character of the Bowden Hill Conservation Area.

The existing cottage, although previously extended and with additional outbuildings has retained its character and sits comfortably within the plot, countryside and Conservation Area in which it is located. The cumulative impact of the proposed extension, along with the substantial extensions that have already taken place would erode one of the last remaining features reflecting the original character of the existing cottage to the rear and also to the front and the most publicly visible elevation.

It is worthwhile to note that the previous application did not propose an addition to the side nevertheless, the Inspector considered the proposal to be harmful to both the host building and area in general. The extension now proposed to the rear remains significant in scale, despite its reduction compared to the previous submission. It is considered that the additional bulk and

massing of the development does not overcome the previous reasons for refusal and subsequent appeal dismissal.

#### Affect on the privacy and amenity of existing neighbours and potential occupants

The property is located away from neighbouring residential properties and no unacceptable harm in this regard is anticipated.

#### Affect on Highway safety/ parking

The property sits within a substantial plot with adequate parking and turning space in relation to the size of dwelling. Highways have raised no objection to the proposal.

### **9. Conclusion**

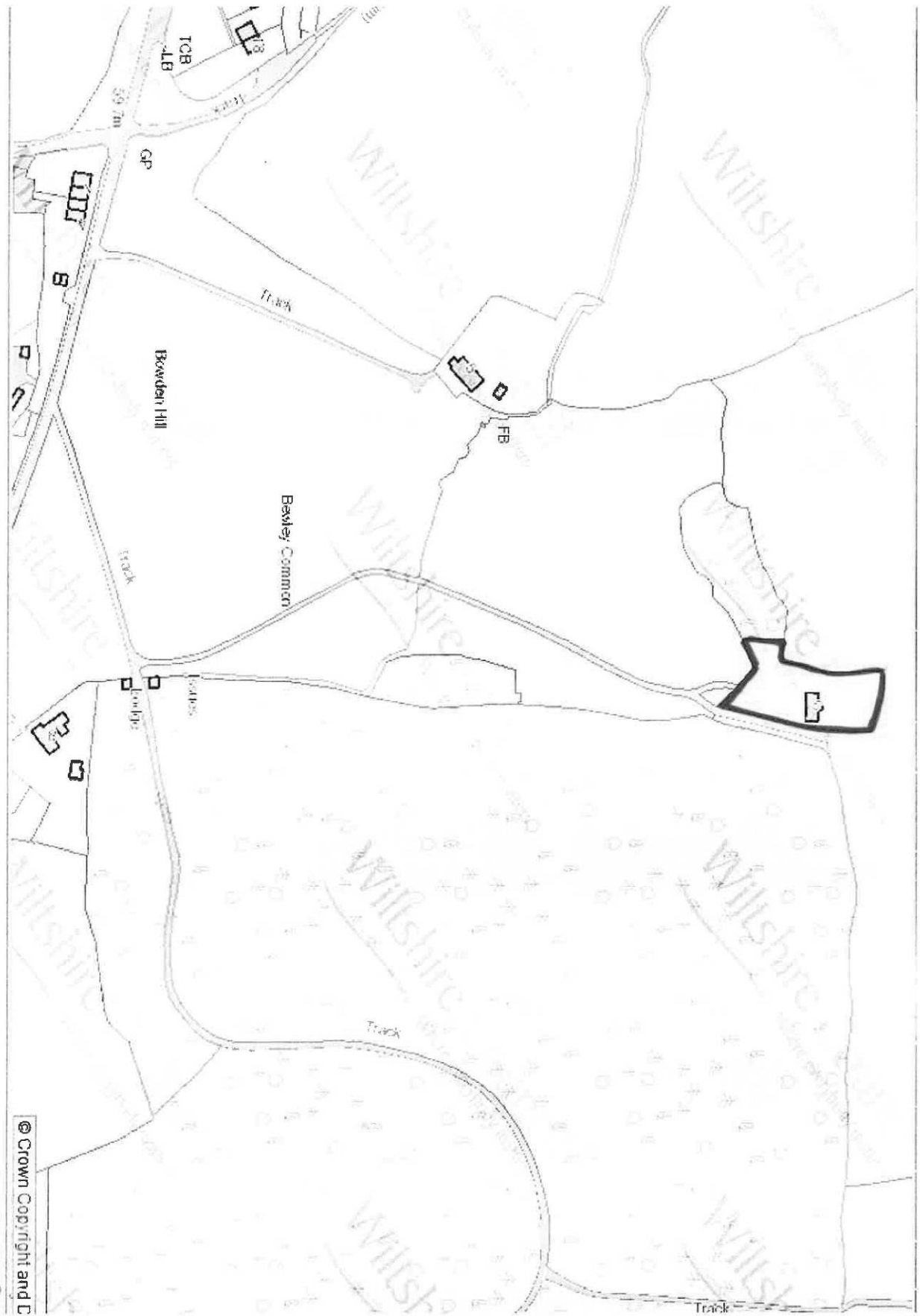
It is acknowledged that the existing plot and building is already large, however the original character of the cottage and its setting within the Conservation Area is currently retained. Whilst the extension when considered independently is relatively modest, the cumulative impact of the proposal along with the existing development that has already taken place, represents an overdevelopment of the existing dwelling which detracts from the remaining character and appearance of the original cottage and the Conservation Area in which it is located. The proposal is considered to have a detrimental impact upon the character and appearance on the host building and the Bowden Hill Conservation Area appearing prominent within the countryside, where it currently sits in harmony.

### **10. Recommendation**

Planning permission be REFUSED for the following reason:

1. When assessed in conjunction with the already substantially extended property, the additional massing is considered excessive and will detrimentally alter the appearance of the original building and its setting within the Bowden Hill Conservation Area. It is therefore considered contrary to the aims of policies C3, HE1 and H8 of the North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework 2012.





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## REPORT TO THE NORTH AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>4<sup>th</sup> December 2013</b>		
<b>Application Number</b>	<b>N/13/01065/FUL</b>		
<b>Site Address</b>	<b>Sheldon Business Park, Sheldon Corner, Chippenham. SN14 0SQ</b>		
<b>Proposal</b>	<b>Erection of Commercial Building &amp; Associated Landscaping (Resubmission of N/12/01321/FUL)</b>		
<b>Applicant</b>	<b>Sheldon Business Park</b>		
<b>Town/Parish Council</b>	<b>Chippenham Without</b>		
<b>Electoral Division</b>	<b>Kington</b>	<b>Unitary Member</b>	<b>Cllr Greenman</b>
<b>Grid Ref</b>	<b>388912 173650</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>David Cox</b>	<b>01225716774</b>	<b>David.cox@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Greenman to discuss the car parking of the site.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in considering the application are:  
Principle of Development.

- Planning history of the site.
- Impact on visual amenity.
- Car Parking and Highway Safety.
- Impact on neighbouring amenity

### 3. Site Description

Sheldon Business Park is a small business park which was originally converted from a group of agricultural buildings (units 1-13). The recently built unit 14 is located immediately to the west and remains as a limited extension of the business park

### 4. Relevant Planning History

Application Number	Proposal	Decision
98/02417/FUL	Change of Use of agricultural buildings to general and light industrial. (B1 and B2 classes)	Appeal allowed
00/02247/FUL	Variation of condition 11 attached to 98.02417.FUL to allow B1 use in units 2, 3 &4	Permission

02/00209/FUL	Alterations and conversion to offices (within Class B1 use)	Permission
12/00556/S73A	Variation of condition 10 of permission 10/02173/FUL erection of commercial premises	Permission
12/01321/FUL	Erection of commercial building and associated landscaping	Dismissed at Appeal
13/03482/FUL	Change of Use of Units 2, 3 & 4 from B1 to B8; Units 5 & 7 from B2 to B8 & Unit 14 from B1 to B8.	

## 5. Proposal

The proposal is to erect a new B2 building with associated landscaping to the south to complete the hedgerow on the southern boundary. B2 is classified as General Industry which generally involves the manufacture of goods. In this instance the proposed occupier is a company called Vertdegre Ltd who make green fuel products e.g. boilers. They already have a presence on the site and wish to expand their production.

## 6. Planning Policy

North Wiltshire Local Plan: C3, BD5 and NE15.  
Wiltshire Local Transport Plan – Car Parking Strategy.  
National Planning Policy Framework sections 3 and 7

## 7. Consultations

Chippenham Without Parish Council – Objection

- An over development of the site.
- Poor Highway Access and unsuitable for current heavy lorry use.
- Detrimental impact on the visual aspects of a rural area.
- The site is already overcrowded with buildings and cars
- Current activities already breach planning conditions by early morning and late evening lorry use.
- Increased noise pollution.

Highway Officer – Following the receipt of the revised plans from the onsite meeting and negotiations, there is no objection to the proposal

## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

1 letter of objection received.

- The site is already over developed.
- The nature of the construction and function of the site is not in keeping with the rural aspect of the area.
- There should be a limit to the development of parking, storage and industrial facilities on the site.
- The Highways Aspect needs to be re-considered.
- Restrictions on working hours are often ignored causing early morning and late night disturbance.
- The Local Plan aims to direct storage and light manufacturing development to designated areas, the piecemeal development of the site negates this policy.

## 9. Planning Considerations

### Principle of Development:

Policy BD5 of the Local Plan and the National Planning Policy Framework aim to promote sustainable development, especially if it creates jobs.

Policy BD5 of the Local Plan encourages proposals for business uses (B1, B2 and B8) in the countryside. However, development of new buildings must be limited and should be well related to an existing group of buildings and is in keeping with its surroundings. Consideration must also be given to the impact on the road network.

In the recently determined appeal (12/01321/FUL) the Inspectorate concluded that Policy BD5 had been satisfied as the proposed building was well related to existing buildings. This proposal is for the same building, with the same use and in the same location. Therefore subject to the impact on the landscape, parking and highway safety (to follow in this report) the application has national and local planning policy support.

### Planning History of the Site:

The business park has an extensive planning history but the most relevant is the recently approved 13/03482/FUL and refused N/12/01321/FUL applications.

The business park was originally converted from agricultural use to industrial use of B1 and B2 buildings. These uses would have included manufacturing and light industry for example.

However, during the course of this application it was ascertained that a number of the buildings were not being used for B1 and B2 purposes contrary to conditions set out in previous permissions. This led to the submission of the 13/03482/FUL application to regularise the uses of units 2, 3, 4, 5, 7 and 14 to B8 (storage and distribution). This has been the primary cause of the delay in the determination of this application to wait for this application to be submitted and approved. Units 1 and 8-13 remain in B1 use and unit 6 remains in B2.

In the N/12/01321/FUL application the proposal included extending the footprint of the business park into the adjacent field to create more car parking to meet the required provision. The application was refused and the Planning Inspectorate dismissed the appeal stating that the extension of the car parking into the adjacent field would adversely affect the character and quality of the surrounding landscape and would weaken the Council's ability to restrict any further future expansion. This situation has now of course changed following the regularisation of the 13/03482/FUL application which has reduced the required parking levels.

### Impact on the visual amenity of the area:

In the N/12/01321/FUL application the Inspectorate commented that the design of the proposed building (which is in the same location) is acceptable. It was only the breaking of the historic boundary of the site that caused harm. Additional hedge planting is proposed which will help further enforce the existing southern boundary of the Business Park as it is currently open and exposed. Therefore no harm would be caused to the visual amenity or landscape character of the area and should be enhanced through the additional planting.

A further benefit from this planting is that it will firmly establish the southern boundary of the site which would further discourage any expansion of the site in future.

### Car Parking and Highway Safety:

With 13/03482/FUL being approved, this has reduced the maximum car required parking requirement as required by the Wiltshire Transport Plan. With the established uses now on site there is a need for 63 spaces on site. With the proposed development this rises to 69 spaces. The

application site can provide 77 spaces which is an over provision of spaces. With this reduction the Council has agreed with the applicant to remove some of the spaces that were impractical e.g. ones near lorry turning areas. Highways are happy with the revised arrangement of uses and offer no objection.

The applicants have also submitted a Site Management Strategy Document which allocates shared areas for bin storage, commercial vehicle parking, delineated parking spaces and good practice which can be conditioned. A further necessary condition is that before the new building is occupied all of the allocated parking spaces as set out in plan LDC.1620.A.002C will be fully painted and laid out with an accompanied site visit.

In regards to the use of the existing road network by lorries the Inspectorate also commented that "any increase (in traffic) would be minor in relation to existing uses. Any such effects would not warrant the refusal of the application." There is no planning reason not to conclude that the increase in traffic would not be so significant in which to refuse this application.

#### Impact on neighbouring amenity:

When the Business Park was first granted at appeal the whole of the site was given over to B1 and B2 uses which by their very use class, are prone to create noise, fumes and dust. B8 uses are far more passive in that there is little harm from storing materials. The 13/03482/FUL application regularised a number of the units from B1 and B2 to B8 and was considered to be an improvement over the previous permitted uses as the overall level of disturbance should be lower.

This application is for another B2 use, but the overall level of B2 use would still be significantly below the previous B2 footprint that was originally allowed by the appeal in 1998. It is considered that this additional B2 use, in addition to the existing mix of B1, B2 and B8 buildings would not cause any tangible increase in harm to neighbouring amenity.

Although the use should not cause any adverse harm to neighbouring amenity, the new unit shall be restricted to the same time restrictions and noise levels as imposed by the Inspectorates decision in 98/02417/FUL

### **10. Conclusion**

The proposed development would comply with Sustainable Development principles and would create further rural employment. The proposal would be contained within the existing boundary of the business park and would not harm the landscape character of the area or harm highway safety through the lack of adequate parking provision. The proposal would also not result in the loss of neighbouring residential amenity.

The proposal therefore accords with Policies C3, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011 and Sections 3 and 7 of the National Planning Policy Framework.

### **11. Recommendation**

Planning Permission be GRANTED 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 new commercial building shall not be brought into use until all of the car parking spaces as identified on plan LDC.1620.A.002C have been painted and laid out across the site. The applicant shall write to the Local Planning Authority to arrange a site meeting to demonstrate that the parking spaces have been provided in accordance with the plan in order to discharge the condition.

REASON: In the interests of Highway Safety.

3. The Business Park shall operate under the submitted Site Management Strategy Document at all times unless authorised by the Local Planning Authority.

REASON: In the interests of Highways Safety.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the adjacent building (Unit 14).

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

5. 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

6. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor any time on Sundays or Bank Holidays except in an emergency:

0800 to 1800 Mondays to Saturdays inclusive.

REASON: In the interests of neighbouring amenity

7. The level of noise emitted from the site shall not exceed 45 dBA<sub>Leq</sub> 1hr at any time, as measured by the boundaries of the site.

REASON: In the interests of neighbouring amenity

8. The unit permitted shall only be used for Class B2 Business Use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no change of use shall take place without the prior grant of express planning permission.

REASON: In the interest of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of amenity

10. There shall be no external storage for the new building as this would interfere with the designated parking areas and bin storage as set out in the Site Management Document.

REASON: In the interests of visual amenity and highway safety

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

Site Location Plan - Received 4 April 2013

Proposed Building Plan - Received 4 April 2013

Topographical Survey - Received 4 April 2013

Revised Site Plan 002D - Received 19 November 2013

Site Management Strategy Document - Received 8 October 2013

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





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## REPORT TO THE NORTH AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	4th December 2013		
<b>Application Number</b>	13/04030/FUL		
<b>Site Address</b>	St Mary's School, Curzon Street, Calne, SN11 0DF		
<b>Proposal</b>	Construction of Sports Hall, Single Storey Extension to Main Entrance, Internal Alterations & Creation of Additional Parking.		
<b>Applicant</b>	St. Mary's School Calne		
<b>Town/Parish Council</b>	Calne Town Council		
<b>Electoral Division</b>	Calne Chilvester & Abberd	Unitary Member	Councillor Tony Trotman
<b>Grid Ref</b>	39400 171321		
<b>Type of application</b>	FULL		
<b>Case Officer</b>	Charmian Burkey	01249 607776	charmian.burkey@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Trotman has called the item to Committee to allow consideration of the proposal's scale, visual impact in the surrounding area and design.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity
- Impact upon neighbour amenity
- Impact on highway safety and use of the facility.
- Other matters e.g. Ecology

The application has generated objections from Calne Town Council and 14 letters of objection from the public and a petition of 335 signatures.

### 3. Site Description

St Mary's is a campus style school set within the built up area of Calne. The site lies immediately adjacent to the swimming pool to the west of the site, with a grade II listed wall bounding this western edge and the cemetery to the west of that. The school playing fields are to the north, a listed dwelling and car parking to the south.

**4. Relevant Planning History** – The site has an extensive planning history, but the most relevant are listed below.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
98/01862/F	Construction of Sports hall, swimming pool & squash courts.	Permission
13/001230FUL	Sports hall and car parking	Withdrawn

## **5. Proposal**

The proposal is to amend the previous 1998 permission and to build out the sports hall element of the proposal and to amend the car parking layout.

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3 & HE4.

The site lies adjacent to a Grade II listed wall and close to a Grade II listed cottage.

National Planning Policy Framework guidance in sections 7 & 12.

## **7. Consultations**

Calne Town Council considered that the changes made to the application were insufficient to allay their fears and reiterated their original comments that there were concerns over the usage of the facility as it appears that the hall will be used by members of the public as well as the school. As a result there will be increased traffic accessing the site onto a particularly difficult section of A4, affecting air quality and create the need for additional car parking. Members felt that this was not the correct location for such a development due to its size, scale and proximity to a grade listed wall, a cemetery and neighbouring properties.

Conservation Officer states that she will comment once the revised plans have been received. The comments will be reported as late observations.

Highway Officer states: The sports hall will replace existing internal sports facilities at the school and be an ancillary sports facility to St Mary's School. I note that the facility will also provide a facility for the public under the format of the St Mary's Sports Club. The sports hall will be located in an area that is currently utilised for parking of approximately 20 cars. As a result of the proposal an additional 21 spaces are being provided within a total of 102 spaces within this area. Bearing in mind that this is predominantly an ancillary facility, with limited / restricted public use, I do not consider that the proposal will give rise to significant increase in traffic movement or parking demand. Bearing in mind the above I do not wish to raise a highway objection subject to conditions:

Ecological and Environmental Health's comments are awaited and will be reported as late observations.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

14 letters of objection received together with a petition of 335 signatures

Summary of key relevant points raised:

- Works to create the existing parking area have destabilised the listed wall, which is now in a poor state of repair.
- The building will be very close to the cemetery and will disturb mourners' peace.
- Building work should be halted during a funeral and the sports hall should be soundproofed.
- Potential damage to listed wall.
- The access road is totally inadequate.
- Overlooking from high level windows.
- Moves clientele away from White Horse Leisure Centre.
- The mass of the building when viewed from the cemetery and houses in Springfield Drive.
- Biological Records indicate amphibians in 1999 – new ecological surveys are required.
- Noise from the facility.
- Parking problems
- No link to promote sustainable forms of transport.
- The plans have not been widely accessible.
- A site visit is needed.
- Policy requirement in C3 for a high standard of design and encouragement of excellence, innovation and creativity.
- Overdevelopment of St Mary's site.
- Height of the building.

## 9. Planning Considerations

- Principle of development

The proposal is a revision to a scheme first partially implemented under 98. 01862.F, which was commenced by the construction of the swimming pool element of the scheme. There is therefore a live permission on the site, which could be built out at any time. The applicants state that the alterations allow the building to be pulled away from the listed cottage, whilst still achieving the required space and allowing an improvement to the materials and finish previously agreed.

Following discussions, the applicant is submitting amended plans for the design of the building which will reduce the bulk of the link between this building and the existing swimming pool. These will be reported as late observations alongside the comments of the conservation officer.

The proposal will remove 20 car parking space and a further 21 are being provided as part of the overall scheme.

- Impact upon visual amenity.

The proposal will measure 9.9m in height at its apex and 7.1m at its boundary with the access road (6.6m when measured from the access road which is higher) and this is carried along its entire length (facing west). However, the building has been pulled 1.3m away from the grade II listed wall and is almost identical in height to the permission granted in 1998, but some 0.9m shorter (35.4m). The height is largely dictated by the requirement for a 7.6m high headspace set down by Sport England for badminton, which is a school curriculum activity.

The materials will be a mix of green wall cladding, buff coloured render and buff coloured architectural masonry to match the existing building.

It is accepted that the building is substantial in appearance, but it must be remembered that there is an existing permission for a slightly larger building which can be built out at any time. The proposed building is to be sunk into the ground by approx. 0.5m and the first

2.4m of the structure will be set behind the listed wall. There is a roadway between the boundary wall and the cemetery and whilst the building will be clearly visible, it is not considered that it will be sufficiently overbearing to warrant a refusal and certainly no more so than the existing extant scheme.

The building will be seen in the context of the existing buildings at St Mary's and the swimming pool in particular.

- Impact upon neighbour amenity.

The nearest house is the listed cottage to the south of the proposed building, but this is occupied by a member of staff. Although the proposal is only 10.5m from the dwelling, the affect on the residential amenity of this property is considered acceptable in this context.

The nearest other properties are those in the new development of Springfield Drive, which are approx. 65m away and the impact on their residential amenity (notwithstanding the fact that they will clearly be able to see the building) is not sufficient to justify refusing the application.

Concerns have been raised about overlooking from the windows facing the cemetery, but these windows are high up (over 4.5m) and are for lighting purposes only.

Whilst the comments from Environmental Health are awaited, the noise levels will be controllable by means of a condition and are not anticipated to be a problem, given modern acoustic materials that can be employed.

- Impact upon listed structures.

Without the extant planning application as a material consideration, the proximity of the building to the listed wall and listed cottage may well be less acceptable. However, this scheme has moved the structure away from the listed wall so that it can be accessed for maintenance and pulled it back a small amount (0.9m) from the listed cottage, so taken together with the extant consent, an argument about the impact of the building on the listed buildings cannot be sustained.

- Impact on highway safety and use of the facility.

The highways officers recognise the current use of the facilities by both the school and members of the public. The facilities are unlikely to be used in school hours by members of the public, but in any event the provision of a further 22 spaces to make a total of 102 spaces is considered to be sufficient and there is no highway objection.

- Other matters e.g. Ecology.

The comments of ecology will be reported as late observations, but whilst in 1999 there were multiple amphibian records nearby, this was prior to the construction of the swimming pool and the provision of the car park and any species are unlikely to find the habitat accommodating.

## **10. Conclusion**

The determination of this application is very much led by the existing extant permission for a sports hall of a similar size and in the location now sought. This application is for amendments to the design previously approved and is considered to be an improvement on it and to accord with policies C3 and HE4 of the North Wiltshire Local Plan 2011.

## 11. Recommendation

Subject to receipt of amended plans, it is recommended that Planning Permission GRANTED 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. 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 2300J, 2770D, 2100H, 2300F, 2771B, 2003B, 2040A, 2044A, 2100K, 2041A, 2040A, 2100K, 2043A, 2201D, 2043A, 2102F, 2001C, 2200G, 2204B dated 20th August 2013, 2103A, 2200H dated 30th October 2013

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

4. No part of the development hereby approved shall be first occupied until the parking area for shown on the approved plans for all 102 spaces has been consolidated, surfaced, de-lined and laid out in accordance with the approved details (Highways - Proposed Car Parking Layout, Project 118, Ref 2770, issue D). This area shall be maintained and remain available for this use at all times thereafter.

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

5. The sports hall hereby permitted shall not be occupied at any time other than for purposes ancillary to St Mary's School or wider public under the format of St Mary's Sports Club.

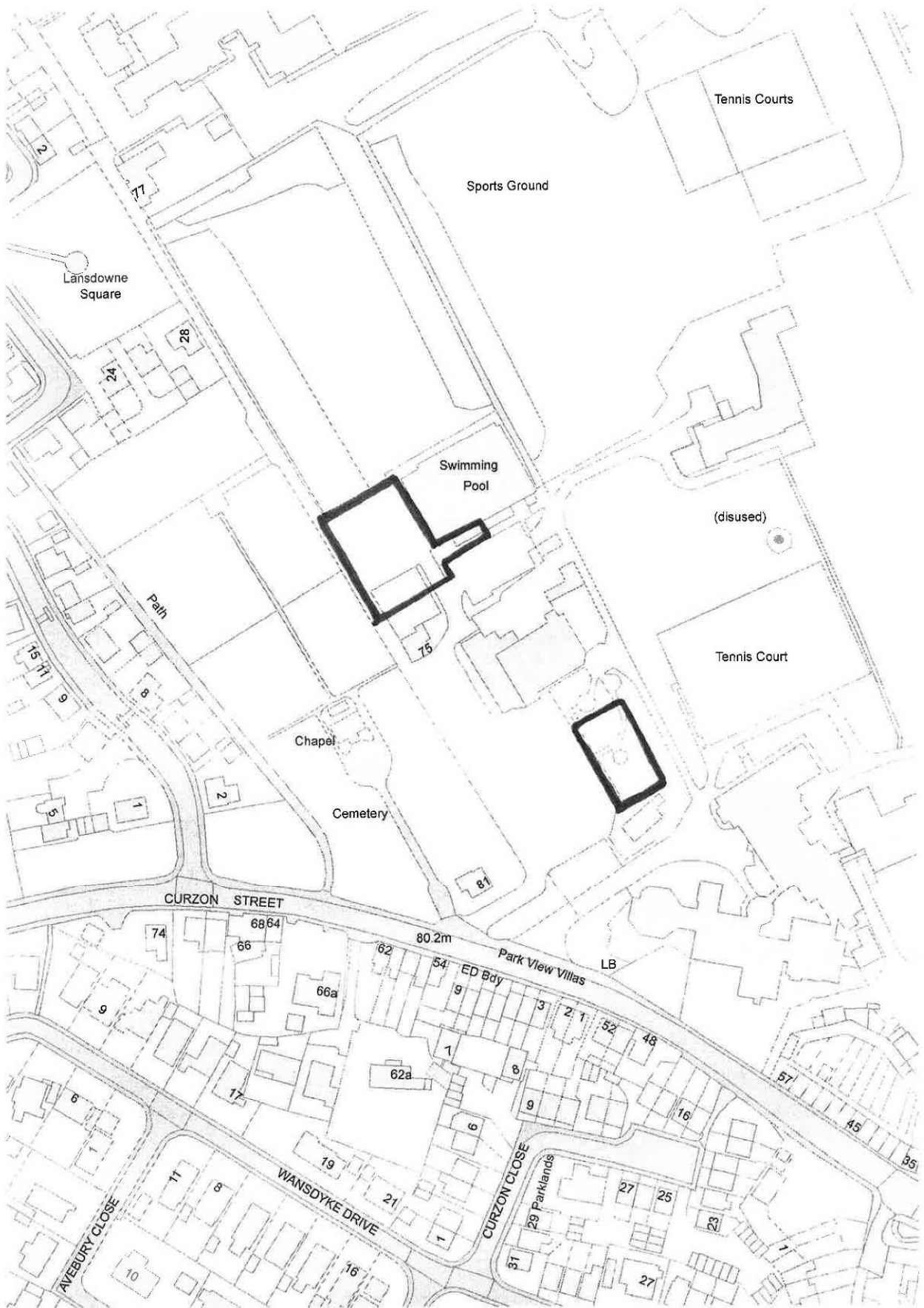
REASON: In the interests of highway safety.

6. No development shall commence on site until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The School Travel Plan shall also demonstrate that the sixth form students shall remain car free.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

7. Prior to the commencement of the development hereby permitted, details of a construction method statement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved methodology.

REASON: To protect the listed wall.





## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>4<sup>th</sup> December 2013</b>		
<b>Application Number</b>	<b>N/13/2191/FUL</b>		
<b>Site Address</b>	<b>Spittleborough Farm Swindon Road, Lydiard Tregoze Royal Wootton Bassett SN4 8ET</b>		
<b>Proposal</b>	<b>Installation of 23ha 10MW solar PV Farm with ancillary plant, fencing, electrical equipment and landscaping</b>		
<b>Applicant</b>	<b>Miguel Gomez</b>		
<b>Town/Parish Council</b>	<b>Lydiard Tregoze</b>		
<b>Electoral Division</b>	<b>Wootton Bassett East</b>	<b>Unitary Member</b>	<b>Cllr Mollie Groom</b>
<b>Grid Ref</b>	<b>408979 183425</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Mandy Fyfe</b>	<b>01249 706638</b>	<b>mandy.fyfe@wiltshire.gov.uk</b>

**Reason for the application being considered by Committee following a call in by Cllr Mollie Groom on the following grounds: scale of development; visual impact upon the surrounding area; design – bulk, height and general appearance; environmental/highway impact as nearby Wroughton Airfield is to have an enormous solar farm; drainage issues and diversion of footpath causing inconvenience for locals.**

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The Parish Council have objected on the grounds of:

- Contrary to Local Plan policies
- Swindon Borough Council have just granted permission for a huge scheme at Wroughton Airfield
- A further solar park is being considered across the other side of the road as well
- If it were not for the subsidies, these would not be installed which will result in higher energy bills
- Need all the agricultural land kept for production of food
- Panels will result in flooding of land that is already subject to waterlogging
- What are the community benefits and how will these be distributed and by whom?
- Permission is required to divert footpaths and the proposed footpaths would now be longer than the existing
- Distraction from the panels to users of the M4

2 letters of objections were received

9 letters of support were received

### 2. Main Issues

The main issues in considering the application are:

- Principle of development
- Coalescence with Swindon

- Visual impact on the open countryside and character and appearance of the area
- Ecological Impact and mitigation measures for site and surrounding land
- Impact of the construction and decommissioning of site on adjacent highway network including M4
- Affect on the public rights of way and proposed diversion of footpaths through the site

### 3. Site Description

This application relates to the installation of a 10MW solar farm on a 23ha site that is to the west of Spittleborough Farm in the parish of Lydiard Tregoze to the north of A3102. The land is made up three adjoining fields with the site arranged in a roughly rectangular shape that has their northern boundary adjacent to the M4.

The existing field to the north of Sally Pussey’s Inn would be retained for agricultural use with no boundary changes. However the field to the east of this would be used as the vehicular access to the site instead of an existing field gate immediately to the east of the former BT repeater station that fronts onto the highway beyond the Inn and would be constructed of crushed stone. Space has been allocated for a site compound and temporary laydown area during the construction period only to the south east of the application site in another field.

To the west of the site itself is Churchill Farm which was the subject of a replacement dwelling permission in 2005 (05/00425/S73 refers) following the demolition of an existing bungalow on the land that backs onto the application site.

There is a Ministry of Defence pipeline that runs through the site from north to south that will divide the site in two that requires a 3m easement either side. There are also two footpaths that run through the site at present and it was proposed to divert these around the site including a new pathway that would run between the site and the M4 boundary to the north. There is also a 33KV line that runs through the site in a north-south direction.

4. Relevant Planning History		
Application Number	Proposal	Decision
13/00943/PRAP	10MW solar farm	Planning Permission required
<i>Nearby Site on other side of road</i> 13/0435/SCR	Screening Opinion as to whether Environmental Impact Assessment is required for Photovoltaic Solar Farm at Wickfield Farm Royal Wootton Bassett	EIA not required

### 5. Proposal

The proposal is to install a large solar park of 10MW on 23ha of heavy clay Grade 3 agricultural land made up of three relatively level fields which have established mature hedgerows with trees and the odd copse and the site is positioned between the A3102 and the M4 just to the west of Junction 16. The fields were down to pasture except for the southern field which had been ploughed up in April. The output would be sufficient to power 2,400 homes over a 25 year period which would then be decommissioned in its 26<sup>th</sup> year and the plant and panels removed so that the land can return to full agricultural use.

The proposed solar arrays would consist of a series of ten blue/black glass panels supported on a metal frame to allow the air to circulate and prevent overheating. Each array would be between 1.9m and 2.5m high and wide aisles of underdeveloped land would be retained between each array in this case it is suggested that a 4m gap would be maintained. For stability the metal frames will be driven into the ground up to 1.5m deep. On archaeological sensitive sites as here, it was

proposed to install concrete ballast or feet may be used to anchor the frames, but the revised plans show that these two areas identified as being archaeologically sensitive will now be left free of any works.

A number of inverter and transformer buildings are shown around the site which would convert the sun energy into alternate current (AC) and then the transformers would transfer this energy to DC Direct current and then onto meters and switchgear. There would one plant room for each megawatt (MW) output. Each building would have dimensions of 9m x 5m x 3m giving a volume measurement of 135m<sup>3</sup> and a floor area of 45m<sup>2</sup>. The buildings would be finished in painted rendered concrete with colours to be dealt with by condition.

From the transformers, cables will lead via shallow 600mm backfilled trenches to fibreglass (GRP) building of 50m<sup>2</sup> and 4m high located close to the main entrance to the south. This building would include meters and equipment to be used by the distribution network operator (DNO) in this case Scottish & Southern Energy (SSE) as well as the engineering, procurement and construction contractor (EPC). A second building for storage and maintenance would also be required.

Access to the site on the submitted plan shows that the hedgerows either side of the new access off the A3102 would be cut back to increase visibility

Following concerns raised by the County Archaeologist, two sites were found to be archaeologically sensitive on the site in the north and south fields. These will now have no works in them and the southern area will be fenced off from the solar park.

With regard to the military pipeline running north-south, this will be fenced off either side of the easement to allow permanent access to the pipeline.

There was a proposal to divert both footpaths 11 and 12 from through the site to around the site including alongside the M4. This is now not part of the scheme, as there were 'in principle' objections from the Rights of Way Team, these footpaths will now be retained in their existing location.

With regard to the proposal in relation to the M4, it is now proposed to plant a row of trees just inside the application site to mitigate views from the users of the motorway into the site. It is also proposed to plant a mixed native hedge along this boundary too. As for the rest of the hedges around and in this site, these will be retained and managed to a height of 3m with any gaps being planted up and will now have additional trees planted in these too.

As far as the construction is concerned this will take place over a period of 5-6 months and will include periods of site preparation, installation, testing and commission. There will be between 40-50 construction personnel on site at any one time and the workforce will be encouraged to travel to and from the site in mini-buses and use car-sharing. Construction hours will be between 0800-1700 Monday to Saturdays with no works being undertaken during Sundays or bank holidays. Deliveries to the site will only take place between 1000 and 1530 hours due to the high traffic volumes on the highway.

The developer has estimated that there would be an estimated 126No HGV and 94No 25-tonne truck movements during the construction of the site. All these vehicle movements would be managed at the access junction onto the A3102 with appropriate warning signage. To ensure that left hand turns are made into the site, vehicles would use the Woodshaw roundabout to the west to turn around before entering into the site. Deliveries would be made to the works compound via a temporary metalled track. A wheel wash will be installed between the compound and the highway to ensure that no mud is trailed onto the highway.

To ensure that walkers using the rights of way are safe during the construction period, the fences will be erected right at the start of the development.

## 6. Consultations

### Lydiard Tregoze Parish Council:

Object on the following grounds

- The proposal does not comply with Core Policies C1 (i) and C3 (i) of the Local Plan as well as NE16 (i) AND BD7 (i), (ii) and (iii).
- A change of use should be made from agricultural to 'Power Station'. Swindon Borough Council has recently granted permission for a solar farm at Wroughton, potentially the 'largest in Europe', there is also an application to process at Wickfield Farm on the other side of the road – three solar farms in a row.
- We doubt that if it was not for subsidies there would not be any and because of these subsidies we are all going to have an increase in our electricity bills.
- It has been reported that by 2020 there will be a world shortage of food, so all the agricultural land will be needed to grow food.
- With 40,000 panels arranged in parallel lines, when large areas of glass are rained upon, the rain will run off the panels into the ground and require drainage to a proper means of disposal, but there are no detailed plans of how the developer would dispose of the water.
- What is already a wet farm would become a wetter site
- In the documentation it states that 1% of the income will be donated to the local community – how will this be distributed and to whom?
- Permission will be required to divert the public footpaths, but the diversion should be no longer than the existing footpaths
- The northern edge of M4 is raised up above the site. Motorists travelling westbound will look down onto the site and rows of the rear of the solar arrays would be a distraction, so recommend a bund is constructed along the edge of the site.

### County Highway Authority:

In principle I have no objection to the proposal, however there are matters of detail that need to be addressed at this stage:

- Detailed drawings of the full geometry/layout of the access arrangements for both the construction phase and operation phase. The access will need to be upgraded permanently for the operation phase and a field gate entrance is not acceptable for a proposal that will produce regular movements.
- Require full swept path analysis of the largest HGV vehicles that will be making deliveries
- Full details of the car parking arrangements

I will require a construction traffic management plan as part of the application of which the following need to be submitted:

- Deliveries from HGV's should be prohibited before 1000hours and after 1530hours (i.e. deliveries only between 1000 and 1530 hours). This should avoid peak hour traffic condition on the A3102 in this location
- The applicant will be required to enter into an agreement with highways in the event of excessive damage and mud to the highway
- That a scheme for wheel washing is applied within the site and also sweeping of the highway in the event of mud being dragged onto the highway.

*Additional comments following submission of revised Construction Traffic Management Plan V2:*  
Recommend no highway objection subject to conditions being imposed.

### County Archaeology:

Following the pre-application enquiry, correspondence has been received from the applicant's archaeological advisor. The geophysical survey undertaken has indicated two areas of archaeological interest; one an area of medieval remains to the south west and a possible prehistoric ring ditch towards the centre of the site. I have agreed informally that if the development were to go ahead, I would want these two areas left out of the development or non-invasive methods used to secure the panels (concrete shoes or gabion baskets). This would be

secured by planning condition. However I have noted that the application does not show these areas or detail the construction methodology to be used. I am therefore unable to support this application.

*Additional comments:* I have now received a revised version of the proposed site plan (SP.003 V2) which does indicate two areas of the site which are archaeologically sensitive and will be excluded from the installation of ground screws or any other penetrative method of securing the solar panels to the ground. I would advise that if the application is granted, that the implementation of this approach is secured with the inclusion of a planning condition referring to the methods set out in the revised plan

#### **Council's Agricultural Adviser:**

The freehold land extends to some 48.5ha and is part of a much larger dairy and arable holding of some 420ha based about 5 miles south of Spittleborough Farm. The soil is classified as Denchworth association and is described as slowly permeable seasonally waterlogged clay over clay subsoil. The proposal is to install a range of solar panels extending to some 22ha which will be arranged in linear strings set 8m apart and arranged to prevent overshadowing. The landowner will enter into agreement with the developer who will receive a rent for a 25 year period and the operator will receive the income from the generated electricity which will be supplied to the National Grid. The presence of panels on this land will mean that it can no longer be used for cultivation or to graze animals apart from sheep, because larger livestock such as cattle would be likely to damage the panels so the land between the panels will be retained as grass.

#### **Spatial Plans:**

Recommend approval with conditions: The saved policies in the adopted North Wiltshire Local Plan 2011 are still relevant. The emerging Core Strategy has progressed through the Examination in Public stage and is currently undergoing further consultation. A report by the Inspectorate on its soundness is due later this year. The Lydiard Parish forms a NEW-V neighbourhood plan area. No draft plan has yet been published by Wiltshire Council which would be at the stage that the neighbourhood plan could be afforded limited weight in determining planning applications. Therefore this neighbourhood plan is not relevant in this instance. The relevant local plan policies are C1, C3, NE9, NE11, NE13, NE15, and NE18.

The most relevant Wiltshire Core Strategy Policy 42 which deals with standalone renewable energy installations.

There is also a need to consider the coalescence with Swindon in this location.

Given the current period of transition in local planning policy and based on the information available at this stage, it is concluded that there is no robust justification to refuse permission on the ground of coalescence. Furthermore paragraph 98 of the National Planning Policy Framework 2012 states that local authorities should approve applications for solar parks if the impacts can be made acceptable. In this case, it will be important that appropriate landscape mitigation measures are agreed in writing with the council before commencement of development in order to minimise the temporary impacts of the scheme.

#### **Council's Ecologist:**

The site comprises of three fields of which one fallow arable field has been allowed to be colonised with weeds and rank grassland and two fields of improved grassland to the north which has been seeded and cropped for silage. The site is not free draining due to clay substrate and there are several damp areas. Hedgerows are mature with several mature trees. Watercourses flow west-east through the site and along boundaries which range from heavily shaded to more open stretches with aquatic and marginal vegetation. There is a pond in the northern field which has limited marginal vegetation

There is one onsite pond recently dug in the northern field and several ponds in close proximity which would appear suitable to support great crested newt, but surveys carried out in 2013 did not find any breeding activity, although the surveys were not carried out in accordance with the guidelines and some ponds within 250m were not surveyed. The negative response recorded at those ponds closest to the site does indicate that this species is unlikely to occur onsite.

The fields are suitable for ground nesting birds and wintering birds, whilst the field margins, ditches and some of the vegetation in the southern field provide suitable habitats for reptile species. It is noted that a high abundance and diversity of invertebrates was noted and the watercourses are suitable to support water vole.

*Ecological Mitigation measures should include:*

- Maintaining a buffer for all hedgerows of 5m,
- plant native shrubs/trees and watercourses; manage marginal habitats;
- sow seed mixes for wintering birds and invertebrates
- and provide pre-commencement habitat manipulation for reptiles

These mitigation measures should be secured through conditions via a pre-commencement submission and approval of both a Construction Environmental Management Plan and Ecological Management and Monitoring Plan.

### **Wiltshire & Swindon Biological Records Centre:**

Within c100m of Hagbourne WWT Reserve from which a pole cat was recorded in 2010.

### **Council's Right of Way Team:**

The application includes a proposal to divert footpaths 11 and 12.

We object to the diversion of Footpath 11 as from experience people using this proposed diversion would need to walk alongside the motorway which will mean busy routes with water spray, litter, stray car wheels trims all of which are unpleasant and potentially dangerous. Therefore either a better alternative is found or that the route is maintained through the site as existing.

The proposed route for Footpath 12 is circuitous again, so we would prefer that it is retained in its existing position within the site.

Additional Information following plans showing that the footpaths are to be retained through the site.

### **Council's Landscape Architect:**

While the site is located close to the M4 motorway and is subject to noise and influence of moving traffic, the character of the countryside is otherwise locally strong and with a largely intact hedgerow structure, although due to past ravages of Dutch elm disease, the majority of the hedgerow trees are absent. Whilst it is appreciated that the shadowing effects on the solar strings from existing and new trees are a constraint, it is considered that the additional of some additional strategically placed new trees especially slow growing *Quercus robur* within the treeless sections of the hedgerows or in field corners is unlikely to result in any detrimental shadowing effects during the life of the proposed development. Therefore request that the applicants revise their landscape proposals to deliver enhancement to local landscape character and which in the longer term will help reinforce and repair rural character within this identified area of character decline and positively manage this landscape which will subsequently help outweigh any resulting temporary and reversible local landscape and visual impacts identified within the submitted LVIA.

*Additional comments following submission of revised Landscape Strategy:* I find the proposed additional planting of Sessile Oak (*Quercus robur*) to be a welcome addition to the overall landscape strategy and to support this proposed development which in the longer term will support the aim of delivering appropriate enhancement of the local landscape character and distinctiveness in accordance with Policy NE15 of the Local Plan and this is now acceptable.

### **Environment Agency:**

We have no objection in principle to the proposed development subject to a condition and informative

*2<sup>nd</sup> comments:* We acknowledge that the draft proposals as set out in surface water management scheme appear to be acceptable in principle. We look forward to receiving the finalised detailed designs and management proposals in association with the discharge of our requested planning condition.

### **Highways Agency:**

It is unclear from the information provided how the solar panels would be secured to the ground. The site is in close proximity to the M4 so we need to see evidence that the panels are secured sufficiently to withstand wind loading in accordance with current standards. It also needs a revised and more detailed tree strategy to show a more practical and safe variety of plantation along the northern boundary to prevent glint and glare. If the Council is minded to grant permission we direct that two conditions should be imposed.

### **Ministry of Defence (MOD) Safeguarding:**

No safeguarding objections to this proposal

### **Fisher German (Pipelines Agency):**

There is a Government Pipeline and Storage System may be affected by the proposal. This pipeline is protected under Land Powers (Defence) Act 1958, so that any development is prohibited within a GPSS Wayleave without specific consent from the Secretary of State for Defence. Landowners and third parties have a duty of care not to damage GPSS apparatus

### **Swindon Borough Council:**

There are no comments from the Ward Member but they would like it to be noted that an application has been submitted to Swindon Borough Council for a 41MW site at Wroughton Science Museum. From our highways department there are further concerns:

- Highways Comments: There are concerns of vehicle speed and visibility relating to Swindon Road and this particular section in the vicinity of the Sally Pussey's Inn. However we defer to the comments of the Wiltshire Highways Officer on these matters. There is no appreciable impact upon Swindon's traffic and highway safety.
- Drainage comments – the site is an existing farm field and the proposed use will only minimally increase the quantity of any new hardstanding, leading to no significant new quantity of surface water run-off. Any increased run-off is likely to be absorbed by existing agricultural drainage mechanisms and in any event will enter only Wiltshire drainage infrastructure and therefore have no detrimental impact on Swindon Borough infrastructure.
- Other comments – It is advised the LPA carefully consider connection to and capacity of the local power grid along with any associated highways cabling and associated road works.

### **Sustrans:**

My group has been in consultation with the applicant to ensure that there is no conflict between the cycleway and the proposed development. The preferred route for the cycleway does not cross the site of the proposed solar farm. It does share the proposed access road but the traffic levels will be very low and this will not present a risk to users of a cycleway. Accordingly Sustrans has no objection to the proposed solar farm.

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

8 letters of support on following grounds:

- Area is densely treed and closed off from road and public viewing
- Good environmental impact and will enhance wildlife
- Use of land at Spittleborough Farm for diversification is essential as farming can continue alongside operating solar panels on unproductive land and contributes to UK Green Energy targets
- Sufficient space between panels for surface water to drain off into ground

- Proposal will have no affect on the use of M4 as this creates a sustainable area for the future
- Wish that the Parish Council to re-consider their comments
- Stands as a beacon to motorway users that this Council is forward thinking and motivated to achieve government targets.
- Cannot understand how this would be a distraction to motorway users
- There is a future proposal to create a public cycle path linking Royal Wootton Bassett with Swindon and Lydiard which would travel through the farm crossing over the M4 as Spittleborough Farm Bridge. The solar farm has been in such a way to facilitate this and will go a considerable way to making a public path intersecting the farm a feasible proposal
- Will retain the rural and ecological buffer around Royal Wootton Basset and Lydiard whilst sustaining the environment and countryside setting of Spittleborough Farm and the town.

2 letters of letters of objection received

Summary of key relevant points raised:

- Agree with comments of Parish Council
- Totally unsuitable site for solar park – not inappropriate location
- A3102 is already a very congested road and this will add to this problem especially turning onto the road as this location is exceptionally dangerous
- Concerned that the panels would conduct additional noise back to the residential properties on the fringes of Woodshaw.
- Site will be on the preferred route for the Swindon to Royal Wootton Bassett cycle track
- Concerned that this will allow Swindon and Royal Wootton Bassett to merge into one urban area as several years ago the Council turned down an application for a park and ride several fields away due to the inappropriateness of the site, so why is now acceptable for fields of glass panels
- Need to consider the grade of agricultural land as the best agricultural land should not be used for solar parks, as the surrounding land is used for arable production it suggests that the site fields are better agricultural land
- No details of the grid connection, so not sure if this will mean that the surrounding roads will need to be dug up to lay cables.
- Site is potentially visible from Grade I Lydiard Park and the North Wessex Downs AONB
- Other local solar farms in vicinity –Wroughton Airfield, Castle Eaton and Sevor Farm – all in Swindon Borough Council area so need to consider cumulative impact.

## **Planning Policy**

### **Adopted and saved North Wiltshire Local Plan 2011**

Policies C1, C3, NE9, NE11, NE13, NE14, NE15, NE16, NE18, HE6, T2

### **National Planning Policy Framework 2012**

Paragraphs 7, 17, 18, 19, 32, 56, 60, 61, 64, 75, 98, 100, 101, 103, 109, 112, 118, 123, 126, 128, 129, 132, 133 and 139.

## **8. Planning Considerations**

- Principle of development
- Coalescence with Swindon
- Cumulative impact with other solar parks in vicinity
- Visual impact on the character and appearance of area
- Impact of the development on the known areas of archaeological sensitivity
- Ecological Impact and mitigation measures for site and surrounding land
- Impact of for the construction and decommissioning of site on adjacent highway network including M4



- Affect on the public rights of way and proposed diversion of footpaths through the site and concerns about the proposed Sustrans route
- Potential surface water flooding from the development
- Grid Connection concerns
- Additional Information submitted by agent in response to the Parish Council and other concerns

### **Principle of development**

In principle, new renewable energy projects are supported by local and national planning policy with a strategic commitment to decentralising energy production and meeting climate change targets. Policy NE16 of the adopted and saved North Wiltshire Local Plan 2011 which deals with Renewable energy states that projects such as this will be supported unless the scheme would result in demonstrable harm to a designated historic area or natural landscape.

Paragraph 98 of the National Planning Policy Framework 2012 makes it clear that applicants need not demonstrate a need for renewable energy schemes as justification and the onus is to approve all such applications where the adverse impacts have been adequately mitigated.

Concerns have been raised regarding the land classification of the land. The land has been identified as Grade 3 land and it is clear from the vegetation growing at the site, that the southern field grows poorer quality vegetation compared to the other fields. There is also evidence of seasonal waterlogging, hence the ditches and ponds in the vicinity. The landowner has also recently dug a pond in the northern field which will be filled in, but a new pond is now proposed on land to the east of the arrays to mitigate the loss of this one.

### **Coalescence with Swindon**

The proposed development would be situated in a narrow strip of countryside to the south of the M4, between the settlements of the Royal Wootton Bassett and Swindon which result in a temporary fragmentation of the countryside.

The specific policies in the Local Plan: NE2 and NE3 were not saved in 2009, because the Secretary of State deemed that these policies were inconsistent with the then Planning Policy Statement 7 which has now been replaced with the National Planning Policy Framework 2012. The proposal therefore does not conflict with the adopted development plan with regard to coalescence.

Although the Wiltshire Core Strategy has not yet been adopted, the emerging Core Strategy in paragraph 5.99 states that *“the long established policy of protecting the distinct character and identity of the villages and settlements remains a priority for local communities. This applies particularly to the parts of the community area which adjoin the administrative area of Swindon Borough Council where there may be unplanned development pressure. The open countryside should be maintained to protect the character and identify the area in accordance with Core Policy 51”*.

The Strategy further states that *“the separate identity of both Royal Wootton Bassett and Cricklade and the villages, especially those closest to Swindon will have been maintained and enhanced where appropriate.”*

There is therefore no in principle reason to recommend refusal for this scheme on these grounds provided that the use as currently proposed is for a temporary use only and would be retained to agricultural on the cessation of the permission.

### **Cumulative impact of other solar parks in the vicinity**

Reference has been made to other solar park developments in the vicinity by objectors. As referred to above there has been a screening application (N/13/00435/SCR) for land at Wickfield

Farm which would be directly to the south of this site. The site plan and the officer's response letter are attached as Appendix A.

It should be noted that the above relates to a Screening Opinion application made under the Environmental Impact Assessment Regulations 2011.

With regard to this current application, the agent did not submit a screening opinion in the first instance. Instead they submitted a pre-application as referred to in the history above. The Officer's were satisfied with the information submitted with the pre-application that an Environmental Statement under the Environmental Impact Assessment Regulations would not be required here. As a result it was not necessary for the agent to submit a formal screening opinion prior to the submission of this particular application.

When this screening opinion was considered in March, the applicant was requested to undertake pre-application advice from the Council prior to submitting an application due to the fact that the site would be overlooked by the North Wessex Downs Area of Outstanding Natural Beauty to the south and this would result in visually prominent urbanisation of the countryside. Since then no further application has been received for this site.

Apart from the Wickfield screening applications, there are no other applications in this part of the Wiltshire Council area, but there have been several planning applications in the Swindon Borough Council area and there is a currently a scheme for a large scale solar park at Wroughton Airfield which is still under consideration which can be found on the Swindon Borough Council website under S/13/0809. In addition under Appendix B, there is a list of permitted schemes in the Swindon Borough area. The only one that is relatively close to application site is for a solar park at Castle Eaton whose border is the actual along our unitary boundary and is near Water Eaton and Cricklade to the north of Swindon which is application number S/12/1766.

It is considered that none of the above sites are sufficient close to the application site as to have a material cumulative impact.

### **Impact of the development on the known areas of archaeological sensitivity**

Two areas of archaeological interest were found during the survey of this site; one of an area of medieval remains in the south west and a possible pre-historic ditch near the centre of the site. It has been agreed that if permission were to be given then these two areas would need to be outside of the arrays and also not have any cabling works dug in these sites either. Following the submission of further revised plans, the County Archaeologist is now satisfied that provided that there are no penetrative ground works at these two sites, then there is no objection to the scheme and that these heritage assets will be conserved.

### **Visual impact on the character and appearance of the area**

Although not individually designated as a special landscape area, the site falls within the bounds of Policy NE15 of the Local Plan which seeks to guard against the most harmful development in the open countryside.

The application site is in the open countryside on two sides of it, but abuts the M4 to the north which is slightly raised above the field level and the A3102 between Swindon and Royal Wootton Bassett which is to the south beyond a further field. Spittleborough Farm is to the east. To the west and set back from the road up a long track is Churchill Farm which is has farm land abutting the application site.

It is clear that this landscape character area is sensitive to change due to the location of the site between Royal Wootton Bassett and Swindon as well as boarding the M4. The landscape objectives set out in the Council's Landscape Assessment is to restrict new development to maintain the separation between these settlements and to retain the integrity of the landscape. Therefore only very limited development would be appropriate and should these be approved it

would be necessary to include planting schemes to screen the development from the rest of this area. The applicants have confirmed that in their landscape strategy that they would retain the existing hedges which surround and are through the site at 3m high. A new hedge would also be planted alongside the boundary to the M4 would be a double staggered row of 60-80cm native species transplants at 45cm centres appropriately staked and with shelters. In addition to the new hedge, a row of native trees will be planted alongside the new hedge with species that are appropriate to the Highways Agency. Following negotiations 18No new trees would also be planted around the site in the hedgerows which are to be retained. This will increase both the biodiversity and also the enhancement of the landscape.

The proposals should retain and improve the existing field boundaries and seek to nurture new hedgerows trees to reinforce quality design/mitigation, appropriate landscape and ecological enhancement through good ongoing management principles and practices. Therefore the design and appearance of the proposed security fencing will be an important landscape consideration, so the applicant has agreed that rural deer fencing is proposed and any inclusion of security lighting would not be supported in this rural context.

It is acknowledged that the proposed solar park will result in some moderate/minor adverse landscape and visual effects but these are likely to be localised. It is clear that the site and proposed development will be visible from the elevated motorway and that this visual receptor will be exposed to short duration views. The proposals include landscape mitigation in the form of new hedgerow and tree planting along this northern boundary with the motorway to help screen and filter the views of development over time.

It is likely that the security fence and the upper part of the first row of solar strings will also be visible along the highest edge of the development site and through the existing 'gappy' hedgerows from The Sally Pussy Inn PH car park to the south and part of the proposed development would be visible from the upper windows of dwellings at Woodshaw as well.

It is also noted that the proposal includes landscape mitigation in the form of additional planting to gap up and reinforce the existing perimeter hedgerows and these should be retained at a height of 3m to mitigate the visual effects. Following negotiations with applicant there has now been a revised landscape strategy that retains the new hedge and trees along the M4 boundary and will plant 18No new oak trees around the site in the retained hedges. The proposals for the additional planting is considered to be acceptable to the Council's Landscape Architect and he has raised no further concerns.

It is also likely that there will be some distant inter-visibility with the North Wessex Downs AONB which has scarp slopes some 4km to the south. It is not considered that the proposal would result in any significant adverse or harmful landscape visual effect to the AONB designation and if the hedges are maintained at 3m high then the impact would be reduced.

A comment has been made that the solar park may be visible from Lydiard Country Park. This is considered unlikely as the M4 is higher than the application site, so that the arrays would be behind its southern embankment and therefore it is unlikely that it would be visible from the north.

However the greatest visual change effect would be for local users of the two existing footpaths which currently pass through the proposed development site. These were originally going to be diverted around the perimeter of the site, but following objections from the Rights of Way team, these footpaths will no longer be diverted. The revised plans now show the footpaths as being retained and the latest revised plan now shows the layout changed to take account of the footpath routes.

On completion of the arrays the site will be re-seeded with a 'tussocky' grassland and wildflower mix which will be beneficial to a variety of notable faunal species and also the new seed mix could provide grazing for sheep.

The proposal is for a 25 year period only. At the end of this period, the site will be dismantled and the land returned to its former use.

### **Ecological Impact and mitigation measures for site and surrounding land**

This site comprises of fields which are on slowly permeable soil of which one is used as arable which is predominately down to weeds and poor quality grass, with the other two fields being improved grassland. Because the land is not free draining there are several damp areas around it and including one recently dug pond. The boundaries are all established hedgerows. Originally many of the hedges would have contained elm trees but they succumbed to Dutch Elm disease several decades ago.

There is a requirement that development should minimise the impact on biodiversity as part of any scheme so that mitigation measures will be required where a development would have a detrimental impact on existing biodiversity. It is considered that site is suitable for ground nesting birds and wintering birds whilst the field margins, ditches and some of the vegetation in the southern field would provide suitable habitats for reptile species. It was also noted that there is a high abundance and diversity of invertebrates and the watercourses could support water vole.

As a result of the type of species that could be found on this site, the Council's Ecologist has not raised any objections subject to that both a Construction Environmental Management Plan and an Ecological Management and Monitoring Plan would need to be submitted as pre-commencement conditions. The Mitigation measures should include maintaining a buffer for all hedgerows of 5m; the planting of native trees and shrubs along hedges and watercourses to maintain marginal habitats; the correct seed mix of grasses for wintering birds and invertebrates and a habitat manipulation for reptiles secured prior to any development.

### **Impact of the construction and decommissioning of the site on adjacent highway network including M4**

This site situated between Royal Wootton Bassett and Swindon is on a very busy road (A3102) that suffers from very high traffic volumes during peak times. As such these schemes require consideration under Policy T2 of the Local Plan that deals with transport assessments and travel plans. Although the Highway Authority had no objection in principle to proposal there were still outstanding issues that needed to be sorted out prior to determination. Originally the applicant has proposed a one way system involving a route through Spittleborough Farm yard itself which led to west across the fields. This was discounted so that the only access into the site is directly from the main road to the east of the former BT transfer station building. As part of the consideration of the scheme, the applicant was required to submit a construction management plan which had to include the following:

- an agreement that the HGV's to be used to deliver to the site would be prohibited from accessing the site before 1000hours in the morning and after 1530hours in the afternoon thereby making sure that deliveries would only occur between 1000 and 1530 hours, so avoid the peak hour traffic on the A3102 in this busy location.
- That the applicant be required to enter into an agreement with the Highway Authority in the event of excessive damage and mud entering onto the highway
- Finally there would need to be wheel washing equipment positioned on site and that any mud that was dragged onto the highway would be regularly swept.

Following the submission of a further revised plan and the Construction Management Plan, the Highway Engineer is now satisfied with the scheme subject to conditions being imposed on any permission.

As far as the Highways Agency was concerned, they had concerns about how the solar panels would be attached to the ground as if there were strong winds they would need to be satisfied that the panels would not detach and then blow onto the M4. They also requested a detailed tree strategy for the trees to be planted along the northern boundary to prevent glint and glare issues for drivers.

In support of the scheme regarding the solar array structures to be erected on the site, the mounting structures and anchorage piles have been designed as per the European standard Code 1 which defines the static and dynamic load design requirements. This framework was used on a recent solar array along the A303 because this too required similar firm foundations.

A revised landscape strategy was submitted and this now includes using certain native tree species to be planted along this boundary. The trees will include field maple, hornbeam, wild cherry and sessile oak. In addition a new hedge would also be planted alongside the motorway boundary again with native species. The original species list did not include any evergreen shrubs which are a requirement of such hedges, but it is noted that holly is now proposed in the new landscape strategy recently submitted.

Following negotiations between the Highways Agency and the developer, the Agency are now satisfied with both the construction details of the solar array framework and the tree planting that will take place along motorway boundary and have subsequently withdrawn their requirement for any conditions to be imposed should permission be granted.

### **Affect on the public rights of way and proposed diversion of footpaths through the site and concerns regarding the proposed Sustrans route**

Concern was raised by the Rights of Way team about the proposed diversion of these footpaths as the new routes would have been longer than the existing routes. As a result, the developers have now agreed to retain the routes as shown. This will mean that the layout of the arrays will have to change to allow for two 3m wide corridors to be made across the site to accommodate the footpaths and their fencing. The retention of the rights of way through the site is to be welcomed. The agent has indicated that they would not be planting hedges along the new fence lines for the footpaths and this is acceptable to the Rights of Way team as maintaining these hedges would be difficult due to the layout of the arrays.

There is also no objection to the development with regard to the proposed Sustrans route as the developer has been in discussions with them. Their preferred route for the cycleway would not cross the site, so there is no objection to the scheme.

### **Potential surface water flooding from the development**

It is noted that the Parish Council were concerned about the potential for flooding from the solar arrays. This is not a unique issue to this site, because this is why the Environment Agency always requires a full flood risk assessment and sequential test for all large scale solar park applications.

From the information submitted by the applicant, the Environment Agency has no objection in principle to the development. However they have recommended that a condition be imposed requiring a detailed surface water run-off limitation scheme, together with supporting calculations to be submitted prior to commencement. This condition is required to prevent any increased risk of surface water flooding associated with the installation of the solar farm development. As part of the negotiation process the developer has now submitted information on the supporting calculations and drawings as required by the environment agency. Notwithstanding this additional information the Agency still wish for their condition to be imposed on any permission.

### **Grid Connection Concerns**

It is noted that Swindon Borough Council make reference to the Council needing to check the grid connection for this solar farm. The agents have now submitted documentation from the District Network Operator (DNO) which is Scottish & Southern Energy that they are satisfied with the point of connection to the existing Swindon to Wootton Bassett 33kV overhead line which will be within the application site and this is to be welcomed.

### **Additional Information submitted by agent in response to the Parish Council and other concerns**

The agent states that this proposal would provide enough renewable energy to supply up to 2,400 homes for a 25 year period from low grade agricultural land. Solar energy is a valuable modern 'crop' providing sustainable energy security for the future. Furthermore it will provide agricultural diversification necessary to withstand the uncertain economic future for the farming community as the rent paid to the farmer will be used to aid the farm long term management. In this case the solar farm would not reduce the agricultural output of the land as the livestock are being relocated within the land holding and sheep will be 'conservation grazed' on the resultant grassland which is the subject of a land management plan. In addition with the added trees and enhanced hedges this would further increase the biodiversity.

It is also not considered that the land would become industrial as the solar farm is a temporary use and it would retain its agricultural designation too and after the 25 year period, the land would be retained to full agricultural use.

With regard to the Parish Council's concerns regarding the loss of agricultural land for food by solar parks, the Government's view is that up to 20% of the best and most versatile land can be used for bio fuels. This land is not high grade agricultural land due to its slowly permeable soil.

In terms of the fencing to be used, this would be deer fencing which similar to standard agricultural use fencing and the arrays would be kept below the retained hedges which are to be kept at 3m high to minimise the impact of the scheme from the surrounding area .

It should be noted that this type of renewable energy involves considerably less infrastructure than other forms of energy production.

There would be no increase in water flow as determined by the submitted Flood Risk Assessment report and this is typical of all other solar farms. In addition the scheme will include improved drainage including sustainable drainage measures like swales.

It should also be noted that so far England has erected some 7 gigawatts (7GWp) of solar arrays which equates to some 875 solar farms of approximately 16ha each with an approximate output of 8MW. However the most important limiting factor for a solar farm is the electrical capacity to take the generated power to the National Grid. It is extremely difficult for a sub-station to be able to take on this huge output, so site locations are dictated by the presence of suitable grid connections.

Finally with respect to the concern about the panels being able to conduct noise back to the residents of Woodshaw which was raised as one of the objections, a Noise Report was submitted which calculates that the virtual acoustic source would be 13dB lower than the direct traffic noise already experienced. When the virtual noise level is added to the existing direct traffic noise level then the overall result does not change. This means that there would be no perceptible increase in noise from the siting of the solar arrays on the residents of Woodshaw compared to the noise of the A3102 and the M4.

## **9. Conclusion**

It is considered that the proposed development as a whole contributes towards acknowledged sustainability objectives and as such is inherently justified in principle. This level site is considered to be well suited for the installation of a solar park with conservation grazing for sheep. The concerns raised by both the Highways Agency and County Highways have been taken into account as well.

Furthermore a landscape strategy has been submitted that is now satisfactory to both the Agency and the Council's Landscape Architect, so that the new planting of both hedges and trees will be a positive improvement allowing for this sensitive landscape to be re-invigorated as it was before the onset of Dutch Elm disease forty years ago. Equally the proposed ecological enhancements and mitigation measures will increase the biodiversity here too.

It is also noted that the two sensitive areas within the site are to be kept clear of any development and following concerns raised by both objectors and the Rights of Way team, the footpaths are to be retained in their existing positions.

The recommendation is there to grant permission as all the issues of concern have been addressed.

## 10. Recommendation

Planning Permission be **GRANTED** subject to 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 Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

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

### *Drawing Nos:*

SH-P-001 Rev 00 1:25000 Location Plan  
SH-P-002 Rev 00 1:5000 Existing site  
SH-P-002 Rev 01 1:2500 Existing site  
SH-P-003 Rev 00 1:5000 Proposed site plan  
SH-P-004 Rev 00 1:5000 Existing topography  
SH-P-007 Rev 00 1:1000 Long section North to South  
OR-001 Rev 10 1:50 Solar Mounting & modules twin pile  
OR-002 Rev 10 1:50 Perimeter security deer fencing  
OR-003 Rev 10 1:100 Combined DNO & EPC Switchgear Housing  
OR-004 Rev 10 1:50 Typical site fence & maintenance details  
OR-005 Rev 10 Site welfare & storage/office facilities  
OR-006 Rev 10 1:25 Site security and MET monitoring  
OR-007 Rev 10 1:100 Inverter housing (Type: Central)  
OR-008 Rev 10 1:50 Site storage  
3001 Rev A Conceptual Suds Layout 1 of 2  
3002 Rev A Conceptual Suds Layout 2 of 2

### *Documents:*

Planning Statement  
The Proposal  
Design & Access Statement  
Landscape & Visual Impact Assessment  
Heritage Desk-Based Assessment  
Notes/Plan for Glint & Glare Analysis  
Extended Phase 1 Habitat Survey  
Great Crested Newt Survey Report  
Statement of Community Involvement

*Revised and additional information:*

2No colour photos of the site as viewed from and near the M4	31 <sup>st</sup> July 2013
Revised SH-P-004 Rev 02 1:1500 Existing Topography	24 <sup>th</sup> September 2013
Revised SH-P-005 Rev 02 1:1000 Topographic Survey Sections	24 <sup>th</sup> September 2013
Additional Noise Report	27 <sup>th</sup> September 2013
Revised Flood Risk Assessment incorporating sustainable drainage system	11 <sup>th</sup> October 2013
Additional Ecological and Land Management Plan	23 <sup>rd</sup> October 2013
Amended Construction Management Plan	24 <sup>th</sup> October 2013
Additional ITB9046-SK-004 Construction Access Visibility	24 <sup>th</sup> October 2013
Additional ITB9046-SK-005 Temporary construction access low loader visibility	24 <sup>th</sup> October 2013
Additional SH-P-111 Rev 00 Access Compound & Visibility	29 <sup>th</sup> October 2013
Additional Proposed Connection Arrangement	29 <sup>th</sup> October 2013
Additional copy of letter from Scottish & Southern Energy agreeing to Point of Connection for proposed solar park including 1:10000 drawing of connection	29 <sup>th</sup> October 2013
Revised Landscape Strategy	13 <sup>th</sup> November 2013
Revised SH-P-003 Rev 12 1:2500 proposed site plan	18 <sup>th</sup> November 2013

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

4. Within six months of the commencement on site, a scheme for the Decommissioning and Restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years and six months of from the date of this planning permission whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

5. The proposal shall be carried out in accordance with the 'Construction Traffic Management Plan' Dated October 2013 (attached). If there are any departures from the plan, departures will need to be agreed in writing by the LPA prior to actions or works being carried out on site. Deliveries or vehicular movements with HGVs are prohibited before 10am and after 3.30pm (i.e. HGV deliveries only between 10am-3.30pm). This is to avoid the peak hour traffic conditions on the A3102 in this location. The construction traffic access route shall be via roundabout west of the site on A3102 and shall result in left turn in only movements.

REASON: In the interests of Highway safety.

6. No development shall commence on site until full construction details of both access points for both the construction phase (in accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13) and operation phase has been submitted and approved in writing by the LPA. The access points shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from both sites (including surface water from access) and piping of the ditches shall be provided. The development shall not be first commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.

REASON: To ensure that the development can be adequately drained.



7. No part of the development shall commence until the parking area (temporary construction compound), passing bay, turning area and wheel washing facilities, shown on the Access, Compound and Visibility SH-P-111 dated 10.10.13 and Proposed Site Plan SH-P-003 11 (dated 30.10.13) have been constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

8. No development shall commence on site until visibility splays have been provided at both access points and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres either side of the entrance from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway. (In accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13)

REASON: In the interests of highway safety.

9. A condition survey of the highway network relating to the access routes to the site shall be carried prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network.

10. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

11. There shall be no external lighting (outside the construction phase) of any kind erected on the site unless otherwise agreed in writing in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity in the open countryside.

12. No development shall commence on site until fencing has been erected in a manner to be agreed with the Local Planning Authority prior to its erection around the two areas marked on Plan SH-P-003 Rev 12. The fencing shall be maintained for the duration of the development and no ground works (including cable trenching) shall take place within the area inside that fencing.

REASON: To protect areas of the site which are of archaeological interest.

13. Prior to commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved prior to the commencement of the development, a Construction Environmental Management writing by the Local Planning Authority. The plans shall include the following elements:

- Maintain the root protection area around the existing and proposed trees to be planted in accordance with the Landscape Strategy received 13.11.2013.
- Fill in hedgerows 'gappy' hedgerows with native species and maintain a buffer zone of 5m around hedgerows
- Establishment of the native tree planting as shown on submitted Landscape Strategy
- Create at least one replacement pond within the site to create a new wetland habitat
- Maintain a minimum of a 5m buffer for all watercourses and maintain management to prevent encroachment and maintain/enlarge open sections. Avoid damage to water vole

populations/burrows/habitats by preventing screening vegetation on the southern or both banks of the watercourses.

- Sow appropriate and species rich seed mixes for over-wintering birds
- Submit pre-commencement habitat manipulation details so as to prevent damage reptile populations and loss of supporting habitats
- Features to be installed for the benefits of protected/BAP fauna

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

14. Prior to the commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following elements:

- Management of existing and proposed trees
- Management of hedgerows at a height no less than 3m high
- Management of retained/restored/created grassland
- Features to be installed for the benefits of protected/BAP fauna
- Ecological Monitoring to inform future management at the site.

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

15. All soft landscaping compromised in the approved details and strategy of the Landscape Strategy and Mitigation Proposals received on 13.11.2013 shall be carried out in the first planting and seeding season following the completion of the development whichever is sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All landscaping shall be carried out in accordance with the approved details prior to the completion of the solar park 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.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each existing and proposed trees and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

17. No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations has been submitted to and approved in writing by the local planning authority . The submitted details shall clarify the intended future ownership and maintenance of all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding associated with the installation of the solar farm development.

*CONDITION NOTE: It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing greenfield rate and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water and include:*  
a) *Interception and reuse;* b) *Porous paving/surfaces;* c) *Infiltration techniques;* d) *Detention/attenuation and e) Wetlands.*

## INFORMATIVES

1. 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.

2. The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who is responsible for issuing licences relating to development on the site of badger setts.

3. 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 roosting 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. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

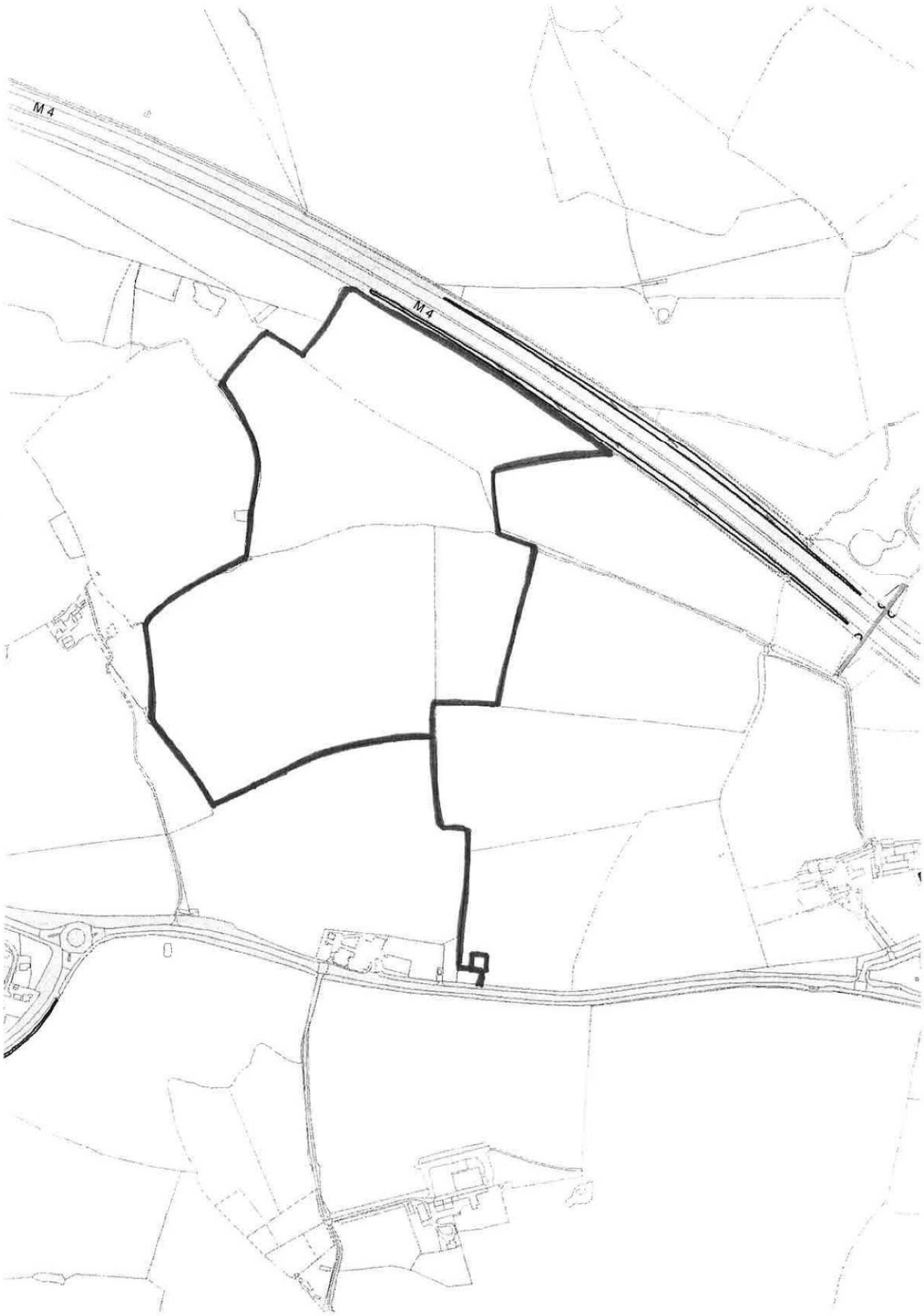
## **APPENDIX A**

Details of Wickfield Farm Screening - N/13/00435/SCR (attached)

## **APPENDIX B**

### **List of solar parks permitted in Swindon Borough Council area**

1. S/11/0248 - Installation of ground mounted solar array with agricultural at Roves Lane Roves Farm Sevenhampton SN6 7QR
2. S/12/1094 - Application for Environmental Impact Assessment a for erection of solar park to including solar panels to generate 15MW with transformer housings, cameras, landscaping and other works at Pentylands Farm Highworth SN6 7RB
3. S/12/1766 - Application for Environmental Impact Assessment for erection of solar park to include the installation of solar panels to generate electricity with transformer housings, security fencing & cameras, landscaping and associated works at Castle Eaton Farm Mill Lane Castle Eaton SN6 6JX
4. S/13/0165 - Installation of solar farm at Sevor Farm Nightingale Lane South Marston SN3 4SL



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21 March, 2013

**Development Services**  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

Tel: 01249 706444  
email:developmentmanagementnorth@wiltshire.gov.uk  
www.wiltshire.gov.uk

Application No: N/13/00435/SCR

**Screening Opinion as to whether an Environmental Impact Assessment Is Required In Relation to a Proposed Photovoltaic (PV) Solar Farm.  
Wickfield Farm, Royal Wootton Bassett, Swindon, Wiltshire, SN4 8QR**

Dear Ms Donkin,

Screening Opinion for Solar Park  
**Land at Wickham Farm, Royal Wootton Bassett**

I refer to your request received on 15<sup>th</sup> February 2013 under Regulations 5 (1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations) for an opinion as to whether the installation of a solar park is Environmental Impact Assessment (EIA) development.

The site comprises of 14 ha of agricultural land at Wickfield Farm, adjacent and south of the A3102 Swindon Road, located between Royal Wootton Bassett and Swindon. The edge of the site is approximately 0.4 km from the edge of Royal Wootton Bassett to the west and approximately 0.9km from the edge of Swindon to the east. The M4 is to the north with junction 16 approximately 0.6km to the east. A railway runs east- west, approximately 0.5km to the south. The site is on relatively elevated land locally with hedgerows bordering the fields. Wickfield farm house is located to the south with access from the unclassified road to the south west. There is a pond to the south of the site and east of the farmhouse. To the north and south of the site is generally open countryside with scattered farmhouses and some isolated dwellings. The farmland is set in a framework of hedgerows with some small woodland areas. The North Wessex Downs Area of Outstanding Natural Beauty is approximately 3km to the south. There public footpaths on the locality including a public footpath crosses the eastern part of the site, in a north east / south west alignment, intersecting the A3102. The site is within the Swindon Rural Buffer and Great Western Community Forest Area designations in the North Wiltshire Local Plan.

The submitted screening letter refers to a number of Sites of Special Scientific Interest (SSSIs) and conservation assets within 5km of the site:

**SSSIs:**

- i) Wootton Bassett Mud Spring lies 1.8km to the south west;
- ii) Goldborough Farm Meadows lies 2.4km to the south;
- iii) Bincknoll Dip Woods lies 3.6km to the south and;
- iv) Restrop Farm and Brockhurst Wood lies 3.9km to the north.

Local Nature Reserves in the area include Jubilee Lake 2.4km to the north west and Rushey Platt Canalside Park 4.4km to the east. There are two County Wildlife Sites approximately 1.2km to the south.

**Scheduled Monuments:**

- i) a Medieval Rural Settlement 240m south of Lower Woodshaw Farm lies 1 km to the south west;
- ii) a Post Mill at Church Lane lies 1.2km to the north west;
- iii) Post Mill Mound 150m north west of Brynards Hill Farm lies 1.9km to the west;
- iv) Roman pottery 140m SSW of Tewkesbury Cross lies 2.8km to the north east and;

v) Bincknoll Camp lies 3.6km to the south. Lydiard Park is a Grade II designated Park and Garden, which lies 2.8km to the north of the site.

Listed Buildings:

A Milestone near Spittleborough Farm (Grade II) is located on the site boundary.

Other nearby Listed Buildings include:

- i) Upper Studley Farm House (Grade II) 0.7km to the east;
- ii) A Bridge near Swindon Road (Grade II) 0.7km to the south;
- iii) Lower Woodshaw Farm (Grade II) 0.8km to the west;
- iv) Studley Grange Farm House (Grade II) 1km to the south east and;
- v) Milestone at NGR SU 080831 opposite Nor Marsh Road (Grade II) 1km to the north west.

There are numerous other Listed Buildings within 5km of the site including those within the Conservation Areas of Royal Wootton Bassett approximately 2km to the west and Lydiard Millicent 3.2km to the north.

The screening letter states that the proposal would constitute the construction of Solar Photo Voltaic PV panels laid out in rows running from east to west and would generate up to 7 MW of electricity. The height of the installation would be limited to 2.4m above ground level, the framework would be driven into the ground without foundations and the solar panels would be 25 degrees from the horizontal. There would be a security fence to restrict access to the specific solar arrays. It is stated that should the life span of the solar panels be reached, which at present is 25 years, then it is envisaged that the site would be restored back to full agricultural use.

The EIA regulations do not specifically refer to the need or otherwise of an EIA for solar parks, but do state that any energy industry development including "installations for the production of electricity" covering an area exceeding 0.5ha are considered to be Schedule 2 developments. As the proposal would cover an area of 14ha, it would fall to be considered against Schedule 2, paragraph 3(a) of the Regulations. The test for the need for an EIA is therefore whether the proposal would be likely to give rise to significant effects on the environment by virtue of factors such as the size of the development, cumulation with other developments, the risks of accidents having regard in particular to substances or technologies used as set out in Schedule 3

### **Characteristics of development**

a) Size of development:

The proposed development is to erect solar arrays and associated buildings and infrastructure on 14ha of land to produce 7 MW of power.

The site is on relatively elevated land in the sensitive Swindon Rural Buffer. The County Landscape Architect has commented as follows:

*It is my understanding that the applicant 'A.C. Crocker Properties Ltd.' has requested a screening opinion from Wiltshire Council as the appropriate Local Planning Authority under Regulation 5 of the 2011 EIA Regulations for installation of Photo Voltaic apparatus for the purpose of generating up to 7 MW of renewable solar energy.*

*The information submitted in relation to the location of proposed development, description of the proposed development (although I note likely control & inverter buildings, temporary and permanent access requirements have not been included within the description of the proposed development), and initial evaluation of environmental sensitivity provided within Peta Donkin's (Pegasus Group) letter dated 14 February 2013, is adequate for the LPA to consider the screening request in my opinion.*

*The proposed development does obviously qualify as 'Schedule 2 development' within the description and thresholds criteria as prescribed within the schedule under; '3. Energy Industry (a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)' as the proposed development area exceeds 0.5 hectares. The question is whether the potential environmental effects are likely to be significant when screened against Part 4(6) & Schedule 3 of the EIA Regulations & paras. 33-47 of Circular 02/99 Environmental impact assessment.*

*The proposed industrial installation at this elevated and visible countryside location will in effect urbanise half of the existing rural length of the A3102 (Swindon Road) between J16 of the M4 motorway (edge of Swindon) and the*



gateway to Royal Wootton Bassett at Upper Woodshaw, along the midpoint of one of the narrowest points of the rural buffer separating Swindon from Royal Wootton Bassett. The site is overlooked by the AONB to the south, and residential areas to the west. This will in my opinion result in visually prominent urbanisation of the countryside, in a location which is recognised to be particularly vulnerable to urban fringe sprawl/pressures leading to settlement coalescence.

The proposed development may require an environmental statement, although I'm inclined to suggest that this would be unnecessary in this instance as a comprehensive & iterative Landscape & Visual Impact Assessment (LVIA) process, the scope of which should be agreed with the LPA before it is carried out, could adequately assess landscape and visual effects, including assessment of increased urbanising effect within the rural buffer, the setting of the town (Royal Wootton Bassett), physical and visual settlement coalescence and inter-visibility issues with the AONB etc.

Whether the LPA consider the proposals to constitute EIA development or not, I would recommend that the applicant seeks early pre-application planning advice before proceeding to make a full planning application, or before they commission a Landscape and Visual Impact Assessment for the purpose of supporting any subsequent planning application. As in my opinion this proposed location is completely unsuitable for development of this industrial scale and nature.

Taking into account the nature and height of the component parts, it is considered that a comprehensive LVIA would be required to assess the landscape impact of the development.

b) Cumulation with other development:

The Circular elaborates at paragraphs 45 & 46 confirming that each application (or request for opinion) must be considered for EIA on its own merits. The development should be judged on what is being proposed by the developer. However in judging whether the effects of a development are likely to be significant, local planning authorities should have regard to the possible cumulative effects within any existing or approved developments.

There is no comparable development in terms of scale, impact or sensitivity in the vicinity of the site in the local authority area that would lead to a significant environmental impact in conjunction with the proposed development.

c) and d) Use of natural resources and production of waste

The site will involve the development of green field land for a specified time period. No significant waste is to be produced.

d) and f) Pollution, nuisance and risk of accidents, having regard to substances or technologies used

It is not considered that the proposal would increase the possibility of pollution, nuisance or risk of accidents.

### **Location of development**

This concerns the environmental sensitivity of the geographical area likely to be affected by the development. The relevant criteria proposed as follows:

a) The existing land use

Paragraph A19 of Circular 02/99 confirms that development proposed for sites which have not been intensively developed are more likely to require an EIA if the site is more than 5ha.

The site comprises a pair of agricultural fields divided by a hedgerow and surrounded by hedgerow boundaries with occasional trees. The development would result in a relatively large electricity generation facility in open countryside.

b) and c) Relative abundance, quality and regenerative capacity of the natural resources in the area and absorption capacity into the natural environment:

The County Ecologist has commented as follows:

*Having reviewed the available information, it is considered unlikely that the proposals would have likely significant effects upon the natural environment. The proposals could however have implications for protected and any*

*application should be supported by an Extended Phase 1 habitat survey to assess the site for the potential presence of protected species including reptiles, great crested newt, breeding birds and badger.*

It is considered that the development is unlikely to have any ecological impact beyond the immediate vicinity of the site.

The location of the site is in a geographically sensitive location within the Swindon Rural Buffer. There are concerns regarding the visual impact of the development and I would refer you to the comments of the County Landscape Architect above and the need for a comprehensive Landscape Visual Impact Assessment to assess any such proposal.

There is a footpath crossing the eastern part of the site.

### **Characteristics of potential impact**

The potential significant impacts of development must be considered in relation to criteria set out under paragraphs 1 and 2 of Schedule 3.

(a) to (c) extent, magnitude and complexity of impacts

The likely impacts of this development are not considered to be complex and are largely localised upon the surrounding area.

(d) and (e) concern the probability of impacts, their duration, frequency and reversibility

A timescale of 25 years for the initial installation is proposed at this time; being fairly typical of the estimated lifespan for the products currently available for this purpose. Due to the type and limited amount of ground works necessary to accommodate the solar PV arrays proposed, it would seem likely that the reversal of the development would be entirely possible; and a condition to do so reasonable, if justified in itself.

### **Conclusions**

Paragraph 33 of Circular 02/99 "Environmental Impact Assessment" states an EIA will be needed for Schedule 2 developments in 3 main categories.

- a) For major developments which are of more than local importance;
- b) For developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
- c) For development with unusually complex and potentially hazardous environmental effects.

In terms of a) the development is considered to be a large scale electricity generating installation of functional importance, but without significant impact as such on any area beyond its locality.

With regard to b) the site is considered to possess a degree of environmental sensitivity with regard to the ecological and in particular the landscape receptors.

In the case of c), it is not considered that the proposal would have any potentially hazardous environmental implications for the site.

Taking the above into account, the Council concludes that assessed against the criteria set out in the 2011 Regulations and the guidance set out in Circular 02/99 an Environmental Impact Assessment **will not be required** for the proposed Solar Park at Land at Wickham Farm, Royal Wootton Bassett. However, a comprehensive LVIA would be required and habitat survey would be required. You are advised to contact the LPA to discuss relevant requirements for supporting information that should support any planning application.

KEY

Application Site Boundary



13 / 00435

PLANNING SERVICES  
15 FEB 2013

Wickfield Farm, Wootton Bassett

Site Location Plan

Client:  
**Adrian Crocker**

Drawn by : JS

Checked by : SGC

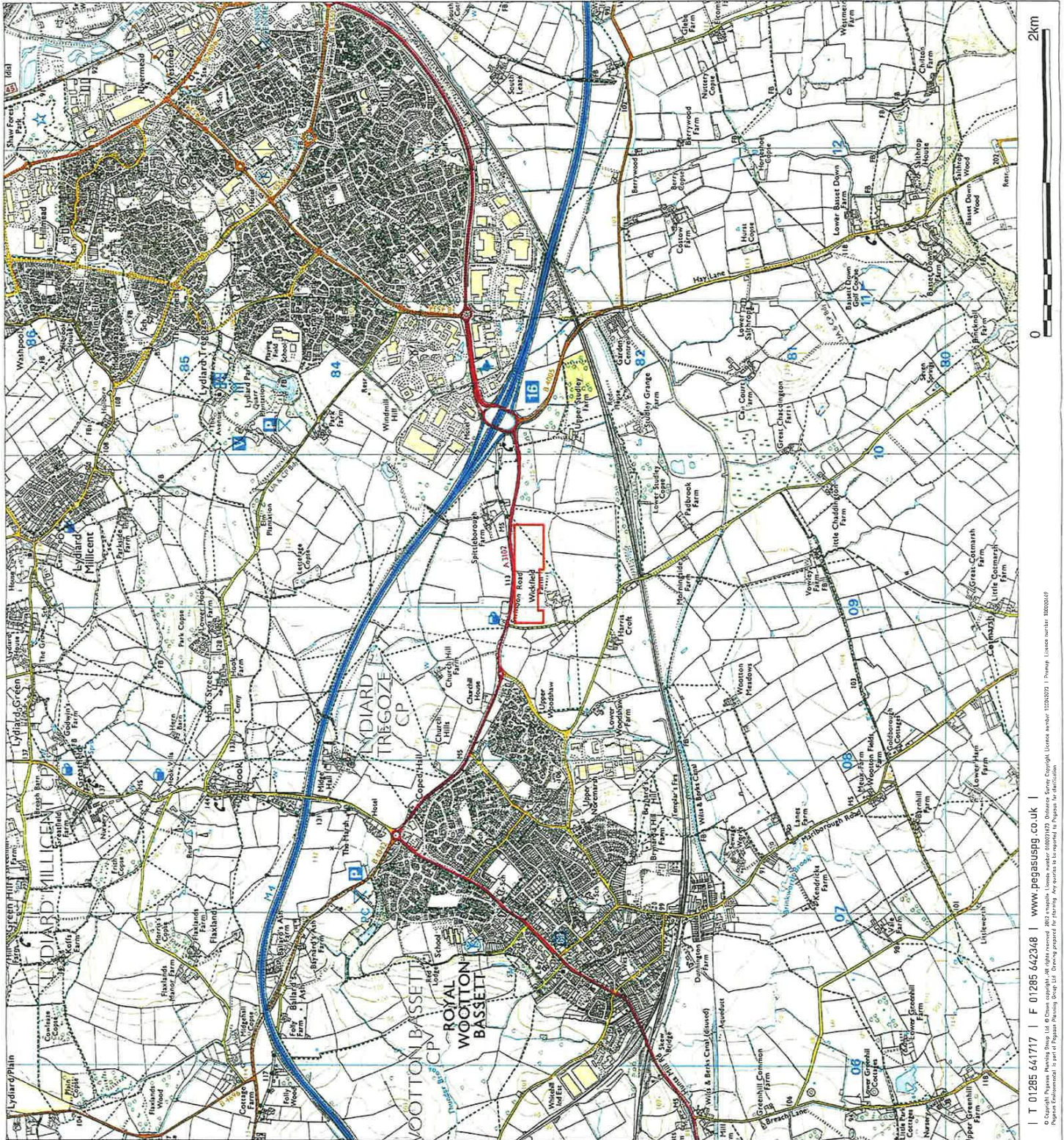
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**Pegasus**  
Environmental



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Pegasus Environmental is part of Pegasus Planning Group Ltd. Drawing prepared for planning. All events to be reported to Pegasus for identification.

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>04 December 2013</b>		
<b>Application Number</b>	<b>13/01776/OUT &amp; 13/01856/CAC</b>		
<b>Site Address</b>	<b>Langley Park, Chippenham, SN15 1GE</b>		
<b>Proposal</b>	<b>Redevelopment of the site consisting of the construction of up to 114 dwellings, food store, up to 102 room hotel, Two retail units, new industrial units, highways works, transport improvements, public open space,</b>		
<b>Applicant</b>	<b>Central Chippenham Partnership</b>		
<b>Town/Parish Council</b>	<b>Chippenham</b>		
<b>Electoral Division</b>	<b>Chippenham Monkton</b>	<b>Unitary Member</b>	<b>Cllr Caswill</b>
<b>Grid Ref</b>	<b>392315 174021</b>		
<b>Type of application</b>	<b>Full Application</b>		
<b>Case Officer</b>	<b>Mark Staincliffe</b>	<b>01249 706682</b>	<b>mark.staincliffe@wiltshire.gov.uk</b>

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

To consider the impact of the development on the conservation area, surrounding properties and its impact on Chippenham Town Centre

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission be GRANTED subject to a section 106 agreement and conditions; and to grant conservation area consent for the demolition of buildings within the site.

Chippenham Town Council have supported the application. 6 letters of support and 16 letters of objection were received from local residents as were numerous questions relating to the application. Written responses have also been received from consultees and other interested parties.

### **2. Report summary**

The main issues in the consideration of this application are as follows:

- The principle of development
- Impact on the character and appearance of the Conservation Area and surrounding street scene
- Impact on the privacy and amenity of existing neighbours;
- whether there are any sequentially preferable sites for a food store, and the other retail uses proposed;
- whether the proposed food store and other retail uses proposed would have a harmful impact on Chippenham and other local Town Centres;
- whether the accessibility of the site by non-car modes of transport would be acceptable;
- layout of the development
- Impact on highways and highway safety
- Other material considerations

### 3. Site Description

The site lies within the urban area of Chippenham, to the north of the Railway line and Chippenham Station. Part of the site is allocated in the Local Plan under Policy H2 for 250 dwellings as part of a mixed use scheme. The remaining part of the site is known as Hathaway Retail Park and is designated under policy R2 of the local plan as a 'Town Centre Secondary Frontage Area'.

### 4. Planning History

#### Langley Park

#### 2006- Applications N/06/00650/OUT & N/06/00649/OUT

Outline planning application submitted for the partial demolition and redevelopment of a 14.59ha part of the estate for mixed use redevelopment comprising employment, residential and retail, together with associated amenity space, car parking, access, servicing, and other ancillary uses and development. The planning application was refused

#### 2007- Applications N/07/00791/OUT & N/07/00802/FUL

Revised outline application and a full planning application for the retail store were submitted. The outline planning application sought consent for the partial demolition and redevelopment of a 7.7ha part of the Estate for mixed use redevelopment comprising residential (Use Class C3) and retail (Use Class A1) together with associated amenity space, car parking, access, servicing and other ancillary uses and development. The full planning applications sought consent for the provision of a food retail store (52 000sqft net sales area) with associated car parking and enabling development. The planning application was refused.

An appeal against the Council's decision was lodged and dismissed by the planning inspectorate. The inspector's reasons for dismissing the appeal are discussed later in this report. The applicants subsequently lodged a High Court Challenge against the Inspector's decision, this challenge failed and the decision to refuse planning permission was upheld

#### 2009- Application N/09/00317/OUT

An outline planning application was submitted in February 2009 for 'demolition and redevelopment of the site to provide a mixed use scheme comprising residential, retail, hotel, public open space, together with car parking, servicing, access and other ancillary uses and development. The planning application was withdrawn by the applicant prior to its determination.

#### Hathaway Retail Park

Planning permission granted (for the erection of a non-food retail unit with mezzanine and associated works adjacent to the existing retail units. The approved development comprises a non-food retail unit of 1,875 sq m (a ground floor area of approximately 986 sq m, a mezzanine of 889 sq m and a sales area of 1,689 sq m). The permission is restricted by planning condition to non-food goods.

Two planning applications relating to external alterations to existing units were submitted to and approved by the Council. The works are as follows:

1. Elevational Alterations to Units 1A, 1B, 2A, 2B, 3A, 3B, 4, 5A, 5B & 6-7 to Provide Replacement Entrance Features and Alterations to Car Park. Approved 17 September 2010 (N/10/03083/FUL & N/10/04067/OUT)
2. Alterations to Units 1, 1A, 2, 2A, 3A, 3B & 4 to provide new entrance features and alterations to car park. Approved 20 June 2007 (N/07/01059/OUT)

### 5. Proposal

Outline planning permission is sought for the demolition of existing buildings within the site and redevelopment through the construction of the following:

- No more than 115 dwellings
- No more than 102 bed hotel (totalling 3530 sqm)
- Leisure building (totalling 2787 sqm)
- Non food retail floor space (2322 sqm net)
- Garden centre (929 sqm net)
- Food retail unit (3530 sqm net sales area)
- Employment floor space 3901sqm

The non food retail units will be attached to the existing Hathaway Retail Park units.

The industrial element consists of extensions to existing buildings and the provision of new industrial units. The application has been submitted in outline form with all matters reserved except access.

New highway infrastructure will be provided to improve traffic movement into and through the site and within the wider highway network. A new vehicular and cycle link through the site is proposed, this will link Foundry Lane to Pew Hill. This new link road through the site will be positioned to serve all development plots along its route; this includes the demolition of an existing retail unit at Hathaway Retail Park to provide access to Old Road. To the north, the link road will join Pew Hill via a new roundabout junction (the location of the existing main entrance to Langley Park); with a spur creating a new secure access into the industrial area. To the North East of the site improvements will be made to the Malmesbury Road/Langley Road roundabout. A new roundabout on Langley Road will address an on-going issue relating to visibility and improvements to the 'little George Roundabout will see it managed by a new traffic little controlled junction.

Within the industrial area an improved circulation estate road will be provided to serve the existing occupiers and new employment units. A secondary secure access to the industrial area will also be provided from the internal mini-roundabout, which also provides access to the leisure and food store plots of the development.

The proposal also includes a new vehicular and pedestrian access into the Northern Train Station Car Park.

## **6. Planning Policy**

### National Planning Policy

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. However, annex 1 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework

At the heart of the NPPF is a presumption in favour of sustainable development. The overarching principles of sustainable development require developers and local planning authorities to:

- Support the transition to a low carbon future;
- Encourage the effective use of land by reusing previously developed land;

- Encourage multiple benefits from land Conserve heritage assets;
- Make the fullest possible use of public transport, walking and cycling and;
- Improve health, social and cultural wellbeing for all.

The NPPF requires the application of a sequential test to retail applications which are not in an existing centre and over 2,500 sqm. *Planning for Town Centres*, the practice guidance on need, impact and the sequential approach supported the now cancelled *Planning Policy Statement 4*. PPS4 It is not policy; however, its companion document still remains extant, even though it was framed in the context of earlier policy in PPS4. The content of this document is a material consideration and provides guidance on the application of the sequential approach; however, the Courts have established that the guidance contained within this document should not to be interpreted “in a rigid, mechanistic fashion”.

The NPPF also requires positive planning to achieve high quality and inclusive design for all developments, including individual buildings, public and private spaces and wider area development schemes. Furthermore, when proposing development that may impact upon a heritage asset and conservation area, the significance of any heritage assets affected should be assessed.

### North Wiltshire Local Plan 2011

Saved policies from the North Wiltshire Local Plan 2011 (NWLP) represent the adopted development plan. Due weight can be given to relevant policies in the North Wiltshire Local Plan 2011 (NWLP) according to their degree of consistency with the NPPF. Relevant policies for the determination of this application include:

C3 Development Control Core Policy  
 H2 Housing Allocations  
 CF2 Leisure Facilities and Open Space  
 R3 Retail Allocations  
 R4 Proposals Outside Town Centres  
 CF2 Community Facilities

The site lies inside the framework boundary and is therefore considered to be part of the town and not the countryside beyond. The plan defines the primary and secondary shopping retail frontage of Chippenham town centre. Policy R4 only allows retail proposals on the edge or outside the defined town centre shopping areas when certain criteria are met. These criteria are that:

- There is a need for the development.
- It can be demonstrated the sequential approach has been followed.
- Proposals do not individually or cumulatively undermine the vitality of the existing centre.
- The proposal is accessible by a range of walking, cycling and public transport.

Criterion (i) of the policy is no longer specifically contained within national policy. However criteria ii-iv are reflected in the requirement to provide sequential and impact assessments.

In determining retail proposals Policy R4 of the adopted North Wiltshire Local Plan are still relevant. It states that retail proposals outside of defined town centre shopping areas will only be permitted where: the sequential test has been followed and there are no other sequentially preferable sites; and the proposal does not undermine the vitality and viability of the existing centre; and the proposal is accessible by a range of means.

### Emerging Wiltshire Core Strategy

The emerging development plan is contained within the Wiltshire Core Strategy Submission Document including Proposed Changes (July 2012) and Schedule of Proposed Modifications (August 2013). The Examination in Public has taken place and the Council is currently awaiting the Inspector’s Report, which is due shortly. Following the examination hearing sessions the council



published a Schedule of Proposed Modifications (August 2013) containing 'main' and 'minor' changes. The consultation ended on 9 October 2013.

The spatial strategy (specifically core policies 1, 2 and 3) sets the foundations for how sustainable development is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The spatial strategy is the local expression of the principle of sustainable development as required by paragraph 15 of the NPPF. Relevant policies in this instance include:

- CP1 Settlement Strategy
- CP2 Development Strategy
- CP3 Infrastructure Requirements
- CP9 Chippenham Central Area Of Opportunity
- CP35 Existing Employment Sites
- CP38 Retail and Leisure
- CP40 Hotels, Bed and Breakfast, Guest Houses
- CP41 Sustainable Construction and Low Carbon Energy
- CP43 Providing Affordable Homes
- CP45 Meeting Wiltshire's Housing Needs
- CP50 Biodiversity and Geodiversity
- CP51 Landscape
- CP52 Design
- CP60 Transport

A consultant team led by AECOM prepared a Strategic Framework for the town in 2012. Following on from that a draft masterplan has been prepared for which consultation commenced on 28<sup>th</sup> October 2013. If adopted, the masterplan will be a material consideration in the determination of planning applications located within the Chippenham Central Area of Opportunity as set out in Policy CP9.

The site lies inside the defined development framework of Chippenham and is a previously developed site (brownfield site) but only a very small proportion of the site benefits from any retail allocation. The WCS includes a strategy for each community area, including Chippenham. The strategy identifies issues and considerations, as well as housing and employment requirements. With regard to retail, paragraph 5.48, *inter alia*, states:

"Chippenham's offer as a service centre will be enhanced, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips, securing expansion to Chippenham's town centre and improved retail offer through redevelopment of the Bath Road Car Park/ Bridge Centre is a priority along with redevelopment of other smaller town centre brownfield sites. Further out of centre retail development in Chippenham would weaken the town centre and future provision should be focused in the central regeneration opportunity area. Any proposals for edge of town centre retail development should clearly demonstrate that the development would not have a detrimental impact on the town centre."

Core Policy 9 of the WCS sets out the vision for Chippenham; this is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people. To ensure employment is accessible to the local population a sustainable distribution and choice of employment sites will be provided at the town.

Regeneration of the central area of Chippenham is seen as a priority within the WCS and a number of the NWLP sites are saved by the strategy as they provide for excellent regeneration opportunities; one such site is Langley Park.

WCS sets out the Chippenham Central Areas of Opportunity. The redevelopment of Langley Park is seen as a priority and the WCS seeks to;

*“deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of the site.”*

The WCS states that retail proposals will be supported in the central opportunity area providing it is clearly demonstrated how the proposals will strengthen the retail offer of the town and not lead to fragmentation or a weakening of the existing offer. The site is located within such an area.

Core Policy 36 (Economic regeneration support the regeneration of brownfield sites in the Principal Settlements where the proposed uses help to deliver the overall strategy for that settlement providing the uses do not compete with the existing town centre.

Core Policy 38 (‘Retail and leisure’) of the draft Core Strategy goes on to set out that:

*“All proposals for retail or leisure uses on sites which are not within a Primary or Secondary Retail Frontage, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.”*

Core Policy 40 (Hotels, bed and breakfasts, guesthouses & conference facilities) supports proposals for new hotels within Local Service Centres where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole.

In all cases it must be demonstrated that proposals will:

1. not have a detrimental impact on the vitality of Primary Shopping Frontages or the viability of existing hotels, bed and breakfasts, guesthouses or conference facilities; and
2. avoid unacceptable traffic generation.

## **7. Consultations**

### Drainage Comment:

This site will be difficult to drain. The clay strata will make drainage solutions involving infiltration somewhat challenging. The site is surrounded by existing houses, roads and a railway line all of which tend to sterilise the existing drainage capacity and make the installation of further drainage problematic.

### Education comment:

The below is based upon 114 units as that is the figure detailed in the accommodation schedule. No details of mix have been supplied, therefore it is assumed that 40% affordable housing will be applied and made no allowance for there being any one bed size units included of either type of housing.

Assuming 40% affordable housing gives us an affordable figure of 46 units. Applying our standard policy 30% discount to them reduces their number by 14 to 32. Taken with the 68 open market units, this gives us a qualifying properties figure of 100 units to assess. They generate a need for 31 primary and 22 secondary places at the designated area schools which are Monkton Park Primary and at secondary level, the three secondaries (Abbeyfield, Hardenhuish and Sheldon).

The current capital cost multiplier applicable for primary education is £12713 per place, giving us a total contribution for primary infrastructure of £241,547.

Based on the current cost multiplier of £19155 per place, this is a figure of £421,410, to be secured for secondary level.

### Affordable Housing:

This application triggers an affordable housing requirement. The requirement for this development is 30% of the dwellings to be affordable at nil subsidy subject to local needs and site characteristics.

The affordable housing should be provided on site in clusters of no more than 15 dwellings, to contribute towards mixed and inclusive communities. The mix should reflect the housing need, with 80% rented and 20% new build homebuy. The mix should be:

#### Rent

20% 1 bed  
50% 2 bed  
25% 3 bed  
5% 4 bed

#### New Build HomeBuy

65% 2 bed  
25% 3 bed  
5% 4 bed  
5% 5 bed

In addition, 5% low cost housing to be provided on sites at a price less than or equal to the average price of a flat or terraced house in North Wiltshire.

#### Archaeologist:

We have no comments to raise in relation to the proposed development

#### Network Rail:

No objection in principle. However there are issues that the developer should be aware of.

#### DRAINAGE

The flow rates to the 675mm culvert to the SE of the site crossing Network Rail's land should not be increased as a result of this development.

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

#### SECTION 106 CONTRIBUTIONS

This proposal will likely result in an increased rail patronage at Chippenham Railway Station; Network Rail would welcome the commitment of the Council of pooling planning obligations from this proposed development to mitigate the potential impact upon the railway (in accordance with Circular 05/05).

Such a S.106 obligation could be for infrastructure enhancements and could include station upgrading work, improved waiting facilities, improved accessibility (e.g. cycle routes /storage), disabled access or improved layout.

#### ARMCO SAFETY BARRIER

The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated and in a position to stop vehicles driving into or rolling

onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged.

#### LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

#### Chippenham Town Council:

The Council welcomes the application. The development will add vitality to the town.

#### English Heritage:

This is an exciting proposal for regeneration in the heart of this historic town. The site is located in close proximity to many designated and undesignated heritage assets, we would wish to ensure that their settings have been fully assessed and any potential harm mitigated. The design of the scheme should be of an appropriate quality in line with paragraph 64 of the NPPF.

#### Leisure Services:

Assuming a 50/50% split of 2 beds and 3 beds the POS requirement would be 6546m<sup>2</sup>, of which 516m<sup>2</sup> should be play provision. It may be possible to satisfy some of the requirement offsite, but a development of this size should be providing useable Open Space on site.

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 115 dwellings:

Halls	£50,355
Indoor Bowls	£5,224
Artificial Turf Pitches	£5,855
Total	£61,434

#### Urban Design:

The successful redevelopment of the Langley Park area would be of great benefit to the town. I recognise and support the need for that redevelopment. I also support the concept of mixed use for the site and welcome the proposed mix of housing, employment and leisure.

I do however have concerns about the proposals as they stand. Some of these could hopefully be addressed by imposition of conditions on any planning approval but others appear to require more substantial revision.

My concerns are as follows"

- the impact of the additional traffic on the Little George roundabout and the roads off it
- the likelihood that the combination of a supermarket and the proposed road layout will draw consumer attention away from the town centre into Langley Park
- the lack of pedestrian connectivity to the centre of the town and the lack of a footbridge over the railway is disappointing.
- the negative impact which a supermarket on the Langley Park site will have on the town centre and on the proposed redevelopment of the Bath Road site.
- The loss of the white house is unfortunate. Increase in slab-like buildings beside the railway line should be avoided as this is an opportunity to improve an important entrance into the town
- no specific commitments to provide the leisure and hotel facility
- I have read and support the concerns expressed by local residents about the possibility of three-storey houses being located close to their two-storey properties. I recognise that this will primarily be an issue for a reserved matters application.

Public Open Space and play area- As a play area or public open space are not proposed on site a contribution of £308,590 is required.

Highways: No objection subject to conditions, financial contributions and the provision of s278 and s247 agreements.

Access Principles:

The through route to serve the site, comprising a new roundabout junction on Langley Road with a second principal access from Foundry Lane is acceptable. The provision of the internal road will enable site traffic to distribute effectively to the wider network. It is recommended that the trigger for the delivery of this road is established through a phasing plan to be agreed.

Pedestrian and cycle access to the site are compromised by the existence of the railway, which acts as a barrier to some. The site itself can be improved by way of additional links at points where the site has existing points of access, Tugela Road and Hawthorn Road. The TA says *the existing pedestrian and cycle links to the town centre have been identified as a key area for improvement*, and a new bridge over the railway is the only identified solution, which the development is unable to deliver.

Proposed Langley Road junction:

Proposed junction on roundabout on Langley Road will address an on-going issue relating to visibility at the existing junction into the employment area. The roundabout would be required to be constructed under the provisions of a s278 agreement. It is recommended that the trigger for the delivery of this junction is established through a phasing plan to be agreed.

The internal access arrangements for the secure employment site do not adequately provide for lorry traffic entering the dedicated security waiting area or for their return if denied entry. Details will require modifications to the proposals; this can be addressed by condition.

Realignment of Foundry Lane:

The proposal to realign Foundry Lane will require the stopping up of the existing highway and provision of replacement and improvements under the provisions of s247 TCPA 1990. The proposed realignment does not appear to significantly adversely affect any of the existing frontage users who are not associated with the development proposals

Effect on Tugela Road:

Works are proposed in Tugela Road to facilitate the provision of the new road, and to provide a replacement turning area. These works should involve no construction traffic use of Tugela Road, with all access taken from the development side.

There are concerns expressed in local correspondence about the use of local residential roads for station parking etc. This issue might become more pronounced if users of the new development regard it as an optional parking area. It is considered that these areas be included for consideration in overall traffic regulation for the area.

Upgrading of the Little George junction

The proposed improvements to the Little George junction will have serious implications in respect of local traffic. A diversion route will need to be established as an advisory alternative route during the works. Works will be undertaken by way of a s278 agreement. It is recommended that the trigger for the delivery of this junction is established through a phasing plan to be agreed.

The application suggests that there are options for improving the junction in respect of the number of lanes provided at Malmesbury Road and Langley Road approaches to the junction. It appears that two lanes on the Malmesbury Road approach will be difficult to achieve, and the suggested through-put of traffic reduced as a result.

The developer will be required to undertake further analysis to establish the geometrical layout for the junction as and when the Core Strategy proposals are more firmly established, as identified in the TA (6.3.12 *The potential to reduce the scale of this junction will need to be tested in context to the wider network changes and traffic flows associated with the Core Strategy proposals.*)

### Access to the station north-side car park

The proposals indicate that an alternative access will be provided from Foundry Lane to the upside railway station car park; Network Rail appear to be considering this as the only access to a multi-storey car park, as an option for station improvements, illustrated in their emerging station Masterplan Proposals. Given the nature of the existing access and its approach roads, the proposed new access point is fully supported. Consideration should be given to the potential to close the existing car park access to Union Road/Old Road, and to the application of a one-way restriction on Union Road, which would facilitate the provision of improved access for pedestrians and cyclists, as proposed in the TA

### Proposed Footbridge over railway

The application acknowledges proposals for a footbridge crossing of the railway. This is in line with the former planning brief for the area.

Paragraph 6.5.1 of the TA states:

#### *6.5.1 The benefits of the proposed development for travel by non-car means include:*

- *Working with Network Rail and First Great Western improved (or new) cycle/footbridge could in part be provided as part of, and integrated into, the development scheme which would, when completed, improve access to the town centre;*
- *Improved access to public transport, including access to the railway station and bus stops at the front of the station;*

However, the footbridge does not actually form part of the planning application. Network rail are not a party to the application. The delivery of a new bridge over the railway can only, therefore, be considered as an aspiration, but measures can be established through a planning obligation with the developer to ensure that an appropriate outline design for a bridge is established and a landing stage on the development site secured. The south side landing for a new bridge would be in the gift of Network Rail to allow. However, Network rail are an extraordinarily difficult organisation with whom to establish commitments of this type, and any provision of a bridge is likely to be a medium term scheme at best. A planning obligation to secure a reasonable endeavours approach on the part of the Langley Park developer to its delivery is required, not just a contribution towards its uncertain delivery. No provision was made for a landing stage in association with the planning application for the recently completed station car park off Cocklebury Road.

It is considered reasonable that a planning obligation seeking a contribution of £900k (based on WSP estimate of £750k for previous Asda proposal, factored by RPI Jan 2008 to Oct 2013 – 251.9/209.8) for a bridge, together with a reasonable endeavours clause to promote and facilitate its completion with third party funding, when available, together with a fall-away clause after, say ten-fifteen years of first trading at the food store.

### Construction Traffic

Planning permission should be subject to the submission and approval of a construction traffic management plan. This plan should identify how construction traffic will be managed so as to minimise the effects on the amenity of local residents, and to avoid the use of inappropriate routes on the outskirts of the town. Timing of construction traffic will have to be managed to avoid impacts during network peak periods. Construction traffic leaving the site will likewise be controlled, and facilities effected to ensure that dirt from the site does not fall onto the highway from the wheels of construction traffic.

### Chippenham Transport Strategy – Contribution towards identified schemes.

The Chippenham Transport Strategy (CTS) has identified a number of measures required to offset the impacts of proposed development in Chippenham during the plan period to 2026. The council will require a contribution towards the unfunded elements of the identified schemes, on a 'per dwelling' basis for all major residential development proposed in Chippenham. It is considered that this scheme, although not identified as a Strategic Site in the Core Strategy, should, nevertheless, contribute towards the CTS schemes. This can be covered in a planning obligation. The developers agent has contended that the development should not be required to contribute towards the strategic schemes in Chippenham, in essence because, firstly, the site is a brownfield

site, and many of the trips associated with the development are not new to the broader transport network, and some existing trips will be lost, and, secondly, because the development will improve the Little George junction, which is an uncoded scheme in the Chippenham Transport Strategy, is nevertheless assumed in the strategy to be provided by others.. However, contributions for the CTS schemes are only being charged for new dwellings, not for employment sites, so no discounts should be made for trips lost through employment development changes. Furthermore, the alterations to the Little George junction are an immediate access requirement for the development, and have been regarded as such since a food store was first proposed on the Langley Park site. The contribution sought is therefore based on the number of new dwellings proposed (115), at a rate of £4264 per dwelling.

#### Phasing Plan:

A development site phasing plan will be required to define completion stages for, inter alia, the construction of the Langley Road junction, the improvement of the Little George junction, the realignment of Foundry Lane, the completion of the site link road between Foundry Lane and Langley Road, the completion of a new station car park access road

It is important that the individual new land uses are not opened for trading or occupation unless and until they are provided with an appropriate access.

#### Spatial Planning

Support- The comments from the Council's Spatial Planning Team are incorporated into this report.

### **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

6 households have supported the application and 13 households have objected to the application. Other responses were received by the Council seeking clarification on certain points and making requests to the developer.

Summary of key relevant points raised;

#### Support (6):

- Overall it is a positive step forward
- Will provide much needed employment
- Will improve the appearance of the area
- Flow of traffic should improve.

#### Object (13):

- Highways safety issues
- Proposed highway layout is poor
- Traffic lights at Langley Road/Malmesbury Road junction are problematic
- The additional traffic will result in lengthy delays at peak times
- Noise from traffic particularly to the rear of Clift Avenue noise disturbance
- Privacy issues from proposed new dwellings to the rear of Tugela Road
- Privacy issues for the properties in Hawthorn Road
- Concerned at the two residential units at the boundary line of Clift avenue
- Unclear what will happen to the trees on the boundaries of the site
- Concern about night time deliveries
- The trees along the rear border of the current car park at Foundry Lane should be retained as they are a valuable wildlife habitat.
- Concerned with the volume of construction traffic going up and down the road and the resulting noise and vibrations
- Little George roundabout is not adequate for more traffic
- The loss of the Whitehouse should not be accepted

#### Questions/Requests:

- Turning head in Tugela Road must be retained
- Development must be sympathetic to character of the area
- The plans do not show the existing access from Westinghouse onto Pew Hill Park
- The new roundabout at Westinghouse should have a pedestrian crossing facility
- There is no pedestrian access opposite Birch Road at the opening to Langley Park.
- Has there been any consideration given to double yellow lines in front of the homes at the top of Pew Hill?
- Will the frontage of 94 Langley Road be reduced by the construction of the roundabout?

#### Chippenham Civic Society:

The Civic Society supports the concept of integrating Hathaway Retail Park with Langley Park. We also welcome the provision of a hotel and leisure facility as well as access over the railway line.

Because of the prominence of the site we expect the design of the site to be high quality. There is some concern over the views of the site from the railway station. The size of the food store is also a matter of concern.

The site is of enormous importance to the history of Chippenham- a railway engineering site of national historical importance. We would expect this to be commemorated in a tangible way through a high class railway related public work of art.

#### Signet Planning

Object to the retail element of the proposal. The Bath Road site is an edge of centre site and is sequentially preferable retail location to Langley Park. We wish to make the following comments:

- Pre application discussions relating to the Bath Road site are ongoing with Council Officers. The site is clearly suitable for retail development which will include food retail and other comparison goods.
- The Council, as land owner, has made the land available for development. The fact that a developer is in the process of bringing forward a scheme is a reasonable indication that the scheme is viable. The Bath Road site is therefore sequentially preferable.
- Sequential test should be carried out in accordance with the technical guidance to PPS4.
- The technical guidance clearly states that an applicant should not reject sites based on self imposed requirements or preferences or without demonstrating a serious attempt to overcome any identified constraints.
- The assumption that Bath Road will be used by a low cost retailer is not likely in reality. This assumption in the applicant's retail impact assessment has knock-on effects in terms of how Turleys considers the issue of floorspace capacity for convenience goods and impact on the town centre.

#### PCL Planning (leasehold owners of the Emery Gate):

The starting point for the consideration of the current application should properly be the Appeals Decisions dated 23 May 2008. The applicant has failed to overcome the inspector's findings.

The site still lies about 900m from the 'primary shopping area' in Chippenham town centre, and this is an 'out-of-centre' location in retail policy terms. Having regard to the sites distance from the primary shopping area, and its separation by the railway and river, the site is not, and will not function as, an edge-of-centre site.

The desirability of retaining all comparison turnover likely to be generated by the scheme floorspace within Chippenham, rather than directing it to the regional town centres, is insufficient justification to allow provision in an out-of-centre location.

The applicants' evidence suggests that the town centre Tesco store continues to underperform the company average. It is likely that the town centre Tesco store will trade at above company



average level. It is therefore likely that the Tesco store will take up more of the capacity than the Retail Statement currently considers to be the case.

The justification for the current application proposals is premised substantially on the overtrading of existing out-of-centre stores. There is no change in the position established by the previous Inspector. To argue that overtrading in out-of-centre stores justifies another out-of-centre store flies in the face of government and local policy to focus retail development within town centres.

The current application will offer no significant qualitative advantages, and the applicants have still failed to demonstrate any firm evidence that overtrading at existing stores is creating an unacceptable shopping experience.

The Bridge Centre / Bath Road Car Park site is suitable for some convenience retailing. There is a 'very real risk' that retail investment at Bath Road / Bridge Centre would be severely prejudiced if the proposed store were to go ahead.

The site remains separated from the core of the town by the railway and the river, across which there are just two main crossings. These obstacles, together with the distance, will continue to prevent easy linkage with the main retail core.

The area will remain an appendage to the main shopping core and its trading as a competing destination is likely to be accentuated.

The proposed development would have a considerable negative impact and draw a significant amount of trade from town centre shops, particularly in view of the higher level of comparison floor space comprised in the current proposals. Indeed, the vacancy rate has risen from 6.4% in 2008/9 to 10.2% in 2012. *The health of Calne and Corsham town centres has also deteriorated and their fragility has increased, justifying a precautionary approach*

### Chippenham Vision

The Chippenham Vision Board supports the development of this site in principle but has significant concerns about the application submitted, in particular:

- Its connections with and accessibility to the town centre and impact on wider access to the town centre;
- No formal commitment to delivering link across the railway line and town centre access is inadequate.
- The proposal currently creates two town centres
- Appear to be no pedestrian or cycle priority routes through the site. It is completely dominated by car parking and car movements.
- The mix of uses proposed, including their impact on the town centre, their viability and possibilities for delivery.
- The parking allocation for the food store and leisure uses on this site could undermine the attractiveness of the town centre by drawing traffic to this site
- The proposed food store is clearly not a 38,000 sq ft store as the proposal includes circa 10,000 sq foot of additional retail.
- There is a significant lack of green space on the site.
- The proposed leisure uses and redevelopment of the workspace units on the Langley Park site is to be welcomed
- There is no indicated end user of the proposed leisure block.
- Bath Rd car park site offers the premium opportunity for an additional supermarket.
- Concerns about the design and layout of the site
- We consider this application to be premature in relation to the development of the core strategy and the emerging masterplan for the town.

## **9. Planning Considerations**

### Planning Inspector's Decision

The most recent planning appeal for the redevelopment of the site was dismissed at appeal and the applicant's subsequent challenge to this decision failed. The Planning Inspector's decision is a material consideration in the determination of this application. The inspector concluded the following:

- Retail Impact- The scheme would conflict with Policy R4 of the Local Plan and would not meet local and national policy objectives to direct major new retail development to town centres, having regard to the need for the development, the availability of suitable viable alternative sites and other criteria, including accessibility.
- Layout and Design- In broad terms, the retail store would dominate the site, such that the housing layout would inevitably appear squeezed onto the smaller part of the site. This in itself is likely to create other problems of residential amenity and inadequate open space. The limited space and disjointed parcelling of the housing land result in a cramped illustrative residential layout.
- The layout generally provides inadequate room for proper landscaping. The car park would be unrelieved by any significant green space. The 'urban armature proposed by the appellants would have totally inadequate space for the tree planting illustrated
- Housing- The mix of units provides mostly small units and few family sized dwellings. Even so, the constricted housing site and the highway and parking arrangements proposed raise doubts that all the dwellings could be satisfactorily accommodated on the site. The dwellings were close to existing workshops. The potential problems with noise as were a further issue.
- Open Space- There is no good reason why a large scheme such as this should not provide for its own needs, in accordance with Policy CF3 of the Local Plan and its supporting text in paragraph 12.5. I am far from satisfied that the housing land would accommodate the number of houses proposed to satisfactory design standards with the requisite amount of open space. Similar comments apply to the residual area within the Policy H2 allocation but not included within the combined application site.
- Outlook- The residential scheme would suffer several potential problems, which the constricted site has too little space to address without changing the mix and design. The main concern is that normal safeguards with regard to overlooking and oppressive outlook might not be achieved if the density proposed is not reduced or the configuration of the housing land changed.

### Impact on the character and appearance of the Conservation Area

The conservation area covers a considerable area within central Chippenham, including the Town Centre and part of the application site. During the consideration of the previous planning application concerns were raised in relation to the removal of a former Westinghouse office building known locally as 'The White House'. The building is representative of a 1920s and 1930s Art Deco Architecture.

The Inspector, in his decision at paragraphs 34-39, considered the removal of this building and concluded that the removal of the structure was acceptable in principle. Although this decision was assessed against PPG15 and not the NPPF it is considered that the policy context is similar. Having considered the previous inspector's decision and policies contained within the NPPF, NWLP & WCS it would now be difficult conclude other than that the historic form and values have been seriously eroded by unsympathetic alterations. In these circumstances the Council would have great difficulty in concluding that the property makes a positive contribution to the conservation area, its contribution is neutral effect its retention is not necessary.

The application still proposes to demolish this structure and other unsightly buildings within, and adjacent to the conservation area. The removal and replacement of these unsightly utilitarian buildings is considered to contribute positively to the character of the conservation area. Whilst the application is in outline form, the access arrangements and indicative layout now demonstrate that an acceptable layout for residential development and commercial development can be achieved. The indicative layout for residential development shows a layout that broadly reflects the grain of the housing in the adjoining conservation area.

Having assessed the proposed development, local and national planning policies and the Inspector's appeal decision it is considered that the proposed development will have a positive impact on the character of and appearance of the conservation area and long distance views into it.

#### Impact on the privacy and amenity of existing neighbours

Some concerns have been raised by local residents in relation to the proposed layout. Particular concern has been raised in relation to the layout and the proposed maximum height of the residential development backing onto Tugela Road and Hawthorn Road. The indicative layout and building height parameter plan demonstrate that adequate privacy will be maintained to these properties and the outlook for many properties will be improved. It is considered that the outlook will be improved because the existing, large industrial buildings backing onto Tugela Road and Clift Avenue will be removed. It is considered that the removal of these buildings and replacement with residential development will greatly improve the residential outlook of the properties affected. Furthermore, the submitted master plan demonstrates that the proposed residential properties will have gardens with a depth of 10m or more thereby providing adequate separation and improved outlook compared to the existing situation on site.

A small block of flats is proposed on a car park currently serving Hathaway Retail park. This block will have a maximum ridge height of 11m. The illustrative plans show that the land can be developed whilst still providing separation of approximately 20m from the rear elevation of the nearest residential property. The separation between the proposed block and the existing residential properties is considered to be acceptable. The illustrative plans demonstrate that residential development in this location can be achieved without a significant detrimental impact on the residential amenities of existing properties in the locality.

Concerns have also been raised in relation to the proximity of the proposed Hotel to existing residential properties, these concerns relate to privacy and overbearing impact. The proposed hotel will have a maximum height of 11m and will be located in excess of 40m from the rear elevation of the nearest residential property. Taking into consideration the above information the proposal is considered to have an acceptable impact on the residential amenities of existing properties in the locality and the proposed residential development opposite the proposed hotel.

The indicative layout plan also shows a block of residential units, up to 11m in height, approximately 5m from the rear boundary of properties towards the South Eastern end of Tugela Road. Taking into consideration the large industrial units that are currently in situ it is considered that the proposed relationship is acceptable and will result in an improvement to the residential amenities of these properties.

#### Highways

Subject to conditions and a legal agreement requiring the highways improvements, no objections are raised to the proposed development (please see comments above). The improvements to the existing junctions at Langley Road and Little George are complex but not insurmountable. The highways comments would appear to indicate that a new pedestrian link will be provided as part of this scheme. This is incorrect; this issue is addressed in detail below.

#### Public Open Space

The amount and quality of public open space within the site is limited and falls short of the requirements set out in the local plan. Assuming there would be a 50% split of 2 bed and 3 bed dwellings within the site, the public open space requirement would be 6546m<sup>2</sup>, of which 516m<sup>2</sup>

should be play provision. It is possible to satisfy this requirement off site as a financial contribution in line with policy CF3 of the Local Plan. This would fall into two separate categories:

- i) Provision of open space elsewhere which is appropriately located in relation to the development;
- ii) Contributions towards the upgrading of existing nearby open spaces.

The applicant has agreed to provide contributions in accordance with the requirements set out above and these are set out in the heads of terms below.

### Accessibility

The planning inspector appointed to determine the previous planning appeal did not consider the store to be in a 'highly accessible' location. The inspector was of the view that the strength of potential links to the town centre was much over-stated. The inspector concluded that a distance of well over 1km from the store entrance would prevent easy linkage with the main retail core of the town.

To overcome these concerns the applicants have provided direct access to two existing pedestrian footbridges over the railway, these two bridges provide direct access to Chippenham Railway Station and access over the railway line allowing easy access to the Town Centre. Furthermore, the new road through the site will provide access to the new housing, industrial buildings, supermarket and Hathaway Retail Park. The new access will also provide direct vehicular and pedestrian access to Chippenham Train Station's Northern Car Park.

The proposed development will provide new footways and cycleways within the site, one of which will see the removal of an existing, retail unit to provide access onto Old Road. These new linkages will connect to existing established routes to the Town Centre. This will be further improved with the provision of a bus route within the site and three new bus stops.

Within the highways comments there is a misconception that a new pedestrian bridge linking the application site to the railway station will be provided. This is incorrect; the development will secure a future landing point on the northern side of the railway for a new foot/cycle link across the railway line, if external funding to deliver the bridge is secured. However, the bridge will not be provided by the applicants. A financial contribution is proposed to provide a DDA compliant lift to the existing public foot & cycle bridge across the railway thus improving access to the town centre.

On balance these proposed improvements to existing town centre links are considered to enhance the links between the town centre and this site and increase the likelihood of linked trips and spin-off associated with the transference of spending and thereby having a positive impact on the retail economy of the town centre.

### Urban Design

Concerns have been raised with regard to the size, scale and indicative design of the proposed food store. Due to the nature of the application no elevation plans have been submitted. However, indicative plans formed part of the design and access statement. The plans indicate that there would be a constant flat roof over the main part of the food store retail block at a maximum height of 14 metres. This was considered to represent a significant increase in height over a large area in proximity to the railway line and railway station compared to the existing and former industrial buildings in this area.

The concerns expressed by officers have resulted in the indicative plans contained within the Design and access statement being removed and replaced with examples of supermarkets of a higher quality and design. It is considered that the alterations to the supporting documentation have overcome this concern and on balance the layout of the proposed development is acceptable.

### Hotel and Leisure

The proposal includes 2787sq m (net) leisure for an unknown end user. However, it is suggested in the planning statement that the space could accommodate a range of operators including small scale cinema, bowling alley or soft play facility. The proposal also includes a hotel (3530 sq m) with up to 102 beds. The planning statement says this will complement both the employment and retail uses on the site and respond to an identified shortfall in hotel accommodation in the town centre, which is currently only served by the Angel Hotel.

The site is located within the framework boundary of Chippenham and both the hotel and leisure provision is in accordance with Policy TM1 and Policy CF2 of the NWLP. In relation to the Core Strategy, the hotel is located within a principal settlement. CP40 permits new hotels in principal settlements. In terms of the proposed leisure provision CP38 says that all proposals not within a town centre in excess of 200sq m gross floor space including extension of existing units, must be accompanied by an impact assessment and demonstrate that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance.

However, in this case, Langley Park is within the defined Chippenham Central Area of Opportunity as defined by CP9, within which mixed use schemes are promoted which support the vitality of the town centre. Paragraph 5.48 of the plan supports proposals which will enhance Chippenham's offer as a service centre, particularly the town centre for retail, leisure and the evening economy in order to reduce the outflow of shopping and leisure trips. Therefore it is considered that the proposal for leisure provision is acceptable and is in accordance with the Core Strategy. Indeed, the Council has received letters of support from local residents in relation to the proposed leisure uses.

#### Employment

Langley Park is currently an existing employment site, part of which remains active. The proposal includes 5,600 sq m industrial units and the applicants have indicated that this will create new jobs and will secure the retention of jobs currently on site. Employment activities on the site are welcomed and are in accordance with the NWLP, within which a statement accompanies the Policy BD1 employment allocations:

*'The District Council would also support further employment opportunities as part of mixed use development schemes at Foundry Lane....It is envisaged that the redevelopment in each case will be predominantly based upon residential uses, employment activities will make a positive and sustainable contribution to the local area....'*

Langley Park is a brownfield site, part of which is in current or has previously been in employment use. The Core Strategy supports regeneration opportunities and aims to maximise the re-use of previously developed (brownfield) land. Core Policy 36 Economic Regeneration says:

*'the provision of economic development on previously developed land is supported where the proposed uses help to deliver the overall strategy for that settlement, as identified in Core Policy 1 (Settlement Strategy).... and/or enhance the vitality and viability of the town centre by introducing a range of active uses that complement the existing town centre.'*

The strategy for Chippenham is based on delivering significant job growth, which will help to improve the self-containment of the town by providing more jobs for local people. The proposal seeks outline permission for the extension existing business but also the provision of smaller business units necessary to allow small and expanding businesses to locate within the area.

As one of the few identified brownfield sites in Chippenham, the importance of continuing employment use on the site is reflected in CP9 which specifically allocates the site to *'deliver a mixed use site solution for a key redevelopment opportunity area to support the retention of significant business uses on part of the site.'* The protection, intensification and regeneration of established employment sites is a key outcome for the Council when seeking to deliver a thriving economy.

From a Core Strategy perspective, continued employment development on Langley Park is welcomed. The proposal provides the opportunity for the buildings on site to be regenerated and improved and will contribute to achieving what the Core Strategy envisages Chippenham will be like in the future.

The new business uses within the site are no closer to existing residential units than the existing buildings on site. It is therefore considered that the indicative layout of the new business uses will have no significant adverse impact on the amenity of residential properties than the existing uses currently on site in terms of noise disturbance, loss of sunlight, daylight or privacy.

### Retail Units

As well as the supermarket, the application seeks permission for the construction of two additional retail units at Hathaway Retail Park. One retail unit will be up to 25,000 sqft (non food retail) and the other unit will provide up to 10,000 sqft (garden centre). As set out in the planning history-permission has recently been granted for a non-food retail unit at Hathaway retail park (20,180 sqft). This planning application was accompanied by a PPS4 compliant retail impact assessment that concluded that North Wiltshire suffers considerable loss of expenditure to Swindon and Bath and the new development could help to meet the quantitative need for new comparison goods retail floorspace.

A retail impact assessment was submitted with this planning application and concludes that these two additional units are acceptable and will have no significant detrimental impact on the two centre. In summary, the indicative siting and layout of these units is considered to be acceptable.

### Retail Impact

Paragraph 24 of the NPPF and policy R4 of the local plan require a sequential test to be applied to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to date Local Plan. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF states, at paragraph 27, that where an application fails to satisfy the sequential test, it should be refused.

### Contributions and Viability

Paragraphs 173-177 of the NPPF relate to viability. The NPPF states that plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

The applicants have submitted an assessment of viability, the report states that the proposed scheme is currently unviable based upon existing planning policy and associated proposed S106 requirements. The viability report has been provided on a confidential basis to the Council and this is not available for inspection by the general public or interested third parties. To ensure that the report is accurate and the reduced contributions are justified, the Council appointed DTZ to undertake an independent review of the viability assessment. The findings of the report and the agreed heads of terms will be presented as a late item.

## **10. Conclusion**

The proposed redevelopment of the site is in accordance with both local and national planning policies. It is considered that the proposed mixed use scheme will result in the development of an important brownfield site in Chippenham, which will enhance the town and its role as a principal settlement in Wiltshire. There are significant benefits from the proposal in that it supports a Core Strategy objective for delivering a thriving economy in that it regenerates an existing employment area to retain established businesses and extends the service centre role and night time economy of Chippenham by introducing new leisure uses.

The delivery of housing in a central urban location and the expansion of Chippenham's town centre by delivering elements of identified retail need are positive for the area. There are small parts of the scheme which could be improved, however, on balance the proposed redevelopment is acceptable and overcomes the concerns raised by the previous planning Inspector's decision.

## 11. Recommendation

The application is recommended for approval subject to the following planning conditions and the completion of a s106 agreement with heads of to be agreed prior to the meeting and presented as a late item:

- 1) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved:
  - (a) Layout,
  - (b) Scale,
  - (c) Appearance
  - (d) Access
  - (e) Landscaping
- 4) The development hereby permitted shall not be carried out except in broad accordance with the details shown on the submitted plans and documents, as detailed below:

Parameter Plan: Landscape – SK28-23 C  
Parameter Plan: Movement – SK28-22- D  
Parameter Plan Building Height – SK28 -21- D  
Parameter Plan Land Use – SK28-20 –D  
Master Plan- SK28-3 REV F  
Highway Plans- IMA 12 066 015 Rev F  
IMA 12 066 028  
IMA 12 066 029

### Technical Documents-

Planning Statement  
Design & Access Statement  
Transport Assessment  
Environment Statement  
Drainage Statement

- 5) No development shall commence on any plot of the development until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for all buildings within that phase, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 6) No development shall take place on any phase of the development until details of the construction of all walls, fences and other means of enclosure for that phase of development has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented and complete prior to the first occupation of the unit.

- 7) The landscaping scheme for each plot of development, as required by condition 3 shall include:
- a) indications of all existing trees and hedgerows on the phase of development;
  - b) details of any trees to be retained, together with measures for their protection in the course of development;
  - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - d) finished levels and contours;
  - e) means of enclosure;
  - f) car park layouts;
  - g) other vehicle and pedestrian access and circulation areas;
  - h) hard surfacing materials;
  - i) minor artefacts and structures (e.g. furniture, bin and cycle stores and other storage units, signs, lighting etc);
  - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
  - k) details for the intended treatment of all boundaries of the phase of development

The above details shall be provided prior to the first occupation of any part of the plot to which the above details relate.

- 8) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;
- 9) The development shall comply with the following requirements:
- i. the hotel shall not exceed 3530 sq ms.
  - ii. the buildings to be used for B1 & B2 use shall not exceed 3901 sq ms.
  - iii. the buildings to be used for D2 use shall not exceed 2787 sq ms.
  - iv. The building to be used for food retail purposes shall not exceed 3530 sq ms net sales area
  - v. The buildings used for A1 shall not exceed 3,251 sqm net floorspace
  - vi. Max number of residential units shall not exceed 115 units.
- 10) Prior to the first occupation of any building within the site, details and locations of the proposed signage for the footpaths and cycleways within the site directing people to the Town Centre and Railway Station shall be provided to and approved in writing by the Council. These signs shall be installed in accordance with the approved details and within 6 months of the first occupation of any building on site.
- 11) Prior to the removal of the building on Hathaway Retail Park shown for demolition on plan SK28-3 REV F full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 12) The retail store shall not be occupied until the building on Hathaway retail park shown for demolition has been demolished, all resulting materials and waste removed from the site and the new access provided.
- 13) Prior to the occupation of the food retail unit the new access into the existing northern surface level railway car park shown on Parameters Plan- Movement (SK28-22D) shall



have been provided. The access shall thereafter be retained and made available for use by the general public.

- 14) No retained tree as shown on the Tree Survey plan within the Supplementary Arboricultural Report received by the Local Planning Authority on 2 August 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.
- 15) No development shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary by the Local Planning Authority. The agreed scheme shall be implemented in the first planting season following the first occupation of the development and shall be thereafter retained.
- 16) No development shall take place until a scheme of highways improvement in accordance with Drawing Numbers IMA 12 066 015 Rev F, IMA 12 066 028 & IMA 12 066 029 including the approval of necessary departures from standard, has been fully implemented and is constructed and open to traffic.
- 17) No building in each plot shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans for that plot and shall be thereafter retained.
- 18) The development hereby permitted in each plot shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented.
- 19) No development shall take place on any plot of the development, until a Construction Method Statement for that plot has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel cleaning facilities;
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii. measures to control noise during construction;
  - ix. a signage strategy for construction traffic.
- 20) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 21) No external construction works or related deliveries shall take place outside 0700 to 1800 hours on Mondays to Fridays or 0700 to 1300 hours on Saturdays not at any time on Sundays or Bank and National Holidays except in an emergency.
- 22) Development shall not commence on any plot approved under condition 3 of this permission until that plot has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.
- 23) Prior to the first occupation of any building on site, other than site clearance and demolition, full details of all site access arrangements shall have been completed in accordance with details, which shall have been submitted to, and approved in writing by the Local Planning Authority beforehand.
- 24) No artificial lighting shall be installed unless full and precise details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include:
  - i. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination throughout the year.
  - ii. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features and proposed landscaping features to mitigate the impacts of the proposed lighting.
  - iii. Details of the make and catalogue number of any luminaires/floodlights.
  - iv. Size, type and number of lamps fitted within any luminaire or floodlight.
  - v. The mounting height of the luminaires/floodlights specified.
  - vi. The location and orientation of the luminaires/floodlights.
  - vii. A technical report prepared by either a qualified lighting engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.
  - viii. The lighting shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.
- 25) No development of the food retail unit shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest

residential properties. Development shall be carried out in complete accordance with such details so agreed and shall remain in that condition thereafter.

- 26) Prior to the first use or occupation of the food retail unit development hereby permitted details of the method of managing public access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved management plan shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.
- 27) No development shall commence on the food retail until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.
- 28) No development shall take place on the food retail unit until details of secure covered cycle parking for both customers and staff (together with associated changing and shower facilities for staff) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.
- 29) Prior to the first occupation of the food retail unit the highway works, bus stop facilities and on-site pedestrian and cycle routes, including the link to the northern surface level railway station car park, shall be complete and in accordance with those general details shown on plan number SK28-3 REV F and full details of such highways works, which shall have first be submitted to and approved in writing by the local planning authority.
- 30) The food retail store shall not be opened for trade until the site access road and its associated footways, have been provided in accordance with the approved plan number IMA 12 066 015 Rev F.
- 31) The food retail store shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained at all times for their designated users.
- 32) The food retail store shall not be opened for trade until the store service road and its associated service yard have been provided in accordance with details to be submitted to and approved in writing with the Local Planning Authority.
- 33) Unless otherwise agreed in writing, at no time shall the service yard of the food retail unit be used for outside storage or any other purpose other the parking and manoeuvring of delivery lorries.
- 34) Unless otherwise agreed in the form of a separate planning permission in that regard, at no time shall the food retail unit hereby permitted be subdivided into a larger number of units.
- 35) The gross internal floor space of the food retail store hereby permitted shall not exceed 8800 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 3530 square metres. There shall be no sale of comparison goods.
- 36) The unit hereby approved shall be used for food retail purposes only and for no other purpose of the schedule of the Town and Country Planning (Use Classes) Order 1987, or

in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (without modification).

- 37) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be subdivided so as to result in any retail units less than 929sqm
- 38) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be used other than for the sale of DIY/hardware items; garden products and plants; furniture; carpets and other floor coverings; electrical and gas goods; pets and pet products; camping equipment and goods that are ancillary and related to the main goods sold, provided that the ancillary goods comprise no more than 10% of the net sales floorspace of the individual unit and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order without modification), unless the local planning authority gives written consent to any variation.
- 39) The introduction of mezzanine floors shall not be permitted without the prior written approval of the local planning authority.
- 40) The non food retail development forming plot 'Non Food Retail', as identified on plan number SK28-20 REV D to which this planning permission relates, shall not be implemented if any part of the development for which planning permission was granted pursuant to planning application reference no *N/10/04067/OUT* is begun.
- 41) The residential development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by the reserved matters application, shall be constructed within the roofs of the dwellings hereby approved.
- 43) Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.
- 44) The detailed design of the permitted food store shall make provision to accommodate a landing platform for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.



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