

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	13 May 2020
<b>Application Number</b>	19/11524/DP3
<b>Site Address</b>	Wiltshire Council Depot Furnax Lane Warminster BA12 8PE
<b>Proposal</b>	Redevelopment of the existing highway depot. Proposed 4000T salt store, 8no. vehicle bays and welfare facilities and external storage areas.
<b>Applicant</b>	Mr Sean Tye (Wiltshire Council)
<b>Town/Parish Council</b>	WARMINSTER TOWN COUNCIL
<b>Electoral Division and Ward Member</b>	WARMINSTER WEST – Cllr Pip Ridout
<b>Grid Ref</b>	386,640 145,863
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

### Reason for the application being considered by Committee

This is a Wiltshire Council application to which there have been written letters of objection from the public consultation. Therefore, the application is brought to the Planning Committee for determination in the interests of transparency. It is before the Strategic Planning Committee as it is a matter that affects the county-wide delivery of a service. (Members may recall that a similar application at High Post, near Amesbury, was considered by the committee at the January meeting.) This application was originally scheduled to be considered at the March meeting of the SPC, which was cancelled due to the covid 19 situation.

#### 1. Purpose of Report

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

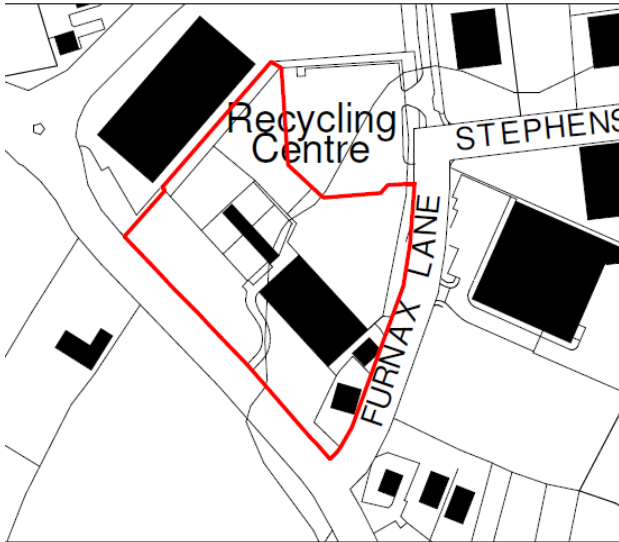
#### 2. Report Summary

The main issues discussed in this report are as follows:

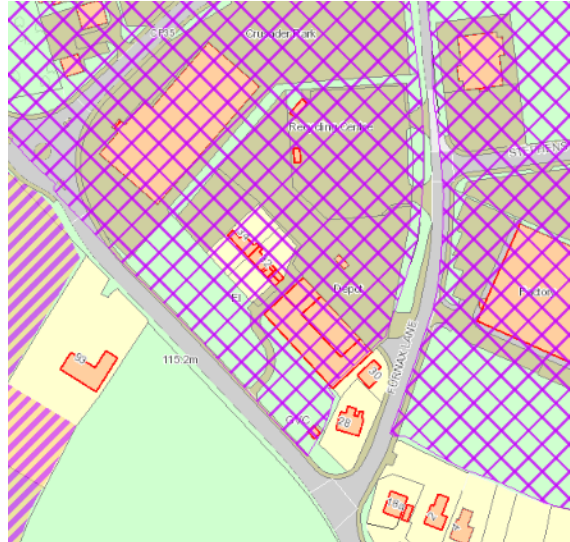
- The Principle of the Development
- Impact on the street scene and Landscape
- Impact on Ecology
- Highway Safety and Parking
- Impact on neighbouring amenity
- Drainage
- s106/CIL

#### 3. Site Description

The application site is located to the north west of Warminster accessed via Furnax Lane which is approximately 65 metres from the junction on to the B3414. The application site is within Crusader Park, designated in the Wiltshire Core Strategy as a Principle Employment Area, under Policy CP35 – *Existing Employment Sites*. Officers note that the grass verge between the rear elevation of the main building and the B3414 is also within the Core Policy 35 allocation for Crusader Park as shown in the image below (right).



**Site Location Plan**



**Extract from Wiltshire Core Strategy Policy Map (Purple hatching identifies CP35 allocation)**

The application site is an existing Council depot which comprises of a large warehouse building that has a double ridged roof and 9 open bays to allow for the parking of vehicles and some covered storage. The rear elevation of this building is separated from the B3414 by a grass verge that is approximately 31 metres deep and 114 metres wide.

There are a further three buildings in the application site: No 30 a commercial building with a lean-to roof and No's 28, 32 and 34 which Council records demonstrate to be residential dwellings. The application submission states that all three dwellings are un-occupied.

Immediately to the north of the application site is the Council's Recycling facility and the eastern boundary of the application site with Furnax Lane is lined by several trees.

The applicants have submitted that a salting operation has been present on the site for over 30 years prior to the recycling centre being built and within the depot the salt pile was located where the recycling centre now stands. Historically the site has held salt storage capacities that range between 1,000-and 5,000 tons and housed 5 gritters.



**View of application site from Furnax Lane**



**View of site from B3414 from Furnax Lane junction and the Grass verge (prior to tree felling)**

#### **4. Planning History**

There is no planning history relating to the depot itself but there are records for No 28 that is within the red outline.

No 28: W/96/91399/FUL – Conversion of derelict bungalow into a trade counter and offices – approved with conditions.

W/07/03619/FUL – Removal or variation of condition 2 of W/96/01399/FUL (to remove requirement that the trade counter must only be used for the retail of UPVC products).

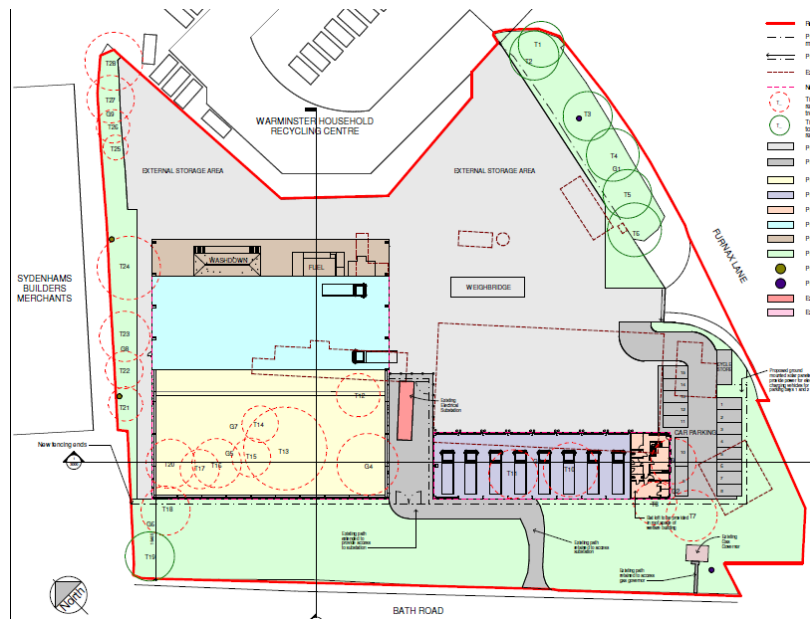
#### **5. The Proposal**

Wiltshire Council owns a number of Highway Depots across the county containing a salt store activity. Currently the council is well provided for in the east of the county whereas historic infrastructure exists in the west. The Council has identified a potential need for more efficient locations and distribution of its 34 gritter vehicle fleet along with the salt storage capacity. Therefore, new and re-configured sites are required at various geographical locations with the ability to better deliver gritting services across the county.

The council has reviewed its assets and has determined that it needs to concentrate facilities in three of its sites, namely Warminster, Royal Wootton Bassett and High Post. Three of the council's salt stores, Semington, Mere & Warminster are under review by the Environment Agency (EA) because they do not comply with current requirements as they are not roofed and are sited on permeable surfaces and the run-off is entering water courses. Therefore the storage of salt on these sites is currently being reduced with a view to looking forward to new appropriate facilities.

The decision has been made to use the identified sites at Warminster, High Post and Royal Wootton Bassett. In this context, the depot at Warminster forms part of a wider strategy, with a current planning application under consideration for the extension of the Royal Wootton Bassett capacity from 1000 to 2000 tonnes capacity (19/10042/FUL) and one at High Post approved at the last Strategic Planning Committee meeting.

The proposal at Warminster is to demolish all existing buildings on the site and erect a 4000T salt store and a separate 8 vehicle bay and welfare facility building. The existing electricity sub station and an existing Gas converter Station will remain in their existing locations.



**Proposed Site Plan**

In the image above the red circles note the trees to be removed and the green circles the trees to be retained.

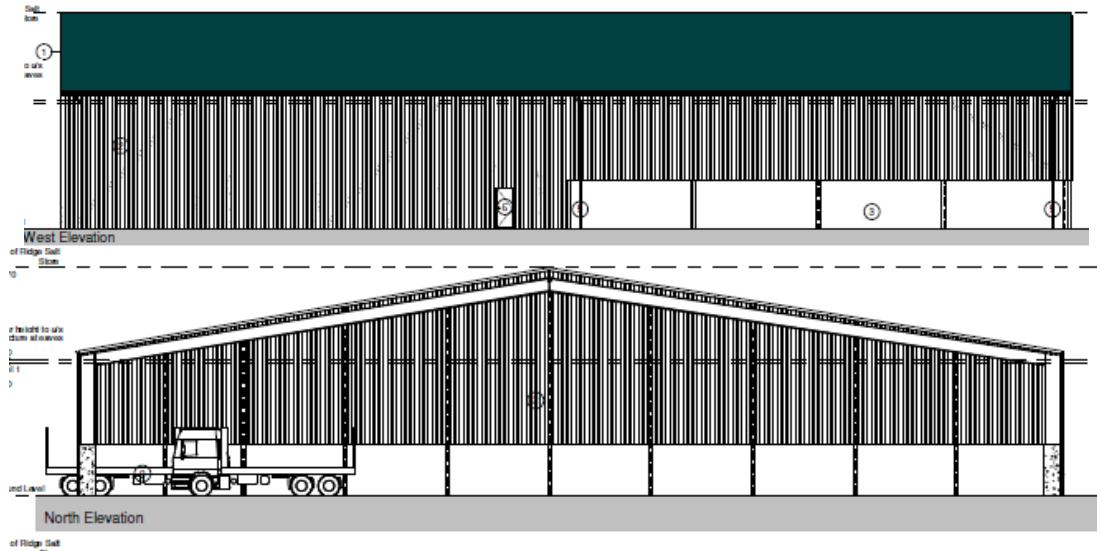


**Proposed Landscaping Plan**





**Proposed Vehicle and Welfare Building North Elevation**



**Proposed Salt Store West and North Elevations**

The Vehicle and Welfare building would measure approximately 48 metres long, 13.5 metres wide and 7.7 metres tall sloping to 6.1 metres at eaves.

The Salt Store building would measure approximately 53 metres long, 48 metres wide and 11.2 metres tall sloping to 7 metres at eaves.

Revised plans have been received to change the proposed timber cladding of both buildings so instead of being 'hit and miss' cladding on rails (to allow airflow) the timber cladding will now be board on board cladding to make the buildings more air tight.

Both buildings would maintain a gap of approximately 16 metres to the public footpath on the B3414. There would be no changes to the existing access onto Furnax Lane.

## 6. Planning Policy

**Wiltshire Core Strategy (WCS)** - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP31 (Warminster Area Strategy); CP50 Biodiversity and Geodiversity; CP51 (Landscape); CP57 (Ensuring High Quality Design and Place Shaping); CP60 (Sustainable Transport); CP61 (Transport and Development); CP62 (Development Impacts on the Transport Network); CP64 (Demand Management); CP67 (Flood Risk)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Council Groundwater Management Strategy 2016

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

The Habitat Directive and Habitat Regulations

## 7. Summary of Consultation Responses

### Warminster Town Council – Objection

- Construction beyond the building line
- Loss of trees and habitat
- Possible contamination
- Not complying with the new climate change policies

Wiltshire Council Tree Officer: No objection subject to proposed landscaping conditions

Wiltshire Council Ecology Officer: No objection subject to conditions

Wiltshire Council Highways Officer: No objection subject to conditions

Wiltshire Council Public Protection Officer: I have considered the revised plans and note the comments that this application will not be intensifying activity on site. Given that we have no history of complaints specifically about activities for the salt store, I am satisfied that a Noise Impact Assessment is not required.

## 8. Publicity

A site notice was displayed on 6 January 2020 and neighbour notification letters were sent.

Following this consultation 8 representations were received. Some of these relate to tree felling operations carried out at the site since receipt of the application. (It should be noted that the trees were not protected by Preservation Orders and no separate consent for their felling was required). The representations can be summarised as follows:

- The loss of trees
- Rooks nests and the rooks were present at the time of the felling
- The replacement landscaping will take too long to be a replacement
- Why did you proceed without the agreement of the Strategic Planning Committee?
- Why did the trees get felled without the required permits? Who is responsible for policing this action? Those responsible should held to count for their actions
- Want to see a full independent inquiry into this dreadful act
- The Council have breached the Wildlife and Countryside Act 1981 on nesting birds and bat protection
- The NPPF states that there should be no net loss of biodiversity in the planning system
- The works have been reported to the forestry commission and the police
- Bats should not be shunted around the site and bat boxes are not sufficient enough
- Why couldn't the new buildings have been designed around the existing trees?
- Risk of salt seepage into local water system is too high to risk
- Wiltshire Council needs to act on its own Green pledges
- Where is the logic to increase salt storage when flood defences should be a priority?
- When WWDC set the parameters for Crusader Park there was a set building line that Sydenhams building could not go beyond. This site projects beyond the agreed/set building line and sets a bad example for this Prime access road into town

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Warminster (CP31) area.

## **9.1 Principle of the Development**

9.1.1 Wiltshire Core Strategy (WCS) Core Policy 35 states that “*Wiltshire’s Principle Employment Areas should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for the renewal and intensification of the above uses within these areas will be supported.*” The depot is considered to be an employment use and the principle of development is therefore supported by CP35, including the extension of the buildings as the site is all within the Principle Employment Area.

## **9.2 Impact on the street scene and Landscape**

9.2.1 WCS Core Policy 57 states that development should “*respond positively to landscape features in terms of building layouts, built form, height, mass, scale, building line and elevational design to effectively integrate the building into its setting*”. Development should also “*retain existing important landscaping in order to take opportunities to enhance bio diversity, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.*”

9.2.2 The existing main Depot building is approximately 45 metres long and 25 metres wide. The ridge of the main building is approximately 5 metres high, sloping to 2.5 metres at eaves.

9.2.3 Therefore the proposed replacement Vehicle and Welfare building would be similar, measuring at 48 metres long, 13.5 metres wide and 7.7 metres tall. The building would thus be higher, but also narrower, and Nos 28 and 30 would also be demolished. The main difference with the replacement Vehicle and Welfare Building would be that it would be approximately 8.7 metres closer to the B3414 Bath Road but when viewed from Furnax Lane,

9.2.4 The proposed Salt Store would measure approximately 53 metres long, 48 metres wide and 11.2 metres tall sloping to 7 metres at eaves. Historically the salt has always been stored in the open or under tarpaulin. However, as noted above, this is no longer acceptable environmental practice due to concerns relating to water pollution. Storing the salt in a secure weather tight building is both a reasonable and necessary requirement.

9.2.5 Whilst the salt store would be a large building it would be set back approximately 68 metres from Furnax Lane and in the context of being within the Crusader Park and with the Warminster Business Park opposite it is not considered that the building would look out of character or unduly prominent or dominant in the street scene.

9.2.6 By way of comparison, the Dents building on Furnax Lane is approximately 49 metres long, 49 metres wide and 9 metres tall. Therefore, from Furnax Lane, it is submitted that the proposal would not cause any harm to the character of the street scene.



**Image showing the access to the dept on the left and the Dents building to the right**

9.2.7 The impact on the B3414 (Bath Road) would be more prominent because the proposal is extending the built form of the depot approximately 8.7 metres to the south, reducing the width of the grass verge from approximately 28 metres to 16 metres. The proposal also increases the footprint, height, bulk and mass of the depots' built form by the introduction of the salt store.

9.2.8 The third party objections also raise issue that the 'building line' from the Sydenhams Building to the existing Depot would be broken by the proposal. Whilst the Sydenhams Building and the Depot are equally set back from the B3414 the WCS CP35 policy includes the grass verge and therefore the right to 'intensify' B8 uses has to be supported, but subject to WCS Core Policy 57 – *Ensuring high quality design and place shaping* criteria.

9.2.9 At the main roundabout entrance into Crusader Park, the Sydenhams building is quite large in the street scene.

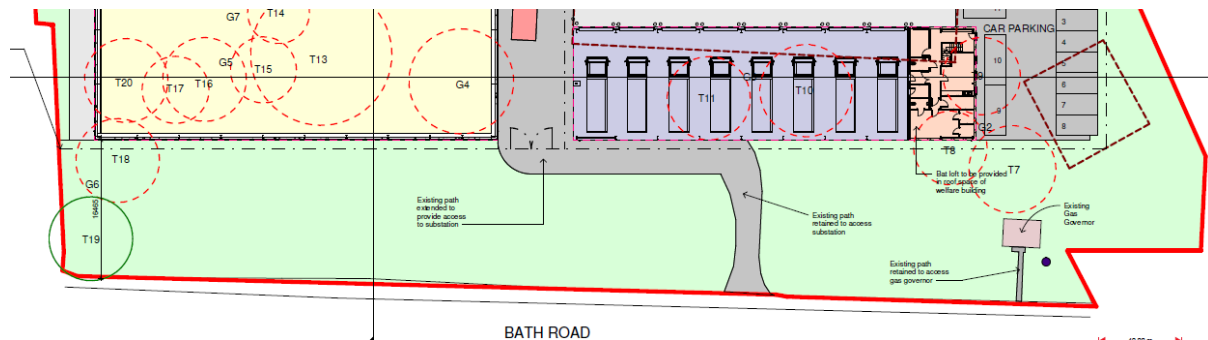
9.2.10 Furthermore, whilst the Sydenhams building is set back from the B3414, like the Council depot application site, its boundary and courtyard storage/display area are defined by a c2m tall palisade security fence between brick columns which extends mostly up to the pedestrian footpath. Sydenhams product range can also be seen through the fence and therefore the presence of the business is considered to be immediately realised adjacent to the B3414 Bath Road.





9.2.11 Whilst the recent tree felling has made the site more apparent, the proposal, set in its current employment estate context would not be harmful to the character of the area.

9.2.12 There would still be an approximate 16-metre-wide landscape strip (at the western end) which widens to 18 metres to the junction with Furnax Lane. Additionally, as the Proposed Site Plan confirms neither new building would be closer to the road than the existing No 28 unoccupied bungalow (the red square to the right of the image below).



**Extract from the Proposed Site Plan**

9.2.13 Furthermore the proposed soft landscaping plan shows that 38 new trees are to be planted in this landscaping strip to replace the 24 trees that were recently felled across the site. The trees would be supplemented by native and ornamental shrub mixes to add further depth and variety to the mitigating soft landscaping.



**Extract from the Proposed Landscaping Plan**

9.2.14 Whilst the proposed landscaping will not fully screen the salt store or vehicle and welfare building from view even at full maturity, it will mitigate the impact of both buildings on the street scene to an acceptable degree.

### 9.3 Impact on Ecology

9.3.1 Paragraph 170 d) of the National Planning Policy Framework requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Whilst circa 28 trees have been recently felled the proposal would plant 40 replacement trees as well as plant new hedgerows which is considered to be a net gain to bio-diversity.

9.3.2 The Councils Ecology Officer has reviewed the submitted information against OS maps and aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species and has no objection to the proposal.

9.3.3 The Ecology Officer has also reviewed the Ethos Environmental Planning Ltd submission and is satisfied that sufficient survey work has been conducted to properly inform the application.

9.3.4 The site comprises mainly existing hard standing, with some early mature, leggy trees on the boundaries and species-poor hedgerows. In general, the site offers a low level of functionality for biodiversity, although the bungalow (due for demolition as part of the proposal) does support four species of roosting bats, they are all fairly common species. The proposed mitigation for the loss of the roost will be in the form of a dedicated bat loft area within the new welfare building, as well as some free-standing bat boxes. The Ecology Officer is satisfied that the proposed bat mitigation will be sufficient and that a Natural England licence for the development will likely be forthcoming.

9.3.5 The supporting Ecological Assessment states that the recently felled trees “*provided suitable foraging and commuting habitat \*for bats\**” but “*The site was set in a relatively urban environment on the edge of an industrial estate and the \*bat\* habitats onsite were poorly connected with other habitat in the wider environment.*”



**Aerial photograph of the application site in its wider landscape context**

9.3.6 The proposed landscaping would be linear to the B3414 and would complement the tree line on the other side of the road. The proposed landscaping would help make the B3414 a stronger foraging bat commuter route potentially linking with the landscape woodland to the east of the Warminster Business Park as can be seen on the image above.

9.3.7 The application site is not within the consultation zone for the Bath and Bradford on Avon Bats SAC, or in the zone of influence for any other European site. Therefore, a Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) are not required in this case.

9.3.8 The proposal includes the removal of a significant number of trees but the applicants' arboriculturist has confirmed that those to be removed are of low conservation value. Replacement planting of new trees, hedgerow and wildflower areas will eventually provide an increased function for wildlife, with better connectivity to surrounding habitat areas, allowing better permeation of the wider landscape by wildlife individuals.

## **9.4 Highway Safety and Parking**

9.4.1 The Council's Highways Officer has no objection to the proposal and notes the existing use as a Depot with its varying amount of salt storage and operation. The access to the depot is well established and Furnax Lane is in very close proximity to the B3414 to allow for easy access to the wider road network.

## **9.5 Impact on neighbouring amenity**

9.5.1 The Council's Public Protection Officer was initially concerned that: *"The barn will be constructed of hit and miss timber cladding to the upper areas of the structure under a 2500mm high concrete retaining wall to assist with natural ventilation. The vehicle bays will also be constructed of hit and miss timber cladding...."*

9.5.2 Revised plans have been received to address this issue by changing the 'hit and miss' cladding to board cladding to make it more air tight. The Public Protection Officer is satisfied with this change.

## **9.6 Drainage**

9.6.1 The site lies within an area classified as Flood Zone 1, the low fluvial flood risk area. Whilst there may have been salt seepage issues into the local watercourses previously, by protecting the salt from the elements and storing it on hardstanding salt seepage should no longer be an issue.

## **10. Conclusion (The Planning Balance) -**

This application proposes the construction of new facilities at an existing Salt and Gritting Depot to enable this necessary function serving the County's roads and keeping them safe for users to operate at an optimal level and therefore there is a strategic need for this development.

The principle of development at this site is supported by the Wiltshire Core Strategy to renew and intensify existing employment uses. The site is also an existing salt depot which has historically operated with 5,000 tones of salt compared to the proposed 4,000 tonnes in this application. The proposal would not cause adverse harm to the street scene and replacement landscaping would mitigate against the loss of the trees and provide an overall bio-diversity net gain. Officers are also satisfied that the use will not be more harmful to neighbouring amenity and that the revised plans to have close boarded timber will help mitigate against noise issues.

## **11. RECOMMENDATION: Approve with conditions as follows:**

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

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

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

Location Plan; Site Plan (Existing Services); Proposed Site Plan; Proposed Site Sections; Proposed Landscape Section; Proposed External Lighting Plan; Proposed Salt Store Roof Plan – 0201 Rev 7; Indicative Proposed Drainage Layout Plan; Proposed Welfare Floor Plans;

Proposed External Lighting Illumination levels plan; Proposed Soft Landscaping Plan; Proposed outline plant schedule; Proposed Vehicle Bay floorplan; Flood Risk Assessment;

Tree Report; Design and Access Statement and Ecological Assessment – all received on 2 December 2019 and;

Salt Store Details 03 – Timber Cladding – Rev P5; Proposed Salt Store North East and South West Elevations – Rev P5; Proposed Salt Store North West and South East Elevations – Rev P4; Proposed Salt Store Floor Plan – Rev P5; Proposed Elevations – Vehicle Bay and Welfare – Rev P4; Proposed Roof Plan – Vehicle Bay and Welfare – Rev P5 - All received 9 March 2020

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

3. 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.

4. The proposed development shall be carried out in strict accordance with section 8 of the Ethos Ecological Assessment dated December 2019 and shall be maintained as such at all times thereafter in perpetuity.

REASON: In the interests of protecting protected species

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

6. The development hereby permitted shall not be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car