

# WILTSHIRE COUNCIL

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>11 September 2013</b>		
<b>Application Number</b>	<b>N/13/01610/WCM</b>		
<b>Site Address</b>	<b>Sands Farm Quarry, Sand Pit Road, Calne, SN11 8TJ</b>		
<b>Proposal</b>	<b>Extension to condition 9 of N.88/1828 (Resubmission of 12/03244/WCM)</b>		
<b>Applicant</b>	<b>Aggregate Industries UK Limited</b>		
<b>Town/Parish Council</b>	<b>Calne Without/ Cherhill / Calne</b>		
<b>Grid Ref</b>	<b>401341 171695</b>		
<b>Type of application</b>	<b>County Matter</b>		
<b>Case Officer</b>	<b>Mark Henderson</b>	<b>01225 718598</b>	<b>mark.henderson@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Tony Trotman has requested that this application be determined by the Committee for the following reasons:

- It may have a detrimental effect to occupiers on the new 258 housing development at Sandpit Lane, and other residential developments to take place along the route, and others expected close to the application site. Possible noise, dust, and the expected increases in heavy vehicle movements have already been highlighted from objectors.

### 1. Purpose of Report

To consider the above application and to recommend that, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989, planning permission be GRANTED, subject to conditions.

### 2. Report Summary

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

- Principle of extending the life of the temporary planning permission
- Sustainable development and the economic impact of the proposal
- Impact of noise on residential areas
- Impact of dust on residential areas and impact on air quality
- Traffic/road infrastructure

The application has generated 37 letters of objection from local residents and 1 response in support of the proposal.

Calne Town Council, Cherhill Parish Council and Calne Without Parish Council – all object to the application.

### **3. Site Description**

The application site comprises the decorative Concrete Products Factory building, weighbridge, stock yard and car park situated at Sands Farm Quarry. The main factory building is 9 metres in height with a raised central section to accommodate conveyor elements at 17.2 metres in height. The external material of the building is of profile steel cladding, with side elevations 'olive green' and roof 'moorland green' in colour. The building floor space is 7,533 square metres. The overall site area is 5.8 hectares.

The land to the immediate south of the factory is the site of mineral processing plant associated with the Sands Farm Quarry and Landfill, which extends southwards from the site and linked by conveyor to a quarry at Compton Bassett operated by Hills Quarry Products Ltd. Land to the north and south west of the factory is in agricultural use. The land to the northeast is also agricultural and is allocated in the Wiltshire and Swindon Aggregate Minerals Site Allocations Plan for sand extraction.

The application site also includes the line of Sandpit Road which provides a connection between Oxford Road and Abberd Lane and which was purposely constructed to provide access to the Concrete Products Factory. The land to the west of Sandpit Road is occupied by a recent housing development. The land to the east of Sandpit Road is agricultural in use but some of this land, an area off Oxford Road, has received outline planning permission for housing development of up to 200 dwellings.

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

- |                  |  |
|------------------|--|
| N/88/1828 –      | Application for the decorative concrete products factory and stock yard by E.C.C. Quarries Ltd. Permission granted 16 February 1989.   |
| N/90/1721 –      | Extension to the sand extraction operations with restoration back to agriculture by the importation of waste. Permission granted October 1992.   |
| N/08/07016 –     | Application for the extraction of sand followed by backfilling with clay to original ground levels and restoration to an Orchard at Sands Farm for AIUK. Permission granted 5 June 2009.   |
| N/10/03782/WCM – | Variation of condition 11 of N/88/1828 to allow moulding to be undertaken at the concrete products factory. Permission granted 22 December 2010.   |
| N/10/03280/WCM - | Construction of conveyor to link Low Lane and Old Camp Farm mineral extraction to Sands Farm Quarry and retention of processing plant. Permission granted 17 November 2010.  |
| N/12.03244/WCM - | Extension to condition 9 of N.88/1828 to retain concrete products factory to 30 November 2022 or cessation of the processing of sand whichever the sooner. Application withdrawn March 2013, pending submission of a transport assessment. |

### **5. Proposal**

The application has been made under section 73 of the Town and Country Planning Act 1990 [as amended] to vary condition 9 of N/88/1828 to extend the operational life of a concrete products factory and stock yard. The proposal does not seek to make any changes to the physical appearance of the existing building and stock yard.

Currently, Condition 9 reads:

*9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before the expiration of a 25 year period from the date of the granting of this permission or the exhaustion of the companies adjoining sand resources, whichever is the sooner.*

*Reason: In the interest of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.*

The date of permission N/88/1828 is 16 February 1989. Consequently, condition 9 limits the operational life of the Concrete Products Factory and stockyard to 16 February 2014 at the latest.

However, whilst the sand resources at Sands Farm Quarry have almost been worked out, the grant of planning permission N/10/03280/WCM allows sand from the adjacent quarry at Low Lane to be brought to the Sands Farm plant site by conveyor for processing. That operation is time limited to cease by 30 November 2022.

The applicant therefore proposes to 'vary' the wording of condition 9 to read:

*The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.*

## **6. Planning Policy**

National Guidance

National Planning Policy Framework (March 2012)

Development Plan

Wiltshire and Swindon Minerals Core Strategy DPD 2006 – 2026

MCS 6: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities.

Policy MCS8 Living with Minerals Development – Protecting Residential Amenity

Wiltshire and Swindon Minerals Development Control Policies DPD

Policy MDC2 Managing the impacts of minerals development

Policy MDC8 Sustainable transport and minerals development

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan

Land near Compton Bassett

## 7. Consultations

Local Member, Councillor Tony Trotman – [The proposal] may have a detrimental effect to occupiers on the new 258 housing development at Sandpit Lane, and other residential developments to take place along the route, and others expected close to the application site. Possible noise, dust, and the expected increases in heavy vehicle movements have already been highlighted from objectors.

Local Member, Councillor Alan Hill – Objects to this application and raises a number of issues which are summarised as follows:

- Increase in HGVs would put an unacceptable burden on the local infrastructure
- Impact of HGVs on residents of housing developments off Sandpit Road and Oxford Road would be unacceptable
- It is a reasonable expectation of the residents of Calne that the temporary permission for the factory to 2014 should be upheld
- HGVs would be noisy and dirty to the detriment of the local community
- The proposal would add to already unacceptable air pollution in the area. It would be contrary to EU law to grant planning permission for a development that would adversely impact upon the UK's ability to meet its NO<sub>2</sub> targets for the area.

Calne Town Council – Objects to this application and raises a number of issues which are summarised as follows:

- It is a reasonable expectation of the residents of Calne that the temporary permission for the factory to 2014 should be upheld
- Increase in HGVs would put an unacceptable burden on the local infrastructure
- The proposal is in close proximity to a new Tesco store which will increase the number of pedestrians, cyclists and motorists negotiating, using and competing the increase in lorry movements.
- Concerns regarding the safety of residents using the same road infrastructure, which is already buckling, as the proposed HGVs.
- The sustainability of the proposal has not been taken into account
- The impact of noise and dust will mean disastrous consequences on the well being of the Calne Community
- Impact on already poor air quality in Calne.
- This application contravenes North Wiltshire Local Plan Core Policy C1, Core Policy C2 and Topic Area Policies NE18.

Cherhill Parish Council - Object to this application. This will cause increased traffic along the A4 through our Village which is itself a Conservation Area, also through the North Wilts Downs Area of Outstanding Beauty. Councillors felt that there could be the potential for a hazard from corrosive cement dust borne on the prevailing wind

Calne Without Parish Council - Agreed by majority decision that the application was unsuitable on the basis of further increase in lorry traffic in Calne, additional air pollution and now being very close to new residential housing. This in council opinion makes the application unacceptable.

Highways - no objection to the application

Environmental Health - no objection to the application

Environment Agency - no objection to the application

Strategic Landscape Team – no objection to the application

## 8. Publicity

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

37 letters of objection were received in response to the application and 1 response in support of the proposal.

Summary of key relevant points raised:

### Proximity to residential development

- The development of housing off of Sandpit road and further housing to be built to the north of Sandpit Road means that it would be inappropriate to extend the life of the concrete products factory, an industrial use, in what is now a residential area.
- Granting planning permission for housing meaning that the decision has been made, in principle, that the future of the vicinity was to be for residential purposes not commercial/industrial.
- The application contravenes: C2 Community Infrastructure Core Policy requirements, including environmental protection and enhancement.

### Dust/Air Quality/odour

- HGV lorries would produce high CO2 and Nitrogen Dioxide emissions which would exacerbate air quality issues in the centre of Calne, which is designated as an Air Quality Management Area.
- The proposal would create air pollution in the form of dust from cement and other mineral resources utilised in the manufacturing process and from passing HGV traffic.
- The application contravenes Topic Area Policies NE18 – Noise and Pollution.

### Noise

- The proposal would increase noise levels significantly reducing the quality of life of residents now living in the area.
- The application contravenes Topic Area Policies NE18 – Noise and Pollution.

### Traffic/ Road infrastructure

- Impact of the additional HGV movements would be unacceptable along Sandpit Road and Abberd Lane and would add to traffic problems in Calne and surrounding areas.
- Impact of the proposal on the safety of residents and pedestrians using Sandpit road and Abberd Lane.
- Impact of additional HGVs on the access to High Penn via an unmade track off Oxford.
- Sandpit Road is often littered with debris from HGVs which is a hazard to all using the road or pavement.

### Status of the temporary planning permission

- It is a reasonable expectation of the residents of Calne that the condition of the permission causing it to cease operating in 2014 should be upheld.

### Operating hours

- Impact of HGVs using Sandpit Road every 4.6 minutes during proposed operating hours from 06:00 to 22:00 Monday to Friday and 06:00 to 14:00 on Saturdays.
- The extended hours proposed would make it unsafe for dog walkers, cyclists and families to gain access to the countryside and the local farm to purchase honey.

### Status of Sandpit Road/ Abberd Lane

- Impact on the Abberd Lane Bridleway
- The proposal would change the road usage to heavy industrial traffic status.

### Local economy

- There would be a negative impact on the local economy.
- The additional jobs to be created would be welcomed
- The application contravenes C1 Sustainability Core Policy 1, which states that any development should promote or maintain the long term economic health of the local economy.

### Sustainable Transport

- The proposal would import 80% of materials meaning that HGVs will be travelling hundreds of miles to the site.

## **9. Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all applications for planning permission to be determined in accordance with the development plan unless other material considerations indicate otherwise.

### Principle of extending the life of the temporary planning permission

Numerous responses to the application have questioned whether it would be reasonable to allow the Concrete Products Factory to continue to operate beyond 2014. It is argued that the limit imposed by the current condition has influenced the expectations and decisions made by developers, Wiltshire Council and the local community and therefore should be adhered to.

Permission was granted to erect a decorative concrete products factory and stock yard in 1989. Condition 9 of N.88.1828 links the life of the Concrete Products Factory to the life of the adjoining sand reserves. This was envisaged at the time to equate to a period of 25 years. Since permission was granted, the Sands Farm Quarry has experienced reductions in activities following the downturn in the economy. It is not uncommon for temporary minerals permissions to be extended, should circumstances change that would justify their retention for a further period of time. There is nothing in planning legislation, policy or guidance that prevents a temporary planning permission from being extended.

Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD seeks to ensure that all plant and machinery associated with mineral development be limited to the life of the mineral reserve it serves.

In this case additional local sand reserves have been released through the grant of planning permission for land at Low Lane and Old Camp Farm. These reserves are imported to the Sands Farm processing plant by conveyor system and distributed to market via Abberd Lane and Sandpit Road. The planning permission to operate the mineral processing plant and conveyor is time limited to 30 November 2022. The extension to the adjoining mineral reserves and the retention of the adjacent mineral processing plant effectively commits the area to mineral extraction and related uses until at least November 2022. Moreover, the adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Plan includes an allocation of land adjacent to the Concrete Products Factory for future sand extraction. A further extension of minerals extraction in this area should not therefore be discounted.

As the land adjoining the concrete products factory will clearly continue to be in use for minerals development until at least November 2022, it is therefore considered reasonable, in principle, to extend to the time that the concrete products factory can continue to operate in line with the life of the adjacent minerals planning permissions, subject to the environmental acceptability of the proposal.

## Sustainable development and the economic impact of the proposal

A number of objections considered that the proposal would offer little benefit to the local economy. Concerns were expressed that the proposal would be contrary to 'saved' policy C1 of the North Wiltshire Local Plan because it would not promote or maintain the long term economic health of the local economy. It was, however, also suggested that the employment that would be created would be welcomed.

The minerals industry has experienced a dramatic reduction in output in recent years with mineral production in Wiltshire now at less than half of what it was in 2008. The National Planning Policy Framework (NPPF), published after the adoption of the North Wiltshire Local Plan and which should be given greater weight than the Local Plan, considers that "*minerals are essential to support sustainable economic growth*" (paragraph 142). The NPPF also states "*When determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy*" (paragraph 144).

The concrete products factory at Sands Farm Quarry was mothballed in 2009. This was a result of the economic downturn, and the applicant took the decision to temporarily cease production at the site. Since that date, the demand for building materials has reduced further. As a consequence, the applicant company has sought to rationalise its operations. Of the company's concrete products factories, Calne is one of the most modern facilities within its ownership and it is therefore proposed to concentrate manufacturing at Calne.

The applicant anticipates that 35 new jobs would be created by the proposal. It would be reasonable to expect at least some of these jobs to be filled by local Calne residents, which would be a direct economic benefit locally. Those that come to work from outside of Calne could contribute to the local economy in terms of spending on activities outside of their working hours. Regardless of the extent of the economic benefits offered by the proposal, there is no evidence to suggest that it would result in a negative impact on the local economy.

Responses to the application have also highlighted that the majority of materials for the manufacture of concrete products at the factory are to be imported from other locations and questioned the sustainability of locating the site at Calne. Historically, materials have been brought into the site for the manufacture of decorative concrete products. The proposal does not seek to change the production method.

The main market area for the products that will be manufactured at Calne is the South West and the South East of England. The only other site within the Aggregate Industries portfolio capable of manufacturing these products is its Hulland Ward premises near Asbourne, Derbyshire. This is where the products are currently being manufactured. The South East and South West market share is 43% of Hulland Ward's output, and therefore, reopening Calne would significantly reduce the distance that these products travel. Hulland Ward would continue to serve markets outside of the South West and the South East.

It should not be overlooked that the proposal is not for the permanent retention of the Factory, rather its retention for a temporary period of approximately 8.5 years or until cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.

Returning again to the strong policy stance of the NPPF, it is considered that the economic benefits of the proposal, which includes facilitating the recovery of the minerals sector of the economy, carries significant weight and therefore the proposal should be supported in this respect.

However, further changes in circumstances have occurred since the original grant of planning permission for the concrete products factory, including the grant of planning permission for residential developments off Sandpits Road and Oxford Road and the designation of an Air Quality Management Area in Calne. A number of objections considered that the granting of permission for housing development in proximity to the decorative concrete products factory meant the status of

the area was changing from industrial to residential and that the two were not compatible. The implication of the proposal on these changes in circumstance is considered further below.

### Impact of noise on residential areas

Many of the objections to the proposal express concerns about the impact of noise resulting from the proposal and the adverse impact that this would have on residents of the new housing estate off Sandpit Road and those that would eventually occupy the homes to be built off Oxford Road, in proximity to Sandpit Road. The concerns mainly relate to the noise that would be generated by HGV traffic travelling to and from the application site but some objections also considered that operation of the concrete products factory itself would also result in unacceptable noise levels. The Council's Environmental Health Officer, however, has not objected to the proposal.

Policy MCS8 of the Wiltshire and Swindon Minerals Core Strategy seeks to ensure that an acceptable separation distance is maintained between minerals development and residential areas.

The manufacture of concrete products itself would take place in an insulated, enclosed building which is more than 500m distance from the recently built houses off Sandpit Road and greater than 700m distance from the permitted housing development off Oxford Road. Both areas of the new housing developments are closer in distance to Oxford Road and the Porte Marsh Industrial Estate to the north, which are themselves sources of industrial and road traffic noise. It is therefore considered highly unlikely that noise resulting from operation of the concrete products factory would affect residents in the new housing developments off Sandpit Road or Oxford Road.

Abberd Field Farm, the closest residential property, is approximately 250 metres from the factory. The products factory has operated for several years at this location without complaint. The separation distance is therefore deemed to be acceptable and the proposal is therefore considered to be compliant with Policy MCS8.

With regard to the noise generated by HGVs, it is accepted that the proposal would result in an increase in HGV traffic using Abberd Lane and Sandpit Road compared to the current HGV traffic levels. Policy MDC2 of the Minerals Development Control Policies DPD seeks to ensure that applications for minerals development will only be permitted where it is demonstrated that significant adverse noise impacts can be avoided and/or appropriately mitigated for.

The applicant has not undertaken a noise assessment for the proposal. However, the implication of noise from HGVs and other traffic using Sandpit Road was considered by the application for the new housing development (N/08/02438/OUT). No assumption was made by the applicant for the housing development about the operational life of the nearby quarry, landfill or concrete product factory. The Noise Assessment submitted to support the application for the housing development, having taken into consideration the impact of traffic using Sandpit Road and having been undertaken whilst the concrete products factory was operational, concluded that residential development would be appropriate at that location.

It is also worth noting that following refusal of planning permission for the housing development by the Council, the transport consultant acting on behalf of the appellant stated that the "*...Appeal Scheme will result in Sandpit Road becoming a public highway and in the event further development is proposed, there is the potential for this road to be extended southwards to form an eastern distributor. This could include links into Abberd Way and/or Prince Charles Drive to reduce the existing development's dependency on a single point of access from Oxford Road.*" (paragraph 7.9 PFA Consulting Appeal Statement, dated 2/11/2009). It is clear from this statement that the housing developer considered that traffic using Sandpit Road would increase in the future, rather than decrease.

Essentially the applicant for the housing development has demonstrated that the impact of noise generated by traffic using Sandpit Road, on residents of the housing estate has been considered, concluding that the housing development is compatible with the nearby minerals and waste land



uses in this respect. It is therefore considered that the noise generated by HGVs and the operation of the concrete products factory would not result in a significant adverse impact on local residents.

A number of responses raised concerns about the proposed operating hours of the concrete products factory and, in particular, that HGVs would be travelling along Abberd Lane and Sandpit road from 06:00 – 22:00 from Monday to Friday and 06:00 to 14:00 on Saturdays. These details are provided in paragraph 5.1 of the Transport Assessment.

It is, however, also stated in paragraph 5.1 of the TA that “*it is more likely that commercial vehicle movements would stop at 1800 hours*”. This is largely because the operational hours for the quarries supplying materials to the site are restricted in their operating hours to 18:00, requiring drivers to return to those sites by that time. The operating hours for the Sands Farm quarry and landfill site is also restricted to 07:00 to 17:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays.

Table 6.5 of the transport assessment provides a ‘worst case scenario’ estimate for HGV traffic movements between the hours of 07:00 and 19:00, showing all 105 two way HGV movements (210 trips) travelling between these hours.

Whilst it is accepted that it is likely that a large proportion of HGV traffic would be active up to 18:00 on Mondays to Fridays, it is still possible that, should a double shift pattern be implemented, some HGV traffic, albeit a relatively low level, would travel along Abberd Lane and Sandpit Road outside of the core hours of 07:00 to 19:00.

However, given that application for the residential development off Sandpit Road has considered the impact of the HGV traffic noise and judged that the impact would not be significant, it is considered that the proposal is also compliant with Policy MDC 2 in this respect.

#### Impact of dust on residential area and impact on air quality

Many of the objections received in response to the application also expressed concerns about the impact of dust emissions (including cement dust) and other airborne pollutants resulting from the proposal.

Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD seeks to ensure that applications for minerals development will only be permitted where it is demonstrated that significant adverse impacts of dust emissions associated with a proposal can be avoided and/or appropriately mitigated.

The concrete products would be manufactured within a building, with storage bays and feed hoppers, which are roofed, located outside and facing towards the quarry rather than the residential areas. The operation of the concrete products factory would be controlled by a Local Authority Pollution Prevention and Control (LAPPC) Licence to ensure that airborne emissions are kept within acceptable environmental limits. Condition 6 of N/88/1828 controls dust emissions from the application site. Should planning permission be granted, this condition would be carried over into the fresh planning permission.

The lorries travelling to and from the site would be sheeted to prevent spillage of dust during transportation. The site would be managed so that lorries would leave the site without dragging out debris onto Abberd Lane etc. These matters are controlled by conditions 5 and 6 of the current planning permission for the site.

With the above measures in place, it is considered that, in terms of dust emissions, it is unlikely that the proposal would result in significant adverse impacts on those living in the houses off Sandpit Road or those living on or using of Abberd Lane.

Concerns have been expressed about Carbon Dioxide and Nitrogen Dioxide emissions from traffic associated with the proposal. This is partly because an area within the centre of Calne has been designated as an Air Quality Management Area (AQMA) with exceedances in Nitrogen Dioxide being declared. However, all HGVs will access the site via Sandpit Road and the junction with Oxford Road. At this junction (coming from Sandpit Road), HGVs will need to go north towards the A3102 due to the weight restriction on Oxford Road southbound towards Calne town centre. The TA records that 91% of trips would be via the A4 West / A3102 North and 9% via the A3102 north. These routes do not fall within or cross the AQMA. In addition, the grant of planning permission N.88.1828 was subject to a legal agreement requiring traffic associated with the concrete products factory (excluding local deliveries) to be routed via the site access road and to avoid Calne town centre. It is therefore recommended that the routing agreement is carried forward to the fresh grant of planning permission for the site by a variation of the legal agreement.

### Traffic/road infrastructure

Several responses questioned the suitability of the road infrastructure to accommodate the additional traffic movements. The applicant has submitted a transport assessment (TA) which has considered the impact of the proposal on the local highway network. It was also suggested that the proposal contravenes Policy C2 (Community Infrastructure) of the North Wiltshire Local Plan.

It is worth noting that Sandpit Road was constructed by Aggregate Industries for the purpose of ensuring that HGV traffic associated with the concrete products factory avoided the use of routes that would involve travelling through the centre of Calne. Notwithstanding the fact that Policy C2 does not apply to minerals development, this was a significant contribution to local transport infrastructure diverting minerals and waste traffic away from the centre of Calne.

A number of objections have been raised regarding the impact of the proposal on the safety of the users of Sandpit Road during the proposed operating hours and also Abberd Lane during the evening and on Saturdays. It has also been suggested that the proposal would present a safety risk to those using the junction with the Oxford Road to access properties at High Penn and that the developer should be required to improve the Oxford Road/High Penn Lane junction arrangements.

However, Sandpit Road has historically been used by HGV traffic serving the Sands Farm quarry and landfill and also a waste transfer operation off Abberd Lane. The use of this road by HGV traffic not related to the decorative concrete products factory, and traffic associated with the residential development will continue into the future.

The traffic increases on Sandpit Road following the reopening of the Concrete Products Factory would be an additional 13 vehicles (including 8 HGVs) in the AM peak and 18 vehicles (including 2 HGVs) in the PM peak for the 'most likely scenario'.

Sandpit Road is of a sufficient width and standard for HGVs to pass safely and now effectively forms part of the highway network. Table 7.7 of the Transport Assessment shows that the proposal would contribute to approximately 1% of the traffic at the Oxford Road/A3102 junction during the AM peak of 08:00 – 09:00, and less than 0.5% during the PM peak of 17:00 – 18:00. It is considered that this would not have a significant impact on those accessing Oxford Road from the new residential development or from High Penn.

Regarding use of the roads by pedestrians, footpaths have been incorporated into the design of the residential development off Sandpit Road providing the option for pedestrians to travel into Calne by foot without the need to walk along Sandpit Road. Abberd Lane has been used historically by Aggregate Industries for many years. The Transport Assessment states that the majority of HGV movements would take place before 18:00 Monday to Friday. Any HGV traffic on Saturdays would take place during the same hours as the adjacent Sands Farm Quarry.

Policy MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD requires that proposals have direct access or suitable links with the Wiltshire HGV Route Network or the primary route network. The policy also requires that any adverse impact on the safety, capacity or use of a highway or public right of way is mitigated or compensated for.

However, there is no evidence to suggest that the safety of the highway would be compromised as a result of the proposal. A requirement to make improvements to make a contribution to the Oxford Road/ High Penn Lane junction would not meet the tests for planning obligations.

The TA has concluded that the road network is suitable for the proposed use and that there would not be any adverse impact on the highway network as a consequence of the additional traffic. The route has also been used for several years by the minerals and waste industry and will continue to do so for some time to come. The Highways Authority does not object to the proposal.

The proposal is therefore considered compliant with policy MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD.

Planning permission N.88.1828 is subject to a legal agreement requiring traffic associated with the concrete products factory (excluding local deliveries) to be routed via the purpose built site access road to the A3102 north. This prescribed route was designed to prevent HGVs from travelling through Calne town centre. However, in the years since planning permission was granted for the concrete products factory, the A3102 northern loop (Beverbrook Road) has been built, bypassing the town centre for vehicles travelling west. In addition, a 7.5 tonne weight restriction has been implemented on Oxford Road to the south of the roundabout with Sandpit Road. It is therefore recommended that the routing agreement is updated and carried forward to the fresh grant of planning permission for the site by a variation of the legal agreement.

### Conclusion

The existing decorative concrete products factory is linked to mineral extraction in the area that will continue to operate for several years alongside existing waste management operations. HGV traffic associated with the existing permitted minerals and waste developments not related to the concrete products factory will therefore continue to use Abberd Lane and Sandpit Road during the period to 30 November 2022. An existing legal agreement linked to the original planning permission can be amended and attached to a new planning permission for the factory, to ensure that HGVs would avoid passing through the Air Quality Management Area in the Centre of Calne.

There is no evidence in this case to indicate that there would be significant adverse impact on local residents, the road infrastructure or the environment as a result of the proposal.

The proposal to extend the life of the decorative concrete products factory also offers the benefit of additional employment for the local area.

### **10. Recommendation:**

That, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989

Planning Permission be granted for the following reason:

The proposed development is in accordance with the Development Plan and that there are no material considerations that indicate the decision should be made otherwise. The retention of the decorative concrete products factory for a temporary period to 30 November 2022 is considered consistent with the longstanding use of the local area for mineral extraction and manufacture of concrete products and would provide additional employment for the local area.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

1. The development should be carried out in accordance with the submitted Plan Nos 8831/01 and 8831/02 and accompanying statement dated 15<sup>th</sup> June 1988.

Reason: To define the nature and extent of the development permitted.

2. Prior to the commissioning of the plant and production of products from it, an access road shall be constructed from the A3102 to Abberd Lane in accordance with details to be agreed in writing with the Director of Planning and Highways. Details shall include: the alignment, construction and landscaping requirements.

Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.

3. On completion of the access road referred to in condition 2 above, no vehicles entering or leaving the Sands Farm site shall use Abberd Way or Woodhill Rise.

Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD

4. Landscaping requirements are to be undertaken in accordance with the submitted scheme as shown on plan No. 88.418.03. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development and any trees which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.

Reason: To safeguard the amenities of the area.

Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD

5. Best practicable means must be used to ensure that no mud or other detritus is carried onto the highway.

Reason: To ensure compliance with highway regulations.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD

6. Best practicable means must be used to ensure there is no dust or noise nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate silencers.

Reason: To safeguard the amenities of the area.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

7. Best practicable means shall be taken to prevent any solid matter or excess amounts of suspended matter from passing into any watercourse.

Reason: To protect water supplies and reduce pollution of water courses.

Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies DPD

8. The storage of finished products in the stock yard shall not exceed 3 metres in height.

Reason: To safeguard the amenities of the area.

Policy: MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD

9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

10. Prior to the commencement of the construction of the decorative products factory building, samples of the materials and colours to be used in the external elevations of the buildings shall be submitted to and approved by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD

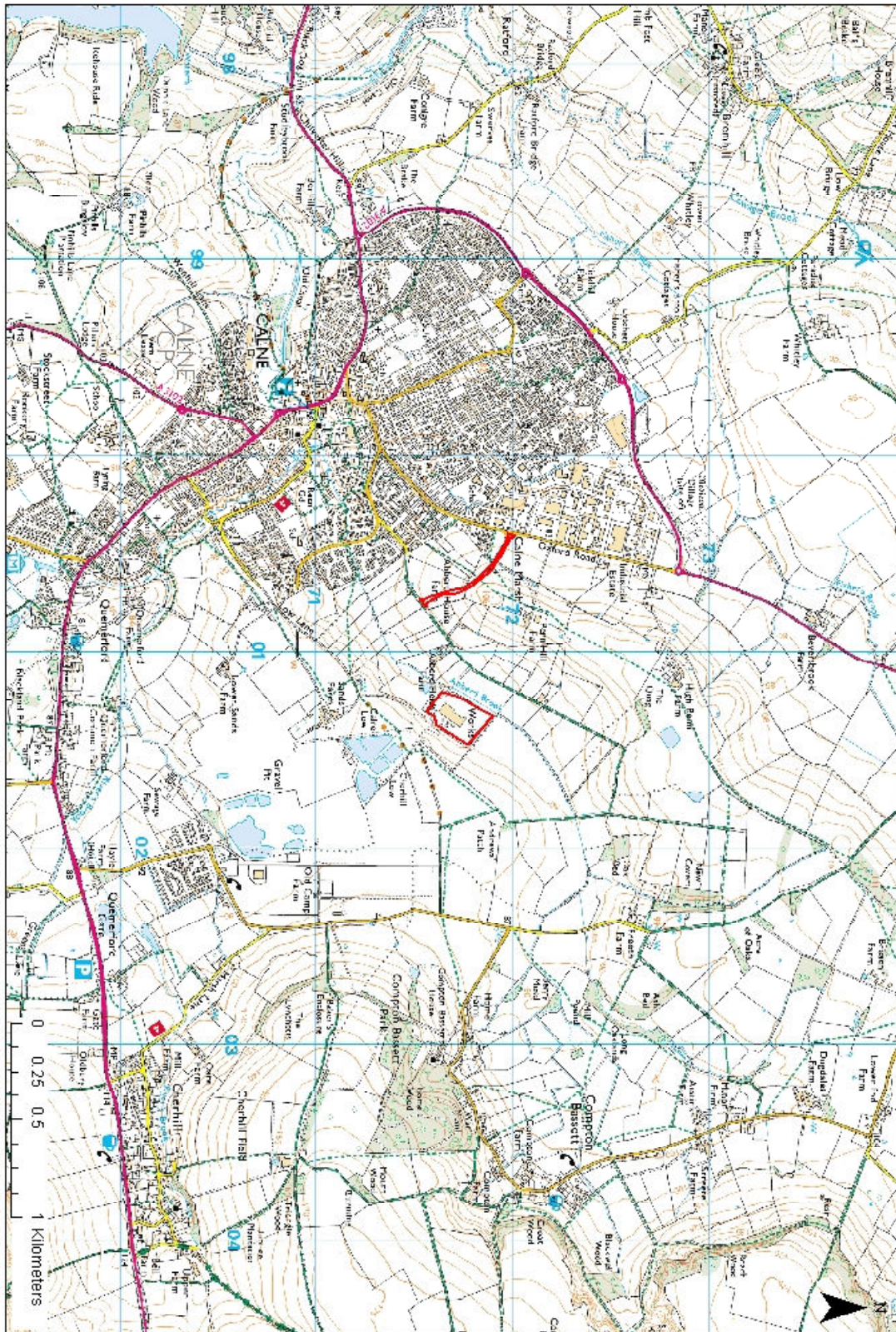
11. The building hereby permitted shall be used solely for the manufacture of concrete products and for no other purpose unless otherwise approved by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

<b>Appendices:</b>	<b>Appendix 1: Site Location Plan</b> <b>Appendix 2: Site layout plan</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>National Planning Policy Framework</b>

# Appendix 1: Site Location Plan



# Appendix 2: Site Layout Plan

