

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 4 January 2017
Time: 3.00 pm

Please direct any enquiries on this Agenda to Edmund Blick, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email edmund.blick@wiltshire.gov.uk

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Chuck Berry
Cllr Peter Hutton (Vice Chairman)	Cllr Terry Chivers
Cllr Christine Crisp	Cllr Howard Greenman
Cllr Mollie Groom	Cllr Howard Marshall
Cllr Toby Sturgis	Cllr Chris Hurst
Cllr Glenis Ansell	

Substitutes:

Cllr Philip Whalley	Cllr Linda Packard
Cllr Desna Allen	Cllr Graham Wright
Cllr Mary Champion	Cllr George Jeans
Cllr Ernie Clark	Cllr Melody Thompson
Cllr Dennis Drewett	Cllr Bill Douglas
Cllr Jacqui Lay	

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a true and accurate record the minutes of the meeting held on Wednesday 7th December 2016.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Tuesday 27th December 2016** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Thursday 29th December 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 9 - 10*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **16/05721/FUL- 16/05729/FUL: 9 Church Farm, Easton Grey, Malmesbury.** (*Pages 11 - 144*)

7b **15/10712/FUL: Land North of Baydons Lane, Chippenham.** (*Pages 145 - 174*)

7c **16/09965/LBC: Mays Farm, Hullavington.** (*Pages 175 - 184*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 7 DECEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Chuck Berry, Cllr Jacqui Lay (Substitute) and Cllr Howard Marshall

Also Present:

Cllr Bob Jones MBE

162 **Apologies**

Apologies were received from Cllr Howard Greenman who was substituted by Cllr Jacqui Lay.

Apologies were also received from Cllr Chris Hurst, Cllr Terry Chivers and Glenis Ansell.

163 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 16th November 2016 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

164 **Declarations of Interest**

There were no declarations of interest.

165 **Chairman's Announcements**

There were no Chairman's announcements.

166 **Public Participation**

The Committee noted the rules on public participation.

167 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

16/07182/FUL and 16/07712/LBC- 8 The Forty, Cricklade, Wiltshire, SN6 6HR

The applicant Laura Lally and the agent Mike Wright spoke in favour of the application.

The planning officer introduced the report which was an application to extend and build upon a listed building. The applicant sought permissions for the removal of an existing single storey porch to rear of the property and for the construction of a new two storey gable, and single storey flat roof with parapet wall. The extension would provide a dining room and play room at ground floor level, with a master bedroom with en-suite on the first floor. Pictures and diagrams were shown to the committee demonstrating the proposed plans, pointing out the variations in the proposed elevation, size, bulk and massing, compared to the existing build. The officer explained that conservation officers had identified potential harm to the historic fabric of the building by the substantial loss of original rear walls. Officers also considered the proposal would dramatically increase the size, bulk and massing of the listed building and be out of keeping with the character of the heritage asset.

The Chairman invited Councillors to ask technical questions in response to which it was confirmed that, should permission be granted, the retention of existing landscaping at the front of the property could be conditioned to screen the extension from the road. In response to queries about parking provision it was noted that the Highways Officer had not raised any objections.

The Chairman invited public speakers to make representations, as detailed above.

The local member, Cllr Bob Jones, spoke in support of the application and expressed concerns over the assessment of the application by the Conservation Officer.

In response to queries raised by the public and local member, the planning officer explained that in the Historic England listing of buildings not every heritage detail of a building was detailed and therefore the rear wall of the property could be considered as a heritage asset without a direct reference to this in the listing.

Officers also advised that they had previously indicated to the agent that a smaller extension would cause less harm the listed building however the application had not been reduced in scale. In response to a statement from the applicant, the Planning Officer stated that the site was indeed outside of the Conservation Area and therefore the submission by the Conservation Officer was inaccurate. However it was highlighted that the application was recommended for refusal based on harm to the listed building rather than the impact on the Conservation Area.

The Chairman, moved the officer's recommended which was seconded by Cllr Peter Hutton.

During the debate that followed, members were sympathetic to the need for an extension to the property and supported the principle of a smaller extension to allow the listed building to be enjoyed. The Committee was however concerned that under this proposal a significant amount of the original wall would be lost and this would be contrary to Paragraph 132 of the National Planning Policy Framework. Councillors discussed the visibility of the proposal from the road, the location of the property in relation to the entrance to the town and the proximity of a modern development to the rear of the property. On balance, members considered that there were no policy reasons to support permission. In reaching its decision the Committee understood that the site was not located within a Conservation Area and that refusal was to reflect the harm of the proposal on the listed building rather than its location in relation to a Conservation Area.

Resolved:

Planning Permission is REFUSED for the following reason:

1. The proposed development, by reason of its siting, scale, massing and design, fails to conserve the character or appearance of the listed building and is not otherwise justified by any wider public benefit. The proposal is therefore contrary to Core Policy 57 and 58 of the adopted Wiltshire Core Strategy and paragraph 131, 132, 134 and 137 of the National Planning Policy Framework.

Listed Building Consent is REFUSED for the following reason:

2. The proposed development, by reason of its siting, scale, massing and design, fails to conserve the character or appearance of the listed building or and is not otherwise justified by any wider public benefit. The proposal is therefore contrary to S16(2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

169 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Edmund Blick of Democratic Services, direct line 01225 718059, e-mail edmund.blick@wiltshire.gov.uk

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Wiltshire Council
Northern Area Planning Committee
4th January 2017

Planning Appeals Received between 25/11/2016 and 22/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/03964/FUL	19 Milbourne Park Milbourne, Malmesbury Wiltshire, SN16 9JE	ST PAUL MALMESBURY WITHOUT	Single Detached Dwelling	DEL	Written Representations	Refuse	15/12/2016	No
16/05456/FUL	The Cart Shed Freeth Farm Compton Bassett Wiltshire, SN11 8RD	COMPTON BASSETT	Proposed Retention of & Alterations to Holiday Let (Resubmission of 15/09177/FUL)	DEL	Written Representations	Refuse	29/11/2016	No
16/06225/FUL	13 Broad Town Road Broad Town, Wiltshire SN4 7RB	BROAD TOWN	Amendment to planning permission 15/09474/FUL to allow for redesign of approved barn unit	DEL	Written Representations	Refuse	14/12/2016	No
16/06839/FUL	6 Locks Lane Purton, Swindon Wiltshire, SN5 4HD	PURTON	Detached Triple Garage with Office/Store Above (Part Retrospective)	DEL	House Holder Appeal	Refuse	30/11/2016	No
16/06874/FUL	The Tithe Westfield Farm Nettleton, Chippenham SN14 7PA	NETTLETON	Conversion and extension of garage out building to form a garage with ancillary accommodation above	DEL	Written Representations	Refuse	01/12/2016	No
16/06905/LBC	The Tithe Westfield Farm Nettleton, Chippenham SN14 7PA	NETTLETON	Conversion and extension of garage out building to form a garage with ancillary accommodation above	DEL	Written Representations	Refuse	01/12/2016	No

Planning Appeals Decided between 25/11/2016 and 22/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/11511/FUL	James House Broken Cross Calne, Wiltshire SN11 8NH	CALNE	Proposed Development of 6 No. 1bed 2person Flatted Units over 3 Storey's, with Associated Access, Parking, Buggy Storage and Landscaping.	DEL	Written Reps	Refuse	Allowed with Conditions	28/11/2016	No
16/00504/FUL	2A Pickwick Corsham, Wiltshire SN13 0HZ	CORSHAM	Proposed Creation of a Dwelling through the Change of Use of 2a Pickwick from A1 to C3, Reconstruction of Structure to the Rear of 'The Farmhouse' (also known as 2a & 2b Pickwick, Corsham) Including Alteration to Bay Window, Stonework & Roof Repairs to The Farmhouse Building.	DEL	Written Reps	Refuse	Allowed with Conditions	06/12/2016	No
16/00677/LBC	2A Pickwick Corsham, Wiltshire SN13 0HZ	CORSHAM	Proposed Creation of a Dwelling through the Change of Use of 2a Pickwick from A1 to C3, Reconstruction of Structure to the Rear of 'The Farmhouse' (also known as 2a & 2b Pickwick, Corsham) Including Alteration to Bay Window, Stonework & Roof Repairs to The Farmhouse Building.	DEL	Written Reps	Refuse	Allowed with Conditions	06/12/2016	No
16/04536/FUL	Wrens Brook Sambourne Road Minety, Wiltshire SN16 9RQ	MINETY	Proposed Barn Conversion to Residential Dwelling (C3) & Associated Works. (Resubmission of 16/00725/FUL)	DEL	Written Reps	Refuse	DISMISSED	20/12/2016	No

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	04 January 2017
Application Number	16/05721/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new farm managers dwelling and new Heifer shed (incorporating isolation pens)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the agricultural workers dwelling and heifer shed only.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to two plots of land within the Church Farm site. A roughly rectangular plot of land which measures approximately 370 square metres, centrally located within the site and would provide land for the proposed Heifer shed. The second area of land would measure approximately 1480 square metres adjacent the western boundary of the site and would provide land for the new dwelling and the access to this. Partially contained within this land is a dilapidated semi-circular agricultural building which was not in use at the time of the site visit.

The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a new farm managers dwelling and new Heifer shed (incorporating isolation pens). The proposed 4 bedroom dwelling would measure 15.2m in width at ground floor, 11.8 metres in width at first floor and 6.5m in depth across both floors. The dwelling would have a pitched roof design with a maximum height of 8.7 metres and would provide 150 square metres of internal floor area.

The proposed heifer building and isolation pens would measure 25 metres in length by 15 metres in width and would be attached to the proposed beef shed. The elevations would be open on two sides with metal gates to enclose the heifers and the visible elevation would be erected from concrete silage panels with timber boarding above. The building would have a low level pitched roof made from fibre cement sheeting.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Strategy

Core Policy 48 – Supporting Rural Life

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

Core Policy 67 – Flood Risk

Saved Policy H4 – Development in the Open Countryside

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts
Paragraph 55 – Dwellings in Isolated Locations

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Agricultural Consultant: Both the current and proposed farming practice present an essential need for a presence at the holding.

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding Objection; the location of this dwelling seems detached from the wider farmstead development, which would make it a suitable building for later disposal and detachment from the farmstead.

Public Protection: No objection.

Cotswold AONB Board: The landscape impact from this development should be capable of mitigation. However the Board recommends that advice is taken by the applicant from a qualified landscape architect to appraise the existing situation and offer mitigation and management recommendations.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;

xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application is formed in two parts and seeks planning permission for the erection of a new farm managers dwelling and new Heifer shed (incorporating isolation pens).

Looking at each element in turn, Paragraph 55 of the framework states that Local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. One of the circumstances listed is the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Core Policy 2 of the Wiltshire Core Strategy states that other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The site falls outside of the limits of development for any settlement identified within the WCS. However, one of the Policies listed under paragraph 4.25 is Core Policy 48 – Supporting Rural Life. This Policy states that outside the defined limits of development, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.

Similarly, Saved Policy H4 of the North Wiltshire Local Plan also permits for dwellings outside of the framework boundary, where they provide an agricultural workers dwelling.

Therefore, the principle of an agricultural workers dwelling at the site is acceptable, if it can be demonstrated that there is a functional and financial need for such development.

The application has been submitted with a business case and financial assessment of the proposed operation at the site. This has been assessed by the Council's agricultural consultant who considers that there would be an essential need for a worker to live at the site, to ensure the welfare of the animals.

The agricultural consultant has raised two areas of concern during the course of the application. The first relates to the fact that the existing operation at the site manages without an on-site presence and no explanation has been made as to why the existing business manages to operate without a worker living at Church Farm and one is now needed. However, the test of Core Policy 48 is to determine if the proposal would present a functional requirement for a worker to live at the site, it does not require an assessment of the existing vs proposed arrangement. The agricultural consultant has made clear that they consider the total proposed livestock at the site does represent a functional need and, therefore, the requirement of Core Policy 48 has been met.

The second area relates to the other properties in the applicant's ownership. The applicant owns four other properties on their land which accommodate staff, but not at the application site. The nearest dwelling is some 380 metres to the south of the application site and houses a retired farm manager, who is eligible to remain in this unit. Therefore, this is not available for use. Given this additional information from the applicant, the agricultural consultant has not objected on the grounds that other accommodation is available which could provide a key worker accommodation.

The agricultural consultant has also considered the financial assessment of the proposed business. They have determined that the levels of cost and revenue appear reasonable and in line with published guidance and market trends and that the level of profit is sufficient to demonstrate a viable business.

Therefore, it is considered that functional and financial requirements of Core Policy 48, Saved Policy H4 and Paragraph 55 of the framework have been met and the proposed agricultural worker's dwelling is considered to be acceptable in principle.

The applicant has worked with Officers to revise the agricultural workers dwelling's scale and design to ensure it is appropriate to the functional and financial requirements of the agricultural operation. The revised proposed dwelling would have an internal floor area of 150 square metres and the agricultural consultant considers the dwelling to be a suitable size for a agricultural workers dwelling.

The size of the heifer shed is considered to be proportionate to the size of the agricultural operation being proposed. Therefore, the principle of agricultural buildings is considered to be acceptable given the overall agricultural holding of the wider Church Farm site.

Any approval would require a condition to ensure the agricultural buildings are erected and in use at the site, before the dwelling could be occupied. In order to prevent the consent to erection of the dwelling, without the functional need of the enlarged farmholding from being established. Furthermore, a condition would be attached to limit the occupation of the dwelling to a worker related to the agricultural operation at the site.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

Looking at the two elements in turn, the Landscape Officer raised a holding objection with regards to the agricultural workers dwelling at the site and raised a concern about the detachment of the dwelling from the agricultural buildings, the size of the dwelling and the materials used.

The dwelling would be sited at the northern end of the extended Church Farm and would form the northernmost building. This site has been selected as it would allow the dwelling not to be set directly within the farm buildings complex, but close enough to monitor the livestock at the site. The issue of severance could be dealt with via a suitably worded condition and it is considered that the use of the shared access and proximity to the agricultural buildings would make future severance from the site unlikely. With regards to the size, the dwelling has been reduced to 150 square metres in floor space and the home office removed. Therefore, the size is considered to be suitable for a key workers dwelling, based on the identified functional and financial need. The application form states that the materials for the dwelling would be natural stone. Whilst this would reflect the vernacular of the existing buildings at the southern extent of the site, it would raise an issue with regards to the cost of the building, in the event of a future sale of the agricultural operation. Therefore, it would be considered that a good quality reconstituted stone would be more appropriate and the details of these materials would be secured by way of a pre-commencement condition.

It is considered that the dwelling, in isolation, would have an acceptable impact on the visual amenities of the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

The Landscape Officer has noted the large scale of the heifer building and the need for landscaping to somewhat screen this building. As outlined above, these landscaping improvements would be secured by way of condition for the wider site. Therefore, the development is considered to have an acceptable impact on the AONB and complies with Core Policy 51 & 57 of the Wiltshire Core Strategy.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. However, the majority of these objections appear to relate to the Anaerobic Digester, which is not the subject of this application.

The proposed dwelling and Heifer building would be situated a significant distance from the nearest neighbouring occupier. Given the distance separation, the proposed development is considered to not result in any significant harm to residential amenity in terms of loss of light, loss of outlook or loss of privacy.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. The site is located in the open countryside, where such uses are expected to occur and the Public Protection Officer has raised no objection to these elements of the development.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. With regards to the dwelling, an existing vehicular access into the site would be improved and a separate driveway up to the dwelling using existing hardstanding laid at the site, would be provided. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms. Furthermore, the land would provide sufficient space to park at least three cars and would meet the Council's adopted Parking standards. It is noted that the block plan for the dwelling is limited in terms of showing the parking provision, however, the details of this could be secured by way of the pre-commencement condition.

With regards to the heifer building, this forms part of enlarged agricultural operation at the site. The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. This information has been assessed by the Highways Officer and they have noted the following:

"The applications will lead to an intensification of use at the location above while increasing vehicular movements, particularly to the access to the north of the site. While this intensification of use is noted and could have highway safety implications, the key decision will be based on whether this intensification is significant enough that it would represent a severe impact on the public highway.

While these proposals will necessarily represent an intensification of use of the access and this particular site it is the case that some of the increased use of the site will represent a consolidation of activity over the entirety of the farm's holding resulting in less vehicular movements over the larger local highway network as there is potential for travel between some sites to be eliminated. This may result in a concentration of activity thus resulting in less vehicular movements between sites."

The Highways Officer also noted:

"The site consists of several farm buildings and a current operational farm in the small village of Easton Grey the main accesses to the farm complex comprising of established access points along the classified road within 350 m of the junction with the B4040. The c-road is 4 to 5 m wide and is adequate for the continued use of farm vehicles to enter and egress the farm site."

Therefore, given their comments above, the Highways Officer has concluded that the development would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework and would, therefore, be acceptable in this regard. Consequently, no objection is raised, subject to condition.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

The proposed dwelling would be served by a septic tank and no objection is raised to this. The slurry lagoon will be split into two and used to provide space for digestate created from the enlarged operation, with the remaining half used to store slurry from the existing dairy farm operation.

Ecology

The Council's Ecologist has reviewed the development proposals and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased tax revenues for the Council and jobs during the construction phase of development. It would have the social benefit of the provision of any additional dwelling and the environmental benefit of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

- 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:

Site Location Plan - 2663/01 - Received 24th June 2016;

Proposed Heifer Shed - 2663/07 - Received 10th June 2016;

Proposed Dwelling Elevations - 2663/11A - Received 30th November 2016

Proposed Dwelling Floor Plans - 2663/12A - Received 30th November 2016

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 5 The dwelling hereby approved shall not be first occupied until the agricultural buildings approved under application reference 16/05722/FUL (Beef Building) & 16/05729/FUL (Dairy Parlour) have been erected in strict accordance with the approved plans, occupied and the associated agricultural business be operational at the site.

REASON: To ensure that the dwelling is required for a key worker for the agricultural land use at the site.

- 6 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

o location and current canopy spread of all existing trees and hedgerows on the land;

o full details of any to be retained, together with measures for their protection in the course of development;

o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

o finished levels and contours;

o means of enclosure;

o car park layouts;

o other vehicle and pedestrian access and circulation areas;

o all hard and soft surfacing materials;

o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before

development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 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.

- 8 No development shall commence on site until An Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 9 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 10 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer (if required) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in acceptable manner, to ensure that the development can be adequately drained.

- 11 No development shall commence on site until a plan showing space for the parking of 3 vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be provided in strict accordance with the approved plan prior to the occupation of the dwelling and shall not be used other than for the parking of vehicles or for the purpose of access.

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the Area of Outstanding Natural Beauty and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements to an agricultural workers dwelling.

- 13 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before

development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 14 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 15 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 16 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 17 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

- 18 INFORMATIVE TO APPLICANT:

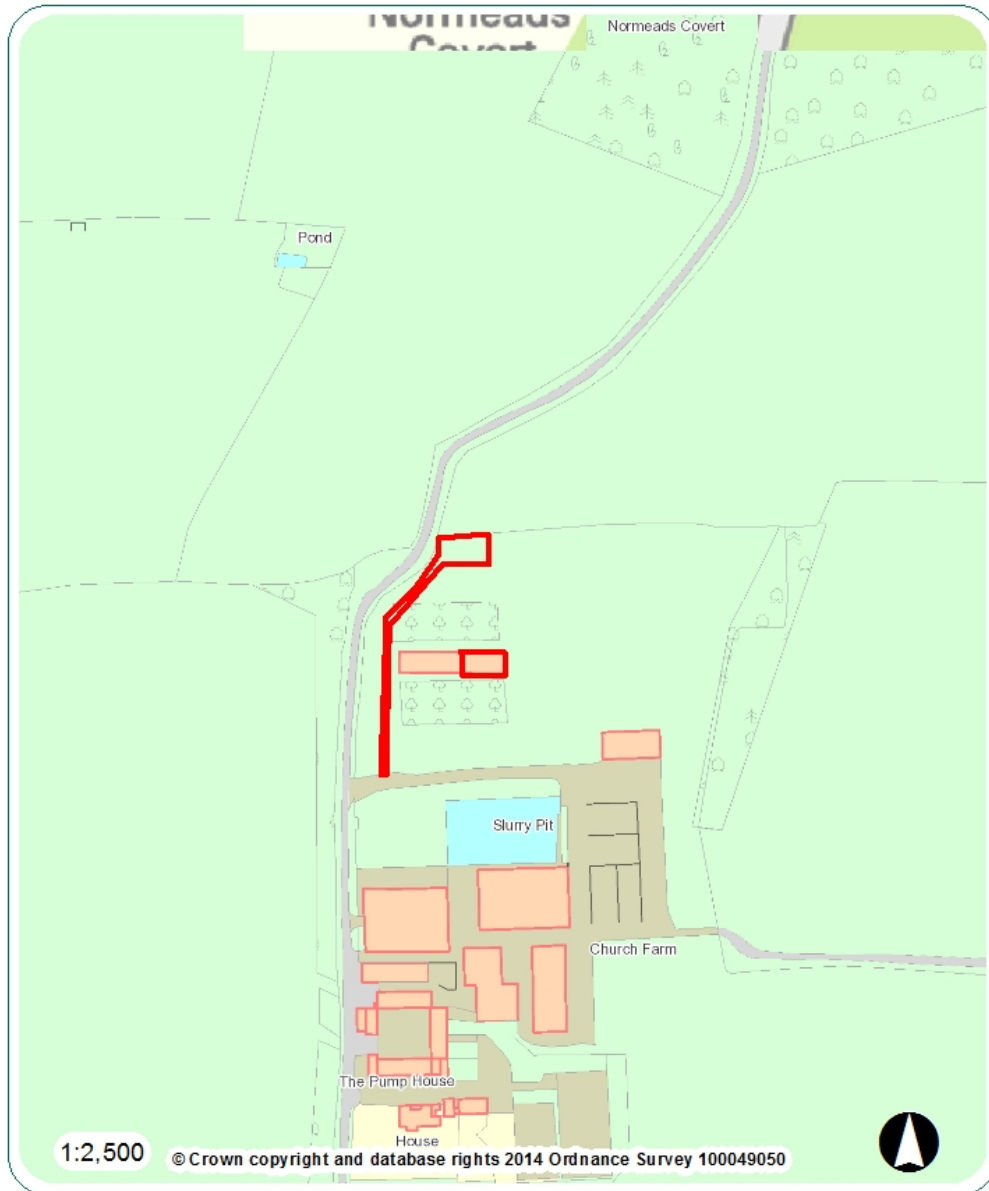
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

19 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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Date of Meeting	04 January 2017
Application Number	16/05722/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (beef building)
Applicant	G S & C J Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the Beef Building.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements ,including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This ,combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land.. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 2,300 square metre plot of land located to the north of the existing slurry pit within the Church Farm site. The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the beef building which will house 280 head of cattle, arranged in 12 pens. The building would measure 32 metres in width by 75 metres in length with a maximum height of 6.4 metres and a height to the eaves of 3.6 metres. The building would be a steel portal frame structure with precast concrete silage panels with Yorkshire board cladding above and roof erected from fibre cement sheets.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues

- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: This is a very large building which will require some screen planting to help break up its mass and cumulative mass combined with other buildings. There would be an opportunity to achieve this with some strategic screen planting within the site and also by extending existing native roadside hedgerows into the site at the northern access, and a second tier of hedgerow planting along the proposed dwelling access road to help filter public views from the road at the northern entrance.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a beef building to provide will house 280 head of cattle, arranged in 12 pens. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed Beef unit, the Landscape Officer noted that it would be a very large building and would require some screen planting to help break up its mass and cumulative mass combined with other buildings. There would be an opportunity to achieve this with some strategic screen planting within the site and also by extending existing native roadside hedgerows into the site at the northern access, and a second tier of hedgerow planting along the proposed dwelling access road to help filter public views from the road at the northern entrance. Therefore, subject to the pre-commencement landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

With regards to noise disturbance, the Public Protection Officer has raised a concern that the development does not contain any information with regards to any plant installed for the anaerobic digester, extraction/ventilation plant for cattle housing, the dairy and grain drying plant. Therefore, they considered it prudent that a condition be attached to require a noise report for either the scheme as a whole or for each element where any such ventilation is proposed.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, subject to the required conditions for a noise report, the development is considered to have an acceptable impact on the residential amenity of the adjoining occupiers in terms of noise and odour disturbance.

The proposed beef building would be set within a cluster of existing and proposed agricultural building and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the beef building. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land. The Highways Officer has reviewed this information and provided the following comments:

"I understand 16/05722 is a proposal for the erection of a beef building for the housing of a herd of beef cattle that have been rehoused from a different part of the farm holding. I also note that some of

the equipment to be housed in the building will also be resourced from different farm locations in order to consolidate some activity of the farm business through use of this ancillary building. The access to allow transportation to and from the new beef building is adequate and the addition of this ancillary farm outbuilding would not be considered a significant impact on the highway system.”

Therefore, given their comments above, the Highways Officer has concluded that the development would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework and would, therefore, be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and

these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01A - Received 13th July 2016;

Proposed Block Plan - 2663/02 - Received 13th July 2016;

Proposed Floor Plans - 2663/03A - Received 24th June 2016

Proposed Elevations - 2663/03 - Received 24th June 2016

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :
- o location and current canopy spread of all existing trees and hedgerows on the land;
 - o full details of any to be retained, together with measures for their protection in the course of development;
 - o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - o finished levels and contours;
 - o means of enclosure;
 - o car park layouts;
 - o other vehicle and pedestrian access and circulation areas;
 - o all hard and soft surfacing materials;
 - o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from the anaerobic digester, grain drying plant and any mechanical ventilation.

The approved scheme shall be implemented in full before use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at or below the background noise level.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 8 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall

include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 9 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 10 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

11 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

12 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

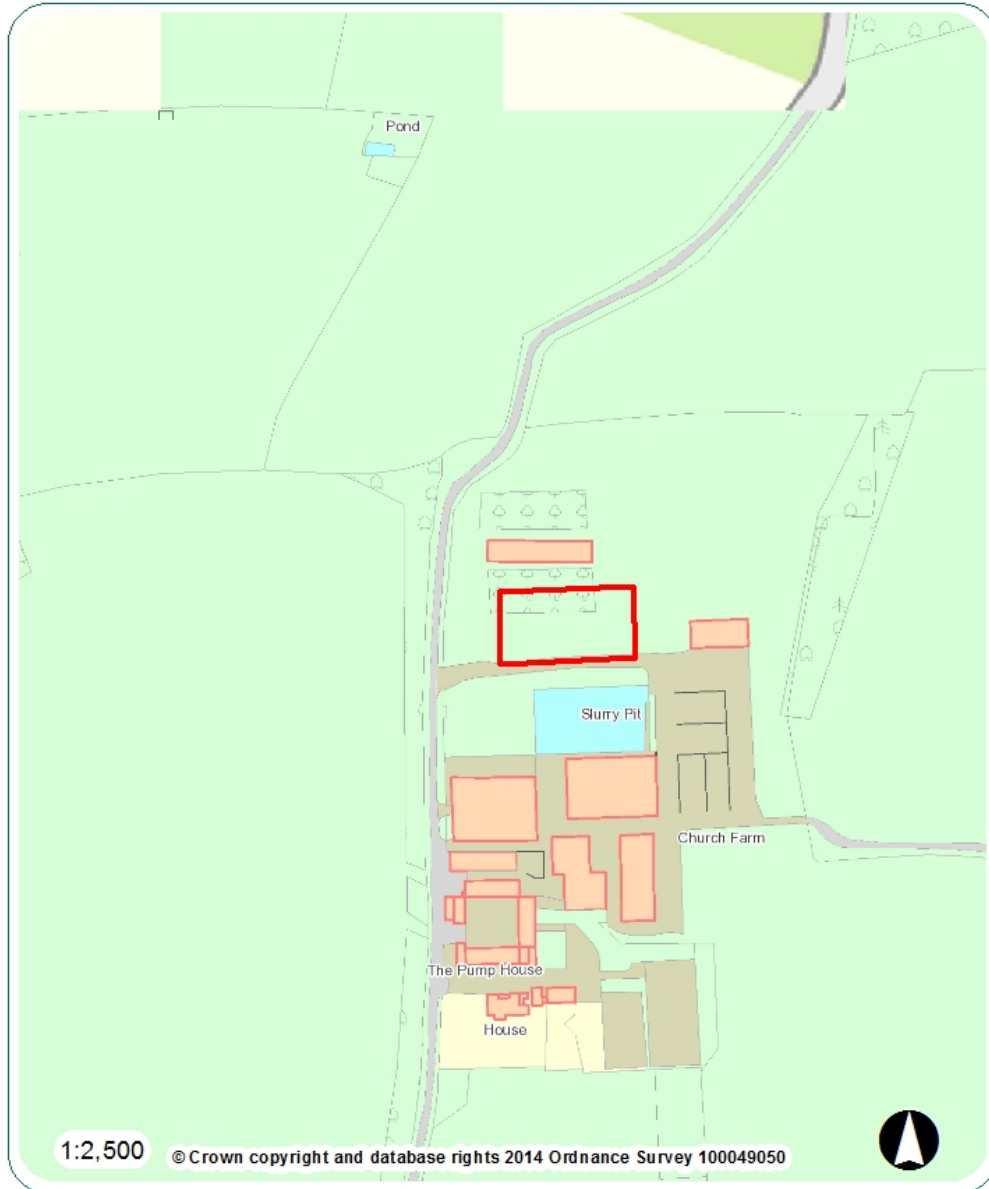
13 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

14 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.



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Date of Meeting	04 January 2017
Application Number	16/05723/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Implement Shed) and hardstanding
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the implement shed and hardstanding to provide the service yard for the enlarged agricultural unit.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 6,000 square metre plot of land at the northern end of the site. The site would provide land for the erection of the implement store and hardstanding to provide a service yard for the enlarged agricultural unit.

The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a shed for the storage of implements and machinery which that will be used across the site. The proposed building would measure 15 metre in depth by 70 metres in width and will be a steel framed building. The building would have a mono-pitched roof with 4 metres at the rear and 5 metres at the front. The building would be open in the southern elevation with the elevations made from Yorkshire Boarding and fibre cement roof. The proposal would also include a significant area of hardstanding for the creation of a service yard area for the enlarged agricultural unit.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Paragraph 28 – Supporting a Prosperous Rural Economy

Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: This is an extremely long building due to its combination with the grain store and grain dryer. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is likely to be required to help break up this uncharacteristically long building.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of an implement store to provide space for the storage of agricultural equipment for the agricultural operation, as well as an enlarged service yard area. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through

conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed implement shed, the Landscape Officer noted that this is a long building, due to its combination with the grain store and grain dryer. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is

likely to be required to help break up this uncharacteristically long building. Furthermore, the proposed service yard would largely infill the space between buildings within the site and would be necessary for the suitable operation of the agricultural business. Therefore, subject to the pre-commencement landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, the public protection officer has raised no objection with regards to the implement store and noise disturbance, given the siting at the north end of the site.

The proposed implement set would be at the northern end of the farmholding and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the implement shed. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land. The Highways Officer has reviewed this information and is satisfied that the overall impact of the additional ancillary agricultural building would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the

development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01 - Received 30th June 2016;

Proposed Block Plan - 2663/02 - Received 30th June 2016;

Proposed Floor Plans and Elevations - 2663/05 - Received 30th June 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o full details of any to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;
- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before

development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

9 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

10 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

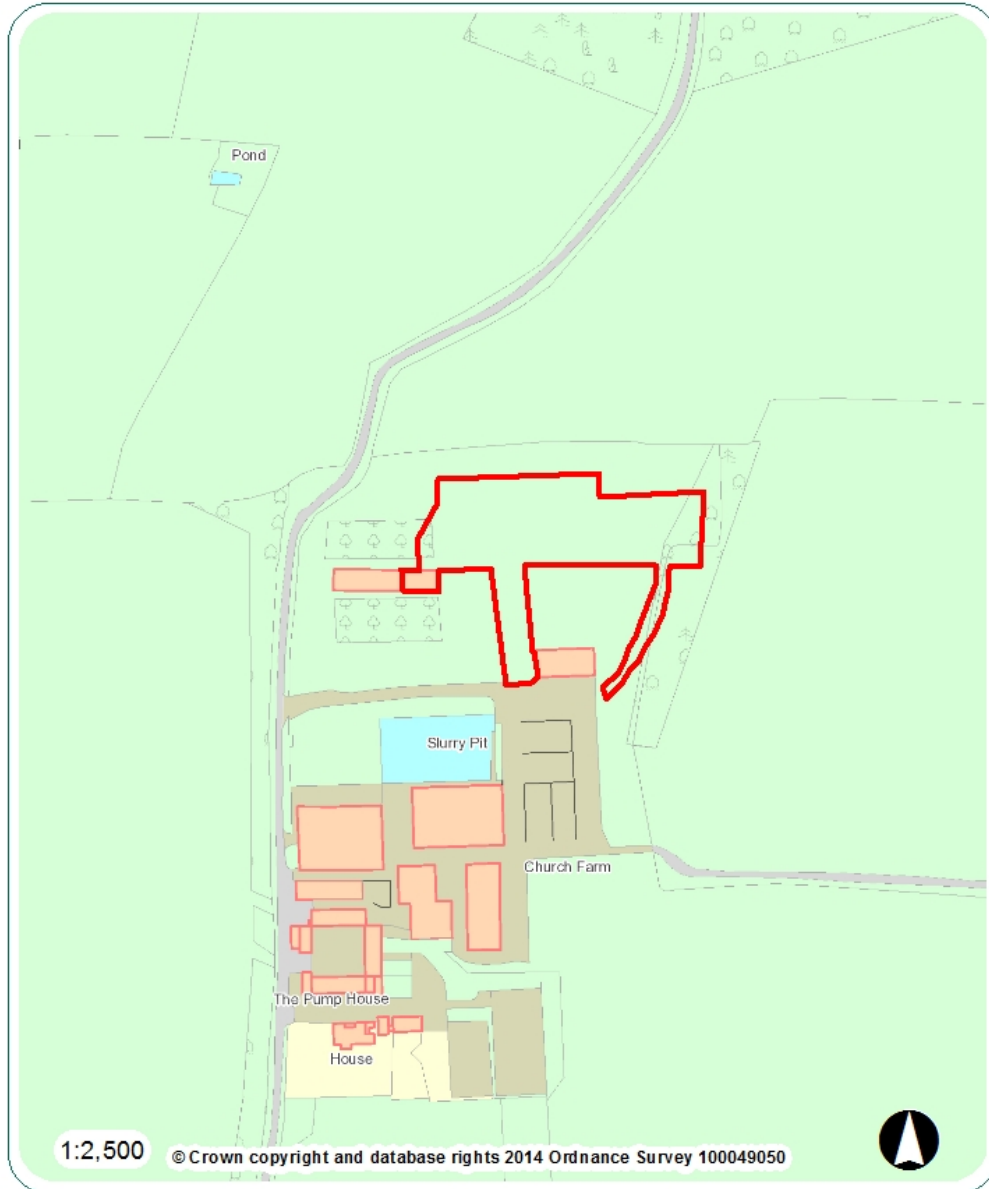
12 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

13 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground

conditions appertaining to the sewer in question.



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Date of Meeting	04 January 2017
Application Number	16/05724/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Farm Office and Workshop)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the farm office and workshop only.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land.. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 520 square metre plot of land at the north western corner of the proposed farmholding.

The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a proposed farm office and workshop. The proposed building would measure 15 metres in depth by 32.5 metres in width and would have a pitched roof design with a height to the ridge of 7.5 metres and a height to the eaves of 5 metres. The building would provide a farm office with store room above and workshops and storage over the remaining ground floor area. The building would be erected from a steel frame and blockwork elevations with a fibre cement sheet roof.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts

- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: questioned the need for this building. The LPA should establish the future proposed use of the existing parlour and discuss potential conversion opportunities for use as the farm office.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a farm office and workshop to serve the enlarged agricultural operation, as well as an enlarged service yard area. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

“I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty.”

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should “promote the development and diversification of agricultural and other land-based rural businesses”. Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states “Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds.” As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed farm office and workshop, the Landscape Officer has questioned the need for this additional building within the site. The Agricultural Consultant has not raised any objection to the proposed development in terms of size and scale. The applicant has advised that the building is need to provide a farm office for the enlarged operation at the site and also to relocate the workshop for the business onto this site. Therefore, the proposed development is considered required for the business at the site and the overall size, scale and appearance is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, the public protection officer has raised no objection with regards to the farm shop and workshop in terms of disturbance, given the siting at the north end of the site.

The proposed farm office and workshop would be at the northern end of the farmholding and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the farm office and workshop. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land.

The Highways Officer has reviewed this information and provided the following comments:

"I understand 16/05724 is a proposal for the erection of a farm office and store to be ancillary to the agricultural business in operation at Church Farm. I have no highways objection in principle to the proposal however there are details lacking in the plan in particular in regards to the level of parking expected at the site. For land use class B2 or B8 there are maximum parking standards of between 3 and 6 parking spaces to be provided. Could a land use class be specified and parking indicated for the appropriate number of employees expected to utilise the farm office.

Should a plan be provided indicating the number of parking spaces on a revised plan to an appropriate scale then I would raise no highway objection to the proposal.

The proposed farm office and workshop would be ancillary to the agricultural operation, therefore, the use class would be agricultural and not B2 or B8. The proposed development would be served by the

adjoining service yard which would provide ample space for parking for workers in the farm office and workshop, therefore, no objection is raised in this regard.

The Highways Officer has reviewed the overall development and is satisfied that the overall impact of the additional ancillary agricultural building would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and

these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01 - Received 10th June 2016;

Proposed Floor Plans and Elevations - 2663/04 - Received 10th June 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :
- o location and current canopy spread of all existing trees and hedgerows on the land;
 - o full details of any to be retained, together with measures for their protection in the course of development;
 - o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - o finished levels and contours;
 - o means of enclosure;
 - o car park layouts;
 - o other vehicle and pedestrian access and circulation areas;
 - o all hard and soft surfacing materials;
 - o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development

shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 9 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 10 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

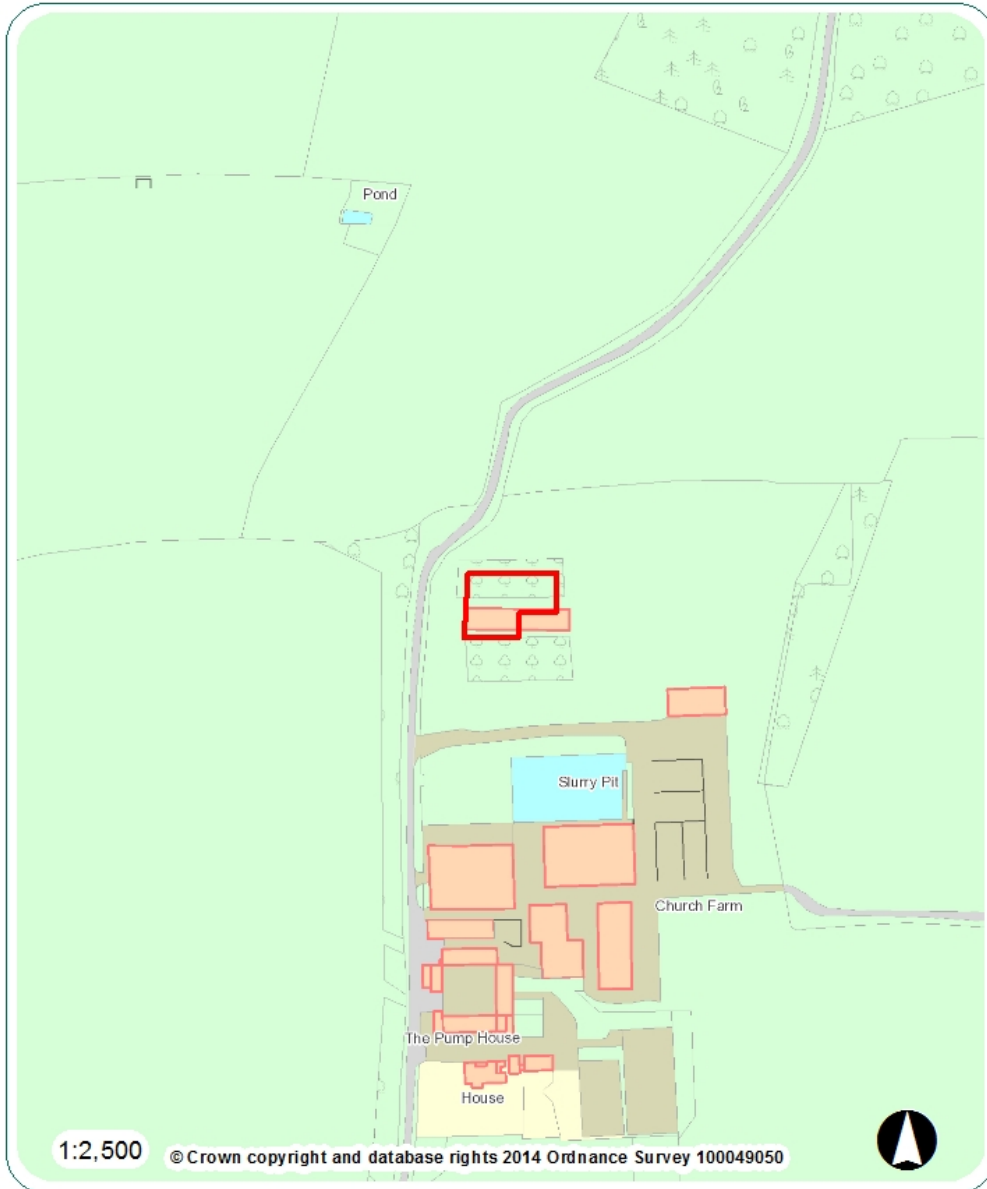
- 11 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 12 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please

deliver material samples to site and inform the Planning Officer where they are to be found.



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Date of Meeting	04 January 2017
Application Number	16/05725/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Grain and Straights Store)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates to the erection of the grain store only.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 375 square metre plot of land located at the northern end of the farmholding and set between the land for the proposed implement shed and grain dryer. The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a proposed grain store. The grain store would be located between and attached to the implement shed and grain dryer at the northern edge of the farmstead. The proposed building would measure 30 metres in length by 15 metres in width and would have a mono pitched roof design measuring 5 metres at the front and 4 metres at the rear. The building would be erected from pre-cast concrete panels and fibre cement sheets and would be split into 4 x 5 metres bays and 1 x 10 metre bay to enable the bays to be filled by HGV's.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: This is an extremely long building due to its combination with the implement shed and grain dryer. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is likely to be required to help break up this uncharacteristically long building.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a grain store to provide to serve the enlarged agricultural operation, as well as an enlarged service yard area. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed grain store the Landscape Officer noted that this is a long building, due to its combination with the implement shed and grain dryer. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is likely to be required to help break up this uncharacteristically long building. Therefore, subject to the pre-commencement landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, the public protection officer has raised no objection with regards to the grain store in terms of noise and odour disturbance, given the siting at the north end of the site.

The proposed grain store would be at the northern end of the site and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the grain store. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land.

The Highways Officer has reviewed this information and is satisfied that the overall impact of the additional ancillary agricultural building would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The

policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01 - Received 24th June 2016;

Proposed Block Plan - 2663/02 - Received 24th June 2016;

Proposed Floor Plans and Elevations - 2663/06 - Received 10th June 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :
 - o location and current canopy spread of all existing trees and hedgerows on the land;
 - o full details of any to be retained, together with measures for their protection in the

course of development;

- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;
- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species,

priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with

the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

9 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

10 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11 INFORMATIVE TO APPLICANT:

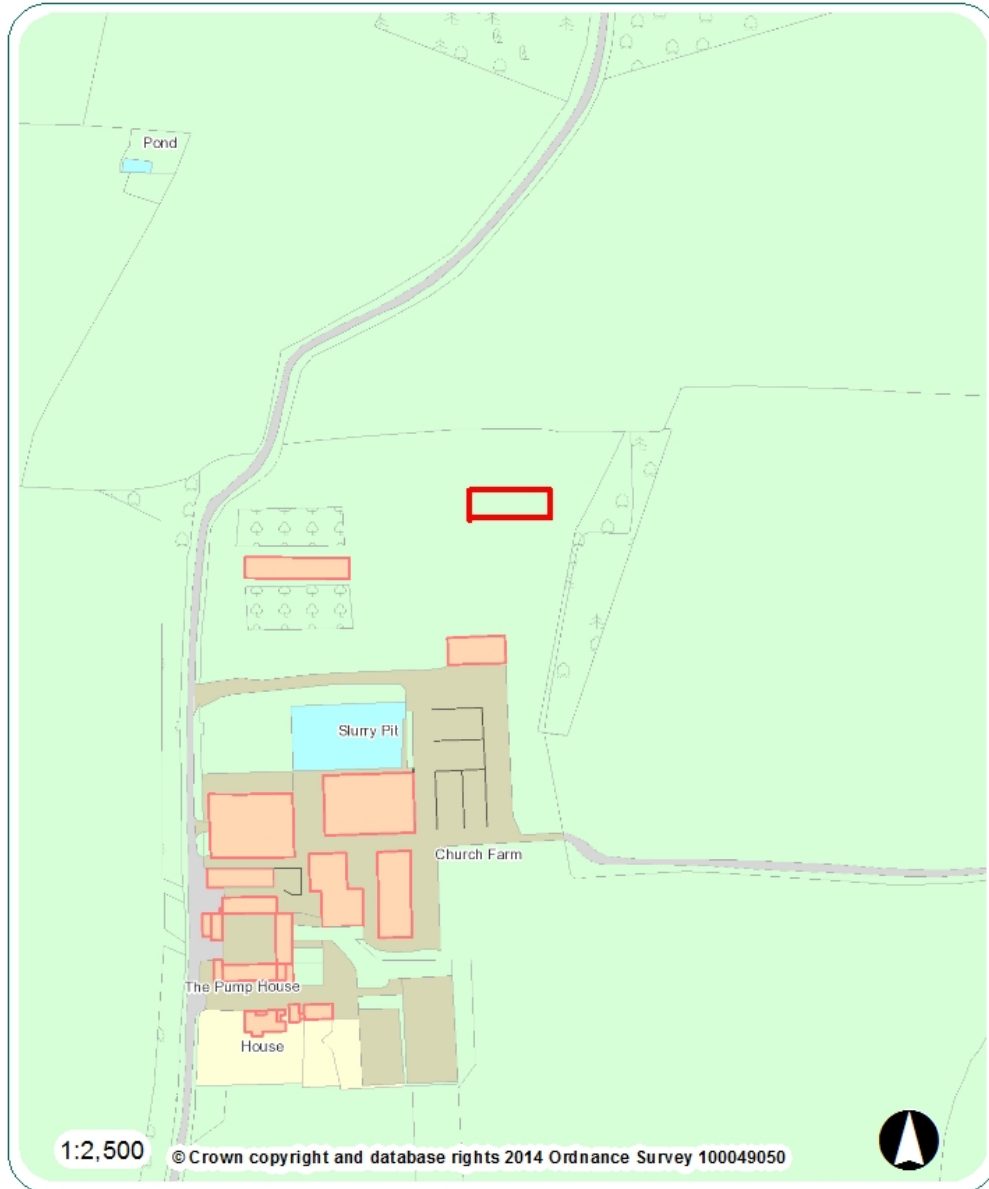
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

12 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

13 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.



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Date of Meeting	04 January 2017
Application Number	16/05726/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Straw Barn)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the straw barn only.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 450 square metre plot of land located to the north east of the existing slurry lagoon within Church Farm. The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a proposed straw barn. The Barn would be 32 metres in width by 14 metres in depth with a height to the ridge of 6.5 metres and a height to the ridge of 8.5 metres.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: No additional specific observations or comments.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is wholly appropriate to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a straw barn to provide to serve the enlarged agricultural operation, as well as an enlarged service yard area. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed straw barn the Landscape Officer has raised no specific objection to this building. Therefore, subject to the wider landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, the public protection officer has raised no objection with regards to the straw barn in terms of noise and odour disturbance, given the siting at the north end of the site.

The proposed straw barn would be set within the existing and proposed agricultural barns at the site and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the straw barn. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land.

The Highways Officer has reviewed this information and provided the following comments:

"I understand that the proposal numbered 16/05726 is for a straw barn as an ancillary building to the agricultural business of Church Farm. The access to the barn is adequate and as a storage facility this ancillary building is not likely to cause a large impact on the highway network. Therefore I raise no highway objection to the proposal."

Given their comments above, the Highways Officer is satisfied that the overall impact of the additional ancillary agricultural building would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which identifies that the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent to the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01A - Received 13th July 2016

Proposed Block Plan - 2663/02 - Received 13th July 2016

Proposed Floor Plans and Elevations - PA-100 - Received 10th June 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o full details of any to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;

- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

7 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

9 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

10 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

11 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

12 INFORMATIVE TO APPLICANT:

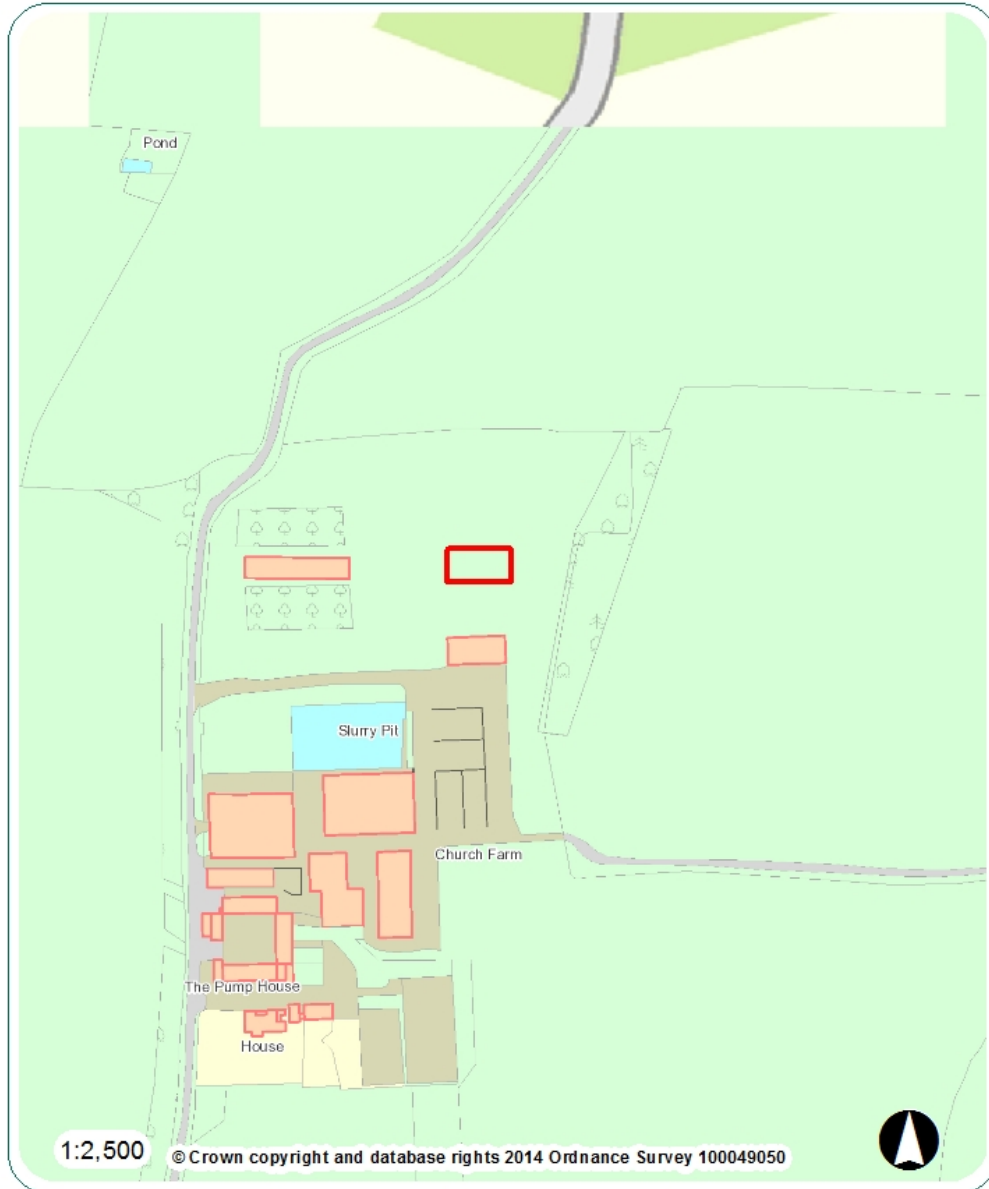
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

13 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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Date of Meeting	04 January 2017
Application Number	16/05727/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Grain Dryer)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the grain dryer.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements ,including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This ,combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land.. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 225 square metre plot of land located at the northern end of the farmholding and set attached to the eastern elevation of the proposed grain store. The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a proposed grain dryer. The proposed building would be erected on the eastern elevation of the proposed grain store and would measure 15 metres in width by 15 metres in depth. The proposed pitched roof building would have a maximum height of 7 metres and would be erected using precast concrete panels and metal sheeting. The building would also have three roller shutter doors in the southern elevation.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts

- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Holding objection: This is an extremely long building due to its combination with the implement shed and grain store. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is likely to be required to help break up this uncharacteristically long building.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a grain dryer to provide to serve the enlarged agricultural operation, as well as an enlarged service yard area. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed grain dryer the Landscape Officer noted that this is a long building, due to its combination with the implement shed and grain store. There is some potential for this long building to be viewed over the existing tall hedgerow located along the northern field boundary by road users in a southern direction of travel, especially during winter. Additional screen planting is likely to be required to help break up this uncharacteristically long building. Therefore, subject to the pre-commencement landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

With regards to noise disturbance, the Public Protection Officer has raised a concern that the development does not contain any information with regards to any plant installed for the anaerobic digester, extraction/ventilation plant for cattle housing, the dairy and grain drying plant. Therefore, they considered it prudent that a condition be attached to require a noise report for either the scheme as a whole or for each element where any such ventilation is proposed.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application.

The proposed grain dryer would be at the northern end of the site and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the grain dryer. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land.

The Highways Officer has reviewed this information and is satisfied that the overall impact of the additional ancillary agricultural building would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which provides details of the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent of the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches and the provision of new drainage systems in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the

development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of a reduced number of vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01 - Received 10th June 2016;

Proposed Block Plan - 2663/02 - Received 10th June 2016;

Proposed Floor Plans and Elevations - 2663/09 - Received 10th June 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o full details of any to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;
- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 9 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from the anaerobic digester, grain drying plant and any mechanical ventilation.

The approved scheme shall be implemented in full before use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at or below the background noise level.

- 10 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 11 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 12 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override

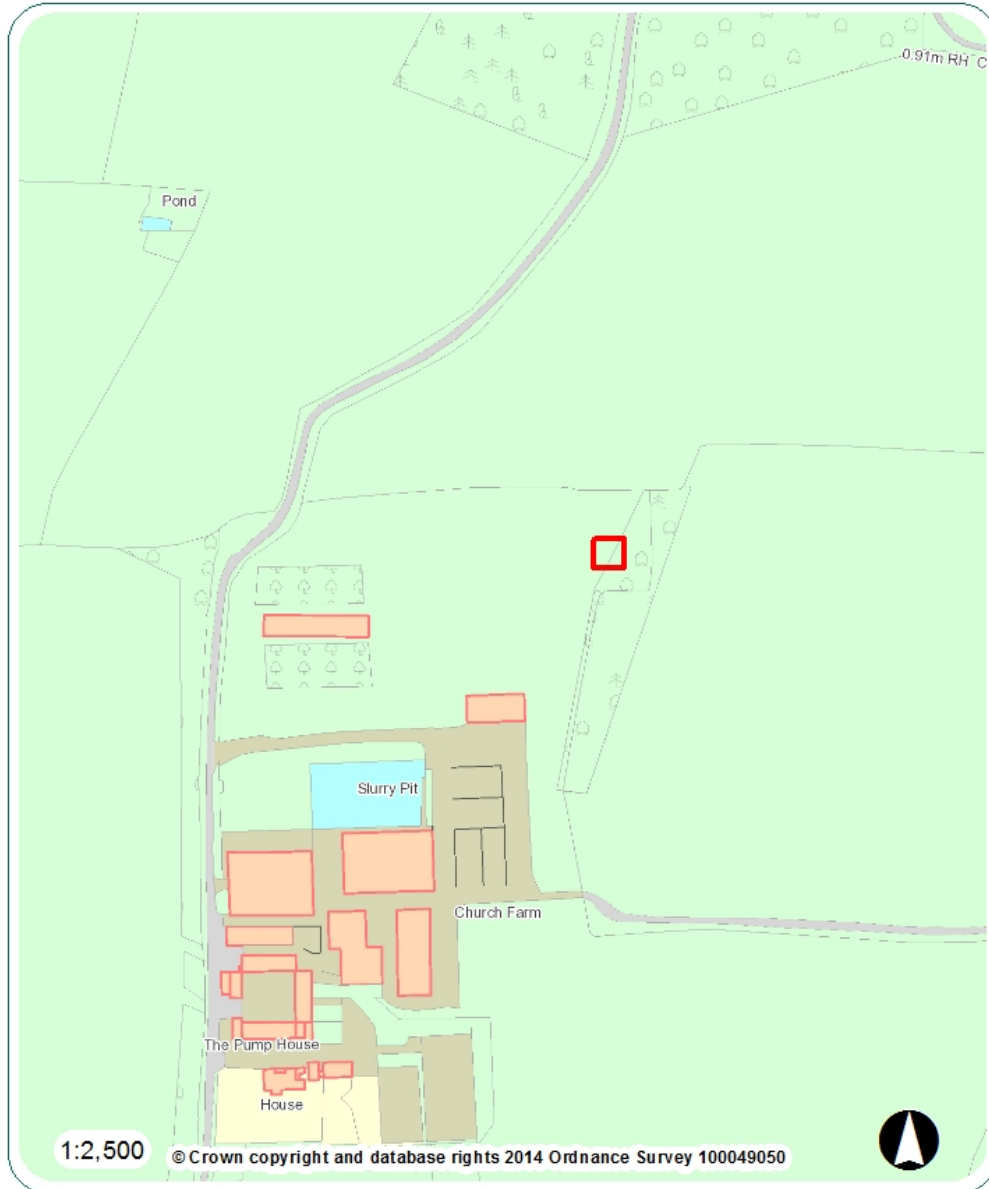
the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

13 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

14 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.



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Date of Meeting	04 January 2017
Application Number	16/05728/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Anaerobic Digester)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388085 187742
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the Anaerobic Digester.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- EIA Screening
- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to two plots of land within the Church Farm site. A roughly rectangular plot of land which measures approximately 370 square metres, centrally located within the site and would provide land for the proposed Heifer shed. The second area of land would measure approximately 1480 square metres adjacent the western boundary of the site and would provide land for the new dwelling and the access to this. Partially contained within this land is a dilapidated semi-circular agricultural building which was not in use at the time of the site visit.

The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of an Anerobic Digester Unit (AD Unit) at the site. The proposed digester would be sited between the existing slurry pit and the highway in the western area of the site. The scheme has been amended during the course of the application to retain the existing bund within the site to ensure that this provides screening of the AD Unit from the public highway.

The proposed unit would measure 10.5 metres in height, 17.75 metres in width at its widest point and 21.2 metres in depth. The elevations of the building would be timber clad with a grey corrugated roof. The existing bund would be re-profiled and the building built into the bund using a retaining wall.

The proposed AD unit would be a *thermophilic* high throughput anaerobic biodegestion (HTAD) plant and micro-generation / combined heat and power (CHP) facility providing 200kw of energy production. The system feedstock in this circumstance would be dairy slurry, animal bedding / FYM and a small amount of grass silage, which would be automatically fed in from the adjoining slurry lagoon twice a day. The slurry lagoon would be split in two and then the final 'inert' digestate would be fed back into a second area of the slurry lagoon. This would then be emptied over a period of two days, four times per year and spread over the applicant's land.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 42 – Standalone Renewable Energy Developments
Core Policy 48 – Supporting Rural Life
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 57 - Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 28 – Supporting a Prosperous Rural Economy
Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Objection, This is one of the tallest buildings proposed as part of this farm expansion at approx. 10.50 Metres above existing ground level. While I appreciate that there has to be a physical relationship with the slurry pit, I do not support the proposed location of this building so close to the public highway. This new 5 building will be open to public view from the highway directly on the corner of the main access. The building has no architectural interest and does not support appropriate local vernacular. It would be preferable for landscape and visual interests to push this uncharacteristic modern square building further into the farmstead to benefit from screening provided by other buildings or additional screen planting.

Public Protection: No objection, subject to conditions.

Environment Agency: No objection.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is possible to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Environmental Impact Assessment Screening

Paragraph 024 of the Planning Practice Guidance states that each Screening Opinion should be considered on its own merits. However, the same paragraph of the Planning Practice Guidance goes on to state that Local Planning Authorities should always have regard to the possible cumulative effect arising from any existing or approved development. It also advises that there could also be circumstances where two or more applications for development should be considered together.

It is noted that the cumulative agricultural operation would not be considered as Schedule 1 development nor would it form development under Schedule 2 – 1 Agriculture and Aquaculture, as it would not represent ‘intensive agricultural purposes’. In addition, the size of the AD Unit would be 400 square metres and would fall well below the 0.5 hectare threshold under Schedule 2 – 3 Energy Production (a) Industrial installations for the production of electricity, steam and hot water.

However, the Local Planning Authority consider that, for the sake of clarity, the development proposals should be considered cumulatively against the thresholds in Schedule 3 of the Environmental Impact Assessment to determine if the development represents EIA development.

Schedule 3, Paragraph 1 states that the characteristics of development must be considered having regard, in particular, to—

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

The proposed enlarged agricultural operation (including Dwelling and AD unit) would cover approximately 2 hectares of existing agricultural land. When combined with the existing farm buildings at Church Farm the total size of the farmstead would be approximately 3.2 hectares and it is considered that the accumulative size of both developments would not represent the need for an EIA.

The site will involve the development of Grade 3 agricultural land for an expanding agricultural operation. The main significant waste produced would be animal waste, however, this would be reused to provide feedstock for the AD unit and then spread over the applicant's land. Furthermore, the development is an accumulation of the applicant's businesses onto one site, so the overall environmental impacts from waste and pollution would not significantly increase, above the combined levels from their existing sites. It is considered that the proposal would not increase the possibility of pollution, nuisance or risk of accidents to such an extent that this matter cannot be adequately addressed without an EIA.

Schedule 3, Paragraph 2 states that the environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands;

- (ii) coastal zones;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(a) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(b);
- (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

The site comprises an established agricultural field, surrounded by traditional field boundaries, sited in the AONB. The development would result in an increase in the size of the agricultural operation, however, the site is not within or adjoining a National Park, SSSI, SAC or within a heritage designation. The Council's Ecologist has noted that the majority of ecological interest is within the field boundaries and these would not be removed as part of the development.

The site is located outside of a densely populated area in the open countryside and there are no Listed Buildings or Schedule Monuments in close proximity to the site. Furthermore, there are no known sites of archaeological interest in the vicinity and the site falls under Flood Zone 1.

Therefore, despite falling within the AONB, the environmental impacts of the development are considered to not be so significant, that they could not be considered outside of the EIA process.

Schedule 3, Paragraph 3 states that the potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

The likely impacts of this development are not considered to be complex and are largely localised upon the immediate surrounding area. The proposed development would have a lengthy lifespan and degree of permanence, however, the development is agricultural in nature and, as such, an expansion of agricultural operation would be expected to be undertaken on such land.

In conclusion, the Local Planning Authority considers that an EIA is not required for the development proposals which are spread across the 9 applications (16/05721/FUL – 16/05729/FUL) either in isolation or combination.

Principle of Development

The application seeks planning permission for the erection of an AD unit and micro-generation / combined heat and power (CHP) facility providing 200kw of energy production. The primary use is to provide power and heat for the applicant's business, but the statement outlines that any additional energy will be sold back to the grid.

Paragraph 17 of the framework outlines the 12 core planning principles, one of which is listed as:

“Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);”

Core Policy 42 of the Wiltshire Core Strategy states that Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

- i. The landscape, particularly in and around AONBs
- ii. The Western Wiltshire Green Belt
- iii. The New Forest National Park
- iv. Biodiversity
- v. The historic environment including the Stonehenge and Avebury World Heritage Site and its setting
- vi. Use of the local transport network
- vii. Residential amenity, including noise, odour, visual amenity and safety
- viii. Best and most versatile agricultural land.

In this instance the development would not essentially form a standalone renewable energy scheme, as its primary purposes is to provide power and heat for the applicant's business. However, some additional surplus would be sold back to the grid.

It is noted that a number of neighbouring occupiers have objected to the development, on the grounds that the unit will produce more power than is needed for the applicant's business. However, Core Policy 42 is quite explicit in that "applicants will not be required to justify the overall need for renewable energy development, either in a national or local context." Therefore, there is no objection to the potential for an overprovision of energy to support the applicant's business and the principle of the AD unit on the land is considered to be supported by Core Policy 42 and paragraph 17 of the framework.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a

suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed AD unit, the Landscape Officer raised an initial objection to the development on the grounds that the building would be 10.5 metres in height and would be the tallest building within the site. Given the position at the frontage of the site, they considered that it would be too prominent addition and would harm the visual amenities of the surrounding area, especially when viewed from the adjoining public highway. Since these comments were provided the applicant has revised the development to show that the existing landscaping bund between the proposed AD Unit and highway would be retained and re-profiled. This bund would provide some degree of screening from the public highway. Further to this, the applicant has provided revised elevations for the building to show that it would be a timber clad building and would be agricultural in appearance. Whilst the objection of the Landscape Officer is noted, the AD unit would be set much further back from the public highway than the existing agricultural buildings, which include a significant agricultural barn which adjoins the highway. Therefore, the proposed AD Unit building would not be as prominent when compared to the existing buildings at the site, when viewed from the public highway. Furthermore, the new buildings would be read as a continuation of the existing farmholding and would be appropriate in a countryside setting.

Given that the AD unit would be set behind a significant bund, has the appearance of an agricultural building and would be set further back from the public highway than the existing buildings, it is considered that the proposed development would have an acceptable impact on the visual amenities of the surrounding area, subject to the wider landscape enhancement conditions, referenced above.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is the subject of this application.

The Council's Public Protection Officer has reviewed the proposed development and raised no objections. With regards to odour disturbance, the AD unit would use the existing slurry at the site which is automatically fed from the slurry lagoon into the AD unit. The slurry lagoon is in situ at the site and so already provides a level of odour disturbance, which is a material consideration in the determination of the application. The slurry is fed into the AD unit and then up to 80 to 90% of the methane / biogas is removed from the slurry for the production of energy. The waste product, (digestate) is then fed back into a segregated area of the slurry pit and collected once every 3 months to be spread over the applicant's land. The removal of the methane / biogas would result in a reduction in the odour given from the slurry and so the proposed development would result in an overall reduction in odour disturbance, from that of the existing slurry put. It is noted that the increase in livestock at the site would result in an increase in slurry. However, the potential increase in odour disturbance would not be significantly above the existing level, especially given the treatment of the slurry from use in the AD Unit. The Public Protection Officer has noted that an AD Unit can have the potential to cause odour disturbance, if not managed correctly. Therefore, they have requested an odour management plan, to ensure that the treatment of feedstock and digestate is undertaken in an acceptable manner and this would be required by way of a pre-commencement condition.

With regards to Noise disturbance, the Public Protection Officer has raised a concern that the development does not contain any information with regards to any plant installed for the anaerobic digester, extraction/ventilation plant for cattle housing, the dairy and grain drying plant. Therefore, they considered it prudent that a condition be attached to require a noise report for either the scheme as a whole or for each element where any such ventilation is proposed. The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, subject to the required conditions for a noise report and odour management, the development is considered to have an acceptable impact on the residential amenity of the adjoining occupiers in terms of noise and odour disturbance.

The proposed AD Unit would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the AD Unit. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6 vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land. The Highways Officer has reviewed this information and provided the following comments:

"I understand the proposal numbered 16/05728 is a proposal for a digester to operate as ancillary to the farming enterprise at Church Farm. Access and turning at the site should be sufficient to receive the appropriate level of vehicular movements. It is understood that this facility would be in operation constantly but without the need for deliveries of feed crops to bolster its production this building will not in itself produce a significant number of vehicular movements. I therefore raise no highway objection to this proposal."

Therefore, given their comments above, the Highways Officer has concluded that the development would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework and would, therefore, be acceptable in this regard. Consequently, no objection is raised, subject to condition.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which provides details of the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent of the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches and the provision of new drainage systems in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of an increase in the production of energy from a renewable source, a reduced number of vehicular movements across the transport network and the potential for a reduction in odour disturbance to adjoining occupiers. These benefits have to be considered against the harms associated from the impacts to the AONB, which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following 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:

Site Location Plan - 2663/01A - Received 13th July 2016;

Proposed Block Plan - PA400 - Received 2nd December 2016;

Proposed North Elevation - PA102 - Received 30th November 2016;

Proposed West Elevation - PA103 - Received 30th November 2016;

Proposed South Elevation - PA104 - Received 30th November 2016;

Proposed East Elevation - PA105 - Received 30th November 2016;

AD Unit Statement - 16-10211 - Received 30th November 2016.

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o full details of any to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;
- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from the anaerobic digester, grain drying plant and any mechanical ventilation.

The approved scheme shall be implemented in full before use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at or below the background noise level.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 8 No development shall commence on site until an odour management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for the control of odours from the site arising from the use of the anaerobic digester. Thereafter, the scheme shall be implemented and maintained in strict accordance with the approved details for as long as the anaerobic digester is operational.

REASON: To ensure the retention of an environment free from intrusive levels of odour disturbance in the interests of the amenity of the area.

- 9 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 11 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 12 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

13 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

14 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

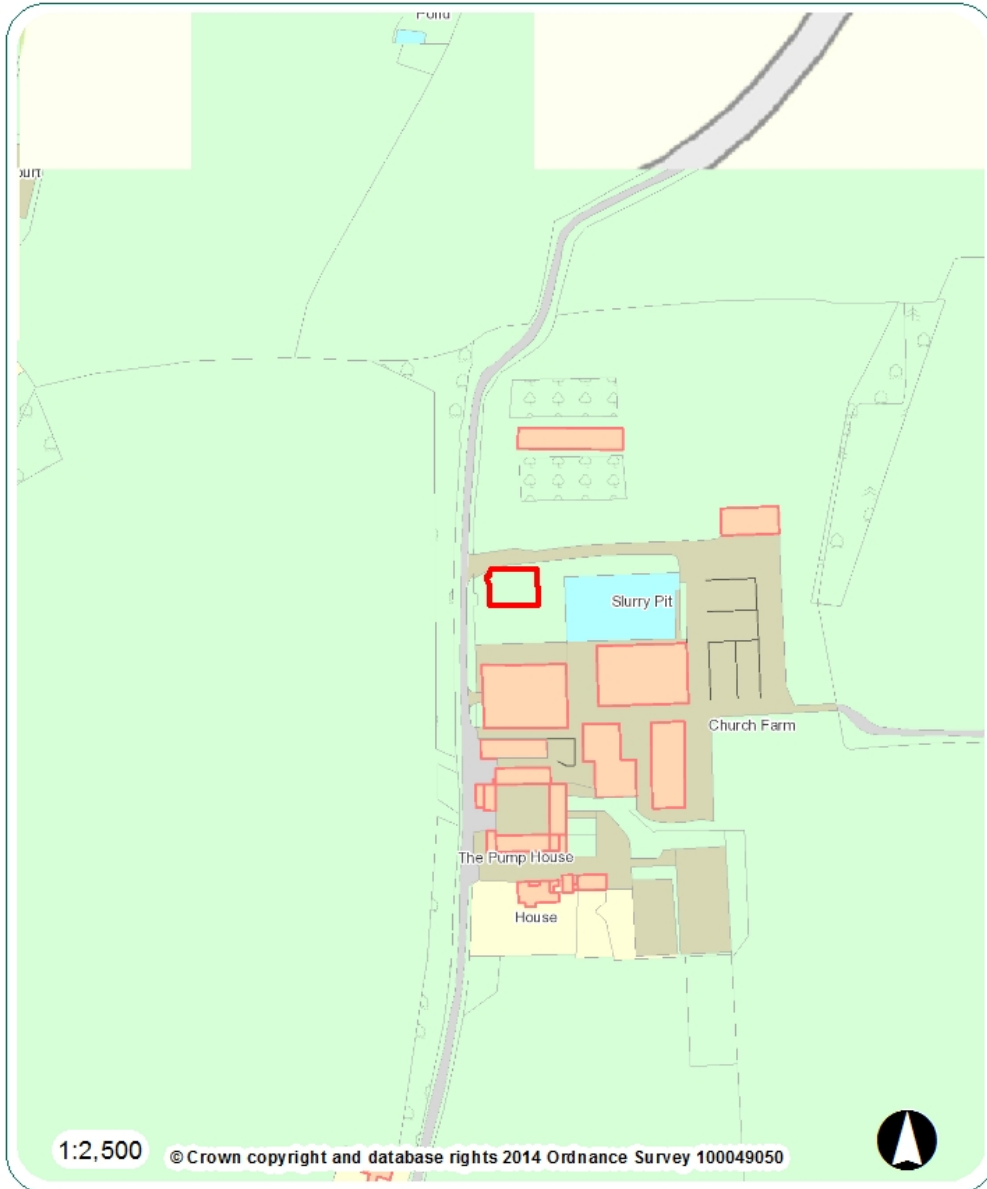
15 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

16 INFORMATIVE TO APPLICANT:

The proposed Anaerobic Digester (AD) Plant will require a permit under the Environmental Permitting Regulations 2010. The operator is advised to contact the EA's Permitting Centre on 03708 506 506 to discuss an installation pre application enquiry

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Date of Meeting	04 January 2017
Application Number	16/05729/FUL
Site Address	Church Farm Easton Grey Malmesbury Wiltshire SN16 0PF
Proposal	Erection of a new agricultural building (Dairy Parlour)
Applicant	GS & CJ Tomlinson
Town/Parish Council	EASTON GREY
Electoral Division	SHERSTON – Cllr Thomson
Grid Ref	388176 187936
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED

The application has been called into planning committee by Cllr Thomson on the following grounds

- Scale of Development
- Visual Impact on the Surrounding Area
- Design- Bulk, Height, General appearance
- Environmental or Highway Impact

2. Report Summary

The application is one of 9 concurrent applications at the site which seeks various agricultural buildings to allow for the accumulation of the applicant's beef and dairy businesses at one site. Alongside the expansion of the agricultural business, the development seeks the creation of an agricultural workers dwelling and an Anaerobic Digester for use by the applicant's business. The current application relates only to the erection of the Dairy Parlour only.

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development.

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

Highway Impact: The information prepared and presented on behalf of the Applicant fails to provide any accurate or reasoned assessment of the likely traffic movements associated with this scale and form of development. Without such information being available and based on the details of the individual applications and knowledge of the existing levels of traffic generated by the existing farming enterprise, it is concluded that the proposed developments will result in a significant and unacceptable increase in traffic on the local road network. The network of single track and poorly aligned highways serving the community is not suitable for or capable of accommodating the increase in vehicle movements, including HGVs, between the Applicant's various farming interests and from beyond, without harm to the interests of highway safety for all road users.

Drainage and Flooding Issues: Whilst recognising that Church Farm does not lie within an area identified by the Environment Agency as being at risk from flooding, the local community is aware of a history of local drainage issues resulting from there being no effective system in place for the management of surface water within and adjacent to the farmstead at Church Farm. This, combined with the soil conditions on the land surrounding the farmstead, has resulted in frequent flooding of adjacent highways and adjoining land. This flooding involves contaminated water entering the local watercourses which in turn lead to the main river. The Applicant appears to have failed to carry out the necessary investigation to enable an assessment of the existing drainage information to show that the existing defects or shortfalls can and will be addressed as part of the combined developments.

Impact on the Local Community: Whilst it is recognised that agriculture is an important local industry and that improvement and expansion of existing farmsteads is to be expected, it is essential that each and every form of agricultural development is properly assessed to ensure that it is capable of being integrated without harm to the local community or the natural environment. In this case the scale of the development will give rise to significant adverse impact on the local community and surrounding countryside which is designated as an AONB. The Applicant, in the case of these applications, has failed to produce evidence to show how this scale and form of development can take place without harm to the local environment and highway network.

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

- The Principle of Development;
- Impact to the visual amenities of the Area of Outstanding Natural Beauty
- Impact to the residential amenity of the adjoining occupiers;
- Impact to Highway / Pedestrian Safety
- Sustainability
- Drainage
- Ecology

3. Site Description

The application relates to the site of Church Farm in Easton Grey. The site is part of a wider holding which is owned by the applicant which covers approximately 560 hectares and lies within the boundaries of both Wiltshire Council and Cotswold District Council. As well as Church Farm, the holding includes Hillcourt Farm and Cranmore Farm, which combined manage approximately 1,000 head of cattle. There are two main dairy herds which are arranged with 130 cows at Hillcourt Farm and 230 at Church Farm but the existing housing supports 280 cows. The remainder are roughly split 60/40 as beef cattle and dairy replacements and are currently accommodated at Cranmore Farm.

The existing wider site of Church Farm contains a number of agricultural buildings set to the east of the adjoining highway. To the north of these buildings are open agricultural fields, which contain the application sites for the 9 applications which have been submitted at the site. These fields are well screened from the public highway by a landscaped soil heap, which obscures a slurry pit from view. The western and northern boundaries of the adjoining field are screened by mature hedgerows, with two vehicular access available from the highway to the west.

The main accesses to the farm complex comprise of two established access points along the classified road within 350 m of the junction with the B4040 to the south. The Highways Officer has

noted that this C-road is 4 to 5 m wide in places and is adequate for use of farm vehicles to enter and egress the farm site.

The current application relates to an approximate 400 square metre plot, located to the south of the proposed AD unit and the north of an existing agricultural barn at the farm. The site is located within the Cotswold Area of Outstanding Natural Beauty and is outside of limits of development of any settlement defined in the Wiltshire Core Strategy. The site has no other designations under the Wiltshire Core Strategy and is not at increased risk of flooding and so is designated as Flood Risk Zone 1 under the Environment Agency's flood risk maps.

4. Planning History

No previous planning history at the application site.

5. The Proposal

The application is one of nine applications which have been submitted for an extension to the agricultural operation at the site. The proposal is to consolidate the dairy and beef enterprises at Church Farm. The consolidated dairy unit would comprise a herd of 330 cows and a beef unit with capacity for up to 280 animals, together with approximately 40 downcalving heifers as homebred replacements for the dairy herd. Youngstock will be reared at Hillcourt Farm.

The current application seeks planning permission for the erection of a new dairy parlour within the site. The proposed building would measure 20 metres in width by 20 metres in depth with a pitched roof with a maximum height of 7.4 metres to the ridgeline. The development is required to provide a modern milking facility within the site and also allow for increased capacity.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and Development

Core Policy 67 – Flood Risk

Saved Policy NE18 – Noise and Pollution

National Planning Policy Framework

Paragraph 7 – Three Dimensions of Sustainable Development

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Paragraph 28 – Supporting a Prosperous Rural Economy

Paragraph 32 – Highways Impacts

7. Consultations

Easton Grey Parish Council: Object to all 9 applications on the grounds of the accumulative impacts of all applications on the following grounds:

- Highway Impacts
- Drainage and Flooding Issues
- Impact on the Local Community

Highways: No objection; subject to conditions.

Ecology: No objection; subject to conditions

Drainage Officer: Holding Objection; the application does not contain sufficient information with regards to water discharge rates and a detailed drainage strategy.

Landscape Officer: Objection: I do not support the proposed location of this building so close to the public highway. This new building will be visible to public view over and through the existing tall gappy roadside hedge from the adjacent highway. The building has no architectural interest and does not support appropriate local vernacular. It would be preferable for landscape and visual interests to push this modern building further into the farmstead to benefit from screening provided by other buildings or to benefit from additional screen planting. The current proposed location of this building in combination with existing farm buildings and the proposed AD building will contribute to the overbearing nature of modern farm buildings unnecessarily extending their influence along the public highway. The proposed location does not afford any space to provide additional effective screening to this building. The proposed location of this building has not properly considered the potential resulting effects to the rural character of the road, or sought to mitigate the likely resulting urbanising effects of extending modern farm buildings along the road.

Public Protection: No objection, subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in 14 consultation responses from members of the public, all in the objection to the development. These consultation responses can be summarised as follows:

- i) Harm to the visual amenities of the surrounding area and AONB;
- ii) Harm to highway safety and lack of detail over highways impacts;
- iii) Increased flood risk / drainage issues;
- iv) No need or evidence submitted for an additional dwelling at the site. The applicant owns three dwellings in close proximity to Church Farm;
- v) The accumulative impacts of development need to be considered and not each application is isolation;
- vi) Harm to residential amenity from increased odour and noise disturbance
- vii) Size of AD unit would require importation of material from land away from the application site in the applicant's ownership.
- viii) Impact to water pressure for the surrounding properties.
- ix) AD unit is larger than is required for the needs of the agricultural holding.
- x) Ecological Impacts;
- xi) Increase in Air Pollution

Case Officer Comment: It is noted that a number of residents objected to the development on the grounds that the development has been split across 9 applications. It is wholly appropriate to consider the accumulative impacts of the 9 developments; however, the issue that they have been submitted across 9 applications does not form a material planning consideration for the determination of the applications.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the erection of a dairy parlour building to provide will house 280 head of cattle, arranged in 12 pens. The Wiltshire Core Strategy contains no policies which controls the location of agricultural buildings. Paragraph 28 of the framework states that development plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Therefore, it is considered that agricultural buildings required to support the expansion of agricultural operations are supported by National Planning Policy.

The Council's agricultural consultant has reviewed the proposal and not raised an objection to the overall scale of the agricultural buildings being proposed for the expanded agricultural operation. Therefore, the proposed development is considered to be acceptable in principle.

Impact to the Visual Amenities of Area of Outstanding Natural Beauty (AONB)

Core Policy 51 of Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The Landscape Officer has considered that proposed development for the 9 applications on the whole, in terms of their impact to the AONB and noted:

"I do not raise a landscape objection to the principle of the proposed farm expansion at Church Farm, but these separate and combined applications must not generate harmful residual landscape effects to local countryside character or harmful residual visual effects to public visual receptors within an Area of Outstanding Natural Beauty."

It is noted that a number of neighbouring residents have objected to the development, on the whole, on the basis that it would form a large expansion to the farm within the AONB and would cause harm due to the size and scale of the expansion.

Firstly, the Landscape Officer does not share this in principle objection due to the size and scale of the development, but does raise some objections which are addressed below relating to the proposals covered by this application.

Secondly, all of the applicant's land, whether it be within Wiltshire or Cotswold DC is set within the AONB. Paragraph 28 of the framework notes that local development plans should "promote the development and diversification of agricultural and other land-based rural businesses". Therefore, if the existing agricultural operations are to be combined into one site within their holding, then it is going to require the use of land within the AONB, whichever site is selected.

Thirdly, Policy RLMP1 of the Cotswold AONB Management Plan 2013-18 states "Sustainable farming and forestry, which contributes to maintaining the special qualities of the AONB within a buoyant rural economy, remain the principal land uses within the Cotswolds." As such the management plan for the AONB has clear guidance that such agricultural uses are acceptable in the AONB and the AONB Conservation Board noted that they consider the impacts of the development could be mitigated, via a suitable landscaping enhancement. Therefore, no objection is raised to the overall scale of the whole development and its impact to the AONB.

The one area of concern which the Landscape Officer does raise across the whole development is the lack of any detail over landscaping enhancements which would be required to mitigate the impacts of the development. The applications have been submitted as a series of individual red lines, mainly set tight around each application building. Therefore, limited consideration was given to any landscaping enhancement for the wider site which would be provided to mitigate the impacts to the AONB. The Landscape Officer has raised a holding objection to a number of the developments, until such time that the landscape enhancement have been provided. However, the applicant is in control of the wider land around the site and have confirmed their agreement to significant landscape enhancements, which would be secured by way of a pre-commencement condition.

With regards to the proposed dairy parlour unit, the Landscape Officer has raised an objection to the development on the grounds of the impact to the visual amenities of the surrounding area, especially from the public highway. They note that the location would not provide sufficient space to allow for screening to be located between it and the highway. However, revised plans have been received in relation to the AD unit which show that the significant bund would be retained between the AD unit and highway. The proposed dairy parlour is set to the same front building line as the AD Unit and shows that plenty of land is available to provide suitable screening of this building from the public

domain and that the existing hedge could also be maintained and infilled. The existing agricultural buildings on Church Farm are built in much closer proximity to the public highway than the proposed dairy parlour and the adjoining barn is far more significant in scale. Therefore, the proposed building would be far less prominent than the existing buildings at the site and, subject to the pre-commencement landscaping condition referenced above, the proposed development is considered to have an acceptable impact on the visual amenities of the surrounding area.

Impact to Residential Amenity

A number of neighbouring occupiers have objected to the development on the grounds of impact to their residential amenity, mainly from odour and noise disturbance. The majority of these objections relate to the Anaerobic Digester, which is not the subject of this application.

With regards to noise disturbance, the Public Protection Officer has raised a concern that the development does not contain any information with regards to any plant installed for the anaerobic digester, extraction/ventilation plant for cattle housing, the dairy and grain drying plant. Therefore, they considered it prudent that a condition be attached to require a noise report for either the scheme as a whole or for each element where any such ventilation is proposed.

The overall development would see an increase in the capacity for livestock at the site, providing up to 650 cows at the site. Whilst this would be a significant increase, the existing land is used for agriculture and any increase in noise or odour disturbance from the increase in animals at the site would not be to an extent which would warrant a refusal of the application. Therefore, subject to the required conditions for a noise report, the development is considered to have an acceptable impact on the residential amenity of the adjoining occupiers in terms of noise and odour disturbance.

The proposed dairy building would be set further into the site than the existing unit. The existing dairy parlour is next to Church Farm House and is no longer suitable for modern dairy practices. Therefore, once the proposed dairy parlour is erected, it will allow for the existing one to be upgraded and modernised. The location of the proposed dairy parlour, set between other agricultural buildings, is considered to have an acceptable impact in terms of noise disturbance to the adjoining occupiers, subject to the condition referenced above.

The proposed dairy parlour is set within a cluster of existing and proposed agricultural building and would be sufficiently distanced from the nearest neighbouring occupier to ensure no harm to residential amenity would occur due to a loss of light, loss of outlook or sense of dominance.

The Public Protection Officer has also requested a condition relating to a Construction Method Statement to ensure the protection of amenity of the adjoining occupiers during construction works.

Impact to Highway / Pedestrian Safety

Core Policy 61 of the Wiltshire Core Strategy states that proposed development should be capable of being served by safe access to the highway network. Paragraph 32 of the framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

A number of residents have objected to the development on the grounds of the impact of the development on the highway network, given the narrow highway which is used to access the site.

The Highway Officer has reviewed the proposed development and raised no objection on highway safety grounds. An existing vehicular access into the site would be improved and used to provide access to the dairy parlour. The Highways Officer has reviewed the use of the access and driveway and considers it acceptable in highway safety terms.

The applicant has provided additional highways movement information on 30th November 2016 relating to this intensification of use. The key aspect of this is that the proposed development would see an accumulation of the applicant's business from a number of sites to be focussed at Church Farm. This would see a reduction from inter-site related travel from the feeder wagons from 6

vehicular movements a day to 3 movements a day. Apart from the milk collection, which is a tanker every other day and would remain unchanged, this operation accounts for a large proportion of the vehicular movements to and from the site and would be reduced by 50% by the proposed amalgamation of the operations at Church Farm. In relation to the AD Unit, the unit would be an automated system which would be fed from the slurry lagoon, where the feedstock would be fed into from the agricultural buildings on the site. Therefore, no feedstock would need to be delivered to the site and the only vehicular movements associated to the development would be over 4 x 2 day periods per year, where the slurry lagoon would be emptied and spread over the applicant's land. The Highways Officer has reviewed this information and provided the following comments:

"I understand the proposal numbered 16/05729 is a proposal to erect a dairy parlour in order to accommodate the increase number of milk cows in production at Church Farm. The existing milk parlour has reached the end of its useful life and is situated on the Church Farm site. This proposal can be seen as a like for like replacement but also an upgrade due to the increase in herd numbers at the Church Farm site. There should be no significant increase in vehicular movements due to this proposal as this proposal will simply replace the activity at a different part of the farm site but with an increase due to an increase in production. Therefore I raise no highway objection to the proposal."

The Highways Officer's comments are somewhat inaccurate, in that the existing dairy parlour would be upgraded and also used in the future. However, they have made clear that the overall expansion of the agricultural business would not result in severe harm to the highways network, which is the test of paragraph 32 of the framework, and would be acceptable in this regard. Consequently, no objection is raised.

Sustainability

Core Policy 60 of the Wiltshire Core Strategy states that the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. The policy states that one of the ways this will be achieved is by planning developments in accessible locations.

The proposed development would see an intensification of use of the application site. However, as outlined above, given the reduction in inter-site vehicular movements, the proposed development would result in a reduction in the overall number of vehicular movements associated to the development. Therefore, the proposed development would comply with Core Policy 60 and 61 of the Wiltshire Core Strategy.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors. The determination whether the overall development is sustainable development is made in the planning balance at the end of this report.

Drainage

Core Policy 67 of the Wiltshire Core Strategy states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The Drainage Officer raised an initial objection to the development, on the grounds that each site had been considered in isolation and no overall drainage strategy had been provided for the wider development. Therefore, an outline drainage strategy was submitted by the applicant which provides details of the existing surface water drainage systems at the site. These form a drainage ditch which runs along the eastern edge of the field where the application sites for the 9 applications are located. This drainage ditch runs to a further ditch along the southern extent of the field to the east, which is also in the applicant's ownership.

The proposal is for enhancement of the capacity of the ditches and the provision of new drainage systems in order to slow the run off rate from the development site and comply with the requirement of Core Policy 67 of the Wiltshire Core Strategy. It is noted that a holding objection from the Drainage Officer remains as they consider that detailed plans and flow rate calculations should be submitted for consideration at this stage. However, given the extent of the land holding, the required SUDS systems could easily be incorporated within land in the applicant's ownership and the level of detail requested by the Drainage Officer could be secured by way of a suitable pre-commencement condition for the detailed design of the drainage enhancements for the wider site. With this condition attached, the development is considered to comply with Core Policy 67 of the Wiltshire Core Strategy.

Ecology

The Council's Ecologist has reviewed the proposed development and raised no objection. An ecological assessment of the site was carried out by Wessex Ecology in mid- September 2015. The Council Ecologist has noted that the report is missing identified species list and it fails to identify waterbodies in the surrounding vicinity. However, they have noted that the hedgerows along the northern and eastern boundaries of the field containing the application site will remain unaltered and these would provide the main habitats for any species within the site. Therefore, with conditions attached relating to an ecological enhancement plan, to include replacement trees for the loss of some within the site and details relating to the drainage systems, they raise no objection to the development.

Environmental Impact Assessment

The accumulative impacts of the developments spread across the 9 applications (16/05721/FUL – 16/05729/FUL) has been screened for the requirement for an EIA and it is considered that the development does not represent EIA development. A full assessment of the EIA Screening is provided in the report for application reference 16/05728/FUL (AD Unit).

10. Conclusion (The Balancing Exercise)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". Paragraphs 2 & 11 of the NPPF reiterate and confirm this requirement. The Wiltshire Core Strategy Adopted January 2015 forms the local component of the current development plan.

Paragraph 14 of the National Planning Policy Framework states the presumption in favour of sustainable development, whilst paragraph 7 outlines that the three dimensions of sustainable development are environmental, social and economic factors.

The proposed development would have the economic benefit of the expansion of a rural business, which is supported by local and national planning policy, alongside increased jobs during the construction phase of development. It would have the social and the environmental benefits of the production of food a reduced number vehicular movements across the transport network. These benefits have to be considered against the limited impacts associated from development within the AONB which would be mitigated in some aspect by the required landscaping scheme. In addition, the proposal would result in an intensification of the agricultural operation but, as outlined above, the impacts of this to residential amenity would be limited. Therefore, it is considered that the benefits of the proposed development would outweigh any harms associated to it and the development would comply with the Wiltshire Core Strategy and National Planning Policy Framework.

RECOMMENDATION

APPROVAL, subject to the following conditions:

RECOMMENDATION

- 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:

Site Location Plan - 2663/01A - Received 13th July 2016;

Proposed Block Plan - 2663/02 - Received 13th July 2016;

Proposed Floor Plans and Elevations - 2663/10A - Received 13th July 2016;

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping to mitigate against the impacts of the development on the Area of Outstanding Natural Beauty has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :

- o location and current canopy spread of all existing trees and hedgerows on the land;
- o full details of any to be retained, together with measures for their protection in the course of development;
- o a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- o finished levels and contours;
- o means of enclosure;
- o car park layouts;
- o other vehicle and pedestrian access and circulation areas;
- o all hard and soft surfacing materials;
- o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- o proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- o retained historic landscape features and proposed restoration, where relevant.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 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.

- 5 No development shall commence on site until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will address the loss of grassland and trees and the potential disturbance to wildlife using hedgerows and trees around the site boundary. It will offer gains for biodiversity by aiming to help meet targets in the Wiltshire Biodiversity Action Plan for named species.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 6 No development shall commence on site until a comprehensive scheme for the discharge of surface water from the wider site (including surface water from the access/driveways/service areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from the anaerobic digester, grain drying plant and any mechanical ventilation.

The approved scheme shall be implemented in full before use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at or below the background noise level.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)
- ix. Schedules for any plans to float polish flooring

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

10 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

11 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

12 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

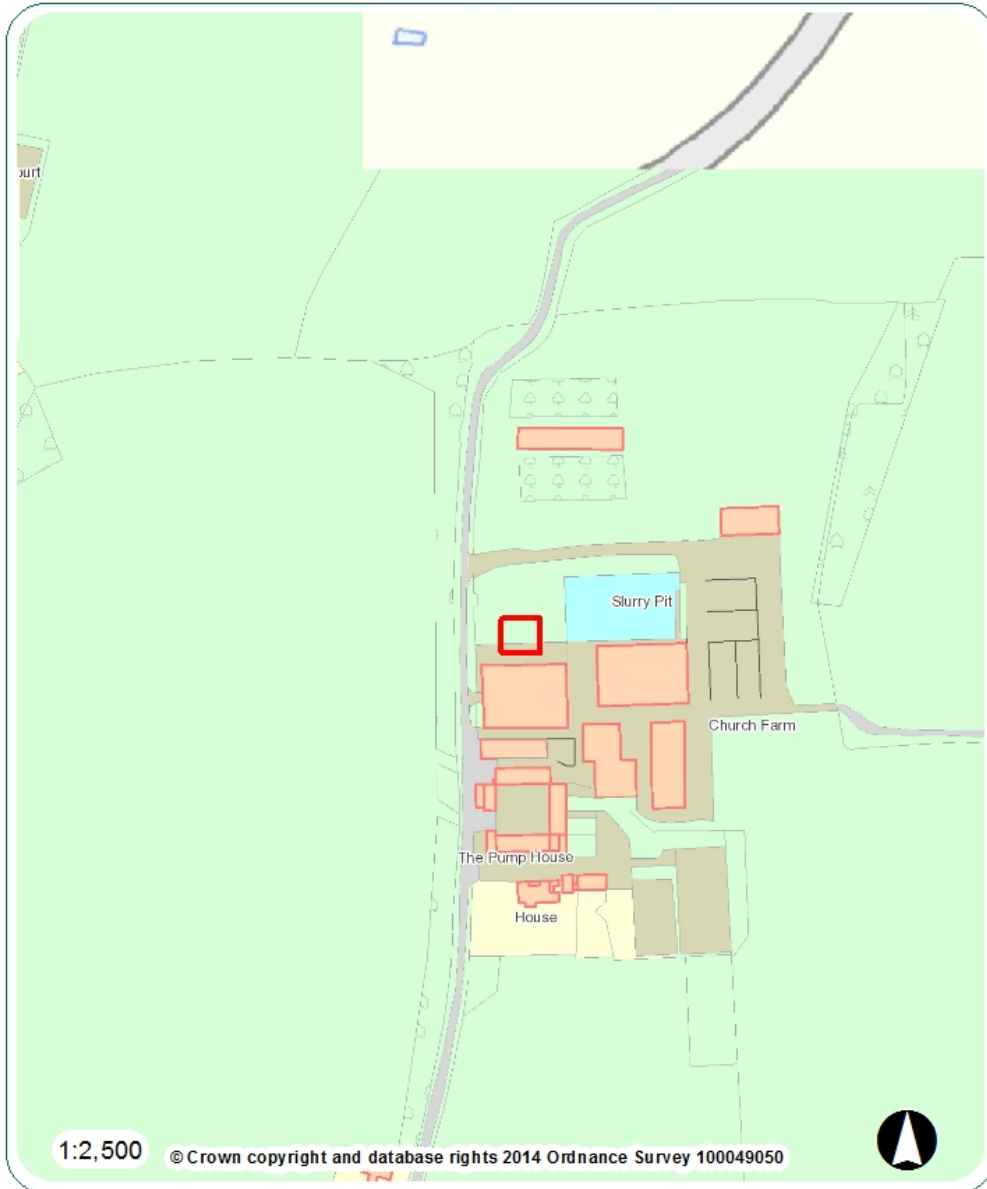
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

13 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

14 INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	04th January 2017
Application Number	15/10712/FUL
Site Address	Land North of Baydons Lane, Chippenham, Wiltshire, SN15 3JX
Proposal	Erection of Six Dwellings (Revision of 14/11995/FUL)
Applicant	Wainhomes (South West) Holdings Ltd.
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM HARDENS AND ENGLAND – Cllr Bill Douglas
Grid Ref	392462 172960
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application was reported to the North Area Planning Committee meeting of the 26th October 2016 where it was deferred for the following reason as set out in the minutes of the meeting:-

That consideration of the application be deferred to seek the submission and consideration of the following additional information:

- The possibility for an environmental corridor;
- An assessment of the Japanese Knotweed issues on the site, and vicinity;
- The possibility of traffic calming measures sympathetic to the character of the conservation area.

1. Purpose of Report

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The following report solely deals with the matters subject of deferral at the previous Committee. Limited consultation with the Council's Ecologist, Trees Officer, Highways Officer and Drainage Officers has been undertaken with respect to these matters and the further submissions made in response by the applicant team. No objections are raised subject to additional conditions as set out in the list of conditions below.

Information normally contained in the report to Committee in respect of various matters e.g. Site History is as per the original report, which is reproduced at Appendix A for ease of reference.

3. Consultations

Ecologist – No Objections subject to conditions

Trees – No objection subject to conditions

Drainage – No further comment or concerns raised

Highways – Submitted details are acceptable and no objections are raised subject to conditions

4. Planning Considerations

The possibility for an environmental corridor

The applicant has submitted revised proposals which includes a planted environmental strip on the western boundary which has moved plot 1 approximately a further 2.5 metres into the site making the bulk of the building 15.5 metres from the side gable of the existing adjacent property. The building on plot 1 has also been moved marginally south so as not to compromise the relationship with the proposed plot 2, drawing attached.

Further to this and following additional input from the Council's Trees Officers the site layout has been reviewed and adjusted to accommodate the 15 m root protection zone of the retained Beech Tree. This had the consequential impacts of Plots 2-4 marginally adjusted to ensure all buildings, the proposed shared drive and access onto Baydons Lane located outside of the 15m zone. Plots 5 and 6 repositioned to relocate the shared drive garaging and car park outside of the 15m zone.

In addition further assessment information has been subjected as to the condition of the tree particularly in the context of safety and possible Tree Preservation Order (TPO) designation. Officers and the applicant consultant team have identified that the tree features some cavity's and is subject to some level of decay. The proposals are to manage this process of decay naturally and through phased reduction as necessary. The Council's Trees officers have reviewed the submissions in full and raise no objection to the revised proposals subject to the use of a conditions requiring provision of details for tree protection during construction and longer term. Officers acknowledge the condition of the tree and identify that consequently it does not meet the tests for designation via a TPO.

Officers have reviewed the proposals and consider that this fully addresses the requirements of the Committee. It is also considered that the revised layout is acceptable and appropriate in terms of existing and future residential amenities, design character and would have a neutral impact to the character appearance of the Conservation Area.

An assessment of the Japanese Knotweed issues on the site, and vicinity

The Council's Ecologist has been consulted in respect of the scheme proposals and the current site conditions with specific reference to Japanese Knotweed Removal. The response is as follows:-

The knotweed will need to be removed by a specialist contractor and must not be spread as a result of the construction works. There is legislation which can be quoted through an informative however that only precludes spread and requires safe disposal of any material removed from the site but doesn't necessarily require eradication, therefore the new properties within the site (and arguably the neighbours) may be vulnerable to future damage if it regenerates. I would therefore argue that a condition is fair and reasonable, and indeed they have been applied in Wiltshire and elsewhere in such circumstances. The Environment Agency code of practice was officially revoked this year, but still represents industry best practice (as far as I'm aware). The condition should be stand-alone, rather than combined with CEMP or LEMP as the remediation should be complete before any other construction activities commence and will need to be carried out by a specialist licensed contractor rather than normal construction contractors or ecologists.

Subsequently the Council's Ecologist has recommended the following condition and informative to which the applicant has provided formal agreement and so it is proposed in the list of conditions attached to this report.

CONDITION:

No development including vegetation removal / management, site clearance, ground works or intrusive site investigations, shall commence until a detailed method statement for the removal/eradication of Japanese knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations in accordance with best practice, and ensure the safe disposal of invasive plant material as required. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in strict accordance with the approved method statement.

INFORMATIVE :-

Please note that Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed

of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. It may be necessary to inform the Environment Agency of the intention to bury or burning Japanese Knotweed onsite. Any soils or material contaminated with Japanese Knotweed should be disposed of at an authorised landfill site or suitable disposal site. Please see government guidance for further details. <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>

The possibility of traffic calming measures sympathetic to the character of the conservation area.

Following the resolution of the Committee the applicant team has revised the submissions and responded as follows:-

- The traffic calming proposed on Baydons Lane has also been modified to reduce to two points, one being where the carriageway narrows around the existing retained Beech tree and also at the point of conflict at the eastern end of the site with the footpath from the River Avon bridge and where the cycle route joins Baydons Lane. Please note, the highway at the eastern end has also been widened to 4.5 metres as raised at the committee to address the various traffic uses. It is proposed that the two 'highway features' will be flush with the current highway and will feature materials such as granite sets or block pavements to give a visual feature to samples that will have to be approved by Wiltshire Council.

Highways officers have reviewed the revised details alongside the revised layout details and raise no objections to the submissions subject to conditions.

The proposed conditions are included in the list at bottom of this report and a further informative is proposed regarding the road works.

The case officer has also reviewed the revised details in the context of the committee resolution and the impact to the Conservation Area and it is considered that these address the Committee's requirements and are acceptable preserving the character and appearance of the locality and the conservation area.

5. Conclusion

It is considered that all matters that were the subject of deferral at the previous Committee meetings and the subject of further submissions and additional information have been fully and appropriately addressed. Officers have considered the submissions in the context of the debate and resolution at the previous meeting and consider that having adequately and appropriately addressed matters raised in full permission can be granted subject to the completion of the required S106 agreement and conditions listed in this report.

RECOMMENDATION

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 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:

Drawing No: 1631 - 01 (as submitted 20/09/2016) - Site Plan
Drawing No: 1631 - 02 REV H (as submitted 13/12/2016) - Site Layout
Drawing No: 1631 - 03 REV F (as submitted 13/12/2016) – Street Elevations & Sections
Drawing No: 1631 - 04 REV D (as submitted 13/12/2016) – Rear elevations & Sections
Drawing No: 1631 - 05 REV G (as submitted 13/12/2016) - Parking Provision
Drawing No: 1631 - 06 REV K (as submitted 16/12/2016) - Drainage Strategy
Drawing No: 1631 - 07 REV H (as submitted 13/12/2016) - Landscaping Layout
Drawing No: 1631 - Plot1fp (as submitted 13/12/2016) - Plot 1 Floor Plan and Elevations
Drawing No: 1631 - Plot2el (as submitted 13/12/2016) - Plot 2 Floor Plan and Elevations
Drawing No: 1631 REV A - Plot3fp (as submitted 13/12/2016) - Plot 3 Floor Plans
Drawing No: 1631 REV A - Plot3el (as submitted 13/12/2016) - Plot 3 Elevations
Drawing No: 1631 REV A - Plot4el (as submitted 13/12/2016) - Plot 4 Elevations
Drawing No: 1631 REV A - Plot4fp (as submitted 13/12/2016) - Plot 4 Floor Plan
Drawing No: 1631 REV B - Plot5/6fp (as submitted 13/12/2016) - Plot 5 & 6 Floor Plan
Drawing No: 1631 REV B- Plot5/6el (as submitted 13/12/2016) - Plot 5 & 6 Elevations
Drawing No: 1631 REV B - gar/encl (as submitted 13/12/2016) - Garages and Enclosure plans.
Drawing No: 1631 0700 Rev P5 (13/12/2016) Engineering Layout and Details

D37 36 P2 Rev A (13/12/2016)
D37 36 P1 (13/12/2016)
D37 36 P3 (13/12/2016)

Extended Phase 1 Habitat Survey and Assessment by Alder Ecology (May 2013)
Ecological Assessment by Tyler Grange (June 2016)
FRA Addendum Report by Craddys (June 2016)

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 4 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

a) the parking of vehicles of site operatives and visitors;
b) loading and unloading of plant and materials;
c) storage of plant and materials used in constructing the development;
d) the erection and maintenance of security hoarding including decorative displays

- and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 5 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority

- 6 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Protection of trees including details of root protection areas and fencing;

- b) Mitigation for any potential tree bat roosts to be removed;
- c) An updated badger survey and mitigation strategy;
- d) A reptile mitigation strategy including methods to be applied during the construction phase and details of the proposed receptor site including long-term maintenance.
- e) Protection of breeding birds.
- f) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure. The detailed landscaped plan should be not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water.
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British Standards 8206 Part 2: 2008 Light for Buildings Part 2 - Code of practice for daylighting.

- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a weekly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 8 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The matter is required to be agreed with the Local Planning Authority

before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable urban drainage details has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the highway fronting the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the highway drainage scheme has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

- 11 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

- REASON: To secure the retention of adequate parking provision, in the interests of highway safety.
- 15 There must be no ground raising or obstruction to flow on existing land at or below the 1 in 100 year flood level (45.57mAOD).
- REASON: In the interests of flood prevention
- 16 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.
- REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.
- 17 No development including vegetation removal / management, site clearance, ground works or intrusive site investigations, shall commence until a detailed method statement for the removal/eradication of Japanese knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations in accordance with best practice, and ensure the safe disposal of invasive plant material as required. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall be carried out in strict accordance with the approved method statement.
- 18 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: In the interests of highway safety.
- 19 No development shall commence on site until details of the 'highway works' consisting of carriageway widening / traffic calming / lowered kerb to be formed at Baydon Lane have been submitted to, and approved in writing by, the Local Planning Authority. The highway works shall include the re-surfacing of the wearing course of the whole carriageway (ie after the widening). No part of the development shall be occupied until the 'highway works' have been provided in accordance with the approved details (numbered 1084_0700 P5 and titled 'Engineering Layout and Details').
- REASON: In the interests of highway safety.
- 20 No development shall commence on site until visibility splays at both access points have been provided between the edge of the carriageway and a line extending from a point 2m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres from the centre of the access in accordance with the approved plans (numbered 1084_0700 P5 and titled 'Engineering Layout and Details'). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

- REASON: In the interests of highway safety.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.
REASON: To safeguard the amenities and character of the area and in the interest of highway safety.
- 22 **INFORMATIVE TO APPLICANT:**
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 23 **INFORMATIVE TO APPLICANT:**
Please note that Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. It may be necessary to inform the Environment Agency of the intention to bury or burning Japanese Knotweed onsite. Any soils or material contaminated with Japanese Knotweed should be disposed of at an authorised landfill site or suitable disposal site. Please see government guidance for further details. <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>
- 24 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 25 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
- 26 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
- 27 **INFORMATIVE TO APPLICANT:**
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

- 28 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 29 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur
elevy.

Appendices:

Appendix A Copy of Report to Committee 26th October 2016

Background Documents Used in the Preparation of this Report:

Report to Committee 26th October 2016
Wiltshire Core Strategy
National Planning Policy Framework
Planning Practice Guidance

Appendix A
Report to Committee 26th October 2016

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	26 October 2016
Application Number	15/10712/FUL
Site Address	Land North of Baydons Lane, Chippenham, Wiltshire, SN15 3JX
Proposal	Erection of Six Dwellings (Revision of 14/11995/FUL)
Applicant	Wainhomes (South West) Holdings Ltd.
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM HARDENS AND ENGLAND – Cllr Bill Douglas
Grid Ref	392462 172960
Type of application	Full Planning
Case Officer	Mathew Pearson

Reason for the application being considered by Committee

The application has been called in by Cllr Douglas due to the scale and design of the development, impact on the surrounding area and adjoining properties and adverse impact on environmental and highways.

1. Purpose of Report

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

2. Report Summary

The proposed development is within the Chippenham settlement boundary and in principle is considered a sustainable location for development. The site is located within the Chippenham Conservation Area and is of limited ecological value. The proposed development will reinstate and reinforce a number of key features on the site boundary and improve the highway along Baydons Lane, which is already used due to the car park located at the end of the lane. The proposed dwellings are in keeping with the general character and appearance of the area and the site will act as a suitable transition between Monkton Park recreation area and the urban form of Chippenham.

Chippenham Town Council have objected to the application and nical consultee to raise an issue is the Council’s Conservation Officer. There have been 14 letters of objection in 2015, following the submission of revised plans and re-consultation during 2016 a further 10 letters of objections were received.

The main issues for consideration are:-

- Principle of the Development
- Impact on the Character and Setting of the Conservation Area and Heritage Matters
- Flooding and Drainage including Foul and Surface Water
- Ecology
- Highways

3. Site Description

The site comprises an open and undeveloped area of land that falls within and adjacent to the settlement boundary of Chippenham. It also is situated within the designated Conservation Area for the town. This part of the Conservation Area at Baydons Lane has a distinctly rural and open feel given the combination of stone wall and vegetation on the boundaries. The loose knit form of development along the lane contributes to this feel also. A short distance to the east is a county wildlife site of local importance. Part of the site falls within the floodplain zones 2 and 3 of the River Avon which runs to the north of the site. The site contains numerous trees and hedges and Japanese Knotweed is known to be present. The presence of badger sets has been identified.

4. Planning History

14/11995/FUL	Erection of 8 Residential Dwellings with Associated Engineering Works, Parking and Drainage	Refused
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5. The Proposal

The application is for 6 four bedroomed houses built from a mix of natural stone, render and natural slate at Baydons Lane, Chippenham. The properties are set back from the lane with large gardens sloping down toward the River Avon. There are 4 detached dwellings with a pair of semi-detached house located at the western end of the site. The application is a full application and includes details of various on and off site improvements, including the widening of Baydons Lane and the reinstatement of stone walling and hedgerows, and area of screening to provide landscape and ecological mitigation to the north of the site. Key features will be retained on the site including a mature beech tree. The elevations show two storey front elevations with three storey rear elevations (except plot 1) due to the sloping nature of the site. The site includes garages and sufficient parking on site.

The application was submitted in late 2015, but due to the need for further ecological surveys was held in abeyance. The application has originally accompanied by an Ecology Report, Design and Access Statement, Flood Risk and Drainage Strategy. A revised Ecology Report and Drainage Strategy were received in June 2016.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) (adopted January 2015)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 10: Spatial Strategy: Chippenham Community Area
- Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 50: Biodiversity and geodiversity
Core Policy 51: Landscape
Core Policy 52: Green Infrastructure
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 62: Development impacts on the transport network
Core Policy 67: Flood Risk

National Planning Policy Framework

Paragraph 14 – Decision Making

Paragraph 17 - Core Planning Principles

Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)

Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)

Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)

Section 8 – Promoting healthy communities (Paragraphs 73)

Section 11 – Conserving and enhancing the natural environment (Paragraphs 118)

Section 12 – Conserving and enhancing the historic environment (Paragraphs 131, 132 & 134)

7. Summary of consultation responses

Chippenham Town Council – The Town Council’s comments on this application are as follows:-

“The Town Council reiterates its comments submitted in November 2015 that it has concerns in line with Wiltshire Council’s reasons for refusing the previous application. Reasons include layout, size, scale and failing to improve the character and quality of the Conservation Area. It also has concerns regarding a possible increase in parking problems and potential highway implications caused by the increase in traffic movement on a narrow road.”

We have been asked to pass on the views of the local member, Councillor Bill Douglas (his views were also supported by some members of the Committee), these are as follows:-

“On behalf of residents, we strongly oppose this application for the following reasons:-

This Lane is deservedly registered as a Conservation Area, in order to protect this special Area, which forms part of most of the last remnants of our ‘Old Town’. Any development which would alter the Character of this area would destroy the reason for the Conservation status. This we feel must be given a high priority when deciding on this application.

This is a vital stretch of the Town’s Sustrans System which Wiltshire Council upgraded within the past two years. The upgrading has been a significant success and the Lane section is now well used by pedestrians and cyclists from housing on the route etc, in addition to our residents from all the surrounding areas who use it to get to Monkton Park and Baydons Wood. These are well used leisure facilities. At its narrowest section the lane is only two metres wide, therefore there is a danger to mixed use to the present traffic using it, if the traffic is increased. We would ask Highways to please reconsider these details.

At present 11 houses in the lane have no parking spaces, so the two Parking areas on the lane section, at 6.00pm, are full, 15 cars in one and 8 cars in the other, in addition to several

cars in driveways at the more accessible section, a total of 28 cars using this very short lane plus delivery vans etc. Further traffic would certainly increase the danger to the ever increasing number of lane users. If these houses have the use of an average even of 1.5 cars, an additional 9 cars would increase traffic by 33%, again a factor for Highways to consider.

The Area representatives have been contacted by residents in the areas serviced and the Mayor, Cllr Gibson has had many complaints from townfolk in the course of his duties.

In planning terms the plot itself would be over developed with this number of houses. The spacing of six houses on this small plot would completely change the regularity of the other housing in the general area and thus the character.”

Environment Agency – No objection subject to conditions

We note the proposed finished floor levels shown on submitted 'Proposed Drainage Strategy' drawing (1631-06 Rev E). These are as we have previously discussed and we have no further comments to make on this element of the proposal.

There must be no ground raising or obstruction to flow on existing land at or below the 1 in 100 year flood level (45.57mAOD).

WC Conservation – Support (Comments integrated into body of the report below)

WC Drainage – Support subject to conditions.

- They have as previously stated come up with foul and storm disposal arrangements which are acceptable in principle but rely on the sewerage undertaker giving permission for diverting the existing sewer crossing the site – if permission not forthcoming then layout as shown cannot be achieved
- Foul drainage disposal will need S106 WIA 1991 application to sewerage company
- As above S106 application needed for storm water disposal and rate quoted in FRA and drawings will need to be agreed – if rate not agreed then drainage system/storage volume would need to change

Based on above suggest that conditions from previous response are still appropriate

WC Ecology – No objection subject to conditions

Matters Considered:

Following on from previous comments (07/12/15), the applicant has submitted some updated ecological survey work. This has confirmed that:

- The site does not support any priority habitat types, indeed current habitats which appear to have deteriorated since the original survey and are now dominated by tall ruderals and bramble scrub.
- In addition to the mature oak tree previously identified, a number of additional trees in the western part of the site also have potential to support roosting bats. However the revised development plans indicate that these could be largely retained within the proposed 'badger area', although they would need to be protected during the construction phase or checked by an ecologist if they are to be removed.
- The badger sett is much more extensive than previously recorded, the development will require closure of a number of entrances within the main body of the site. These entrances were only partially used at the time of survey, however their status will need to be checked prior to commencing development. Other entrances could

potentially be retained during development, however exclusion zones will be required and need to be clearly delineated to construction staff.

- A reptile survey has confirmed that the site supports reasonable numbers of slow worm and grassland which are likely to be killed or injured during construction. A translocation will be required prior to commencement of development, however given the relatively small size of the population I'm satisfied that this can be secured through a condition.
- Breeding birds are likely to be affected by the development if clearance is carried out during the nesting season, therefore this will need to be reassessed at the pre-commencement stage.

WC Highways – Support subject to conditions

In reference to the attached plan numbered 1084_0700 P3 and titled 'Engineering Layout and Details'.

With regard to the proposed highway amendments, am prepared to accept the widened 4.5m carriageway width – this will enable two reasonable size vehicles to pass within the carriageway. With regard to the access to plots 5 and 6 am prepared to accept the taper towards the traffic calming and entrance. The main section of carriageway will have the increased width. The alignment of the carriageway is now suitable. note that visibility splays of 2m x 25m are provided.

On the basis of the above drawing, can confirm that withdraw the highway objection. do not consider that a highway objection to this proposal would withstand planning appeal. The impact of the proposal cannot be considered severe.

Recommend that no highway objection be raised subject to the following:

Conditions to include implementation of highway works and parking, maintenance of visibility splays and restrictions on use of garages.

WC Rights of Way – No significant impact on the nearby rights of way network so no concerns.

Wiltshire Council Waste – Support subject to conditions. Waste collection and storage needs to meet the Councils guidance note.

Wessex Water – No objection

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development.

The applicant has indicated they are to make an application to divert the surface water sewer.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

8. Publicity

There have been 14 letters of objection in 2015 including from the woodland trust and the CPRE, following the submission of revised plans and re-consultation during 2016 a further 10 letters of objections were received. Major areas of objection focused around highway safety, impact on the Conservation Area and ecology and drainage

Transport

Objectors main concerns were that the increase in traffic will cause further hazards for walkers, cyclist and other users of the lane due to the access it provides. There are not enough parking spaces to in the area to serve the current dwellings. The proposal does include enough spaces to serve the development and will further exacerbate parking issues in the area. It was noted that construction traffic will also cause major disruption as there is only one access point.

Ecology

The site is adjacent to the important wildlife sites of Baydons Wood and Baydons Meadow. These are mature wildlife sites that have been managed by the Woodland Trust and local residents and provide a sanctuary for many different species of birds, mammals, insects, many of which are protected. The site is also well known for badgers nesting, feeding and foraging.

The site has serious problem with Japanese knotweed and any development of the site will need to adequately deal with this issue prior to construction and it is likely that this species will cause issues further down the line.

Conservation

The Chippenham Conservation Area Management Plan includes "to encourage the restoration of the hedgerow along the east side of Baydons Lane" & "encourage the rebuilding of the damaged stone wall at the eastern boundary"

The privacy and light of the properties immediately opposite and adjacent to the site will be affected. Likewise the privacy of the proposed properties will be adversely affected by the existing neighbours particularly.

The proposed dwellings are out of keeping with the pattern of development in the area and it would have a detrimental effect on the Conservation to have 8 densely packed and very similar semi-detached houses, particularly in the section of the walk which passes along an old country lane. Similarly the aspect of the new designs from the River is in no way in keeping with those riverside dwellings before it.

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.

Principle of development

The majority of the site, and all of the proposals built development, sits within the development boundary of Chippenham for the purposes of Core Policy CP1 and CP10 in the Wiltshire Core Strategy (WCS). Core Policy 2 states that within the limits of development, there is a

presumption in favour of sustainable development. Further Core Policy 10 defines that development in and around the central area of Chippenham should retain and enhance access to the River Avon and protect this area of greenspace within the town. Nevertheless, paragraph 4.7 of the WCS sets out further that sustainable development in a Wiltshire context is the spatial strategy and the following core policies as a whole, development that does not accord with the policies contained within the WCS is deemed unsustainable.

A previous application was refused in early 2015 on the site. The previous application was for 4 pairs of semi-detached dwellings and included removal of many key heritage features on the site. It was felt that this was an over development of the site and that the design was not in keeping with the general vernacular and layout of the area. Furthermore the removal of key heritage features meant the proposal would harm the Conservation Area and nearby heritage assets. The applicant has sought to address these refusal reasons by providing a less intense development and retaining and where possible enhancing key heritage features. The application now also provides for widening of Baydons Lane which is already a heavily used route due to the car parking facilities and proximity of the town centre.

Impact on the Character and Setting of the Conservation Area and Heritage Assets

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 of the WCS and guidance contained in the National Planning Policy Framework (NPPF) are clear that the significance, character and setting of the historic environment and heritage assets should be sustained and where possible enhanced. The WCS goes further to explain that this must be in a manner appropriate to their setting. Core Policy 57 states that a high standard of design is required in all new developments. The NPPF stresses the importance of good design which should contribute positively to making places better for people.

The site is within the setting of a listed building and the area forms part of the Chippenham Conservation Area, being identified as part of the Monkton Park area. In the management plan the focus is on the river valley and restoration and extension of the public open space and other ecological assets along the valley. The plans show four detached properties with two semi-detached houses at the eastern end built using a mix of Ashlar stone, slate roofs and UPVC windows. The properties have two storey main elevations on Baydons Lane with three storeys to the rear facing the River Avon, except plot one which is two storey front and rear. The overall layout is similar to the general piecemeal and irregular development that characterises the Butts/Baydon Lane area and provides a set back and loose knit form of development which characterises the properties adjacent to the river in the vicinity.

A number of objectors have highlighted the important role the site plays in providing an area of open space in the Chippenham Conservation Area which positively contributes to the rural character and countryside and parkland appearance of this part of the town. While the development would introduce urban development it is not considered that the development is overly dense and will still provide a transition between the peripheral parts of the Chippenham Conservation area and the River Avon corridor and associated greenspace. The site will retain key features such as including mature trees and reinvigorate existing hedges and boundary treatment. The layout of the site of the houses is similar to that on the north side of Baydons Lane and beyond and the overall design and detailing is in character with

that surrounding area. The plans show natural stone frontages with simple glazing and three story rear elevation which are broken up by different roof pitches, dormer windows and balconies. The site has uniform approach that mirrors the wider character of the area with duly mimicking designs to provide a modern development in character in the surrounding properties.

Particularly important is the boundary treatments to the front and rear of the site. At the rear further planting will help screen the development and provide a better transition between the wildlife corridor next to the River Avon and built development in Chippenham. The rear of the properties will remain open by providing smaller picket style fencing to keep the area open. To the front the hedge and stone wall be reinstated in line with widening the road. This is highlighted in the Chippenham Conservation Area Management plan as a key improvement to be secured in this area. It is considered that the onsite improvements will provide an uplift to the character of the area to what is currently an overgrown and under used area. The design of the boundary treatments and the spacious nature of the layout ensures that area provides a suitable transition from the urban form of Chippenham to the Monkton Park and the River Avon Corridor. Improvements to the front of the site will implement the proposals of the Chippenham Conservation Area Management Plan. Overall it is considered that the development will enhance the area and provide a development in keeping with the general design character enhancing the appearance of the conservation area. The application is considered in accordance with Core Policies 57 and 58.

Foul and Storm Sewage, Flood Risk and Proposed Drainage

An addendum to the initial Drainage Report was received in June 2016 which addressed a number of issues highlighted in the Council's Drainage Officer's response in November 2015. It should be noted that the Council's Officer was not objecting to the scheme at this time but had some areas which need clarifying. The addendum also addressed issues highlighted by Wessex Water.

The site will provide two connections for foul water within Baydons Lane by means of a new adoptable manhole at each connection point. In terms of the report it also notes that due to the proximity of the Flood Zone 2 and the ground conditions, soakaways would not be a viable solution for surface water disposal. It is therefore proposed to connect into the existing 300mm diameter Wessex Water surface water sewer that is located along the eastern boundary of the site. Discharge from the site will provide the uplift required by policy and prevention from flooding will be achieved through the use of oversized attenuation pipe storage. Details of proposed maintenance regimes have also been provided.

Neither, the Council's Drainage Officer or Wessex Water has objected to the application and it is considered that the level of information supplied is now consistent with that required to ensure that the application can be approved. Nevertheless, the Council's Drainage team is recommending suitable conditions be applied in relation to the final storm and foul drainage schemes to ensure they meet the requirements and technical specifications of policy.

Ecology

The applicant submitted a revised ecological assessment in June 2016 to respond to the Council's request for further ecological information. As noted above, the sites value as greenspace has formed the basis of the majority of objections to the scheme and a number of these have highlighted the ecological value of the site. However the ecology report notes that the site does not support any priority habitat types and that current habitats appear to have deteriorated since the original survey (from 2011) and are now dominated by tall ruderals and bramble scrub.

Actions will need to be taken to protect roosting bats and the badger set to the western part of the site and a reptile survey has confirmed that the site supports reasonable numbers of slow worm which will require translocation prior to commencement of development. The Council's Ecologist is satisfied that the main ecological features can be protected and given the relatively small size of the population of reptiles that a suitable environmental construction management plan can alleviate the onsite removal of this species. This can be addressed by condition.

The plans include the re-instatement of the hedge along Baydons lane and retention of the large beech tree which occupies a prominent position on the site. The retention and improvement of these features are noted as important from a conservation perspective but will also enhance the site in terms of ecology and improve what is currently an overgrown and underutilised space that is receding in terms of ecological value. Again a suitable construction environmental management plan will be required in order to protect the beech tree and ensure that the hedge is properly maintained after being planted.

The management of the open space that forms the ecological barrier will be controlled by a S106 agreement which will provide funds for any management company. Further conditions will control both the means of enclosure to the rear of the properties and the submission of landscape management plans and ecological construction statements to ensure that these features and the open space behind the house including the rear amenity space of the properties is properly protected.

Highways

After much negotiation with the Council's Highways Officers a scheme to widen the lane and provide traffic calming measures has been agreed and which addresses concerns identified in this respect. The site provides the required parking arrangements for each dwelling and includes visitor parking. Given the revised proposals, including widening the lane and pedestrian facilities, with the insertion of proper safe access it is considered that these measures will provide adequately for existing non car users.

A large number of consultation responses on this application have noted that the increase in traffic would not be acceptable and is likely to exacerbate existing problems connected to the car parking facilities as well as parking problems themselves. Furthermore it is noted that Baydons Lane now forms part of national cycle network and again responses have highlighted inherent safety issues with the use of the lane by more cars. Comments around safety of the lane and transport users other than cars are noted. However, the improved width of the lane and traffic calming measures will generally help in terms of safety and as noted by the majority of objectors the lane is already in heavy use and therefore improvements must be seen as significant benefit to the area and its use as a national cycle route. Further comments about construction traffic are noted. However, construction traffic would only see a temporary disruption and can be mitigated, especially as the lane is a deadend. It should be noted in this context that Highways Officers do not raise objection following the scheme revisions and similarly the Rights of Way Officer raise no objection.

A construction management plan will be condition in order to make sure that local residents are not unduly affected and access along Baydons Lane is not obstructed during construction of the site.

10. S106 contributions

Contributions to form management company for public open space

11. Conclusion (The Planning Balance)

The site is acceptable in terms of ecology and flooding, and there no other site constraints identified that makes this site unsuitable for development. It is considered that the site provides significant improvements in terms of transport and will enhance the character of the Chippenham Conservation Area by reinstating key features and providing a more coherent transition between the built form of Chippenham and the Monkton Park area. The site is acceptable in principle and is within walking distance of the town centre. The site is considered to be in conformity with planning policy and the development plan and is recommended for approval.

RECOMMENDATION

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide the necessary mitigation in line with Policies CP50, CP51 and CP58 of the Wiltshire Core Strategy (Adopted January 2015) and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 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:

Drawing No: 1631 - 01 (as submitted 20/09/2016) - Site Plan
Drawing No: 1631 - 02 (as submitted 20/09/2016) - Site Layout
Drawing No: 1631 - 05 (as submitted 20/09/2016) - Parking Provision
Drawing No: 1631 - 06 (as submitted 20/09/2016) - Drainage Strategy
Drawing No: 1631 - 07 (as submitted 20/09/2016) - Landscaping Layout
Drawing No: 1631 - Plot1fp (as submitted 20/09/2016) - Plot 1 Floor Plan and Elevations
Drawing No: 1631 - Plot2el (as submitted 20/09/2016) - Plot 2 Floor Plan and Elevations
Drawing No: 1631 - Plot3fp (as submitted 20/09/2016) - Plot 3 Floor Plans
Drawing No: 1631 - Plot3el (as submitted 20/09/2016) - Plot 3 Elevations
Drawing No: 1631 - Plot4el (as submitted 20/09/2016) - Plot 4 Elevations
Drawing No: 1631 - Plot4fp (as submitted 20/09/2016) - Plot 4 Floor Plan
Drawing No: 1631 - Plot5/6fp (as submitted 20/09/2016) - Plot 5 & 6 Floor Plan
Drawing No: 1631 - Plot5/6el (as submitted 20/09/2016) - Plot 5 & 6 Elevations
Drawing No: 1631 - gar/encl (as submitted 20/09/2016) - Garages and Enclosure plans.
Drawing No: 0700 Rev P2 (Sept 16) Engineering Layout and Details

Extended Phase 1 Habitat Survey and Assessment by Alder Ecology (May 2013)
Ecological Assessment by Tyler Grange (June 2016)
FRA Addendum Report by Craddys (June 2016)

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 4 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 5 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;

i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority

6 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Protection of trees including details of root protection areas and fencing;
- b) Mitigation for any potential tree bat roosts to be removed;
- c) An updated badger survey and mitigation strategy;
- d) A reptile mitigation strategy including methods to be applied during the construction phase and details of the proposed receptor site including long-term maintenance.
- e) Protection of breeding birds.
- f) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- * A specification for scaffolding and ground protection within tree protection zones in

accordance with British Standard 5837: 2012;

* A schedule of tree works conforming to British Standard 3998: 2010;

* Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

* A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

* Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

* Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 8 The development hereby permitted shall not be occupied until the approved foul sewage disposal and drainage works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

- 9 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 13 There must be no ground raising or obstruction to flow on existing land at or below the 1 in 100 year flood level (45.57mAOD).

REASON: In the interests of flood prevention

- 14 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 15 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 16 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 17 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 18 **INFORMATIVE TO APPLICANT:**
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

- 19 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 20 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur
elevy.

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15/10712/FUL
Land North of Baydons Lane
Chippenham
Wiltshire
SN15 3JX



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	04 January 2017
Application Number	16/09965/LBC
Site Address	Mays Farmhouse, The Street, Hullavington SN14 6DP
Proposal	Application to include replacement of bedroom timber floors with plywood, replacement of living room, sitting room and dining room floors and hearths, alterations to master bedroom partitions, installation of freestanding bath on raised platform, alterations to kitchen window, removal of second floor bedroom ceiling, and reinstatement of recently blocked up gate in the garden boundary wall (retention of)
Applicant	Kim and Penelope Swithinbank
Town/Parish Council	Hullavington
Electoral Division	By Brook– Cllr Scott
Grid Ref	389581 182060
Type of application	Listed Building Consent
Case Officer	Caroline Ridgwell

1. Reason for the application being considered by Committee

The application has been called to committee at the request of Cllr Scott so the committee can consider the social benefit against the significant harm.

2. Purpose of Report

The purpose of the report is to assess the merits of retaining the works already carried out against national policies in the Planning Act, NPPF, BS7913 and other material considerations and to consider the recommendation that listed building consent should be **REFUSED**.

3. Main Issues

The key issues in considering the application are as follows:

- Principle of the works.
- Impact on significance of the heritage asset.
- Impact on the setting of the heritage assets

4. Site Description

The application site is a grade II listed detached farmhouse originating from the C17 and C18 set well back from the road. The stone built house is an L plan with outbuildings (now converted) continuing back from the rear of the house. There are stone walls surrounding the front and rear gardens, and a series of former barns and byres (also now converted) on the opposite side of what would have been the rear farmyard. The barns are now in separate ownership but are curtilage listed, as are the boundary walls. The house is centrally located within Hullavington village and in close proximity to several listed buildings. The site is not within a Conservation Area.

5. Planning History

N/01/00563/LBC	REPLACE STONE TILES WITH SECOND-HAND CLAY, RE-ROOF KITCHEN ROOF IN STONE TILES, RE-ROOF REAR ELEVATION OF OUTBUILDING IN ARTIFICIAL TILES – REFUSED
N/01/01875/LBC	REPLACE STONE TILES WITH SECOND HAND DOUBLE ROMAN CLAY TILES - CONSENT
N/03/02666/LBC	STRIP STONE TILED ROOF, REPAIR ROOF STRUCTURE AND RELAY TILES INCLUDING MAKING UP ANY DEFICIENCY USING MARSHFIELD TILES ON REAR ROOF SLOPE - REFUSED
N/13/00425/LBC	Insertion of New Bi-Fold Doors to Rear Elevation & 6 New Rooflights to Side Elevation of Single Storey Roofs. Removal of Breeze Block Walls and One Victorian Brick Wall to Create New Kitchen Area. Erection of New Studwork Partitions on Upper Floors to Create New Shower Rooms. - CONSENT
14/03621/FUL	Change of Use of Main House & 2 Outbuildings to Christian Retreat Centre - PERMITTED
15/03767/FUL	Erection of Summer House to Rear - PERMITTED
15/12311/FUL	Change of use from C1 back to C3 standard residential use – PERMITTED
16/04835/FUL	Retain Alterations to New Fuel Tank Location, Car Park Boundary Treatment and Summer House Materials (Amendment to 15/03767/FUL & 13/03584/FUL) - PERMITTED
16/05380/LBC	Retention of Various Works, Including Removal of Second Floor Ceiling, Alterations to Partitions and Lowering Window Cill - Amendment to 13/00425/LBC - WITHDRAWN

6. The Proposal

The application seeks listed building consent for the retention of various works already carried out to the interior and exterior of the house, as well as to the garden wall. These include:

- replacement of bedroom elm timber floors with plywood (glued & screwed);
- reuse of elm bedroom floorboards on landing;
- replacement of flagstone and tile living room floor with new stone flooring;
- replacement of, and alterations to, the living room hearth with new stone and tiles;
- replacement of sitting room and dining room timber floors with new timber flooring;
- replacement of, and alterations to, the sitting room and dining room hearths with new stone and tiles;
- alterations to master bedroom partitions;
- installation of freestanding bath on raised platform;
- enlargement of kitchen window opening;

- removal of second floor bedroom lath and plaster ceiling;
- recent blocking up and recreation of gate in the garden boundary wall

7. Local Planning Policy

NPPF (National Planning Policy Framework)
Section 1- Core Principles (paragraph 17(10))
Section 12 - Conserving and enhancing the historic environment
Decision Taking – paragraph 202

Historic England Planning advice note 2
Managing Significance in Decision Taking in the Historic Environment – Historic
Environment Good Practice Advice in Planning:2:

BS 7913:
British Standards Guide to the conservation of Historic Buildings

Wiltshire Core Strategy:
Core Policy 58 – Ensuring the Conservation of the Historic Environment

8. Summary of consultation responses

Hullavington Parish Council- No response received.

0 letters of objection have been received.

0 letters of support have been received.

9. Publicity

The application was advertised by a site notice and press advert. No comments were received.

10. Planning Considerations

Principle of Development

In April 2013, consent was granted under application N/13/00425/LBC for various internal and external works to be carried out at Mays Farmhouse. The proposals were to make internal alterations to the main building and the rear range, re-roof the modern flat-roofed extension, alter the ground floor windows in the modern extension to form concertina glazed doors and add some rooflights in the rear range.

Internal alterations included opening up of the two fireplaces in the ground floor front rooms, removal of partitions to open up the utility and ground floor bathroom in order to create a large kitchen, remove the existing kitchen from the modern extension and create a breakfast room, subdivide the cheese room to create a utility room and make a breakthrough to the old kitchen and create a study and playroom in the store rooms. The timber ladder stair from the old kitchen to the upper storage floor was to be replaced with a timber staircase and the upper storage area to become the master bedroom with an ensuite bathroom. The small bedroom at the front of the main house was to become a bathroom and a breakthrough to be made in the breeze block partition wall between the front bedroom and storage area in order to create a small shower room for the front bedroom. The existing WC on the first floor of the modern extension was to become an ensuite shower room for the rear bedroom. A bathroom for each of the attic bedrooms will also be created.

The floors to the rear range were flagstones laid on earth. The flagstones were to be carefully lifted, an insulated Limecrete floor added and the flagstones replaced on top. Timber repairs were to be carried out to the doors and windows, adding glazing where necessary. The modern extension was to be rendered to a wood float finish. In order to add natural light to the master ensuite bathroom, one CR-1 rooflight was to be added on the east elevation, set just above the flat roof so that it is not easily visible. There were also six CR-1 rooflights added on the west elevation in order to improve the degree of natural light serving the last three rooms in the rear range. There were to be two rooflights for the new living room, study and playroom. All the rooflights were to be installed to sit flush with the roof tiles.

Prior to this application there was a very lengthy pre-application negotiation, followed by further negotiation once this application was submitted. The degree of alteration was to have been kept to a minimum, materials used were to be Natural and breathable where possible and historic features retained. Consent was therefore granted for these works.

Impact on Heritage Assets

One of the principal ethics of conservation is to repair rather than replace, in order to retain as much as possible of the historic fabric in-situ. In the vast majority of cases this is possible but may be more complicated than removing the original fabric and replacing it. For this reason, applicants are often advised by builders etc that replacement is the only available option, or the quote for repair is disproportionately high to deter owners from that option. With this in mind, I will go through the list of unauthorised works that are included in this application:

Replacement of bedroom elm timber floors with plywood (glued & screwed)

No works affecting these floorboards were included in the original LBC application. For some reason, someone decided to start lifting the boards up and decided that they were rotten and could not be reused. A structural engineer who was also working on site for some reason, advised that the floorboards should be removed and replaced with glued and screwed plywood boards. This creates a rigid floor that is unable to flex and move with the building and is used in modern building construction. It also fixes the materials to the building so that is very difficult to remove them without further loss of historic fabric from the building but it is not impossible. However, it is claimed that there is now a danger that in trying to remove the plywood, the ceiling will collapse. This begs the question how exactly was the plywood fixed and to what?

Nobody contacted the planning office to discuss why the floorboards were being lifted, the consequential problem or the solution.

These works constitute an unjustified loss of historic fabric, inappropriate materials and repair methods and harm to the significance of the heritage asset. Works such as these have been reversed in other listed buildings in North Wiltshire. In situations where replacement of Elm boards is considered to be the only possible option then they need to be replaced with matching boards in type and dimensions, or the closest possible alternative (in this case we acknowledge that Elm is difficult to obtain so Oak could be considered). The applicants have been asked to do this but refused.

Reuse of elm bedroom floorboards on landing

No mention has been made as to what was covering the first floor landing previously. However, once most of the Elm floor boards from the bedroom had been removed someone made the decision to replace the landing with some Elm floor boards from the bedroom.

Another conservation ethic is that one doesn't move historic fabric around as that falsifies the history of the building. One assumes that there was some Elm flooring on the landing previously but nothing has been confirmed.

Nobody contacted the planning office to discuss why the floorboards were being replaced on the landing.

These works could constitute an unjustified loss of historic fabric, falsification of building integrity and harm to the significance of the heritage asset.

Replacement of flagstone and tile living room floor with new stone flooring

The permitted proposals were to carefully lift the existing flagstones, pour a Limecrete floor base and relay the flagstones back on top of the Limecrete. The flagstones were not reinstated and the reason given was that they started breaking up when they were removed. However, there is a large quantity of flagstones stored on the site. Again, this is an unjustified loss of historic material which has not been fully explained. If the stones started to break up then work should have stopped immediately and discussions about a solution should have taken place. Nobody contacted the planning department to mention this problem. The flagstones are still on site but there seems to be a reluctance to re-lay them. This work is an unjustified loss of historic fabric, harmful to the integrity and significance of this heritage asset and contrary to the NPPF.

Replacement of, and alterations to, the living room hearth with new stone and tiles

We are unclear as to why the hearth was removed in the first place. However, the same principles as per the rest of the floor apply which is that stone should be reinstated in the same location and pattern. The new hearth has been brought forward of the fireplace opening but also take the full width of the room, either side of the fireplace. Whilst a hearth area may have been present in front of the two features either side of the fireplace (copper for washing and heating bread oven), the levels change because the stones have not been reinstated. This results in poor architectural detail and loss of integrity.

Replacement of sitting room and dining room timber floors with new timber flooring

The same principles apply as mentioned before. There did not appear to be a problem with the timber floors but they have now been replaced with new timber floors which is very regrettable as the original fabric is now lost forever. In discussions, it was agreed that the timber floors could remain but that the work needed to be regularised with a listed building consent application.

Replacement of, and alterations to, the sitting room and dining room hearths with new stone and tiles

The same principles and argument apply as mentioned previously. The sitting room hearth has also been brought forward and across the room giving an incorrect and harmful detail, as well as change of levels that would not usually be seen. The applicants have been asked to remove the tiles back so they are flush with the fireplace openings but they have declined to carry out this work.

Alterations to master bedroom partitions

The room that is now bedroom 1 was originally the cheese-room and was one open space. Consent was granted for a bathroom to be added at one end, which results in some subdivision of the space but it was considered that the harm caused was outweighed by the benefits of the additional bathroom. Subsequently, further partitions were added to create two dressing rooms, which have resulted in almost half the space now being subdivided. The storage function of these dressing rooms could have been carried out by free-standing wardrobes which can be removed easily. Addition of these dressing rooms compromises the architectural proportions of the room and harms the integrity of the heritage asset.

Installation of freestanding bath on raised platform

The addition of the free-standing bath on a raised platform looks odd but can be accepted.

Enlargement of kitchen window opening

There is evidence in the stonework that this opening may historically have been larger than seen in 2012 before work commenced. The opening as seen now does not seem to relate particularly to the dimensions of other windows on the ground floor but the works can be accepted. Although possibly larger than one would have considered, the detail is an improvement on what was there previously. Replacement of the stone lintol with timber would not have been supported had this work been requested prior to its realisation.

Removal of second floor bedroom lath and plaster ceiling

Advice was given at preapp stage that removal of this ceiling would not be supported and that it would be an unjustified loss of historic fabric and harm the significance and architectural integrity of the heritage asset. However, during works to create an ensuite shower room, a small area of plaster detached from the ceiling so, without reference to the planning department, the whole ceiling was taken down. The argument has been put forward that as the purlins are not parallel, the lath and plaster ceiling was not always intended to be there. It is possible that the gable dormers were a later addition and their creation would have necessitated alterations to the purlin positions on the front elevation. No historical research has been submitted by the applicants to support the concept that the lath & plaster ceiling was not originally intended to be there. It's removal has resulted in the unjustified loss of historic fabric and harmful alteration to the architectural integrity of the heritage asset. The applicants have been asked to reinstate the lath & plaster ceiling but have declined to carry out the work.

Recent blocking up and recreation of gate in the garden boundary wall

There was a timber garden gate set in the boundary wall between the garden and the track opposite the threshing barn, and directly opposite a matching gate in the wall to the neighbouring property, was removed and the wall infilled. This was an unjustified removal of historic fabric and removed evidence of the original relationship between the farmhouse, garden and outbuildings. The applicants were asked to reinstate this gateway and fix a timber gate in place to match that which had been removed. To date, the gateway opening has been re-formed but the stonework on either side of the gate opening has been very crudely mortared in to the extent that the large coping stones running across the top of the gateway are not horizontal as previously seen, but slightly arched. Whilst an attempt has been made to reinstate this opening, the result is unacceptable and harms the character and setting of the heritage assets. There is another doorway in the boundary wall opposite which could be used for reference.

11. Conclusion (The Planning Balance)

The works that have been carried out have resulted in the loss of more historic fabric and architectural details than were necessary or justified. The level of information supplied to support these works is poor and has little reference to conservation policy or ethics. As this is a private dwelling, there is no public benefit from these works to outweigh the harm caused. The works are therefore contrary to Section 16(2) of the Town and Country Planning Act 1990, which requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.." They are also contrary to policies in The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the BS7913 and Historic England's Planning Advice Note 2 (Managing significance in Decision-Taking in the Historic Environment).

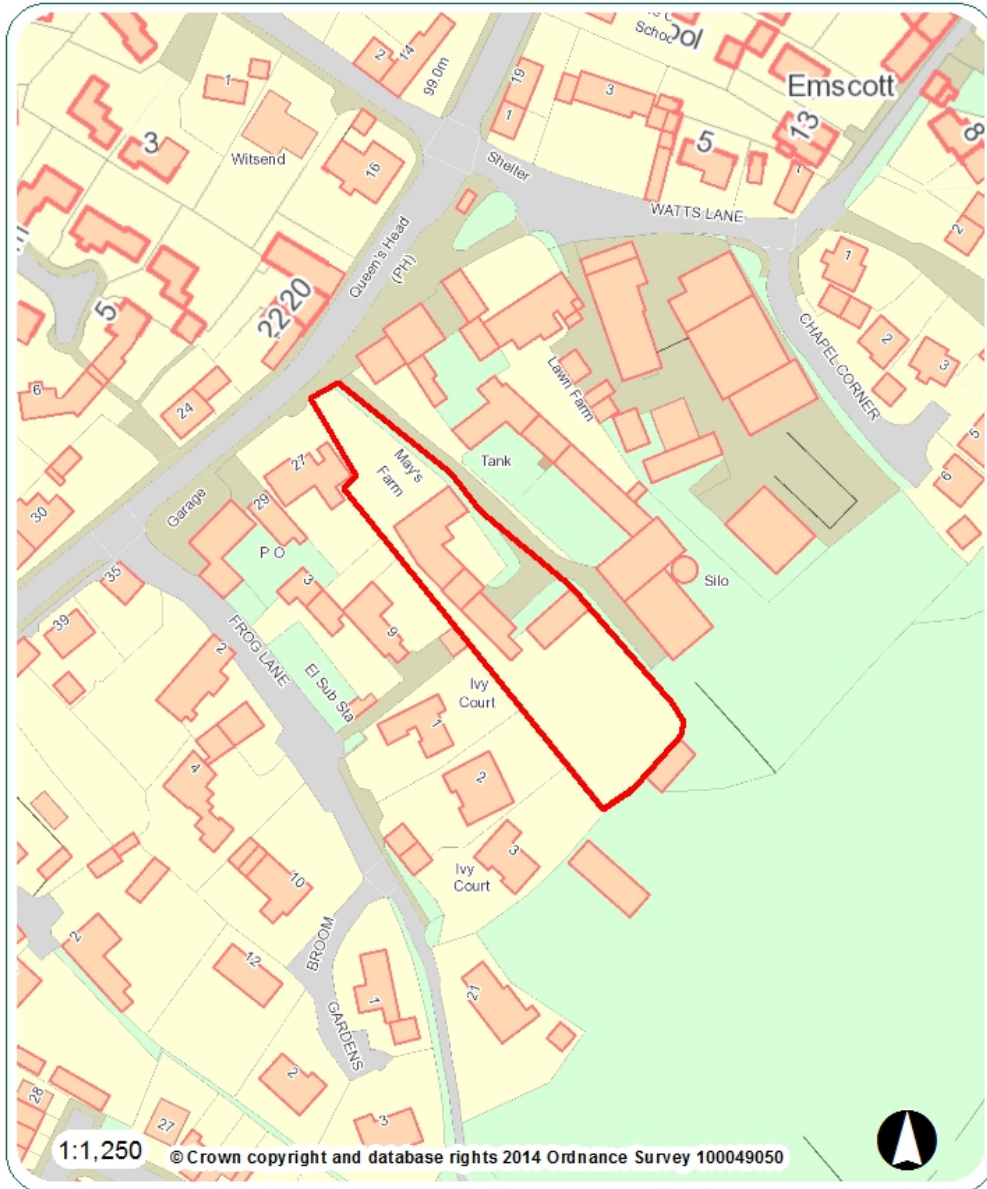
On a local level, CP58 (Ensuring the Conservation of the Historic Environment)

RECOMMENDATION

Listed Building Consent should be REFUSED for the reason set out below:

- 1 The works, by reason of its design, size and location fails to conserve the character and special interest of the heritage asset and the setting of adjacent heritage assets. This harm is not otherwise justified by any public benefit so the proposals are therefore contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 131, 132, 134 and 207 of the National Planning Policy Framework and Core Policy 58 of the adopted Wiltshire Core Strategy.

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