

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>16 July 2014</b>
<b>Application Number</b>	<b>14/03182/FUL</b>
<b>Site Address</b>	<b>Land North of Mill Lane Hawkeridge Westbury BA13 4LD</b>
<b>Proposal</b>	<b>Erection of pumping station</b>
<b>Applicant</b>	<b>HPH Ltd</b>
<b>Town/Parish Council</b>	<b>HEYWOOD</b>
<b>Electoral Division</b>	<b>ETHANDUNE</b>
<b>Grid Ref</b>	<b>386461 153226</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Jemma Boustead</b>

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

This application is being considered by the Strategic Planning Committee as it is related to a large scale employment development which has wider strategic implications and raises issues of more than local importance. The Division Member, Councillor Jerry Wickham, has also requested that this application be considered by the committee.

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

To consider the application and recommend approval

### **2. Report Summary**

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

### **3. Site Description**

The site is located adjacent to Mill Lane and to the south of Bitham Brook and an existing kennel business. There are existing residential properties along Mill Lane including Hawkeridge Farmhouse which is Grade II Listed.

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

No relevant planning history on this piece of land.

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

This is a proposal for a foul drainage pumping station which is running in parallel to an existing application under consideration for an employment business park which is allocated in the emerging Wiltshire Core Strategy (eWCS). The site is currently in agricultural use and is located on the north side of Mill Lane to the west of Hawkeridge Mill and the site measures 829 sqm.

The application includes an enclosed compound with a 2 metre mesh security fence, a new access from Mill Lane, hard standing within the compound for a tanker/maintenance vehicle, an above ground kiosk and below ground emergency storage container alongside associated pipework and trenchwork to connect new foul drainage pipework along Mill Lane.

#### **6. Planning Policy**

C1 Countryside Protection  
C31a Design  
C38 Nuisance

National Planning Policy Framework 2012

#### **7. Consultations**

HEYWOOD PARISH COUNCIL: Object for the following reasons:

- This application is wholly unnecessary, speculative and not required and not needed, it is premature as this allocation has not been adopted, this application would not be necessary if the other application is rejected.
- The vehicular access is off Mill Lane has the status of a public footpath and hence no public vehicular rights over it
- Public Rights of Way within the red line, the church path crosses the application site and may be obstructed
- The sewer appears to run on or very close to the line of the Church path

WESTBURY TOWN COUNCIL: No Objections

WILTSHIRE COUNCIL DRAINAGE OFFICER: No Objection. The proposal is very close to, if not within flood zone 3

WILTSHIRE COUNCIL HIGHWAYS OFFICER: No Objections subject to further conditions

ECOLOGY: No objection subject to a condition requiring further landscaping to be submitted to the Local Planning Authority

WESSEX WATER: No Objection subject to a condition and an informative

WILTSHIRE FIRE & RESCUE: Require a financial contribution of £95.52

## **8. Publicity**

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 27<sup>th</sup> June 2014

73 letters of objection have been received mainly with comments relating to the application for the proposed employment site (14/03118/OUT) but the following comments are in relation to the proposed pumping station which is subject of this application:

### Principle

- Surface water being discharged into Bitham Brook will mean a stream which this year has twice been very close to breaking its banks will have 35 acres of rain run-off being discharged into the brook. There are a number of houses which could be at risk of flooding
- Premature – site does not have planning permission, site is not allocated in the local plan, Core Strategy is not yet adopted, should only be considered if employment site is approved
- Developer has no right of access over this land and the road is not adopted
- How can this be approved when the buildings on the employment site are unknown
- This is an area of outstanding beauty

### Impact upon character and appearance of the area

- Ruin the countryside and will be unsightly

### Impact upon neighbouring amenity

- It will be noisy

### Impact upon ecology

- There are bats in the area and there is no impact assessment
- Habitats will be destroyed

### Access

- Access is not suitable for large lorries down a single track lane with no turning
- Increase in traffic

### Other

- In the parallel application there is a document titled Water Infrastructure Services Document which should be included on this application and as such

the consultation process should be started again as it states that if access cannot be gained over private land then the development would require two pumping stations, it also raises concerns over routes concerning Network Rail

- Pumping Station needs to ensure that it is sufficient for B2 uses
- Application should be considered as a departure

## **9. Planning Considerations**

Amended plans have been received which changed the red line of the application and as such the application started the 8 week process from the date the amended plan was submitted and a further consultation process was carried out.

### **9.1 Principle**

The site is not allocated for development in the ten year old West Wiltshire District Local Plan. In this plan, the site lies in the open countryside where development is not permitted, unless it encourages the diversification of the rural economy, or there is an overriding justification or benefit to the local economy. However the eWCS allocates this site as a strategic employment allocation to which the Core Strategy Inspector has not raised any concerns in any of his procedural letters to Wiltshire Council. Therefore the eWCS is considered to carry significant weight when assessing the planning application.

The pumping station is required and is essential to serve the proposed employment site subject of application reference 14/03118/OUT and as such in principle is considered to be appropriate.

### **9.2 Impact upon the character and appearance of the area**

C31a relates to design and states *that proposals for new development on sensitive sites will be required to comply with the following criteria:*

- *Pay particular attention to proportion, composition, form, massing and scale;*
- *Utilise high quality materials, finishes, and details;*
- *Integrate landscaping into the design as appropriate;*
- *Minimise the visual impact of roads, vehicles and parking areas.*

The proposed pumping station lies alongside Mill Lane and has Bitham brook located to the North of the site. The majority of the works are underground and the proposed kiosk will be the same height as the proposed fencing (2 metres high).

The 2 metre high fences are not considered to be sympathetic to their rural surroundings, however existing and proposed planting will help reduce its impact upon the surrounding area.

Concerns have been raised regarding flooding and discharge into Bitham Brook. The supporting documentation clearly states that there will be no discharge into Bitham Brook and any attenuated discharge will be pumped up Mill Lane and then onto the

sewage treatment works which is located approximately 1km away from the site (closer to Westbury). The proposal is therefore not considered to impact upon flooding on the site or elsewhere. It is important to note that if there were to be any discharge into Bitham Brook a land drainage consent would be required.

An objector stated that the land was an Area of Outstanding Natural Beauty (AONB), however this is incorrect.

### **9.3 Impact upon the Grade II Listed Building**

Hawkeridge Farmhouse is Grade II Listed and is located on the opposite side of Mill Lane. Due to the distance between the Listed Building and the proposed site (approximately 130 metres) alongside the existing hedgerows and proposed planting, the proposed pumping station is not considered to have an adverse impact upon the setting of the Grade II Listed Building.

### **9.4 Impact upon neighbouring amenity**

There are no immediate neighbours that would be affected by the proposed pumping station. There is an existing Kennels business and associated dwelling located north of the site but due to the existing and proposed planting, views of the kiosk from the business/dwelling will be minimal. The proposal is therefore not considered to have an adverse impact upon neighbouring amenity and complies with Policy C38.

### **9.5 Highway Impact**

The Highways Officer has assessed the proposed access, parking and turning area and considers that subject to further detailed conditions it would not adversely impact upon highway safety. As such the proposal is considered to be appropriate.

Concerns have been raised regarding an increase in traffic but it is not considered that the traffic associated with a pumping station would be significant to warrant a refusal reason. Concerns also included large vehicles having to reverse down Mill Lane, however the proposed access allows vehicles to reverse onto Mill Lane and leave Mill Lane in a forward gear.

The proposal does not affect or obstruct any public rights of way and as such is considered to be appropriate.

The Highways Officer has stated that the site falls beyond the limits of the adopted section of Mill Lane, where part of the track provides for a public right of way HEYW9 and therefore the applicant should ensure that they have private rights of vehicle access over the footpath as it is an offence to drive a vehicle along a footpath in the absence of such rights (Road Traffic Act 1988, s34). This is not a material planning consideration when making a determination on this application as it will be for the applicant to ensure that they can gain access to the site. If the applicant was not able to gain the necessary rights, the pumping station would have to be moved and as

such a further planning application would be required which would be assessed upon its own merits.

## **9.6 Other**

The site is not located within floodzone 2 or 3 and as such the Environment Agency do not need to be consulted on this application.

Concerns have been raised regarding the developer not having access to a private piece of land. This is not a matter for the Local Planning Authority to determine as this is a civil issue. If the applicant requires a further pumping station at a later date due to access issues than a further application would need to be submitted.

Concerns have also been raised regarding the capacity of the pumping station. If the outline application is approved for industrial/employment, subsequent applications for units will need to provide sufficient detail regarding drainage, surface water run-off etc as the end user/users are not known at this present moment in time.

As this application is for a pumping station, it is not a departure to the development plan and as such does not need to be forwarded to the Secretary of State for a decision.

The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so.

## **10. Conclusion**

The proposal complies with the relevant policies of the Local Plan and as such is recommended for Approval subject to the following conditions

**RECOMMENDATION: Defer and delegate to the Area Development Manager to issue planning permission subject to the conditions and informatives below and subject to the approval of 14/03118/OUT outline application for the employment site at Hawkeridge, Westbury.**

### **Conditions**

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

#### **REASON:**

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

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

IMA-13-054-002-Rev C received by the Local Planning Authority on 28th March 2014, Angus Meek Site Plan 2272 L03 Rev B received by the Local Planning Authority on 3rd June 2014, Angus Meek Parameters Plan Rev C received by the Local Planning Authority on 23rd June 2014

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

- 3 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

- 4 Prior to the commencement of the development hereby approved details of the access and vehicle turning/standing area shall be submitted to and approved by the local planning authority, and the access and vehicle turning/standing area shall be completed in accordance with the approved details prior to the pumping station being first put into use.

REASON: In order to ensure that an appropriate access and turning space is available before the pumping station is first brought into use

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
  - location and current canopy spread of all existing trees and hedgerows on the land;
  - full details of any to be retained, together with measures for their protection in the course of development;
  - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - finished levels and contours;
  - means of enclosure;
  - hardsurfacing;
  - other vehicle and pedestrian access and circulation areas;
  - minor artefacts and structures (e.g. storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

- retained historic landscape features and proposed restoration, where relevant.
- tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

- 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 use of the development hereby approved 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 Prior to the commencement of the development a condition survey of such parts of Mill Lane and footpath HEYW9 as shall have been agreed with the local planning authority shall be undertaken to record the present condition of the road and footpath, highlighting areas of failure or concern. The survey shall be undertaken in accordance with a methodology which shall previously been agreed with the local planning authority, and no work on site shall commence until the local planning authority has confirmed its acceptance of the survey findings.

REASON: In order to help identify structural and surface damage caused to the road and footpath as a consequence of the development.

- 1 **INFORMATIVE TO APPLICANT:** If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required.

- 2 **INFORMATIVE TO APPLICANT:** The proposed pumping station will be subject to a Section 104 application which will require detailed design and technical review. For further information please contact Wessex Water.