

**CHITTERNE: CONSTRUCTION OF EARTH BUND REQUIRED TO SCREEN
A LARGE CATTLE STOCK SHED AT VALLEY FARM, CHITTERNE
(PART RETROSPECTIVE) FOR MR. J. HARLEY
(Application No. W.06.09002)**

Purpose of Report

1. To consider the application and to recommend that conditional planning permission be granted.

The Site

2. Chitterne is a small rural settlement to the east of Warminster. Valley Farm is situated to the west of Chitterne and accessed via a private road off the B390. The application site is within a Special Landscape Area (SLA) and a Groundwater Source Protection Area.
3. The nearest property, Valley Farmhouse, is situated 180 metres east of the application site and is owned and occupied by the applicant. The next nearest property is over 470 metres away and does not have a view into the site. The application site is visible from the B390.
4. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

Planning History

5. The planning history of the site is as follows:

03/00472/FUL Stock Shed for finishing cattle organically. Permission granted by West Wiltshire District Council on 25th June 2003

Background

6. In March 2003, Mr. Harley (the applicant) applied to West Wiltshire District Council (WWDC) for permission to build a Cattle Stock Shed at Valley Farm, Chitterne. The application indicated a screening bund topped by a hedgerow to the south and west of the Cattle Stock Shed, the aim of the screening bund being the reduction of the visual impact of the building. The application was approved in June 2003.
7. By March 2004 it had become clear that the screening bund was being constructed outside the approved boundary. WWDC asked the applicant to cease all works on the screening bund and apply to the County Council (WCC) for permission to build the bund outside the approved boundary or face enforcement action. The applicant was also advised that construction of the screening bund would require a waste management licence from the Environment Agency (EA).

8. The application to build the bund outside the approved boundary was submitted to WCC in January 2006 (Ref. W.06.09002). Following objections from WWDC and WCC officers to the proposed form and scale of the bund, the application was held in abeyance. Revised plans showing a screening bund more in harmony with the surrounding landscape were submitted in October 2006 and are the subject of this report. The consultee responses to both the original and revised plans are included within the consultations section of this report.

Proposal

9. The applicant proposes to import 15,000 cubic metres of inert material (rubble, topsoil, subsoil and chalk) to construct the screening bund to the south and west of the Cattle Stock Shed. The screening bund to the south of the Cattle Stock Shed would measure approximately 6 metres in height at the highest point and the bund to the west a maximum of 4 metres high. Following construction the screening bund would be finished with subsoil and topsoil and planted with a grass seed mix appropriate to the area. The restored screening bund would eventually be grazed by the applicant's cattle.
10. The applicant states that the 460 metre private drive between the application site and the highway (B390) should prevent mud being tracked onto the highway. Although the applicant states that no complaints have been received on the grounds of noise and dust, if dust did become a problem a water bowser could be used to dampen the haul road and construction area. The main haul route to the application area is the A36 to the B390. The applicant states that relatively few lorries travel through Chitterne itself. Vehicle movements associated with the construction of the bunds would vary between 10 and 12 per day.
11. Construction of the bund would be limited to 8.00 am to 5.00 pm Monday to Friday and 8.00 am to 12.00 pm on Saturday. It is anticipated that the bund would take between 12 and 15 months to complete.

Planning Policy

12. The following policies are considered relevant to this application:
- Policies C1, C5, C9, W1 and W3 of the Adopted Wiltshire and Swindon Structure Plan 2016 (WSP 2016)
 - Policies 1, 6, 8 and 21 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (WLP 2011)
 - Policies C3 and U4 of the West Wiltshire District Plan (1st Alteration June 2004) (WWDP)
13. All relevant planning policies are set out in the attached **Appendix 3**.
14. **West Wiltshire District Council** - the proposed landform by nature of its size, shape orientation and location is considered detrimental to the landscape character of the Salisbury Plain Special Landscape Area, forming an alien feature in this valley.

Response to amended plans - the amended plans have not addressed the objections raised in the previous response. Therefore the objection from the Planning Section of WWDC still stands.

15. **Environment Agency** - the development will be subject to control under the Agency's Waste Management Licensing Regulations. Only inert material to be deposited.

16. **DEFRA** - no objection in principle but the bund should not be over-compacted and should only be compacted as much as is required to ensure its stability. In addition the best subsoil and topsoil should be used for the top 1.2 metres of the restored profile.
17. **Natural England** - no objection.

Response to amended plans - no further comments.
18. **Chitterne Parish Council** - supports the application in principle but would like the County Council to consider a wheel wash facility and a condition for HGVs to use the A36 and B390 link between Knook and Chitterne as the access road. Also requests that the opening times be strictly adhered to and that there be a minimum definitive time limit to end the nuisance of noise, dust and mud in the village.
19. **County Archaeologist** - recommends an archaeological watching brief is conducted during any groundworks. Suggests a condition to ensure that archaeologists are allowed to examine and record any archaeological deposits, features or finds uncovered.

Response to amended plans - little has altered in terms of the archaeological impact. Therefore the comments made on the original application still stand.
20. **Highways Development Control** - no observations.
21. **Countryside Section** - Considers there is insufficient information available to determine the significance of landscape and visual impacts and therefore the impact on the SLA.

Response to amended plans - the revised contours are more in keeping with the character of the local landscape and could be approved. However, the drawing shows sections C-C and D-D with flat tops. The landform should be smooth and flowing with no flat tops or sharp angular edges etc.

Publicity

22. The application has been advertised in the local press and by neighbour notification. One letter of representation has been received to the original application but no letters have been received relating to the amended plans.
23. Copies of the consultation replies and representation referred to above are available for inspection in the **Members' Room**.

Planning Considerations

24. This planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Planning permission for a screening bund has been granted by WWDC. Therefore, the construction of a bund has been agreed in principle. The fact that permission has been granted for a bund is an important material consideration in the determination of this application. If this permission were refused, the applicant could revert to the extant permission and construct the permitted bund. The permitted bund is 10 metres wide and 8 metres high to the south of the stock shed and 6 metres high to the west. The proposed bund is considerably wider than 10 metres but offers a low, sloping profile rising to a maximum of 6 metres to the south of the stock shed and 4 metres to the west. The main issue to be considered in this report is whether the proposed form of the bund would be appropriate within the surrounding landscape. The issues of landraising and waste management will also need to be addressed.

25. The application site lies within an SLA and Policy C3 of the West Wiltshire Local Plan seeks to conserve and enhance SLAs and not permit development considered detrimental to the high quality of these landscapes. Policy 8 of the WLP 2011 states that permission for waste management development where reinstatement is required would only be granted if proposals for satisfactory restoration of the site to an appropriate landform and landscape character are provided. The County Council Landscape Officer has stated that the proposed form of the bund is appropriate to its setting. However, WWDC maintains that the bund would be an alien feature in the landscape.
26. The amended drawings demonstrate that the proposed smooth, sloping profile of the bund provides screening of the stock shed whilst being in keeping with the natural slope of the surrounding land. This profile appears much less of an alien feature than the 10 metres wide, 8 metres high bund originally permitted by WWDC. Natural England has no objection to the bund in terms of its potential impact on the local environment or biodiversity.
27. The application site lies within a Groundwater Source Protection Area and Policy U4 of the West Wiltshire Local Plan states that development should not cause harm to the quality or quantity of groundwater resources as there are a number of areas where potable water is abstracted within West Wiltshire. There has been no objection from the Environment Agency on the grounds of potential water pollution.
28. In addition to considering visual impact, as the development would involve the importation and deposit of inert waste to construct the bund, the development should be considered as a landraising operation.
29. A key aim of the WLP is the diversion of waste from landfill by maximising recycling. Landfill/landraising is at the bottom of the waste hierarchy as it involves no recovery of value from waste. Therefore the application is contrary to Policy 1 of the WLP 2011 and Policies W1 and W3 of the WSP 2016. As the majority of the material used in the construction of the bund would be soils and chalk, it is not considered that the construction of the bund would remove large amounts of good recyclable material, i.e. bricks, rubble and concrete, from the inert waste stream.
30. Policy 21 of the WLP states that there will be a general presumption against landraising proposals unless the application demonstrates that the proposal will not result in significant adverse impact upon the landscape. WWDC maintains its initial objection that the proposed landform would be an alien feature in the landscape. However, the County Landscape Officer, who has been consulted by the applicant throughout the development of the amended plans, has no objections to the final proposed landform. A condition requiring level surveys to be carried out every six months would be required by condition to ensure that the screening bund was being constructed in accordance with the Plan.
31. Policy 6 of the WLP states that the impacts of lorry movements on local communities should be controlled. All HGVs should access the site from A36 and B390 link between Knook and Chitterne and avoid travelling through Chitterne unless collecting waste material from a site in the village. The applicant has stated that the majority of traffic visiting the site would travel from the A36 along the B390 and return along the same route. A condition requiring a wheel wash facility would be imposed on any permission.

Conclusions

32. The Cattle Stock Shed has permission for the construction of a screening bund to the south and west to reduce its visual impact in the SLA. The Development Plan states that landraising will only be permitted in order to restore mineral workings and previously developed land. The application site is neither a mineral working nor previously developed land. However, the form of the proposed bund is such that it would effectively screen the Stock Shed whilst being in harmony with the surrounding land. Therefore the bund is in accordance with Policy 8 of the WLP and Policy C3 of the WWDP.
33. The fact that there is planning permission for a bund is an important material consideration. If this application were refused the applicant could build the permitted bund which would both divert inert material from recycling and create an alien feature in the landscape. Granting this permission would divert material from being recycled but would provide an effective and sympathetically designed screening bund to the Cattle Stock Shed in the SLA.

Recommendation

34. That planning permission be granted subject to the following conditions:
1. The development shall be carried out solely in accordance with the submitted details except as modified by these conditions.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with approved plans and details.

Limits of tipping

2. A survey of levels shall be undertaken at intervals of not less than every six months starting from the date on which tipping operations hereby permitted commence. A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

Reason: To ensure the proper restoration of the site in accordance with the approved plans and details and in the interests of the Special Landscape Area.

Archaeology

3. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which has been submitted by the applicant and approved in writing by the Waste Planning Authority.

Reason: To enable sites of archaeological interest to be adequately investigated and recorded.

Hours of Operation

4. No operations or activities authorised or required by this permission shall be carried out other than during the following hours:

08.00 - 17.00 Monday to Friday

08.00 - 12.00 Saturday

No such operations or activities shall take place on Sunday, Bank or Public Holidays.

Reason: To protect the amenities of local residents and for the avoidance of doubt.

End date

5. The deposit of waste shall cease no later than 30th June 2008. Within 12 months from the date of completion the site shall be restored in accordance with a scheme submitted and agreed in writing by the Waste Planning Authority.

Reason: To ensure the prompt and effective restoration of the site.

Site Operations

6. All vehicles, plant and machinery associated with the development shall be maintained in accordance with the manufacturer's specifications and shall be fitted with and use effective silencers.

Reason: To safeguard the amenity of the area.

7. A wheel washing facility of a specification approved in writing by the Waste Planning Authority shall be provided on site and used throughout the period of construction of the screening bund. In the event that mud is tracked from the application site onto the B390, a sweeper shall be employed to clean the road surface.

Reason: In the interests of highway safety.

8. No material other than inert material shall be deposited at the site.

Reason: Other waste materials raise environmental and amenity issues that would require consideration afresh.

Dust

9. Dust caused by the moving and storage of inert material shall be suppressed. A water bowser shall be used to aid the suppression.

Reason: To protect the amenities of the locality from the effects of dust arising from the development.

Site Restoration

10. The best subsoil and topsoil shall be spread evenly to a depth of 1.2 metres so as to form the final approved contour.

Reason: To ensure a satisfactory restoration of the land to grazing.

11. Within six months of the date of this permission, details of the type and provenance of seed mix for planting shall be submitted to the Waste Planning Authority for approval in writing.

Reason: To ensure a seed mix appropriate to the site is used.

GEORGE BATTEN
Director of Environmental Services

Report Author
JOANNA FREYTHOR
Senior Planning Officer

The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence.