

## AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

**Date:** Thursday 7 August 2014

**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Adam Brown, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718038 or email [adam.brown@wiltshire.gov.uk](mailto:adam.brown@wiltshire.gov.uk)

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### Membership:

Cllr Mark Connolly (Vice-Chair)  
Cllr Stewart Dobson  
Cllr Peter Evans  
Cllr Nick Fogg MBE  
Cllr Richard Gamble

Cllr Charles Howard (Chairman)  
Cllr Jerry Kunkler  
Cllr Paul Oatway

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### Substitutes:

Cllr Liz Bryant  
Cllr Terry Chivers  
Cllr Ernie Clark  
Cllr Dennis Drewett

Cllr Jeff Osborn  
Cllr James Sheppard  
Cllr Philip Whitehead  
Cllr Christopher Williams

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# AGENDA

## Part I

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

1 **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 5 June 2014.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

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 **31 July 2014**. 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 the following planning applications.

6a **14/02273/FUL Lower End Farm, Long Street, Marston, Devizes, SN10 5SL** (Pages 9 - 32)

6b **14/06017/FUL Land at The Bottom, Urchfont, Devizes, Wiltshire, SN10 4SF** (Pages 33 - 44)

## 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*

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## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 JUNE 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

#### **Present:**

Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler, Cllr Paul Oatway and Cllr James Sheppard (Substitute)

#### **Also Present:**

Cllr Liz Bryant, Cllr Jemima Milton and Cllr Jonathon Seed

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#### **25. Apologies for Absence**

Apologies for absence were received from Councillor Mark Connolly. Councillor Connolly was substituted by Councillor James Sheppard.

#### **26. Minutes of the Previous Meeting**

The minutes of the meeting held on 3 April 2014 were presented for consideration, and it was,

#### **Resolved:**

**That subject to amending Minute 19 to read 'Mr Peter Gallagher spoke on behalf of the Ramblers Association in objection to the Officer's Recommendation', to APPROVE as a true and correct record and sign the minutes.**

#### **27. Declarations of Interest**

Councillor James Sheppard declared a non-pecuniary interest in application 14/02863/FUL: St John's Marlborough, Granham Hill, by virtue of having two children in attendance at the school who could possibly attend the Sixth Form there. He confirmed he would consider the application on its merits with an open mind and would debate and vote on the item.

Councillors Stewart Dobson and Nick Fogg also declared non-pecuniary interests in application 14/02863/FUL by virtue of being members of Marlborough Town Council, who had considered the application previously. Neither had voted at the Town Council meeting and would consider the

application on its merits with an open mind, and would debate and vote on the item.

Councillor Richard Gamble also declared a non-pecuniary interest in application 14/02863/FUL by virtue of being the Council's Portfolio Holder for Schools, Skills and Youth, but stressed that the Council was not responsible for post-16 education provision of academies, and was therefore able to consider the application on its merits with an open mind, and would debate and vote on the item.

**28. Chairman's Announcements**

There were no announcements.

**29. Public Participation and Councillors' Questions**

The rules on public participation were noted.

There were no questions or statements submitted.

**30. Planning Appeals**

A report from the Area Development Manager on the outcome of appeals arising from Committee and Officer determined applications for 2013 was presented.

**Resolved:**

**To note the update.**

**31. Planning Applications**

The following applications were determined:

**32. 14/02863/FUL: St John`s Marlborough, Granham Hill, Marlborough, SN8 4AX**

**Public Participation**

Mr Alan Titcombe, resident, spoke in objection to the application.

Mr Gordon Hutt, Chairman of Ducks Meadow Residents Association, spoke in objection to the application.

Mrs Debbie Lorraine, Ducks Meadow Residents Association, spoke in objection to the application.

Mr Martin Cook, Assistant Head Marlborough St John`s, spoke in support of the application.

Miss Ellen Trevaskiss, pupil, spoke in support of the application.

Mrs Karen Davis, applicant and Chief Financial Officer of Marlborough St John`s, spoke in support of the application.

Cllr Justin Cook, Marlborough Town Council, spoke in objection to the application.

The Senior Planning Officer introduced the application which recommended the application be granted. Key issues were stated to include the design of the proposed building and any impact on nearby residential amenity and traffic impacts, particularly off-site parking. Details were provided of late representations in objection and support of the application.

A correction was made to the officer report, which had stated "*To meet current parking standards the proposal should be looking to meet a maximum number of around 126 spaces for staff and pupils for the sixth form requirement of 1 space per 4 students*". It was stated that the proper ratio is 1 space per 10 students applied to the new build, which with spaces for associated staff and parents gives a requirement for 14 spaces.

Members of the Committee then had the opportunity to ask technical questions of the officer. Further clarification was sought on national and council parking standards, and details that would need to be provided in an updated school Travel Plan, which it was confirmed would need to be completed by March 2015. In response to queries over the location of the proposed build, it was stated that the presence of a gas pipe running under the site limited where construction of the new extension could take place.

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

The local member, Councillor Nick Fogg, then spoke in support of the application, while expressing disappointment that a Travel Plan to resolve parking concerns had not already been completed.

Cllr Jemima Milton, adjoining Division Member, then spoke in support of the application, highlighting the need for the school to expand and its importance to the town and wider area.

A debate followed, where the procedure for completion of the Travel Plan was discussed, and that it would be beneficial for the Marlborough Division Members to be consulted on its development.

Parking capacity on the site was raised, as well as the impact of students parking in the nearby residential streets, with options such as more spaces on the site, overflow parking sites, designated spacing for students and a resident's parking scheme discussed. Members were informed of a former Wiltshire Council education facility near to the site had existing parking facilities, and senior officers had been contacted to determine whether this could be utilised by the school, with a positive initial response, which would provide flexibility and more time to seek a more permanent parking solution.

Members discussed local and national policy in respect of school expansion, and it was noted that the planned extension was to be funded by a government grant which would be lost should it not be developed quickly, but that the concerns of local residents also needed to be carefully addressed. In respect of

the design and its impact on the nearby residence, it was confirmed rear facing windows would be obscured glazing and above eye level.

At the conclusion of debate, it was,

**Resolved:**

**That 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 No development shall commence on site until details 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 No part of the development hereby approved shall be first brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.**

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

- 4 No part of the development hereby approved shall be first brought into use until the additional parking areas shown on the approved plans have been laid out in accordance with the approved details. These areas 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 Before the development hereby permitted is first occupied the first floor high level windows in the rear elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing in perpetuity.

**REASON:** In the interests of residential amenity and privacy.

- 6 No development shall commence on site until a drawing showing proposed habitat enhancements within the site has been submitted to and approved in writing by the local planning authority. The approved enhancements shall be carried out in the first planting season following the first occupation of the new building.

**REASON:** In the interest of conserving and enhancing the biodiversity of the site.

- 7 No exterior lighting shall be introduced to light the building.

**REASON:** In order not to interfere with the bat populations which use the tree line along the adjacent disused railway line.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: 3749/102A, 3749/103B, 3749/104B, 3749/105A and 3749/106B, received 28/04/14 and 3749/101C, 3749/303A, 3749/304A and 3749/305B received 16/05/14

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

- 9 **INFORMATIVE TO THE APPLICANT:**

The applicant should be aware that there are several records of slow worms and grass snakes in close proximity to the school site and it would therefore be prudent to engage an ecological clerk of works during the construction phase to ensure that reptiles are not at risk from construction processes.

- 10 **INFORMATIVE TO THE APPLICANT:**

The applicant should engage a suitably qualified consultant ecologist to assist with the design and layout of the habitat enhancements required by condition no. 6, to ensure its likely

**effectiveness and appropriateness within the site.**

**11 INFORMATIVE TO THE APPLICANT:**

**A Wiltshire Council former education facility lies nearby the application site. The closed site is still owned by Wiltshire Council and has parking facilities for over 20 cars. The applicant is advised to investigate with Wiltshire Council whether this site could be made available to St John's to provide additional parking spaces until it is required for some other use by the Council.**

**It was resolved that the Marlborough Division Members should be consulted during the preparation of the Green Travel Plan required under condition 3 of the planning permission.**

*Cllr Fogg left the meeting after the conclusion of this item.*

**33. 13/06712/VAR: Land off Melksham Road, Westbrook Park Farm, Westbrook, Bromham**

Public Participation

Mr David Johnson, applicant, spoke in support of the application.

Mr Lance Beale, resident, spoke in support of the application,

The Senior Planning Officer introduced a report which recommended the application be refused. The key issue was stated to be the impact on highway safety of the development undertaken and which would be approved by variance of the existing conditions on the site. It was stated that the grinding down of the existing kerbs had damaged their structural integrity and was dangerous, and the council could be liable for any damage or injury that resulted.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the cost of replacing the type of kerbs required with the existing conditions and in response to queries it was confirmed the increased scale of the access would be an improvement to the highway, if proper kerbing and appropriately wide consolidated material rather than looser materials, was in place.

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

The local member, Councillor Liz Bryant, and adjoining Division Member, Councillor Jonathon Seed, then spoke in support of the application, stating that the current access was safe and of common use in the area. The site was for private not commercial use, and it was questioned why a commercial standard had been requested for the width of the consolidated material.

A debate followed, where the importance of following appropriate standards was emphasised, and that though not a commercially used site, traffic through it

was quite frequent and included heavy vehicles which could cause damage as a result of the lack of compliance to the original conditions.

At the conclusion of discussion, it was,

**Resolved:**

**That planning permission be REFUSED for the following reason:**

- 1. The proposed variation of conditions 3 and 4 of planning permission E/09/1558/FUL would result in an adverse impact on highway safety. The conditions as originally worded are necessary to ensure no detriment to structure of the existing highway, and to ensure vehicles can safely enter and exit the application site without detriment to the free flow of traffic and highway safety along the A3102 road. The proposed development would therefore be contrary to saved policy PD1 of the Kennet Local Plan 2011 and Core Policies 60 and 62 of the emerging Wiltshire Core Strategy.**

**34. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.20 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

**Report No. 1**

<b>Date of Meeting</b>	07 August 2014
<b>Application Number</b>	14/02273/FUL
<b>Site Address</b>	Lower End Farm, Long Street, Marston, Devizes, SN10 5SL
<b>Proposal</b>	Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers and cabins to house a substation, gravel trackways, perimeter fencing and ecological enhancements.
<b>Applicant</b>	Good Energy Lower End Farm Solar Park (026) Ltd
<b>Town/Parish Council</b>	MARSTON
<b>Ward</b>	THE LAVINGTONS AND ERLESTOKE
<b>Grid Ref</b>	397301 156519
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

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

The application has been called in to committee by Councillor Richard Gamble to consider the cumulative impact of solar farm developments on the Wiltshire countryside.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission is approved subject to conditions.

**2. Report Summary**

The main issues to consider are:

- Principle of the development
- Whether the proposal would result in the loss of the best and most versatile agricultural land
- The landscape
- The cumulative impact of solar farm development in the locality
- The historic environment
- Use of local transport network
- Biodiversity
- Residential amenity
- Other Matters

### 3. Site Description

The application site is located at Lower End Farm which is accessed via Long Street (track). The site occupies 14.4 hectares of the farm and is primarily located to the north of the farm house and farm track and bounded to the north by the public right of way which runs through the farm from Worton to Cheverill Green Road. At its eastern end the site extends southwards to Long Street. The site also includes the track from Long Street to the farm and a section of Long Street which are required for access purposes.

The site is currently in agricultural use and run as a free range chicken farm. It contains a residential dwelling as well as a number of agricultural buildings.

The nearest settlements to the site are Marston and Worton located to the west and north of the site respectively.

Notable landscape features in the vicinity of the site include Semington Brook which is located to the north of the site and Cheverell Wood located to the south of the site.



Photograph taken from centre of northern boundary line (indicated by yellow flags) with Lower End Farm, Farm House in the background to the left of the photograph.

### 4. Relevant Planning History

The applicant submitted a request for a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 on 4th March 2013 (Council's ref: ENQ/2013/00103). A screening opinion was subsequently adopted which stated that an EIA was not required.

### 5. The Proposal

The application proposes a 30 year temporary permission to install a solar photovoltaic farm whilst keeping the land in agricultural use for the keeping of chickens (as existing) and grazing of sheep. The proposed development includes ploughing and levelling of the site, the removal of hedging, infilling of a ditch, the laying of a temporary track around the perimeter of the site, reseeding the site, planting a new hedge along the northern boundary, planting of infill hedging, the installation of approximately 19,600 solar panels with a height of

2.65m located in south facing rows, the erection of 3 x inverter housing cabins, the erection of 2 x substations and the enclosure of the site with a 2.4m high deer fence.

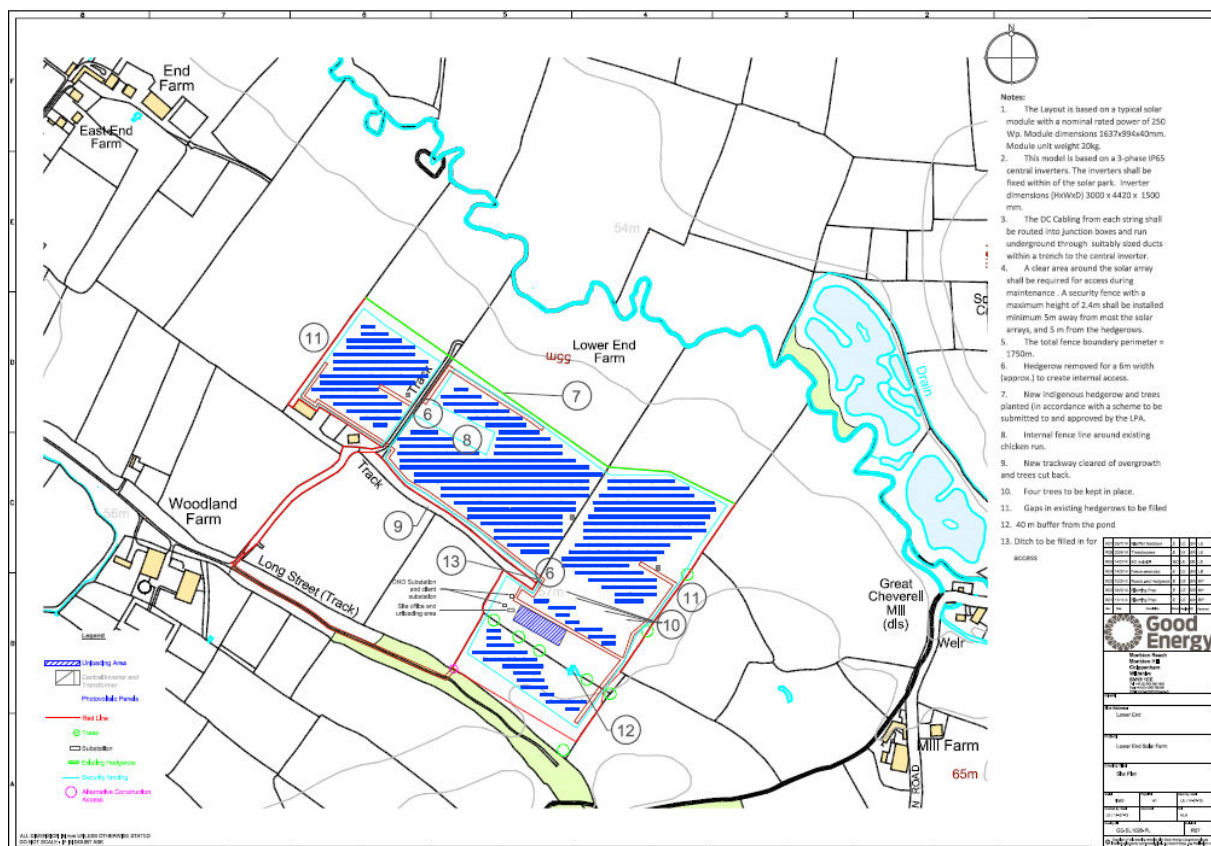
The panels will occupy the majority of the site except where buffers are required around the perimeter of the site and around landscape features such as ponds and trees.

During the course of construction, temporary widening and surfacing of the access roads/tracks would also be required.

The application documentation also refers to lighting and CCTV but these items do not form part of this application and if required by the applicant would be the subject of a further planning application.

Since the application was submitted a number of alterations have been made including:

- The retention of four trees that were originally proposed to be felled
- A change to the site access
- The proposed formation of a five metre buffer between the hedging on the boundary and the security fence to create a wildlife corridor
- Removing references to the creation of a wildflower meadow
- Updated plans and statements to reflect such changes



Site Plan

## 6. Planning Policy

**National Planning Policy Framework (NPPF)** sets out the general planning policy advice of central government. Of particular relevance to the determination of this application is section 7 “requiring good design”, 10 “meeting the challenge of climate change, flooding and

coastal change”, 11 “conserving and enhancing the natural environment” and 12 “conserving and enhancing the historic environment”.

**Planning Practice Guidance (PPG)** – specifically Paragraph: 013 Reference ID: 5-013-20140306 – Guidance on what are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.

**Kennet Local Plan 2011 (saved policies):** Policy PD1 regarding general development and design principles and NR7 regarding protection of the landscape are the pertinent considerations. NR19 regarding stand alone renewable energy proposal relates to wind turbines and biomass but not solar farms. Nevertheless, it is relevant to be aware of the supporting text which discusses generally renewable energy within the former Kennet District area.

**The Emerging Wiltshire Core Strategy:** This document is at an advanced stage of development. The key policies are considered to be Core Policy 42: Standalone renewable energy installations; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 56: Contaminated land; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring the conservation of the historic environment; Core Policy 61 Transport and Development and Core Policy 62: Development impacts on the transport network.

**Other Material Considerations:**

- (a) National Policy Statement for Energy Infrastructure (2011) (DECC)
- (b) National Policy Statement for Renewable Energy Infrastructure (2011) (DECC)
- (c) The 2009 Renewable Energy Directive (2009/28/EC) – setting a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.
- (d) Coalition Government’s Programme for Government (June 2010) – addressing climate change and maximising the exploitation of UK’s renewable energy resources.
- (e) National Renewable Energy Action Plan (July 2010) - all about securing energy supplies.
- (f) The International, European and UK Renewable Policy Frameworks – providing financial support for renewable energy schemes including feed in tariffs, unblocking barriers to delivery and seeking to develop emerging technologies
- (g) Renewable Energy Progress Report: South West 2013 Annual Survey
- (h) Planning Guidance for the Development of large scale ground mounted solar PV systems (bre)
- (i) Gregory Barker MP – Minister of State for Energy & Climate Change letter dated November 1 2013 titled Solar Energy.
- (j) ‘UK Solar PV Strategy Part 1: Roadmap to a Brighter Future’ (Oct 2013) (DECC) which established 4 guiding principles:
  - 1. Support solar PV alongside other energy generation technologies in delivering carbon reductions, energy security and customer affordability;
  - 2. To meet the UKs 15% renewable energy target from final consumption by 2020 and decarbonisation in longer term;
  - 3. Ensure solar PV are appropriately sited, giving proper weight to environmental considerations; and,
  - 4. Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing, grid connectivity and financial incentives.
- (l) The State of the Environment Wiltshire and Swindon 2013 – published by the Wiltshire Wildlife Trust.



## 7. Consultations

**Marston Parish Council** – Supports the application subject to the following conditions:

1. A construction traffic management plan is agreed in advance with Marston Parish Council, and failure to adhere to the conditions will result in site access restrictions.
2. A report regarding the state of Marston Green (a registered common) will be submitted by the trustees of the Marston Green charity, and it will be the responsibility of the applicant to reinstate and restore the green to this state after the construction phase. This report will also incorporate the state of any land (that is not common land) or structure adjoining the public highway used by the construction traffic in the parish.
3. To ensure that any costs to cover point 2 above, are covered by a bond of £100,000 to be held in escrow.
4. That the removal of any mature trees is forbidden, and that a revision of the site plan is arranged to accommodate the retention of all mature trees.
5. Confirmation that if ownership of the solar farm or the company that operates it changes, then all obligations and conditions imposed on the current applicant are transferred.
6. That no external lights are erected on site.

Marston Parish Council also undertook a village consultation where specific concerns were raised by residents in relation to construction traffic, design, environment and management of the site.

**Worton Parish Council** – No objection.

**Wiltshire Council Highways Team** – No objection subject to conditions relating to:

- Construction Traffic Management Plan;
- Details of highway improvements;
- Details of temporary carriage widening and reinstatement;
- Details of parking and turning;
- Access route to site; and
- Condition Survey.

**Environment Agency** – No objection, subject to informatives to be added to decision notice.

**English Heritage** – No objection. There will be some impact on surrounding heritage assets, but the impact would be less than substantial and would be outweighed by the benefit of the proposed use.

**Natural England** – no specific comments, standing advice provided.

**Wiltshire Council Drainage Consultant** – No objection.

**Wiltshire Council Archaeology Team** – No objection and endorsed the conclusions of the submitted Archaeology Assessment and do not consider any further archaeological investigations are required.

**Wiltshire Council Landscape and Design Team** – No objection subject to conditions. Please refer to comments in section 9.4

**Wiltshire Council Climate Change Team** – Supports the application – The scheme, if approved will bring up the total of major solar applications in Wiltshire to 177 MW over 30 applications.

**Wiltshire Council District Ecologist** – No objection following revisions carried out to address initial concerns and subject to conditions to ensure protection of ecology and mitigation measures.

**Wiltshire Council Rights of Way Team** - Part of the access road to Lower End Farm from Long Street, which would be used by construction vehicles, is a public footpath. The Council has a responsibility to ensure that the surface is not damaged by this proposal. A bond is therefore sought from the developer under S57 of the Highways Act 1980 - catering for a worst case scenario where a stretch of the PRoW may need to be completely reconstructed. A bond of £10,000 prior to commencement of works should be sought.

**Ministry of Defence** – no objection, the MOD have no safeguarding objection to this proposal in relation to Keevil Airfield.

## **8. Publicity**

Three site notices were erected around the site, the application was advertised in the Wiltshire Gazette and Herald; and individual neighbour notification letters were sent to 29 properties. A further round of consultation was carried out following the receipt of revised drawings from the applicant.

Following this public consultation, 18 letters have been received with 9 opposing the development and 9 in support. It is noted that a number of those writing in support of the application, are not resident in the vicinity of the site.

### **The objections raised can be summarised as follows:**

- Generic application with many inaccuracies, ambiguities, and contradictions
- Loss of trees and hedges
- Glint and Glare assessment provided for nearby planning application at Stokes Marsh ref: 13/02309/FUL
- Roads not wide enough to accommodate construction traffic as illustrated on swept paths provided by applicant
- Lack of clarity regarding the installation of CCTV
- Noise from electrical substation
- Validity of figures quoted for traffic movements
- Coordination of traffic movements with nearby approved site
- Uncertainty regarding the size number and location of inverter equipment
- Planning statement describes the site as Chalkland but it is Kimmeredge Clay
- Clay will not support a Wildflower Meadow
- Mitigation suggested in ecologist report is not carried forward into planning application
- Community fund is not a good will gesture but a requirement by government
- Solar operators are in the pursuit of profit and not solely about the concept of green energy generation.
- Three sites within a 2 mile radius of Marston
- Access and road safety
- Infringement of Common Land
- Design, appearance and layout

- Impact underplayed
- Ecological impacts
- Screen hedge will have little impact for residents who look down on the site from a higher elevation.
- How long before hedging matures and effectively screens site
- Impact on views from public rights of way.
- Longer views will be obscured by high hedges
- The area has done its bit for renewable with two solar farms approved in the vicinity
- Renewable energy should not be at the expense of green field land
- Visible from listed buildings
- The perimeter fence will have an austere appearance that will not be satisfactorily screened.
- Should be cautious on the effects of wildlife until true effects are known
- Timing of construction works
- Access to PROW during construction works
- Easement required to access site over common land as proposed in revised drawings
- Revised plans are not accompanied by revisions to supporting information and it is unclear if it will result in less panels or panels being positioned closer together.

**Those in support of the application raised the following summarised issues:**

- The form of development is endorsed and supported
- The site is hidden from view
- The dual use of land for agriculture and renewable energy is an intelligent compromise
- Support subject to any damage to Marston Common being minimised and made good
- Subject to retention of trees

**CPRE - Campaign to Protect Rural England** - No objection in principle subject to the retention of trees and minimising damage to common land as well as making good any such damage. In addition, the applicants should be required to provide for temporary, automatic traffic controls on the stretch of Long Street between the cross roads and the lane leading left into the site, to facilitate argument-free and verge-damage-free single-lane working for the construction period. Use of the controls could be confined to the time-frame agreed for movements for construction vehicles.

## **9. Planning Considerations**

### 9.1 The Principle of the Development

This application proposes the creation of a solar park and associated infrastructure. As far as the adopted Local Plan is concerned, the Kennet Local Plan is silent with respect to standalone solar pv proposals although the supporting text to policy NR19 states that the local plan sets sustainability as a high priority. The NPPF, PPG and the emerging Wiltshire

Core Strategy provide the most up to date policy guidance that specifically deals with renewable energy proposals.

The NPPF applies a presumption in favour of sustainable development and sets out 12 core planning principles, which includes specific reference to supporting the transition to a low carbon future by encouraging the use of renewable resources (for example, by the development of renewable energy) (para 17).

Nationally, the need for renewable energy sources is well established in planning policy. The NPPF also outlines that *“to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”* and should have a positive strategy to promote energy from renewable and low carbon sources (para 97). It is important to note that the responsibility of providing renewable energy lies with all communities.

The NPPF further advises that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and should approve the application if its impacts are (or can be made) acceptable (paragraph 98).

The emerging Wiltshire Core Strategy adopts the same approach as the NPPF and Core Policy 42 advises that *‘Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of site specific constraints’* This policy also advises that applicants are not required to justify the overall need for renewable energy development, either in a national or local context.

The production of renewable sources of energy, on any scale, will inevitably contribute to the objective of the NPPF and local policy to address climate change and encourage the production of energy through renewable sources. The proposed development, in principle, is therefore supported by the NPPF and the emerging Wiltshire Core Strategy.

As the development is acceptable in principle all material planning consideration associated with the proposal must be considered. Core Policy 42 sets out the parameters within which standalone renewable energy installations shall be supported and advises that ‘Proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed and taken into account:

- (i) The landscape, particularly in and around the AONBs
- (ii) The Western Wiltshire Green Belt
- (iii) The New Forrest National Park
- (iv) Biodiversity
- (v) The historic environment including the Stonehenge and Avebury World Heritage Site and its setting
- (vi) The use of the local transport network
- (vii) Residential amenity, including noise odour, visual amenity and safety: and
- (viii) Best and most versatile agricultural land’.

Planning Practice Guidance for Renewable and Low Carbon Energy outlines the particular planning considerations that relate to the deployment of large scale ground-mounted solar photovoltaic farms in paragraph 13 and these are summarised below:

- The effective use of previously developed land
- Proposals involving greenfield land should involve continued agricultural use and/or encourages biodiversity improvements around arrays

- The temporary nature of solar farms
- The effect on landscape of glint and glare
- Additional impacts if solar arrays follow the movements of the sun
- The need for and impact of security measures such as fencing and lighting
- Impact on heritage assets
- The potential to mitigate landscape and visual impacts
- The energy generating potential

These specific considerations are addressed in this report alongside the relevant criteria set out in Wiltshire Core Policy 42.

## 9.2 Whether the proposal would result in the loss of the best and most versatile agricultural land

The Agricultural Land Classification system classifies land into five grades, with grade 3 subdivided into sub grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is the most flexible, productive and efficient in response to inputs and which can best deliver food crops for future generations.

The Council's mapping system records that the application site comprises largely grade 4 land with a small area of grade 3 to the north adjacent to Lower End Farm buildings and as such would not be categorised as best and most versatile for the purposes of applying Core Policy 42 and the NPPF.

Furthermore the existing use of the farm as a free range chicken farm is proposed to continue and it is also proposed that the areas between the arrays can be grazed by sheep. The management of the land will be addressed in both the Landscape and Ecology Management Plans which are required by condition.

## 9.3 The Landscape

The applicants submitted a Landscape and Visual Impact Assessment prepared by Pegasus Environmental in support of their proposals. This was later updated to provide corrected references to local policies. Wiltshire Council's Landscape and Design Team provided comments in the context of potential effects on Landscape Character, Views and Visual Amenity resulting from development of this proposed nature and scale at this location having regard to the (Saved) Kennet District Local Plan 2011 (KDLP) Policy NR7 and emerging Draft Wiltshire Core Strategy (DWCS) - Core Policy 51: Landscape.

Core Policy 51 of the emerging Wiltshire Core Strategy clearly states that in particular, proposals would need to demonstrate that the following aspects of landscape character have been considered; 'ii. *The locally distinctive character of settlements and their landscape settings*' & 'vi. *important views and visual amenity*'. Likewise, Kennet District Local Plan Policy NR7: Protection of the Landscape, clearly states that '*Where development is acceptable in principle, through other policies of the Plan, outside the limits of development, the Council will seek to protect and enhance the character and quality of the environment and will not permit development which is likely to have a significant adverse effect upon the landscape. In particular, development proposals will be considered against their potential effects upon:- a) landscape character, quality and distinctive features; and b) views and visual amenity.*'

The proposed development would introduce a change effect, from agricultural fields to an solar farm installation within the site itself, which would be partially visible from the north, north west and north east. Resulting effects are likely to be more prominent during the construction phase and winter months thereafter. Officers do not view the principle of development in this case to be unacceptable. The effects resulting from the proposed

development are likely to be localised and could be satisfactorily absorbed into the receiving landscape due to the relatively flat nature of the site itself, the low height of the proposed development and the existing intervening topography and vegetation which helps restrict and filter views from the elevated vantage points from the south along the 'Springline' slope villages of Erlestoke and Great Cheverell etc. and the Salisbury Plain Special Landscape Area further south. Where potential views of development are likely to be achieved, such as from adjacent and nearby public rights of way and the southern edge of Worton, it would be important to mitigate against such visual effects as far as possible through the inclusion of additional hedgerow and tree planting to screen and filter the installation and further visually compartmentalise the proposed development.



Photograph taken from Sandlease in Worton. The proposed Solar farm would occupy southern half of the fields in the centre of the photograph visible beyond the hedge.

The design of the ancillary infrastructure associated with the solar farm would also have an impact on the character and appearance of the area. It is proposed to mitigate such impacts through the use of conditions to ensure that roads and paths are reinstated, trees and hedgerows are protected and improved, the substation and inverter housing are painted in recessive colours, deer fencing is used and solar frame foundations are kept to a minimum.

In addition to conditions the Council's Public Right of Way Team have requested a Bond to cover the cost of reinstating the Public Right of Way. Marston Parish Council has also requested a Bond to cover the cost of reinstating the Marston Green where construction traffic is proposed to overrun the highway. Should this application be approved, officers recommend that informatives are attached to any permission to cover such matters.

The Design and Access Statement prepared by Good Energy Generation Limited discusses Glint and Glare advising that the Solar Panels are designed to absorb the sun's energy and absorb between 82 – 90% of the light received and that anti reflective coatings are used which effectively and significantly reduce reflectivity. Furthermore the majority of views of the site are from the north and the panels themselves are facing south.

#### 9.4 Cumulative Impact

Planning Practice Guidance advises that *'the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However in the case of ground mounted solar panels it should be noted*

*that with effective screening and appropriate land topography the area of a zone of visual influence could be zero’.*

The visual impact assessment submitted with the application identifies 6 viewpoints that are intended to be representative of the range of views and receptors around the site. They do not cover every single possible view but are intended to be representative of a range of receptor types e.g. residents, walkers on public footpaths and road users, from different directions and distances from the site. The viewpoints selected in the study are as follows:

Viewpoint 1: From South Cross Lane, Worton Common, looking west, south west

Viewpoint 2: Public footpath in the vicinity of New Road, looking north east

Viewpoint 3: From the village green at Marston looking east

Viewpoint 4: Public footpath located on the south eastern edge of Worton looking south, south west

Viewpoint 5: Located on the White horse trail recreation path as it passes over Wick Bridge looking in an east south east direction.

Viewpoint 6: From Cheverell Road as it passes over the railway line looking north west.

Of the above viewpoints the report concluded that the development would have no effect on views from Viewpoints 2, 3, 5 and 6, have a slight effect on views from Viewpoint 1 and a moderate effect from Viewpoint 4.

With regards Viewpoint 1 the assessment states the development site is heavily filtered from view by the significant amount of vegetation located along field boundaries in the intervening landscape. It advises that it would be possible to gain glimpses of the solar farm through the vegetation but that the solar farm would not be a prominent feature in the view.

With regards Viewpoint 4 the assessment states: ‘that from this location, elevated clear views are afforded in a southerly direction across the Mill Race valley. Views look across a working agricultural landscape, which has various agricultural features throughout, such as individual farmsteads, chicken sheds and out buildings. The majority of fields have well maintained hedgerows, with mature trees located throughout the hedgerows. The site is located in the valley bottom, and would be partially filtered from view by intervening vegetation. Before the new mitigation hedgerow located along the north eastern extent of the solar farms is established there would be a medium magnitude of change in the view. Once the new hedgerow has become established this would heavily filter views of the solar farm and cause a low magnitude of change in the view’.

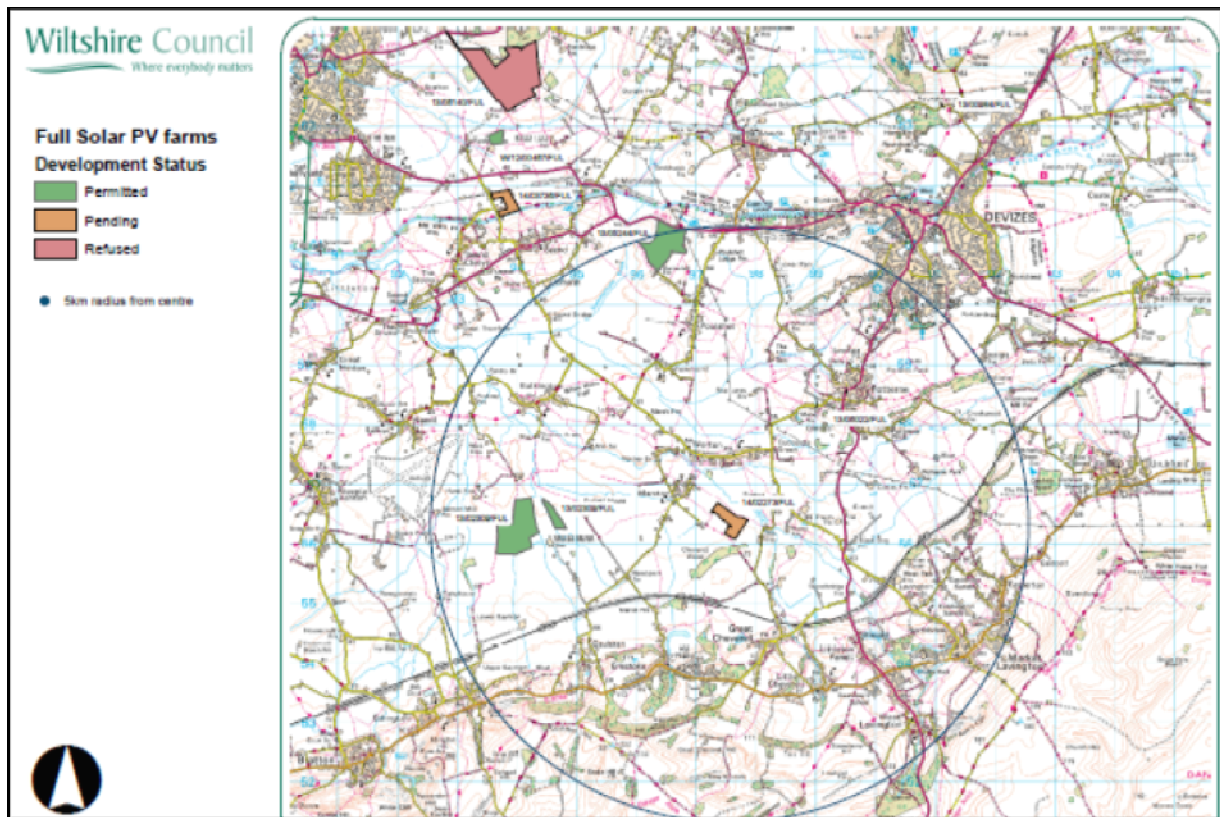
In its conclusions the report advises that ‘due to the topography and the screening effect of the numerous existing hedgerows, hedgerow trees and mature woodland, it is evident from this assessment that the actual zone of visibility associated with the proposed development would be limited to the immediate environs of the site and to the north of the site.

This view is also assessed in the next section of the report in relation to the impact of development on heritage assets.

There are three permitted solar installations within a 5km radius of this site. These are Stokes Marsh Farm ref: 13/02309/FUL to the west of the site, Lodge Farm, Poulshot Road to the north of the site and a small scale installation of 200 panels at Eastwell Manor, Eastwell Road, Potterne ref: 13/06022/FUL to the north east. Further afield there is a current application pending determination to the north of Seend ref: 14/03736/FUL.

Officers are in broad agreement with the submitted LVIA and consider that the visual impacts of the site are localised and would not be viewed in the same field of vision as other permitted schemes.

The map below shows the position of sites with permission and currently under consideration. Those within the circle are within a 5km radius of the site. A larger map is appended to the report. (Appendix 1)



A schedule of solar farm development is also appended to the report setting out the applications for large scale solar farm permitted since 2011. (Appendix 2) The current total stands at 31 permitted schemes in the county. The vast majority of these schemes are concentrated to the north and west of Wiltshire with 16 permitted in the North Area, 10 in the West, 4 in the East and 1 in the South of the County. There are currently 6 applications pending decisions and 3 of these are in the North, 2 in the East (this application and the application to the north of Seend) and 1 in the South. There are also three refused application with 1 in the North, 1 in the west (currently the subject of an appeal) and 1 in the South.

### 9.5 The Historic Environment

The application is supported by a detailed Heritage Desk Based Assessment by Cotswold Archaeology. This has identified the heritage assets, their significance and potential impact of the development on their significance. English Heritage, Wiltshire Council Conservation Team and Wiltshire Council's County Archaeologist provided comments in the context of potential effects on the historic environment.

Chapter 12 of the NPPF relates to conserving and enhancing the historic environment. Wiltshire Core Strategy Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. The policy advises that development should protect, conserve and where possible enhance the historic environment.

There are no designated Heritage Assets on the proposal site however there are a number in the vicinity so the key issue to assess here relates to the impact the development would



have on these Heritage Assets. The closest Heritage Asset is Great Cheverell Mill a grade II listed building is approximately 320m from the site. The submitted report provides an analysis of the significance of the setting to the building and advises that there is no inter-visibility with the proposal site; and as such, there is no impact of the proposed development. Marston Conservation Area is located approximately 430m to the west of the site and contains a number of listed buildings. However, due to the topography, hedges and trees, the site will not be visible from the listed buildings or conservation area.

Approximately 600m to the north of the site is Worton, and its Conservation Area with a number of listed buildings. The views south from this village over the agricultural landscape are part of the significance of the conservation area. The report identifies that part of the proposal site would be visible in some views from the village. However the site is located some distance from the village with intervening fields, hedges and trees. In addition the panels would be orientated to the south. There may be some glimpses of the installations from the conservation area and it is acknowledged that there would be a visual change in the landscape from agricultural land to metal structures. In this regard, the report does identify some harm to the setting of the Worton Conservation Area. Officers consider that the harm would not be substantial. It is also important to record that paragraph 134 of the NPPF states that the level of '*harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. Officers consider that the harm is very limited and not significant to warrant refusal of this application, especially when considered in the wider context. This view is supported by English Heritage in recognising that there would be some impact on surrounding heritage assets but that this impact would be less than substantial.

The Heritage Desk Based Assessment concludes that there is a low potential for heritage assets with archaeological interest to be impacted by the proposed development. Considering the relatively low impact of the proposed development, lack of records within the vicinity pre-dating the medieval period and remnant medieval/post medieval ridge and furrow recorded across the site, Officers (including the Council's archaeologist) concur with the conclusions reached in the submitted Archaeology Assessment and do not consider that further archaeological investigations are necessary in relation to this application.

#### 9.6 Use of Local Transport Network

The application is supported by a Traffic and Construction Plan. It is proposed to secure a revised and updated Traffic and Construction Plan by condition. The Design and Access Statement prepared by Good Energy Generation Limited advises that the construction of the solar array would last approximately 10 weeks and that following the construction period there would likely be between 6 to 12 vehicular movements annually.

The principle transport consideration concerns the suitability of the access route to accommodate construction traffic and the management of construction traffic to minimise disruption.

Officers are satisfied that construction traffic can be accommodated on the route proposed provided that there is a permanent upgrade to the Junction of Worton High Street with Mill Road and temporary widening and reinstatement of Long Street. It is also noted that construction traffic would overrun Long Street onto Marston Green and that the applicants have secured an agreement with the Parish Council to allow the temporary widening to encroach onto the Green. The Parish Council have requested a bond to ensure reinstatement works are carried out. Construction traffic would also use a Public Right of Way to access the site. The right of way shall remain open to other users during this period and the highways team have requested a bond to ensure that it is reinstated to its present condition following the construction works.

A construction management plan is recommended as a planning condition which would require deliveries to be programmed to avoid stacking of vehicles on the road network around the site.

Officers consider that the proposed development complies with Policies 61 and 62 of the emerging Wiltshire Core Strategy as it would not have a significant transport impact once construction works are complete. Construction traffic can be suitably controlled by condition including permanent and temporary upgrades to the road network.

#### 9.7 Biodiversity

The application is supported by an Ecological Survey prepared by Michael Woods Associates. This report has been updated to take on board concerns raised by Wiltshire Council Ecologist. The updated ecology report advises that Great Crested Newts are unlikely to be present and revises the mitigation and enhancement measures proposed.

Core Policy 50 of the emerging Core Strategy seeks the protections and enhancement of biodiversity.

Mitigation has been provided in the form of a 5m buffer outside the security fence to provide a natural habitat between the security fence and the existing and proposed hedging. Buffers are also included around other ecological features within the site such as trees and ponds. This approach is supported by the Council's ecologist. Enhancement measures include the planting of a hedge along the northern boundary of the site and planting to improve the existing hedging. This approach supersedes the proposal of a wildflower meadow within the site boundary.

#### 9.8 Residential Amenity

The nearest residential occupier (domestic receptor) to the site is the land owner who would share the northern boundary of their residential curtilage with the application site. The house would be 5m from the security fencing and over 15m from the solar arrays. It is considered that the deer fencing would not have an unacceptable adverse impact on the amenities of residential occupiers as it would not result in loss of light or have an unacceptable overbearing appearance in the circumstances. The arrays are located further away and it is considered that they would not have an unacceptable impact on the amenities of the residential occupiers. The panels/arrays are static and would not give rise to any noise or disturbance. The inverter housing and substation are located over 70m away from the residential property and set within the arrays. It is considered that they would not have an impact on residential amenity.

The impact on visual amenity of surrounding residential occupiers is discussed under the heading of landscape.

#### 9.9 Other Matters

Hydrology and Flood Risk – The application was accompanied by a flood risk assessment. Run off from the panels would drain into the fields below and it is generally accepted that they do not increase the risk of flooding. The Environment Agency and Wiltshire Council's Drainage Officer have commented on the application and raise no objections.

Community Benefit – The Community Engagement, consultation report prepared by Good Energy Generation Ltd sets out their intentions with regard community benefit. This includes working with Five Lanes Primary School in Worton and providing an annual fund of £1000 per Megawatt of installed capacity. This is not required to make the development acceptable and is not secured by condition or s106 agreement, but an informative is recommended to encourage this element.

Temporary Permission – The application seeks temporary permission for a period of 30 years. The applicant has advised that this time frame optimises the earning potential of the site.

## 10. Conclusion

The proposed development is considered to be acceptable in principle and would not have an unacceptable impact on the surrounding landscape, historic environment, biodiversity, residential amenity or transport.

## RECOMMENDATION

### Approve with conditions

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

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

- 2 The development hereby approved shall be discontinued and the land restored to its former condition on the expiry of 30 years from the date of this permission or within 6 months of the PV modules ceasing to be used, whichever is the sooner. This shall be carried out in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use.

- 3 The substation and inverter housing shall be painted in 14-C-39 Green BS4800 (Holly Green) gelcoat finish.

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

- 4 The proposed security fencing should be rural deer proof fencing, timber post and agricultural galvanised stock netting.

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

- 5 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 6 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.

- 7 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 & Hedgerow Protection Plan showing the exact position of all trees and hedges 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.

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 trees and hedgerows shall be cut down, uprooted or destroyed, nor shall any retained trees 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 practice.

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.

[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 from the completion of the development].

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

- 8 Construction work on the site shall only take place between the hours of 08.00 and 18:00 on weekdays and between 08.30 and 13:00 on Saturdays, with no work taking place on Sundays or Bank Holidays.

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

- 9 Following the installation of the solar farm, there shall be no external lighting/illumination at or on the site unless otherwise approved by the local planning authority following the

submission of a separate planning application.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

- 10 Prior to the start of construction, an Environmental Construction Method Statement shall be submitted to and approved in writing by the LPA. This must include a site drawing indicating all buffer zones and tree root protection zones, with additional annotations e.g. location of badger setts, where any specific precautionary measures are to be implemented. The development shall be implemented in accordance with the approved plan.

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 11 Prior to the bringing into use of the solar farm, an Environmental Management Plan for the operational phase of the project shall be submitted to and approved in writing by the LPA. This is best presented as a site drawing with detailed annotations for management of each habitat or feature to be managed for the benefit of biodiversity. This document will also detail specific enhancements for biodiversity as required by NPPF. The development shall be implemented and operated in accordance with the approved plan.

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 12 A revised Construction Traffic Management Plan shall be submitted and approved in writing by the LPA prior to commencement of development. Key items to be covered in the traffic management plan include:

- Wheel washing facilities and measures to prevent mud and other debris entering highway.
- Full signage details in relation to the construction traffic route, a signage scheme shall be maintained in accordance with scheme and removed at completion of works. The scheme shall include from the A361 junction with Bell Hill in north towards site via Bell Hill, High Street/ Mill Road / Norney Road and Long Street.
- Banksman shall be employed for all HGV deliveries from High Street/ Mill Road / Norney Road .
- A programme shall be agreed for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network, HGVs shall wait in official registered lorry parks (ie M4). A Delivery and Transport Manager will need to be appointed with this responsibility.

The development shall be implemented in accordance with the approved plan.

REASON: In the interests of Highway safety

- 13 No development shall commence on site until full construction details of the highway improvements / widening to the High Street / Mill Road junction have been submitted and approved in writing by the LPA. The junction improvements shall be properly consolidated and surfaced. The development shall not be 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 accessed.

- 14 No development shall commence on site until full construction details of the temporary carriageway widening and permanent re-instatement to the Long Street widening have been submitted and approved in writing by the LPA in consultation with the Parish Council prior to any works to the Common taking place. The development shall not be first commenced until the temporary carriageway widening has been constructed in accordance with the approved details. The permanent re-instatement in accordance with approved details shall be carried out within 3 months of the development works being completed or an agreed timeframe.

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

- 15 No part of the development shall commence until details of the parking area and turning area have been submitted and approved constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for the duration of the construction period.

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

- 16 Access to the site for construction traffic shall be via A361, Bell Hill, High Street, Mill Street, Norney Road and Long Street, as outlined in Traffic Management Plan. No alternative route shall be used unless agreed in writing by the local planning authority.

REASON: In the interests of highway safety

- 17 No development shall commence until a condition survey of High Street, Mill Street, Long Street and Norney Road carriageways and verges has been undertaken and submitted to the Local Planning Authority for its written approval, together with a programme for undertaking remedial works for any highway damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post-works condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works, to ensure that as a result of the proposal the existing condition of the highway network is maintained.

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

- 18 Prior to the commencement of development hereby permitted a condition survey of the part of the site identified as Long Street Public Right of Way (PROW) which is a Byway open to all Traffic (BOAT), reference: Marston 8, shall be undertaken and submitted to the Local Planning Authority, together with a programme for undertaking remedial works for any damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post work condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been

submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works to ensure that as a result of the proposal the existing condition of the byway is maintained.

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

**INFORMATIVE 1:**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

**INFORMATIVE 2:**

Use of road planings (tarmac scalplings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption. For more guidance including permitted types of waste and tonnage please visit:

<http://www.environment-agency.gov.uk/business/sectors/117075.aspx>

**INFORMATIVE 3:**

The provision of new service cables under public rights of way / highway, will require separate consents under provisions of the New Roads and Street Works Act.

**INFORMATIVE 4:**

The developer/applicant is advised that this permission does not authorise the diversion, obstruction, or stopping up of any right of way that crosses or adjoins the site. The public rights of way shall be kept free from obstruction during and after the construction period.

**INFORMATIVE 5:**

A Bond of £10,000 has been requested by the Public Right of Way Team to ensure that the Right of Way is reinstated to its former condition following the completion of construction works.

**INFORMATIVE 6:**




The applicant is encouraged to enter into discussions with the local community/parish council to potentially agree upon any community benefits this development may accrue for the 25 year period of the permission.

**INFORMATIVE 7:**

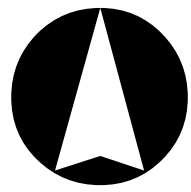
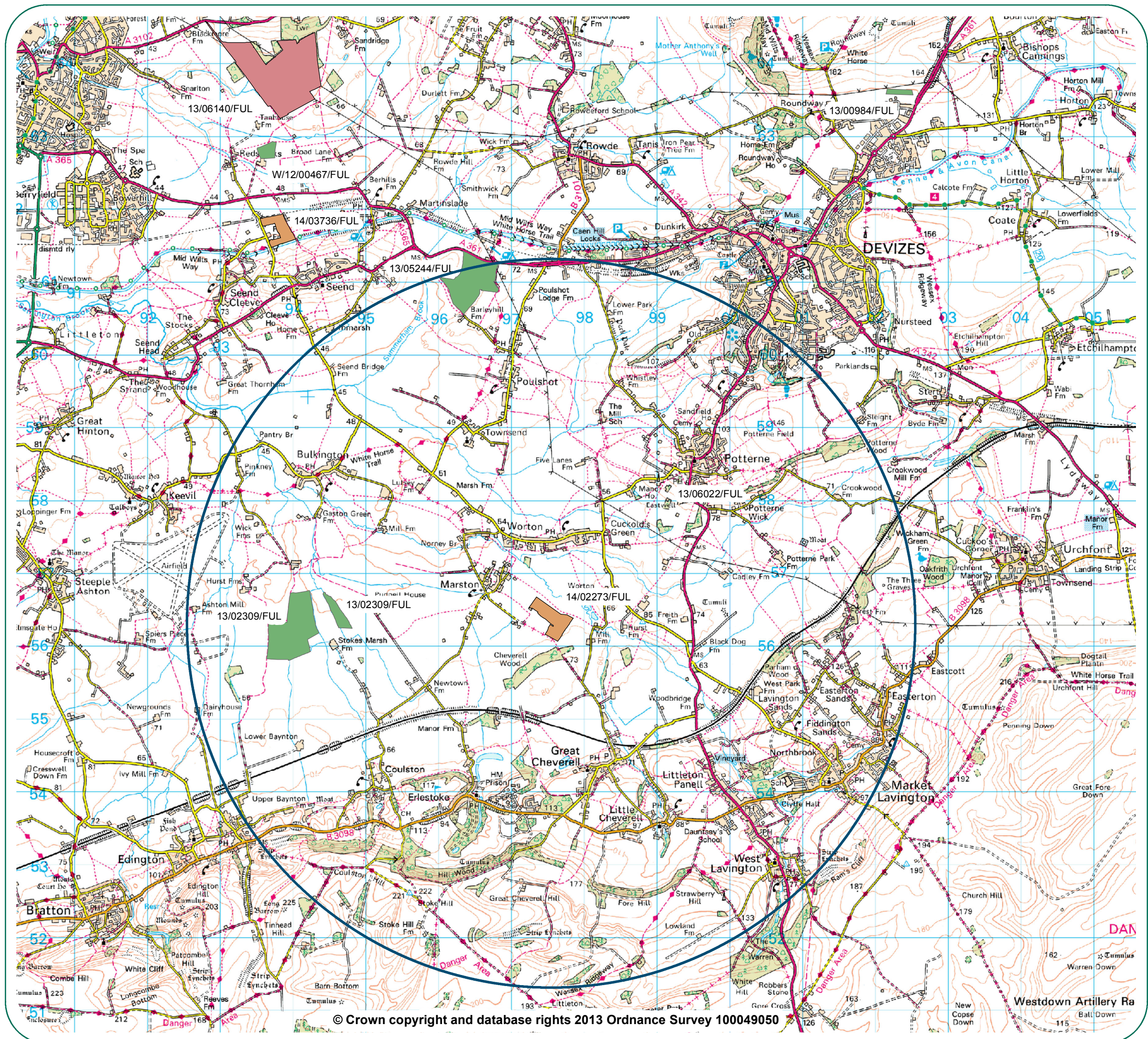
The applicant shall need to confirm in consultation with the highways team the proposed start date for construction traffic with the aim of avoiding conflict with construction traffic for the Stokes Marsh Farm Solar Farm planning ref: 13/02309/FUL which will use the same route for construction traffic.



**Full Solar PV farms**  
**Development Status**

-  Permitted
-  Pending
-  Refused

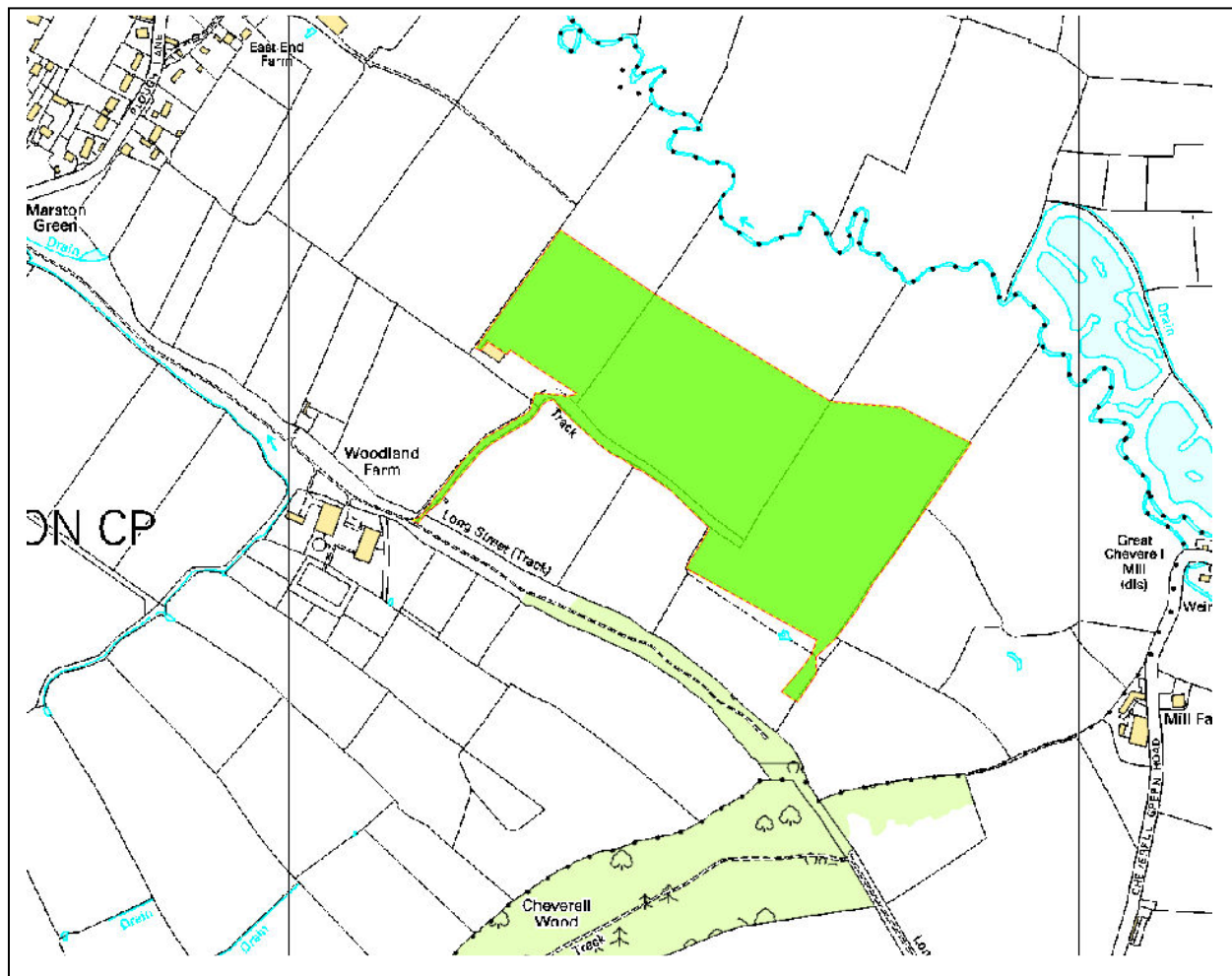
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<b>Application Number</b>	14/02273/FUL
<b>Site Address</b>	Lower End Farm, Long Street, Marston, Devizes, SN10 5SL
<b>Proposal</b>	Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers and cabins to house a substation, gravel trackways, perimeter fencing and ecological enhancements
<b>Case Officer</b>	Eileen Medlin



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**REPORT TO THE EASTERN AREA PLANNING COMMITTEE    Report No. 2**

<b>Date of Meeting</b>	07 August 2014
<b>Application Number</b>	14/06017/FUL
<b>Site Address</b>	Land at The Bottom Urchfont Devizes Wiltshire SN10 4SF
<b>Proposal</b>	Erection of detached dwelling (resubmission of 14/04118/FUL)
<b>Applicant</b>	Mrs Pat Banwell
<b>Town/Parish Council</b>	URCHFONT
<b>Ward</b>	URCHFONT AND THE CANNINGS
<b>Grid Ref</b>	404294 157274
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Morgan Jones

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

This application is brought to committee at the request of the division member, Councillor Philip Whitehead, on the following grounds:

- Scale of development;
- Visual impact upon surrounding area;
- Relationship to adjoining properties;
- Design.

**1. Purpose of Report**

To consider the recommendation that the application be refused planning permission.

**2. Report Summary**

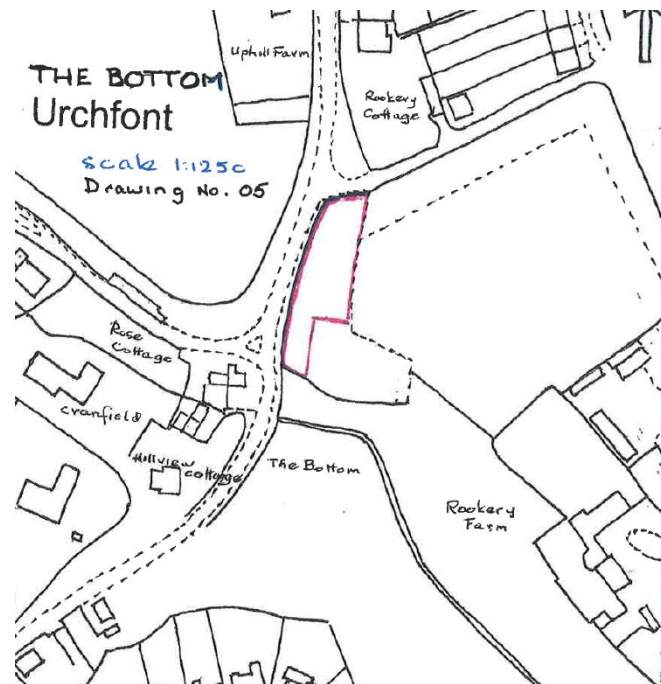
The key issues for consideration are:

- Principle of development;
- Layout, design and visual impact;
- Impact on highway safety;
- Environmental and ecological impact.

**3. Site Description**

The application site lies on the eastern flank of Friars Lane. The site has historically been overgrown but has recently been cleared. The site follows the gradient of the

Friars Lane with drops from north to south. The lane adjoins the west boundary of the site, the north adjoins the junction between Crooks Lane and Friars Lane, and the east boundary adjoins a steep bank as the land to the east is at a higher level.



Site Location Plan

The Design and Access Statement submitted for the previous application at the site (ref 14/04118/FUL) outlines that the site has been in the applicant's family since 1953 and was used for the purpose of keeping chickens, ducks and other small livestock from 1953 until 1978. Since 1978 the land has been vacant however the applicant has recently cleared the site and has also replaced the fence that has been broken down to prevent trespass and illegal tipping.

#### 4. Planning History

Planning applications 80/0038 (erection of dwelling) and 81/0613 (change of use to builders yard and erection of workshop) are both historic applications that were refused at the site.

Planning application 80/0038 was refused by the local planning authority and an appeal into this refusal was dismissed. At the time of this appeal planning policy only permitted, in principle, infilling within the built-up frontage of the village. The Inspector's Statement notes that

*"The Bottom forms a contrast to the more built-up area of the village and [the site] ...makes a definite contribution to the character of the village as whole. If the appeal proposal were permitted it would I believe diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position...I also share the Council's fears that approval to the development proposed could set an undesirable precedent and I also think that the lane serving the area should as far as*

is possible be protected from further development because of its relatively steep gradient and limited traffic capacity”.

Planning application 81/0613 was refused for three reasons, these are summarised as:

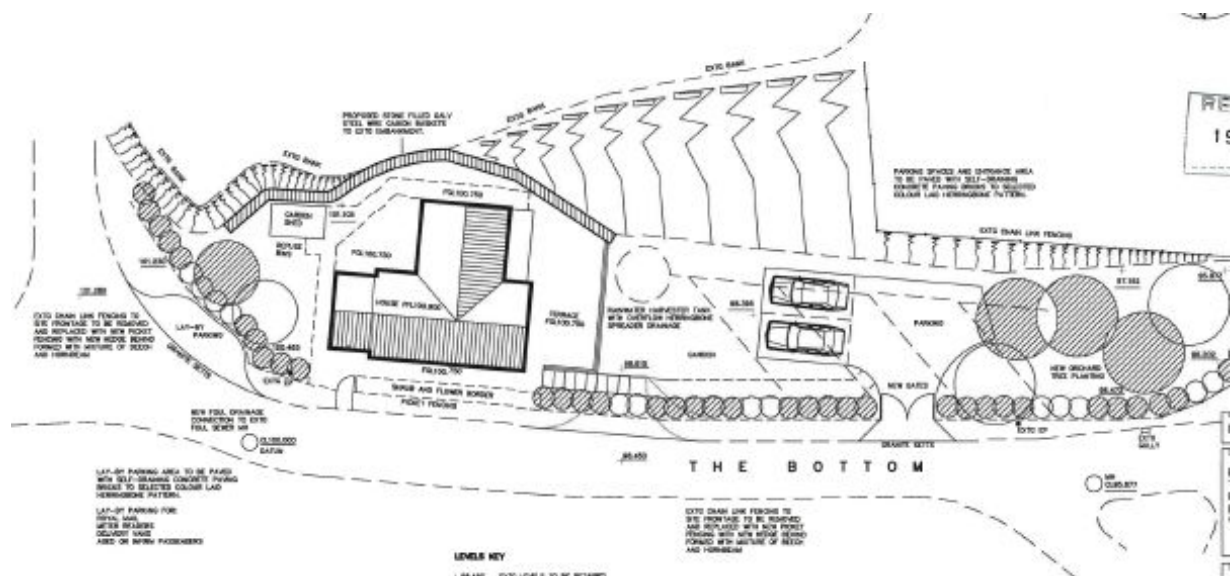
- (a) The proposal would be detrimental to the visual amenities of The Bottom which is a pleasant largely undeveloped valley;
- (b) The lane serving the area, lacking footways, having unsatisfactory width, alignment and gradient and debouching at both ends at sub-standard junctions, is inadequate and unsuitable to serve the proposed use;
- (c) If permitted, the commercial use would set a precedent for similar developments along a grossly inadequate road which would be contrary to highway safety and the character of the valley.

Planning application 14/04118/FUL sought full planning permission for the erection of a dwelling house on the site earlier this year, however it was withdrawn by the applicant on the 22 May 2014 following concerns raised by the Local Planning Authority in relation to the principle of the development and highway safety.

## 5. The Proposal

The application seeks full planning permission to construct a two storey, three bedroom dwelling. The external walls will be finished with a red facing brick and the roof with a natural slate tile. The windows and doors will be of a timber construction.

The dwelling will be sited on the northern end of the plot, a new orchard on the southern side of the plot and a parking area access via a new entrance from Friars Lane within the centre of the plot. A lay-by will be provided next to the junction with Crooks Lane and Friars Lane for post and delivery vehicles to use.



Proposed Site Plan

## 6. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 1 'Building a strong, competitive economy', 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring Good Design' and 11 'Conserving and enhancing the natural environment'.

The Saved Policies of the adopted **Kennet Local Plan 2011**, in particular:

- PD1 Development & Design;
- HC22 'Villages with a Range of Facilities';
- HC26 'Housing in the Countryside';
- NR6 'Sustainability & Protection of the Countryside';
- NR7 Protection of the Landscape;

The **Wiltshire Core Strategy** submission document does not yet carry significant weight however its policies are a material consideration, in particular:

- Core Policy 1 'Settlement Strategy';
- Core Policy 2 'Delivery Strategy';
- Core Policy 12 'Devizes Community Area';
- Core Policy 51 'Landscape';
- Core Policy 57 'Ensuring High Quality Design and Place Shaping'.

Wiltshire Local Transport Plan 2011 – 2016: **Car Parking Strategy** (March 2011).

## 7. Consultations

Wiltshire Council Highways – Object to the proposal on sustainability grounds.

Wiltshire Council Ecologist – No objection.

Urchfont Parish Council – Support the application, subject to Wiltshire Council recognition that surface water from this property is catered for by the design of the revised drainage system to be installed in The Bottom.

## 8. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the publicity five letters have been received with the following comments and concerns:

- The now proposed 'Lay-By Parking' area will pose a danger to highway safety, it will be positioned on the bend at the road T Junction where the road slopes and has limited visibility. The road is also constantly used by tractors and other farm equipment from the farm at Uphill, especially more so in the summer months;
- The site is rather steep not a moderate slope as mentioned within the application;



- A hedge of hornbeam and beech is proposed, the owners of a neighbouring property were not allowed to plant a beech hedge because it is not an indigenous species.
- There is only one gully serving The Bottom which is supposed to collect the water coming down from Uphill. However, this is not effective during heavy rainfall and the lower part of the road floods.
- The application may exacerbate the problem of flooding at The Bottom during extremely heavy rainfall;
- The proposed lay-by and driveway are to be laid with "self draining bricks", At times of torrential rain fall a majority of the water will simply flow off this surface due to the time scale in which huge amounts of water hits the bricks.
- As Wiltshire Council are at this very moment investigating the surface water pipes in the area it would be beneficial and sensible that no development takes place until such time as any remedial work is undertaken by Wiltshire Council and certainly not before a second gully is installed.
- Badgers may be present within the application site.
- The site's last use was a sewage works for the Crooks Piece estate (where Foxley Fields is now situated) and it should be described as a brownfield site.

The Wiltshire Fire & Rescue Service has provided standard advice and guidance for the applicant.

## **9. Planning Considerations**

### **9.1 Principle of Development**

The adopted local development plan document for this area is the Kennet Local Plan 2011 (KLP) (adopted June 2004). In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

The Kennet Local Plan outlines that villages which have a range of facilities and have access to public transport provide the most sustainable location for limited new housing in the rural areas. Policy HC22 'Villages with a Range of Facilities' & Table H.4 defines the villages with a range of facilities. Elsewhere in rural areas, new housing will be remote from services and facilities and therefore contrary to the plan's sustainable development objectives. The site adjoins the Limits of Development for Urchfont which is defined as a Village with a Range of Facilities. However, the site itself is completely outside the limits of development within an area defined as 'countryside'.

Policy HC26 of the Kennet Local Plan states that new residential development in the countryside will only be permitted to provide accommodation for the essential needs of agriculture or forestry or other employment essential to the countryside. Additionally, the policy would allow for the re-use of existing buildings to provide holiday accommodation or where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.

This policy approach is reiterated at the national level. The golden thread of the NPPF is the presumption in favour of sustainable development. The emphasis for development to be sustainable is reiterated throughout the whole document and heavy emphasis is placed on this. Paragraph 55 of the NPPF specifically states the special circumstances that allow for new housing in the countryside. These are:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting

The proposed development does not meet any of the special circumstances listed above and as such, it would be considered contrary to both national and local planning policy.

The draft Wiltshire Core Strategy (dWCS) includes a settlement strategy and Core Policy 12 Spatial Strategy: 'Devizes Community Area' identifies Urchfont as a Large Village with the same limits of development as within the Kennet Local Plan. Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' outlines that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages, but development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Development proposals which do not accord to the delivery strategy are deemed unsustainable and as such will only be permitted in exceptional circumstances.

The applicant's agent asserts that the site should be classed as brownfield land and as such the principle of the development should be accepted. One of the twelve core land-use planning principles outlined within the NPPF is that the planning system should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value" (par 17).

The NPPF provides a definition of 'previously developed land' which is as follows – *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; ... and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time"*. The site does not accommodate any buildings and is currently overgrown and therefore clearly does not apply with the definition of previously developed land / brownfield land.

## 9.2 Layout, Design, Visual Impact

The application site and the immediate landscape surrounding the site has a very rural character and appearance. The highway is a narrow lane and the site is undeveloped and overgrown. The proposed development would result in the siting of a two storey brick build dwelling at the northern highest part of the site, and will involve significant engineering operations to level and grade the site to accommodate the dwelling and associated parking area and access. There will also be a requirement to place stone filled galvanised steel wire gabion baskets (1.7m in width x 1.5m in height) next to the embankment on the east boundary of the site opposite the proposed dwelling.

It is noted that a new hedge will be planted along the roadside boundary and new trees within the southern side of the site. However, the dwelling would appear very prominent when travelling north out of Urchfont and would not be set against the backdrop of any other residential properties.

Policy NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan seeks to ensure that any development in the countryside protects and enhances the character and quality of the environment and does not have a significant adverse impact on the landscape. It is considered that the proposed development would have a harmful impact on the natural setting of the site and as such conflict with the aforementioned policy.

The comments of the Planning Inspector made within the decision notice of the planning application dismissed at appeal in 1980 for a dwelling on the site remain relevant today. The Inspector noted that:

*"The Bottom forms a contrast to the more built-up area of the village and [the site] ...makes a definite contribution to the character of the village as whole. If the appeal proposal were permitted it would I believe diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position"*

Despite the significant period of time that has passed since the Inspector made the above observations there is no reason to disagree with this view as the status and appearance of the site is unchanged.

## 9.3 Impact on Highway & Pedestrian Safety

The Council's highways team has highlighted that the proposal will result in a new dwelling within the open countryside and as such would be heavily reliant on the private vehicle. As such, a highway objection has been provided on grounds of unsustainable development.

Notwithstanding the objection to the principle of the development, the Transportation is satisfied with the proposed new access, lay-by and parking provision, provided that the following is secured:

- a visibility splay of 2m x 27m to the carriageway nearside edge to the north and 2m x 27m to the centre of the carriageway to the south;

- the first 5m of the access to be consolidated and surfaced (not loose stone or gravel); and
- any gates will be required to be set back at 4.5. from the edge of carriageway.

In light of the observations made by the highway team the applicant's agent has updated the proposed site plan to show that the requirements of the above conditions can be met. The agent also stated that "opposite the southern end of the site there is a small triangle of grass. A footpath extends beyond the grass area along the valley and takes you to the Village Hall and the Church" and other facilities within the village. It should be noted that a no-through road (The Bottom) leads west from the site and does not include a footpath, however at a public right of way (ref URCH40) begins at the end of this road and runs into the village.

It is acknowledged that local residents have raised concerns about the safety of the proposed lay-by, however, although the highway team does not believe the lay-by is necessary they do not object to its inclusion within the scheme as it will benefit from the required visibility.

#### **9.4 Environmental & Ecological Impact**

The application site has recently been cleared but is now covered with tall ruderal weeds such as nettles and docks, which in this situation are of low conservation value. The site is bordered on the eastern side by mature hedge species including, Hazel, Elm, Elder, Hawthorn, with Sycamore, Ash and Beech providing the specimen trees. The application is supported by a letter from an Arboricultural Association which outlines that some of these trees/hedges will need to be cut back / removed to accommodate the proposed development.

The Council's Ecologist has indicated that there are very few species records within the immediate surrounding area. As such, it is considered unreasonable to request a Phase I Habitat Survey for this site. However, the Council's Ecologist advised that rank vegetation probably offers some cover for small mammals and possibly reptiles, especially slow worms. As such, it is recommended that an informative should be added to any permission in order to alert the applicant to their responsibilities under environmental legislation.

The applicant's agent has drawn the Local Planning Authority's attention to a badger sett on land adjacent to the site. Within the Design and Access Statement for the previous application (ref 14/04118/FUL) the agent mentioned that the Wiltshire Badger Group has been made aware of the proposed development and that the dwelling will be sited on a part of the site which is free of badger activity. It is intended to form an orchard in the area where badger activity has been observed. This remains the case for this current application and as such the proposal should not have any adverse ecological impacts.

It is acknowledge that local resident believe the proposed development may lead to flooding problems at The Bottom, and that the Parish Council support the proposed development subject to Wiltshire Council recognition that surface water from this property is catered for by the design of the revised drainage system to be installed in The Bottom.

Without an appropriate drainage scheme there is potential for surface water to flow onto the highway and exacerbate the flooding problems experience at the Bottom during periods of heavy rainfall. However, the application plans provide details of the proposed method to dispose of surface water which will be via a rainwater harvesting tank with overflow herringbone spreader drainage to slow down the discharge of water to the bottom of the site. The parking spaces and access will also be paved with self-draining concrete paving bricks. These measures will ensure that surface water is contained within the site and disposed of via the sustainable drainage system.

## **10. Conclusion**

The application seeks full planning permission for the construction of a residential unit outside the Limits of Development of Urchfont. The proposal would be contrary to both national and local planning policy which seeks to contain all new residential development within the Limits of Development in the interests of promoting sustainable development and the protection of the countryside. The principle of the proposed development is therefore not considered acceptable. The approval of a new residential unit within such an area would set an undesirable precedent for similar scheme elsewhere.

It is considered that the proposed development would diminish the present pleasant character of The Bottom by introducing a new modern dwelling into a prominent position. The scheme would therefore erode the sites' rural setting and have an adverse impact on the character and appearance of the landscape.

The proposed development is therefore contrary to sections 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies PD1 'Development & Design', HC26 'Housing in the Countryside', NR6 'Sustainability & Protection of the Countryside' and NR7 'Protection of the Landscape of the Kennet Local Plan, and Core Policies 51 'Landscape' and 57 'Ensuring High Quality Design and Place Shaping' of the Wiltshire Council Core Strategy.

## **RECOMMENDATION**

Planning Permission is REFUSED for the following reasons:

1. The proposed development would result in the creation of a new residential unit within the countryside outside of the Limits of Development of Urchfont as defined within the Kennet Local Plan. The site is considered to be within an unsustainable location for residential development and there are no exceptional circumstances to justify a residential use at the site. As such, the proposal would be contrary to both national and local planning policies, which seek to promote sustainable development and protect the countryside, namely section 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies NR6 'Sustainability & Protection of the Countryside' and HC26 'Housing in the Countryside' of the Kennet Local Plan, and Core Policy Core Policy 1 'Settlement Strategy', Core

Policy 2 'Delivery Strategy' and Core Policy 12 'Devizes Community Area' of the draft Wiltshire Core Strategy.

2. The proposed development would be detrimental to the visual amenities of the area in that it would disrupt the unspoilt character of the site by introducing a new modern dwelling, and associated works, into a prominent position. The proposal would erode the rural appearance of the site and have an adverse impact on the character of the landscape. As such, the proposal is contrary to section 11 'Conserving and enhancing the natural environment', saved Policies PD1 'Development & Design' and NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan, and Core Policy 51 'Landscape', and Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the draft Wiltshire Core Strategy.



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