

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

09th December 2015

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

Item 6a) 15/04763/FUL Parsonage Way Chippenham Wiltshire

Typographical Error

On Page 16 within Section 5 entitled "The Proposal" the proposed landscaping bund is described as 4 metres in height which is incorrect, this should read 3 metres in height as is set out in the body of the report within the section entitled "Impact on the Character and Appearance of the Locality".

Neighbour Representation

A further neighbour representation was received 08/12/2015 15:21 pm. The representation is lengthy and so is summarised as follows:

The Council has erred in law in its assessment of the development as not being Environmental Impact Assessment (EIA) Development and as such a screening opinion as to the need for an EIA in relation to the development is required. The neighbour objector has written to the National Planning Case Work Unit to request that they issue an opinion in this respect. The neighbour refers to the Council identifying that the revised EIA regulation require developments of this nature (schedule 2 Section 10 Industrial Estate Development projects) of 5 ha or greater to be the subject of an EIA where a range of criteria set out in guidance are met and that a screening opinion should be issue in this respect. Case law (R v Swale Borough Council, ex p Royal Society for the Protection of Birds [1991] JPL 39) has established that in assessing the site area criteria Councils/Local Planning Authorities must consider development projects as a whole and applicants/developers should not sub divide their projects (known as "salami slicing") into smaller parcels in order to circumvent these regulations.

The neighbour comments that the Wavin application before the Committee is Phase 2 of a broader development project which may also include a further phase 3. Taken together with Phase 1 the site area exceeds the 5 hectare site area standard and a screening opinion as to the need for an EIA is therefore required.

Officer Response

The case law cited by the respondent and indeed further case law (R(Candlish) v Hastings Borough Council [2005] All ER (DO 178 (Jul)) and guidance contained in the Government's Planning Practice Guidance clarifies that in making this assessment Local Planning Authorities must consider whether or not a development proposal is part of a whole development scheme and whether or not the separate elements are interdependent and cannot proceed independently of one another. Effectively whether they have been artificially sub divided. Further it is identified that Local Planning Authorities should not consider

cumulative effects of possible and potential future development, in effect there must be clear proposals for consideration.

In this instance it is considered that whilst inter related the development which is the subject of the current application could proceed independently of the first and vice versa i.e. they are not wholly interdependent upon one another. The phase 1 development has been separately permitted under application reference 14/10828/FUL and implementation is well advanced. It is not considered that implementation would have commenced if phase 2 was a pre-requisite of that phase of development i.e. required in order for it to take place. In this context it should be noted that a separate application was submitted for a temporary parking facility which was subsequently withdrawn and which excluded external storage. It is considered that this demonstrates that neither the off-site parking or external storage are wholly required in order to facilitate the commencement and completion of phase 1 of the expansion of the Wavin operation. It is considered that the developments are inter related and that the site will operate more efficiently with the phase 2 scheme in place but it is not considered that the 2 elements are wholly interdependent such that they should be considered as the same development scheme and assessed accordingly. In this context it is further noted that the sites are not physically integrated i.e. that the current application proposals, whilst in close proximity to the existing site operations where phase 1 expansion has commenced, are not physically connected i.e. artificially sub divided elements of a larger and whole site.

The Case Officer can confirm that there is no application before the Council for a further phase 3 of development and no submission has been made to the Case Officer to indicate that a further phase 3 of development will be submitted in the near future. As such it is not considered possible to assess a phase 3 proposal for the purposes of the EIA regulations.

Consequently officers remain of the view that the application before the Committee is not EIA development for the purposes of the regulations and a screening opinion is not required.

Neighbour Representation

The same local resident has also made further submissions by email correspondence and these are copied in full below:-

1. Copy of correspondence between applicant and local resident confirming that the applicant team are happy to agree a 4m high landscaping bund.

Morning Robert,

I was going to drop a note to Howard to the effect.

So I confirm to you that if the local residents required a 4m bund and the Wiltshire council are in agreement, then Wavin would be willing to accommodate a 4m bund. Please take this as confirmation.

I do believe the council have environmental reasons for containing to the bund to 2.3m, now 3m but as I state we are happy to accommodate a 4m bund.

Let me know if you need more.

Regards
Roger

On Wed, Nov 25, 2015 at 4:59 PM -0800, "Robert Whitrow" <[REDACTED]> wrote:

Roger

Thanks for this.

Would Wavin be happy for me to say that it also wants the bund to be 4m high, even tho it only asks for 3m in its application (presumably because of whatever 'advice' you were given in your pre-submission discussions with WCC? And if so, would you mind dropping me a note to that effect that I can then 'use/refer to' at the WCC meeting at which it is to be discussed..... I'm hoping that if you want 4m, the LB Parish Council wants 4m, the LB Residents Association wants 4m and I (as the nearest affected householder) want 4m, then surely they must come to that view?... however I don't want to claim Wavin want 4m if you're not prepared to support this publically...

Let me know what you think/feel you can do....

Rgds

robert

From: Roger Taylor [REDACTED]

Sent: 24 November 2015 14:03

To: [REDACTED]

Subject: Re: Enquiry

Hi Robert,

Pitty about the role, i would have enjoyed working with you.

Q1. Yes we are aware of the bt cable and other service. Which we will have to deal with in a delicate fasion. We should have already restricted traffic from travelling over them. Ill forward your not to my engineers so the are reminded again and take into consideration.

Q2. Yep we are aligned. Bund has been reduced by WCC no Wavin . Bund hieght of 4m was in our pre app. We would be happy to increase. We will have plenty of soil after all.

Regards
Roger

On Sun, Nov 22, 2015 at 3:35 AM -0800, "Robert Whitrow" <[REDACTED]> wrote:

Dear Roger

Hope things are well and that your interim FD is working out - sorry it could not have been me but fully understand the rationale.

Two questions please:

1) assuming (as I do) that the storage area car park proceeds, I was just wanting to know whether your plans included re routing my incoming telephone line. I had BT Openreach out the other week and they told me that the line currently runs directly from the cabinet in Parsonage Way across the field (almost along the open space being left running from the stile to the gap between the two earth mounds). It could be rerouted along the B4069 road and then rejoined my side of the bund, which is what I'm hoping you might be considering/expecting, but I'm asking because the Openreach engineer was very clear that it would be highly unlikely to survive intact in its present location (with the digging up of the topsoil for the tarmac in the area etc, plus even if it did there was a very strong likelihood of the line then being damaged subsequently from the weight of the lorries - at which point Wavin and BT will be having the row over who is responsible (which my guess, Wavin will lose as the line will almost inevitably have been damaged in 'Wavin territory') and it will either cost a fortune to locate the issue (dig up the car park and/or through the bund) or relay the line round the edge which is what I'm suggesting it should be done now pre-emptively. I am now doing some ad hoc day trading so the implications of losing the phone line unexpectedly could be fairly significant in terms of being unable to close out margin positions, and as you might guess I'd rather not have to be pursuing whoever is responsible for the damage to the phone line for any losses incurred as a result of me not being able to trade etc.

I'm hoping that as part of Wavin plans it is intended to get the telephone line redirected from the cabinet back up Parsonage Way, across the front entry/exit to your new site along the B4069, and then back down the outer edge of the bund until it rejoins the existing line across the field and then on into my property. I imagine Wavin must have extensive piping/ducting available in which the line can be securely laid and will then withstand any lorry traffic over the top, so hope this is feasible given the clear advice/warnings I have been given about the likely damage if it's left as it is. I understand the cabinet in PW is due to be upgraded to fibre imminently and having a direct spur from the cabinet means I will get super fast connection which I don't want to lose!

2) the second question relates to the proposed height of the bund. As you are probably aware, I, along with the local community, would prefer the new site to be completely out-of-sight, and are pushing for a 4m bund. As I recall at one of our chats you indicated that Wavin were also keen on a higher bund because it reduced your earth movement costs, but at present your plans envisage this at only 3m....and I guess I'm just asking whether there is any scope for this being revised to 4m by your team. I understand the whole application is being discussed at a WCC meeting soon and will be raising this then, but wanted to find out whether we had a similar view on this issue (in which case I would hope the WCC will take the view that the most relevant parties agree on this point) or whether a 3m bund (rather than 4m) was actually important to Wavin?

Talk anon
Rgds
Robert

Officer Response

This matter is considered and addressed in the report to Committee in terms of the impact of the development proposal, including the bund, on the character and appearance of the locality and the setting of the Grade II* listed Kilvert's Parsonage. The Conservation Officer and the Landscape Officer have both considered the proposals and the revised scheme proposals which were for a 2m high bund and a 3m high bund respectively. The 3m high bund, with increased length and a greater variety of planting as set out in the revised scheme proposals, is considered to be acceptable and appropriate in the context of balancing the visual impact of the development on the character and appearance of the

locality and its impact on the setting of the Grade II* listed building. Officer discussions have clarified that a higher i.e. 4m high bund would not be considered appropriate in this context. It is also important to note that the proposed conditions also mitigate visual impacts on the character and appearance of the locality and the setting of the Grade II* listed building and taken together the proposed conditions and the landscape bund as proposed are appropriate and adequately mitigate the impact of development.

2. Photograph of the site form the north showing existing light intrusion



Officer Response

The existing site circumstances have been taken into account in the assessment of the proposals and indeed the application submissions, including consultee assessment and responses. The report and recommendation to Committee is made on this basis.