

# AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 27 November 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Samuel Bath of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718211 or email [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Russell Hawker	Cllr Pip Ridout
Cllr John Knight	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While (Vice Chairman)

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## Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Helen Osborn
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Dennis Drewett	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe
Cllr David Jenkins	

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# **AGENDA**

## **Part I**

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

1 **Apologies for Absence**

To note any apologies for absence for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve the minutes of the last meeting held on 6 November 2013 (copy attached.)

3 **Chairman's Announcements**

To receive any announcements through the Chairman.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions** (*Pages 9 - 10*)

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 in person no later than 5.50pm on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

## 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 Wednesday 20 November 2013**. 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 Applications**

To consider and determine the following planning applications:

6 **13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP** (*Pages 11 - 18*)

6 **W/12/02081/FUL - Land Adjacent to Sewage Treatment Works, Slag Lane, Westbury, Wiltshire** (*Pages 19 - 38*)

6 **13/03919/FUL - Made to Measure Ltd, Carsons Yard, Warminster, Wilts, BA12 9NA** (*Pages 39 - 46*)

6 **13/03824/FUL - Land to the Rear of: 12 and 12a Westbury Road, Warminster, Wiltshire** (*Pages 47 - 58*)

### 7 **Urgent Items**

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

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## **WESTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 NOVEMBER 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Fleur de Rhé-Philippe (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

#### **Also Present:**

Cllr Gordon King

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#### **97 Apologies for Absence**

Apologies for absence were received from Councillors Horace Prickett and John Knight.

Councillor Prickett was substituted by Councillor Fleur de Rhé-Phillipe.

#### **98 Minutes of the Previous Meeting**

The minutes of the meeting held on 16 October 2013 were presented for consideration. It was,

#### **Resolved:**

**To APPROVE as a true and correct record and sign the minutes.**

#### **99 Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

#### **100 Declarations of Interest**

Councillor Pip Ridout declared a non-pecuniary interest in application 13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP - by virtue of representing the local member who was not able to be present, and therefore

being more involved with the application than usual, but following advice would speak and vote on the item as normal and consider on its merits.

Councillor Russell Hawker declared a non-pecuniary interest in application 13/02904/FUL - 17 Chalford, Westbury, Wiltshire, BA13 3RG - by virtue of being Chair of Westbury Town Council's Planning Committee where the item had been previously discussed, and would contribute to the debate and vote.

#### 101 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

#### 102 **The Definitive Map and Statement for the Bradford and Melksham Rural District Council Area Dated 1952 as Modified Under the Provisions of the Wildlife and Countryside Act 1981**

##### Public Participation

Karen Howe, on behalf of the Landowner Mr Harris, spoke in objection to the orders.

Mr Martin Moyes spoke in support of the orders.

Mr Rodney Moody spoke in support of the orders.

Mr Bob Mizen spoke in support of the orders.

The Rights of Way Officer presented a report on The Wiltshire Council Parish of Holt (Holt Path No. 71) Rights of Way Modification Order 2013, and The Wiltshire Council Parish of Holt (Holt Path No. 72) Rights of Way Modification Order 2013, recommending the orders be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation the orders be confirmed.

The Committee was advised that orders were made where it was reasonably alleged, on the balance of probabilities, that a walking route existed, and that the period of alleged use ran from 1991-2011. As an objection had been received to the order, the matter was required to be determined by the Secretary of State, with the Committee to make a recommendation only, following consideration of all the available evidence.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed there was no minimum use requirement on the suggested paths, and it was also stated that while aerial photographs were often useful considerations, weather, use, timing of photo, soil composition and other factors meant that it was possible for existing or well utilized routes to not be obvious.

Members of the public then had the opportunity to present their views to the Committee.

The Local Member, Councillor Trevor Carbin, then spoke in support of forwarding the orders for confirmation to the Secretary of State.

The Committee then discussed the process by which a determination would be made by the Secretary of State and the impact of the Committee's resolution on the matter on that determination.

It was,

**Resolved:**

**That the Wiltshire Council Parish of Holt (Holt Path No.71) Rights of Way Modification Order 2013 and the Wiltshire Council Parish of Holt (Holt Path No. 72) Modification Order are forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Orders be confirmed.**

**103 Planning Applications**

The Committee considered the following applications:

**104 13/02371/FUL: 57 Damask Way, Warminster, Wiltshire, BA12 9PP**  
**Public Participation**

Mr John Brewster spoke in objection to the application.

Mr Christopher Hubert spoke in objection to the application.

Mrs Maddocks spoke in objection to the application.

Cllr Sue Fraser, Warminster Town Council, spoke in objection to the application.

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the impact upon the immediate area and local amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Pip Ridout on behalf of the Local Member, Councillor Keith Humphries, then spoke in objection to the application.

A discussion followed where the impact of the proposed windows on the proposed extension was discussed, and whether the glazed windows on the first floor were sufficient to prevent overlooking of neighbouring properties, and whether the alignment of the land between the two properties led to a negative impact from the designs.

At the conclusion of debate, it was,

**Resolved:**

**To DEFER the application until the next meeting to allow for a site visit to take place.**

105 **13/02945/FUL: Land North West of 69A, Upper South Wraxall, BA15 2SA**

Public Participation

Mr Martin Dennafoord, applicant, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was clarified that the proposed change of use and six stable barn, with access route, would be for private equestrian use, not commercial use, and lie within the Green Belt.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed that private equestrian use came under the policy of recreation use, which permitted development in the Green Belt. Details were also sought on water and electricity provision for the proposed stables.

The Local Member, Councillor Trevor Carbin, then detailed the concerns of the parish council in objecting to the application, and that he felt that as it was not for commercial use as had been initially feared, the suggested conditions addressed most other concerns.

At the conclusion of discussion, it was,

**Resolved:**

**To GRANT planning permission 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 only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

**REASON: In the interests of highway safety and to protect the openness of the Green Belt**

- 3 **The development hereby approved shall be carried out in accordance with the materials stated in the application form received by the Local Planning Authority on 12th August 2013.**

**REASON: To ensure the proposal is appropriate and to reduce its impact upon the Green Belt**

- 4 **The development hereby approved shall be carried out in accordance with the arboricultural method statement received by the Local Planning**



**Authority on 12th August 2013.**

**REASON: To ensure the mature trees located within the Green Belt are not harmed during construction of the development**

- 5 The development hereby approved shall be carried out in accordance with the Planning Statement received on 11th October 2013 by the Local Planning Authority and no horse manure or any other materials shall be burnt on site.**

**REASON: To ensure manure and waste from the site is stored and disposed of appropriately**

- 6 The landscaping shown on the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

- 7 No part of the development hereby permitted shall be first brought into use 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.**

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans annotated as:**

**Site Plan, Landscaping Plan, Proposed Access Track and Hardstanding, Stable Elevation and Floor Plans, Cross Section through Menage received on 11th October 2013.**

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

Public Participation

Mr John Norris spoke in objection to the application.

Mr Graham Dobson, applicant, spoke in support of the application.

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the principle of the proposed alterations to create a studio workshop from existing garages, with dormer windows, and the impact upon neighbouring amenity from the design. It was clarified that previous residential applications for the site had been refused due to access concerns, but that highways had not objected to the current application.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Gordon King, then detailed the local concerns as raised by the objector and the Town Council.

A debate followed, where the usefulness of a site visit by the Committee was discussed and by majority felt not to be necessary in this instance given the information provided and principle matters of concern. The requirement that the site not be used for commercial use was raised and whether suggested conditions needed strengthening, along with consideration of the impact of the proposed dormer windows.

At the conclusion of debate, it was,

**Resolved:**

**To GRANT planning permission 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. 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, studio, store and workshop 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.**

3. **The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Chalford, Westbury and shall not be separately let or sold.**

**REASON: The building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a non-residential use, in particular in relation to traffic generation at the access point onto Warminster Road.**

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

**Drawing number 13712 - 1 received on the 17 October 2013;  
Drawing number 13712 - 2 received on the 9 August 2013; and  
Drawing number 13712 - 3 received on the 9 August 2013.**

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

#### 107 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.55 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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**Wiltshire Council**

**Western Area Planning Committee**

**16 October 2013**

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## **Item 5 - Public Participation**

**From Councillor Trevor Carbin, Holt and Staverton Division**

### **Question 1**

Wiltshire Fire and Rescue service's Public Safety Plan states, under the heading Planning Gain, "We are one of only a few fire and rescue services in the country to be fully written into local planning strategies. ... We are receiving developer contributions towards new or upgraded fire stations that we may need in the future...."

Western Area Planning agendas often contain requests from the Fire and Rescue service for developer contributions, but these are invariably declined\*. Could officers clarify the position about such requests, and explain the service's claim to be in receipt of developer contributions?

\*eg 13/02945/FUL 6/11/13: " The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so."

Ref. WFRS Public Safety Plan 2013/13 – 2016/17 p22.

### **Response**

**Mike Wilmot**  
**Area Development Manager, Central**

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**REPORT TO THE WESTERN AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	27 <sup>th</sup> November 2013
<b>Application Number</b>	13/02371/FUL
<b>Site Address</b>	57 Damask Way Warminster Wiltshire BA12 9PP
<b>Proposal</b>	Two storey side extension, conversion of garage to domestic room
<b>Applicant</b>	Mr and Mrs L Fullaway
<b>Town/Parish Council</b>	WARMINSTER
<b>Grid Ref</b>	387540 144292
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Carla Rose

**Background**

Members will recall that this application was deferred at the last meeting of the committee on the 6<sup>th</sup> November 2013 for members to undertake a site visit.

The site visit will take place before the meeting on 27<sup>th</sup> November 2013.

Members also requested further information on the application for the report. Clearly, the site visit will be the most useful aid to members in assessing the impact of the proposal on the amenity of the adjacent property and on the appearance of the area, which are the two issues pertinent to this application.

However, although it was claimed at the meeting that the extension would be 7 metres in height at a distance of only 1.5 metres from the boundary fence with the neighbour, this is confusing two different measurements. The extension is close to the neighbour's boundary at its south-east corner, but the 7 metre high point of the ridge is further away. To clarify orientation, the proposed extension lies to the north-west of the neighbour's house.

Finally, the plans propose that the first floor side window in the side extension will be obscure glazed. If following the site visit, members considered that the ground floor window in the side elevation would result in a significant loss of privacy to the neighbour, this could similarly be dealt with by a condition requiring this window to be obscure glazed.

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

Councillor Humphries has requested that the application be called to the Planning Committee for the following reasons:

- Scale of the development
- Relationship to adjoining properties
- Design
- Siting of the drains
- Dominance of the building
- Loss of light

## **1. Purpose of Report**

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

## **2. Report Summary**

The main issues to consider are:

- design issues and impact upon the immediate area
- impact on amenity
- highway and access considerations

## **3. Site Description**

57 Damask Way is detached house on an estate development and sits amongst other detached dwellings. The site is located at the end of a cul de sac and is set back from the street frontage. The site has an existing vehicular access.

## **4. Planning History**

W/13/00404/FUL - Two storey side extension, conversion of garage to domestic room – Withdrawn 03.05.2013

## **5. The Proposal**

The proposal is for the erection of a two storey side extension and the conversion of a garage to a domestic room. The extension is 4 metres in width and 5.185 metres in depth, with a ridge height 300mm below the existing ridge line. It is set back 2 metres from the front wall of the dwelling.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004 – policies C31a Design; C38 Nuisance

## **7. Consultations**

Wiltshire Council Highways – no objections

Warminster Town Council – object because of the siting of the drains, dominance, loss of light to neighbouring property and the accuracy of the plans

Wessex Water – No objection received. Advice on sewers provided

## **8. Publicity**

The application was advertised by site notice/neighbour notification. Expiry date: 26th August 2013.

Neighbourhood Responses – 2 letters of objection have been received with the following comments from the same neighbour (summarised):

- Extension would be imposing due to location, angle, height of land and levels. It was advised



that number 57 Damask Way is at a higher height than number 59 Damask Way.

- Visual balance of property interrupted
- Front elevation does not accurately show the appearance of the dwelling. It does not show the angle. Small wall to the front of the property is not shown accurately. The neighbour advised that they have not been notified about what would happen to this wall.
- Front elevation would be ugly and appear unbalanced
- First floor window is larger than ground floor window
- Extension would be the same size as a one bedroom terraced house
- Windows around corner of dwelling do not resemble existing design
- The cul de sac is a focal point
- Opaque glazing would be harmful to the design of the estate
- Overlooking of garden and conservatory from ground and first floor window as the extension would be higher than the neighbours
- Overlooking from ground floor windows
- Opaque glazing will still give a feeling of overlooking and could be changed to clear glazing at a later time
- Downstairs window will overlook garden and conservatory because the extension will be at a higher height
- A 2m high fence would need to be constructed to avoid overlooking which would be expensive.
- Loss of light to garden and conservatory in the evening and late afternoon from Spring to Autumn. Seating area would be in the shade
- Supplementary Planning Guidance states that 10m should be between extensions and gardens, but plans show 5.5m
- Loss of privacy
- Concerns regarding car parking because a three bedroom house is proposed to be changed to a five bed room house. No extra parking is proposed and there is no off street parking
- There is already congestion and this would be exacerbated.
- 2m high wall between properties does not exist.
- Small wall to front of property is not as high or wide as indicated on drawing and is owned by number 57 Damask Way and 59 Damask Way.
- Chimney not shown on all drawings.
- Nuisance from the smoke of the chimney.
- Drain problems in area
- No objections were raised regarding the garage conversion

## **9. Planning Considerations**

### **9.1 Design issues and impact upon the immediate area**

It is considered that the proposed extension would not have an adverse impact upon the character of the existing dwelling and the street scene because the proposed extension is set back from the front elevation of the dwelling with a ridge line lower than the existing. Revised plans show that the extension is no longer proposed to be at an angle, which would mean that the extension would be more in keeping with the host dwelling. Furthermore, matching materials are proposed to be used which would mean that the proposed extension would harmonise with the existing dwelling and its surroundings.

A neighbour raised concerns that the use of opaque glazing would be harmful to the design of the estate and that the first floor window would be larger than the ground floor window. It is not considered that opaque glazing would be harmful to the design of the estate because an opaque glazed window could be inserted at a later stage without the need for planning permission. The plans show the ground and first floor windows being the same size. Concerns were also raised that the visual balance of the property would be interrupted. For the reasons already discussed

this is not considered to be a concern.

For the reasons discussed above it is considered that the proposal complies with policy C31a

## **9.2 impact on amenity**

Due to the orientation and location of the proposed extension it is not considered that loss of light and overshadowing should warrant a reason for refusal as it would not be any worse than the loss of light and overshadowing caused by the existing dwelling.

It is not considered that the proposed extension would be overbearing because the extension is set in approximately 1m to the neighbouring boundary and approximately 8.1m to the neighbouring dwelling and because a pitched roof is proposed.

A first floor window is proposed in the side elevation of the dwelling serving a bedroom. The plans have been annotated to say that it will be a non-openable and obscure glazed which is considered to be acceptable to ensure it does not overlook the garden of 59 Damask Way.

A first floor window is proposed in the front elevation serving a bathroom. The plans have been annotated to show that this is proposed to be obscure glazed, which would prevent overlooking of the neighbours property.

For the reasons discussed above it is considered that the proposal complies with policy C38

## **9.3 Highway and access considerations**

It is recognised that the number of bedrooms is proposed to increase and that a garage is proposed to be converted. However, the plans show that there is space for three cars to the front of the property and therefore the Councils Highways Officer has recommended no objections. Furthermore, the garage could be converted under permitted development rights.

## **9.4 Other**

The location of the drains was raised as a concern. If the extension is proposed to be built over any public drain it would be the applicant's responsibility to contact Wessex Water and relocate them.

A neighbour mentioned that a 2m wall does not exist between the properties and that the chimney is not shown on all plans. The plans indicate that there is a wall to the front of the property that was seen on site. No other boundary treatments are shown on the plans. Revised plans show the position of the chimney.

A neighbour advised that the small wall to front of property is not as high or wide as indicated on drawing and is owned by number 57 Damask Way and 59 Damask Way. The elevational drawings show that this wall is proposed to be set further back by approximately 0.4m. It is not reasonable to request further clarification on this because the applicant has signed certificate A to say that they own the land and because the wall is shown on the drawings.

## **10. Conclusion**

In conclusion it is considered that there would be no harm to the character and appearance of the dwelling or the street scene and that there would be no harm to neighbour amenity. Approval is therefore recommended.

**RECOMMENDATION: Grant permission 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. The first floor windows in the southern elevation serving a bathroom and east elevation in the extension shall be obscured glazed prior to the first occupation of the extension hereby permitted and shall be so maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 E, PL02 E, PL03 E, PL04 E, PL05 E received on 27.08.2013

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

**INFORMATIVE:**

The applicant is advised of the following information from Wessex Water:

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. Sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and applicants should survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It will be important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

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BA14 0RD www.wiltshire.gov.uk  
MSA: 100022961

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<b>Date of Meeting</b>	<b>27.11.2013</b>		
<b>Application Number</b>	<b>W/12/02081/FUL</b>		
<b>Site Address</b>	<b>Land Adjacent Sewage Treatment Works Slag Lane Westbury Wiltshire</b>		
<b>Proposal</b>	<b>Proposed solar farm comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment.</b>		
<b>Applicant</b>	<b>Mrs Victoria Prescott - British Solar Renewables Ltd</b>		
<b>Town/Parish Council</b>	<b>Heywood Westbury</b>		
<b>Electoral Division</b>	<b>Westbury North</b>	<b>Unitary Member:</b>	<b>David Jenkins</b>
<b>Grid Ref</b>	<b>386846 152731</b>		
<b>Type of application</b>	<b>Full Plan</b>		
<b>Case Officer</b>	<b>Mr Kenny Green</b>	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

**Procedural Matter and Reason for the application being considered by Committee**

The Elected Members of the Planning Committee are respectfully advised to note that prior to the May 2013 local election, Julie Swabey (as the former Ward Member for Ethandune) called this application for Member's to determine. No delegated authority was sanctioned to officers, and therefore the application is brought before the Elected Members for Julie Swabey's original reason:

To allow this major development proposal be subject to a public discussion before the Planning Committee.

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be approved subject to conditions.

Neighbourhood Responses - (4) letters of objection and (1) representation neither supporting nor objecting were received as cited within section 8 below.

Westbury Town Council Response - Objects for the reasons cited within section 7 below.

Heywood Parish Council Response - Objects for the reasons cited within section 7 below.

**2. Report Summary**

The main issues to consider are:

- \* The Principle of The Development / Sustainable Development Objectives
- \* The Impact upon Heritage Assets (including Archaeology)
- \* The Impact upon The Rural Surroundings and Surrounding Countryside
- \* Hydrology and Flood Risk
- \* The Impact on Ecological Interests
- \* The Impact on Highway Interests
- \* EIA Screening

### **3. Site Description**

This application relates to a 12.5 hectare site forming part of Blenches Mill Farm agricultural holding located within the open countryside and captured by two electoral wards of Westbury North and Ethandune (which consequently involves both Westbury and Heywood parishes). For completeness sake and in the interests of being inclusive, both Westbury Town Council and Heywood Parish Councils have been consulted throughout the planning process.

The site is located in the open countryside outside of the development limits of Westbury, 500m south of Heywood and over 2km from North Bradley. The Adopted West Wiltshire District Plan identifies that the site falls within the designated sewage treatment works buffer zone which is covered by WWDP Policy U5. However, this Policy is primarily concerned with restricting odour sensitive development (i.e. housing).

The site and its environs does have archaeological interest. Previous and contemporaneous archaeological assessments and on-site testing have revealed evidence of prehistoric and later settlement archaeological remains on the site and under adjacent farmland.

The agricultural land is bounded in part, by hedgerows mixed with a scattering of trees. The gently undulating land has a ridge running on an east-west axis which has historically been managed for grazing and arable purposes. The land carries a Grade 3b agricultural land designation; and is thus classified as being of moderate quality capable of producing moderate yields of a narrow range of crops.

The site is designated within Wiltshire's Landscape Character Assessment as forming part of the 'Trowbridge Rolling Clay Lowland' located below the Salisbury Plain escarpment. Whilst the application site may be considered a greenfield site, there is evidence within the surrounding rural environs of some fairly significant forms of rural industrialisation - exemplified by the West Wilts Trading Estate located about 500m to the west, the sewage treatment works located approximately 70m to the south, a railway line located to the west and north; and existing electricity pylons, power lines and highway infrastructure - which to varying degrees impacts upon the rural landscape character.

Shallow Wagon Lane and byway runs along the northern site boundary, whilst the western part of the site is crossed by a footpath (Church Path) - HEYW6/10 running in a north-south direction; and another footpath (HEYW12/10) is located further to the south and east.

Apart from Blenches Mill Farm, which is the owner of the land subject to this application, the nearest neighbouring residential property is some 90 metres away in a western direction at Glenmore Farm beyond the railway line and highway infrastructure.

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

91/00275/FUL - Formation of new tipping facility for industrial and commercial waste - Withdrawn 28.04.1998 - NB - this application comprised a small part of the identified landholding.

98/00783/FUL - Equestrian cross country course and use of track and field for parking horse transport - Withdrawn 10.09.1998

### **5. Proposal**

Detailed planning permission is hereby sought for a renewable energy development comprising the erection and installation of an array of photovoltaic (PV) solar panels to convert sunlight into electricity. The proposed PV panels would potentially generate 5.85 MW of electricity (a figure latterly confirmed in mid November 2013 which was reduced from the initially calculated 6.1 MW capacity). The energy to be generated from this development would be fed directly into the power grid which would be sufficient to meet the annual electricity needs of approximately 1740 typical UK households.

The proposed solar farm development (with an expected 25 year lifespan) has been subject to extensive negotiations and consultations which have inter alia led to revisions to incorporate the safeguarded Westbury bypass route and retain the PROW which runs through the site. The proposed



layout comprises the installation of approximately 23,400 panels set out in rows orientated in a manner to maximise sunlight and electricity production. The arrays would be set back from hedgerows and trees to avoid shadows being cast across the panels (which would reduce solar gain). Decommissioning is planned for the 26th year, at which point, the infrastructure would be removed.

The mounted PVs would be 2.6 metres above ground level and there would be a 0.8 metre clearance underneath. The mounting frames would be pile driven to a depth of 1-2 metre (depending on ground conditions). The panels would be 'passive' / fixed i.e. they would not track the sun's path. The proposed product (a multi-crystalline silicon module) has a blue/black appearance and has anti-reflective and self-cleaning surfaces.

To convert the direct current (DC) the panels generate, inverters are required to turn the DC into alternating current (AC) which can be fed into the national grid. The inverter stations would also feature transformers, which would allow the voltage level of the closest grid access point to be achieved. Located close to the arrays, three inverters/transformers as well as a DNO switch gear facility and private switch and fixed position day/night security camera are proposed for this installation.

In addition, 5 thermal imaging cameras would be mounted on 6 metre high poles sited around the site to provide a degree of security. Furthermore, a 2 metre high perimeter security deer fence is proposed to deter human and animal interference. The weld mesh fence would be erected on the inside of existing and proposed hedgerow and landscape planting and would be finished using a recessive dark green colour to blend it with the landscape.

The ground under and around the proposed panels would be retained for agricultural (sheep grazing) purposes. This application can therefore be accredited as a farm diversification proposal and not one which would comprise a 'loss' of agricultural land.

Whilst part of the site boundaries are lined by existing hedgerow and a limited scattering of trees, the applicant proposes to plant infill native thorn hedgerow to bolster existing boundaries and along much of the southern boundary (to screen the development from the PROW to the south) which would be further bolstered by new tree planting consisting of Willow, Oak and Alder along part of the southern boundary and plant birch and field maple along the south-western boundary to avoid any railway conflicts. The applicants also propose to plant and maintain a native hedgerow on either side of the PROW / safeguarded route running through the site to add further on-site screening.

The land between the security fence and boundary hedging would also be allowed to develop naturally (with a hay harvest taken in late summer).

Construction access shall be gained via the existing landowner's farm track located to the north east of the site and across the fields. Post construction, the operational site access point is identified as being located in the northern most point located directly off Shallow Wagon Lane - to be used periodically for maintenance checks.

The construction/installation is timetabled to take about one month which shall require HGV deliveries to bring all the equipment on to the site. Abnormally long or wide loads are not anticipated, with the possible exception of the transformer delivery.

During the construction period, the development would involve the creation of a temporary 'construction' compound and operative parking area on the site - which would be entirely removed following the completion of works and the land restored and re-seeded where necessary.

Grid connection would likely be made via existing nearby overhead power lines.

Although this application was initially submitted back in November 2012, it has been subject to an extensive amount of survey work, negotiation and discussion. Accompanying this application, the applicants have submitted the following supporting statements:

- \* A Design and Access Statement;
- \* A Planning Supporting Statement - supplemented by an update letter (dated 19 September

- 2013) explaining the discussions and meetings held with key consultees and the case officer;
- \* An amended (September 2013) Landscape and Visual Impact Assessment;
- \* An Archaeological Assessment - latterly supported by an archaeological geophysical survey (dated March 2013) and an archaeological trial trench evaluation report (dated October 2013);
- \* An Ecological Assessment - updated by way of a bat activity/foraging surveys (which were published and submitted in October 2013);
- \* A revised Heritage Impact Assessment (dated 19 September 2013); and,
- \* A Flood Risk Assessment.

## 6. Planning Policy

### **West Wiltshire District Plan 1st Alteration (2004) (WWDP)**

Policy T1a - Westbury Bypass Package; Policy C34 - Renewable Energy; Policy C1 - Countryside Protection; Policy U5 - Sewage Treatment Works; C6a - Landscape Features; C15 - Archaeological Assessment; C31a - Design; C32 - Landscape; C35 - Light Pollution; C38 - Nuisance; and, E9 - Agricultural Land; T12 - Footpaths and Bridleways.

### **West Wiltshire Leisure and Recreation DPD (2009)**

CR1 - Footpaths and Rights of Way

'The State of the Environment Wiltshire and Swindon 2012'

### **The Emerging Wiltshire Core Strategy (eWCS)**

Strategic Objective 2: Addressing Climate Change and Strategic Objective 5: Protecting and Enhancing the Natural, Historic and Built Environment. Core Policy 42 - Standalone Renewable Energy Installations; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 58 - Ensuring the Conservation of the Historic Environment

### **Government Guidance**

The National Planning Policy Framework (NPPF)

## 7. Consultations

Westbury Town Council - Objects on the following grounds:

- \* Spoils the view from the important landscape viewing point located by The White Horse.
- \* Offers no direct economic benefit to the local community despite being a blot on the landscape
- \* Other sites exist further away from the above mentioned viewing point and there is no evidence that their viability has been explored.
- \* Insufficient information provided to deal with the possible adverse effects on bats and other wildlife
- \* Insufficient information provided on possible archaeological significance of the site.

Heywood Parish Council - Objects on the following grounds:

- \* The size of the proposed site and the height, siting and construction of the solar farm would have a greater visual impact than as suggested by the applicant.
- \* The site has great archaeological importance.
- \* There may be a safeguarding issue with Saved Policy T1A of the West Wiltshire District Plan – 1st Alteration - which runs through part of the site.
- \* Traffic and access requirements raise concern over safety and congestion within the Parish.

Wiltshire Council Climate Change Team - Emerging Wiltshire Core Strategy Policy 42 expressly supports stand alone renewable energy installations. The application should also be considered within the context of the adopted West Wiltshire District Plan. This sets sustainability as a high priority, arguing that "continued use of non renewable natural resources damages the natural environment and contributes to global warming" (paragraph 2.4.22).

In April 2012 Wiltshire Council endorsed and co-published with the Wiltshire Wildlife Trust 'The State of the Environment Wiltshire and Swindon 2012', within which, the following statement was made:

*"A key element of the UK government's strategy to tackle climate change is to increase renewable energy generation. In 2010, Wiltshire (including Swindon) had one of the lowest installed renewable energy capacities and the smallest number of projects in the South West region. To meet the UK Renewable Energy Strategy target of 30% renewable electricity by 2020, Wiltshire's capacity would need to increase from 10.4 MW in 2010 to around 367 MW".*

The scheme as described will provide about 5.85 MW of renewable energy which will be supplied directly to the high voltage (33kV) National Grid near to the site. On purely renewable energy generating terms, this scheme is to be positively recommended. At just under 6 MWs, it would represent nearly 1% of Wiltshire's 2020 renewable targets and would increase Wiltshire's current installed capacity (based on Regen SW 2013 reporting) by over 10%.

Wiltshire Council Highways - No objections raised subject to conditions. The applicant has latterly confirmed where construction access is proposed for the site; being the main farm access to the A350. There is no highways based objection to this access being used in principle, but the width of the existing access appears to be too narrow to accommodate two way movement of the type of lorries that might be anticipated to be delivering materials to the site. A construction traffic management plan is therefore recommended by condition.

Wiltshire Council Public Protection Team - No objections and no conditions requested.

Wiltshire Council Council Spatial Planning Team - No objections. It should be noted that saved WWDP Policy T1a safeguards a route for the Westbury Bypass - which is shown on the proposals map and that the proposed route goes through the proposed development site. For completeness sake, Policy T1a states that:

"Land to the north and east of Westbury, from north of the existing Cement Works Roundabout and to the south of Madbrook Farm, as shown on the Proposals Map, is safeguarded as the County Council's preferred route option for the A350 Westbury Eastern Bypass and the Glenmore Link".

The Policy goes on to say that "other development will not be permitted on this safeguarded land if it would be likely to prejudice the implementation of this scheme".

Through discussions with the applicant this Policy requirement resulted in a layout revision incorporating an undeveloped area through the middle of the site to allow for the implementation of any future bypass scheme. Subject to there being no objections from the highways authority, Policy T1a would not be compromised.

Policy T1a and the safeguarded route for the Westbury Bypass have been carried over into the emerging Wiltshire Core Strategy. Core Policies 42 (Standalone Renewable Energy Installations) and 51 (Landscape) from the Core Strategy set out the Council's future Policy direction on these issues. The Core Strategy is at an advanced stage, with the hearing sessions having concluded in July 2013 and the Inspector's Report expected in the late autumn of 2013. It is submitted that the Strategy and Policies must be afforded due weight.

Policy C34 of the West Wiltshire District Plan 1st Alteration (2004) outlines a number of criteria with which planning applications for renewable energy schemes must comply. These include the impact upon environmental, archaeological and visual impact on the surrounding landscape. These considerations are emphasised within the recent Planning Practice Guidance for Renewable and Low Carbon Energy from the Department of Communities and Local Government (July 2013). Policy C1 of the West Wiltshire District Plan 1st Alteration (2004) seeks to ensure that development proposals in the open countryside should both benefit economic activity and maintain and enhance the environment. The Policy requires acceptable mitigation measures with development in the countryside, where appropriate, to minimise its impact on the landscape. The proposals for this development must comply with the criteria listed under Policy C34 to the satisfaction of the relevant specialist Council officers.

Policy U5 defines a sewage treatment works buffer zone around the proposed solar farm development site. The applicant will need to check with Wessex Water to ensure that there are no issues with respect to the proposed development site's proximity to the buffer zone.

English Heritage - No objections. Extensive consultations and consideration of the comprehensive heritage impact assessments both within Heywood House its grounds and beyond have taken place. The detailed analysis and discussions held with the applicants appointed agents has helped to clarify that the only views from the house and grounds that would be materially impacted on by this proposal would be secondary views. The principal rooms of the house would not be affected by this scheme and those views from within the grounds would be mitigated by the extra landscaping that the applicant has now agreed to put in place and to improve existing hedgerows.

On the basis of this clarification, EH consider that the proposal would have a less than substantial impact on the setting of Heywood House and its grounds. Furthermore, no substantive heritage based objection is raised in respect to the development proposal and its impact on Bratton Camp/The White Horse Scheduled Ancient Monument.

EH recommend that this application should be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

Wiltshire Council Conservation Officer - No objections. As far as this application is concerned, the key heritage impact relates to the Grade II\* listed Heywood House - which is an impressive and important historic building sitting on a raised terrace that has commanding views.

Following a meeting with the applicant and the planning and heritage agents in early November and consideration of the submitted supporting statements and analysis, it is asserted that this application, subject to robust landscaping conditions, would not demonstrably or detrimentally affect the character, appearance or setting of the identified heritage assets.

Wiltshire Council Archaeologist - No objections. The site is of archaeological interest. Geophysical survey and evaluation excavation was undertaken in relation to the proposed Eastern Bypass road scheme in 2003 and evidence for prehistoric, Romano-British and later settlement and agricultural activity was found at the site. The Archaeological Assessment submitted as part of this application illustrates the 1808 enclosure award map showing 'Church Path' running across the site, and to the south an area named 'Quarr Tynning' which may be associated with the first use of the site for quarrying. The tithe map of 1840 shows 'Money Well' to be situated at the western part of the site, which may be the one excavated by Cunnington in 1879 that had finds from the Romano-British settlement at Ham found at the bottom of it. Later quarrying associated with the Westbury Iron Works to the south west of the site is shown on the later Ordnance Survey maps.

Extensive finds indicating a large Romano-British settlement have been recovered in the area of The Ham and largely during the quarrying and mining operations in the area. The archaeological investigation has identified a number of ditches and pits across the site, which appear to date to the prehistoric period and the majority is indicative of a general background of activity that may relate to agricultural practices and/or settlement in the wider vicinity of the site. The trial trench evaluation has provided a degree of confidence in the geophysical survey results and has broadly characterised the archaeological remains within the site. Of particular interest is a Late Bronze Age/Early Iron Age enclosure at the eastern end of the site, in which two internal features were recorded (trench 16) and a cluster of Bronze Age pits at the western end of the site (trench 1).

Mitigation shall be required in particular areas of archaeological interest to ensure remains are preserved either in situ or by further excavation and recording. Should permission be granted, a mitigation strategy should be secured through an appropriate planning condition.

Council's Strategic Landscape Officer - No objections. In terms of landscape character there would be a marked change in the appearance of the fields (albeit 'temporary' long term) from an agricultural landscape to urbanising solar panels, but on balance there would be some landscape enhancement in the form of new planting which would be beneficial. Although the spatial experience of the users of the footpath crossing the site would be altered, it is hoped that their amenity would be restored once the mitigation planting has developed.

There are key views of the whole site from the Wellhead Valley & Beggar's Knoll (Viewpoint 9 & 10) and from The Westbury White Horse (Viewpoint 11). Although these views are from within the Special

Landscape Area they are experienced with the context of Westbury town and the industrial estate. Whilst the development would introduce more clutter to the urban fringe of Westbury and bring about further change to these views, the development would not cause harm to the designation of the SLA. Robust landscaping related conditions are however necessary.

Wiltshire Council Ecologist - No objections. The bat study (Bat Activity Survey work published in Oct 2013) was carried out in accordance with the good practice guidelines for bat surveys and as agreed with the Council. Overall the surveys reveal that there was a moderate to high level of bat activity across the site. The majority of passes were of pipistrelle bats (83% for both types of survey). The transect surveys recorded 3 lesser horseshoe passes (0.5%) while the static detector surveys recorded 134 lesser horseshoe passes (1.4%) and 6 greater horseshoe passes. As a consequence, the site is considered to fall within the normal foraging range of a number of lesser maternity roosts, but is unlikely to be used by greater horseshoe bats as anything other than a transitory site at the present time. Barbastelle and Bechsteins bats were not recorded during the surveys and none of the trees on site are considered suitable for supporting bat roosts. The transect surveys demonstrate that most of the bat activity is concentrated along the hedgerows, although some activity was recorded in the fields.

All of the existing hedgerows should be retained by the scheme. New hedgerows either side of the public right of way would provide a link between the Greenway (double hedgerow) on the north-west side of the site and the water body/rank grassland to the south east. Land between the site boundary and the perimeter fencing (minimum width 4.0m) will be allowed to grow up unchecked except for one hay cut per year. New hedging should be planted along most of the south western boundary of the site and two significant lengths of hedgerow will include regularly spaced tree planting.

The existing grassland is of low value for bat foraging and the hedgerow network will be improved resulting in a net gain for bat foraging habitat. There would also be some enhancement of bat commuting routes from new hedgerows to be planted along the PROW. There are no bat roosts on the site; but given the site's/surrounding ecological interest, the site should remain unlit. On this basis, it is unlikely that the development would lead to significant effects to the Bath and Bradford on Avon Bats SAC.

It is also necessary to record that a number of other developments are proposed nearby including an employment provision at Mill Lane, Hawkeridge, up to 2600 dwellings and employment land being provided at Ashton Park (both sites allocated in the Wiltshire Core Strategy) and 220 dwellings on Trowbridge Road, Westbury (13/03568/OUT). The Council is in pre-application discussions regarding survey requirements for the strategic allocations and all three developments will be subject to project level HRA (Habitats Regulation Assessment) to ensure that there is no loss of bat foraging habitat, flight lines or roosts. As far as this application is concerned, there would be no detrimental in-combination effects from the solar PV development at Blenches Mill.

It is important to ensure that the development would not unduly hasten the demise of existing trees either through impacts on the rooting zone or by the need to remove limbs or the entire tree to reduce shading of the panels. A tree and hedgerow and root protection plan is therefore required.

If the application is to be approved, several pre-commencement planning conditions are necessary in order to facilitate a robust management of the site by the landowner/contractor and monitoring by an ecological consultant and ensure that measures to maintain the value of the site for bats are delivered.

Natural England - No objection raised, but advises that under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

The NPPF expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Protection for ancient woodland is included in Paragraph 118 of the NPPF and states that

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this application the Council should encourage opportunities to incorporate biodiversity in and around the development (pursuant to paragraph 118 of the NPPF).

Environment Agency - No objections, subject to conditions and informatives.

Wessex Water - Wessex Water has a statutory duty to maintain public sewers and water mains and require access for maintenance and repair. Wessex Water is concerned that this solar park proposal would potentially conflict with the incoming 300mm diameter public foul sewer, 300mm public foul syphon and 250mm public rising main. The developer must provide an easement of 3 metres either side of the centre line from the outermost pipe observed. Protection measures (limited cover) post and pre construction should be agreed and markers provided on site. If any cables are proposed near the pipes, 150 to 200mm clearance is likely to be required; with appropriate ducting.

Future works are also required in the vicinity of the existing pipelines as part of obligations under the Water Framework Directive. Proposals are likely to require a construction easement of up to 20 metres over the existing pipelines. The scheme is likely to proceed in within the next 5 years subject to necessary consents. Other construction works may be required in this area driven by development and quality issues.

Network Rail - Raised initial concerns about the close proximity of the development to the rail line and the junction signal running north, whereby there may be the situation of the sun reflecting off the flat panels and interfering with a view of railway signals. Further details were initially requested to establish the level of glare or reflection as this location.

Through further direct negotiations with the applicant/agents, Network Rail agreed to withdraw their holding objection, providing any permission is subject to a pre-commencement planning condition requiring a glint and glare assessment (which would be assessed in consultation with Network Rail). The assessment would assess the visual impact and potential glare from the development on train drivers on the east/west line to the south of the development site. The assessment shall cover an agreed stretch of the rail line 274 metres either side of the signal that lies at the rail line junction to the west of the A350.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 11.01.2013 (to initial proposals) and 11.11.2013 (for the revisions).

(4) letters of objection received raising concern about the following matters:

- \* Westbury Bypass Safeguarding Policy T1A;
- \* The impact on Heritage Assets including Heywood House (Grade II\*) - located a little over 600 metres to the north east; and its setting has not been fully assessed. The main Mansion lies in an elevated position overlooking the Solar Park, as does the rising ground behind the house which encompasses historic Heywood Park and Clanger Wood, an Ancient Woodland and SSS1. Clanger Wood is 750 metres from the Solar Park. 500 metres to the south of the Solar Park lies Westbury Town, which contains approx. 155 listed buildings. To the south east (2-3 Km) lies the escarpment of Salisbury Plain including the Wellhead Valley, Westbury White Horse and Bratton Camp - all part of the proposed AONB extension supported by Westbury Town and Westbury Area Board. This area of the escarpment, which is currently designated as a Landscape Character Area and Special Landscape Areas, looks down on the Solar Park from some height.

\* English Heritage Guidance contained within *"The Setting of Heritage Assets elevates the importance of views from and into heritage assets. "Setting" now 'embraces all of the surroundings' from which the asset can be experienced"*. In its definition of Heritage Assets, English Heritage includes: *"archaeological remains and historic buildings, sites, areas and landscapes"*. The Guidance continues: *"The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting - the surroundings in which it is experienced"*. And furthermore, *"development within the extended setting may also affect significance, particularly when it is large-scale, prominent or intrusive"*.

\* Many of the heritage assets surrounding the Solar Park generate income and are part of the local economy, whether they are managed by English Heritage, the National Trust or private landowners. The Solar Park needs to be judged against the potential impact on the economic sustainability of this area.

\* There are doubts on the reliability of the photographic evidence provided by the developer.

\* The proposed management of existing hedgerows to the north east of the proposed solar park would have no mitigating effect on protecting the setting of Heywood House;

\* The proposed planting to the south will have very little effect on screening the hundreds of residents of Westbury. It is debateable whether the proposed planting of trees, will ever reach a sufficient height to provide adequate screening during the life time of the park, and the trees would have little effect at all in winter as they would be deciduous. The surrounding hedgerows to the north, north east and east will not be sufficient to screen residents on higher ground, as the current plan is for just hedges to be allowed to grow no more than 3m which is the height of the panels;

\* Gross inadequacies with the archaeological assessment for such a sensitive site;

\* Highway concerns;

\* Lack of community engagement by the applicant. The Developer did not contact the owners/occupiers of Heywood House, which is the only listed property of National Importance (Grade II\*) within the applicant's own study area of 750 metres from the site;

\* The application site may not be located within an AONB, but it is overlooked by a proposed AONB; it is also overlooked by LCAs, SLAs and SSSIs, ranging from 750 metres away to 2 km;

\* The landscape Visual Impact Assessment (LVIA) underplays the Solar Park's impact. A large expanse of nearby countryside overlooking the site is designated for its landscape value. Moreover, in the absence of better mitigation through screening, the visual impact on properties, including Heywood House, is not of minor significance, but of moderate to major significance. The photos used in the LVIA do not provide a realistic representation. Photos could have been taken from more relevant positions, as the whole site as well as surrounding farmland is owned by the developer's business partner. Also the photos were taken in early September 2012. Wide angle views were taken that makes everything in mid to far distance look smaller.

\* The report's Landscape and Visual Baselines tend to understate the impact. Under 4.2: *"1 km to the east there is an undulation in the Avon Vale and the land rises to 85m AOD. There are few other elevated views of the site from within Avon Vale due to its low lying, undulating character"*. The land in fact rises just below Heywood House and continues to rise up to Clanger Wood, which is 750 metres north east of the Park. Once again, although under 5.2: *"The site confirms that there are several potentially sensitive receptors within the surrounding countryside"* Heywood House is not mentioned. The report's Impact Assessment on Heywood House covers just a single viewpoint. Under 7.15: *"The solar park will block views from the house from the PRow resulting in an adverse effect to its setting as perceived from this single viewpoint"*. This section then concludes: *"Thus the solar park will have an adverse effect on the setting of the house of minor significance"*.

\* Insufficient ecological assessment. The site has been described by consultees as being "species rich". The ecological appraisal indicates that there is a small water body within 100 metres of the site - which may be suitable for great crested newts. Another water body within 30 metres of the site may support a range of aquatic invertebrates. The suggestion that barn owls shall be attracted to roost at the site seems somewhat odd/ill advised given that the site is located between a busy A-road and the railway line.

\* Concerns raised about access for post completion maintenance using part of Shallow Waggon Lane which is a restricted bridleway. It is not certain that the owners of the proposed site have the necessary private rights of way from the southern end of the bridleway.

(1) letter neither supporting nor objecting was received seeking an assurance that the PRow routes would be retained.

## 9. Planning Considerations

### 9.1 The Principle of the Development/ Sustainable Development Objectives

#### **The Principle of the Development**

The fundamental principle of the planning system is to help achieve sustainable development. WWDP Policy C34 states that renewable energy proposals that are sited in appropriate locations and are acceptable in terms of their impacts shall be supported. The District Plan is further supported by the emerging Wiltshire Core Strategy which includes the core objective of addressing climate change and through Core Policy 42, the Council sets out the parameters within which standalone renewable energy installations shall be supported and thus *"contribute to reducing and adapting to the impacts of climate change"*.

The production of renewable sources of energy, on any scale, will inevitably contribute to this objective. The proposed development at Blenches Mill Farm is therefore, in principle, supported by the saved District Plan Policies and the emerging/draft Wiltshire Core Strategy and Policies.

In addition to the above, material weight must be afforded to the Government's National Planning Policy Framework. The NPPF places significant emphasis upon delivering sustainable development and promoting, supporting and securing appropriate renewable energy developments. One of the core planning principles of the NPPF is to support the transition to a low carbon future by, among other actions, encouraging the use of renewable resources. Paragraphs 97 and 98 states that, in order to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility placed on all communities to contribute towards renewable energy production. Moreover, the NPPF expressly states that planning permission should be granted unless material considerations indicate otherwise, and where the impacts are acceptable or can be mitigated against through planning conditions.

As noted above, a swathe of land which runs through the identified application site is safeguarded as the Council's preferred route for a Westbury bypass (saved by WWDP Policy T1a - a policy the eWCS seeks to carry forward). For the avoidance of any doubt, the Council's spatial planning team and the highway authority are satisfied that the layout revisions made by the applicant to introduce a green corridor through the site provides sufficient land so as not to compromise any re-implementation of any bypass proposal. Whilst there may be significant sensitivity surrounding any such future bypass plan, officers respectfully submit that any arguments for or against a bypass are not material considerations for the purposes of assessing this application. Through negotiated revisions, the applicant's proposal would not compromise the safeguarded route and therefore, there is no substantive conflict with WWDP Policy T1a.

It is also necessary to note, since the matter has been raised by an objector, the applicant and landowner have obtained legal assurance in terms of having access rights to the site via Shallow Wagon Lane. Officers are satisfied that there would be no access prohibition in this particular case.

In any event, it is also necessary to record that the use of the lane would be limited to only infrequent post construction maintenance checks; and that these routine visits would certainly be less often than any agricultural movements and operations would generate.

#### **Sustainable development objectives**

By way of background, the Climate Change Act 2008 set an ambitious target of a 34% cut in greenhouse gas (GHG) emissions against a 1990 baseline by 2020, rising to an 80% reduction by 2050. These targets are the UK's contribution to a global GHG reduction necessary to limit climate change. Reductions can be achieved in all sectors of the economy and society by applying three broad principles.

Behaviour Change; Energy Efficiency and Renewable / Low Carbon Energy Generation

The 2009 UK Renewable Energy Strategy set out a scenario as to how the UK can meet a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020 and



suggests that 30% of our electricity should be renewably generated. Since 2004, UK domestic energy production has been outstripped by consumption making the UK a net energy importer. This raises concerns over energy security and the vulnerability of the energy supply to geopolitical issues - which can have a direct affect on local pricing and fuel poverty. There is no doubt that the above legislation provides a strong strategic policy framework which supports renewable and low carbon development. As such, there is a strong presumption in favour of this type of proposed development.

Locally, Wiltshire Council's adopted ECO (Energy, Change and Opportunity) Strategy sets out a clear commitment to increase the uptake of renewable energy. Action to tackle climate change through energy efficiency and renewable energy generation are intrinsic to how Wiltshire Council wants to develop.

In 2012, Wiltshire County (even including Swindon) was ranked the lowest of all LPAs in the South-West in terms of installed renewable energy capacities (as surveyed by ReGen and published within 'The State of the Environment Wiltshire & Swindon 2013'). Based on the RegenSW latest data which includes small scale renewable projects (including heat pumps), Wiltshire has a current installed renewable capacity amounting to 76.6 MW (of which 48.7 MW is contributed by solar PV).

Although the scheme can be recommended positively as a renewable energy installation, the application does not establish any precise or direct community benefit. The generated electricity would be fed directly into the National Grid. Other large scale solar applications in Wiltshire, have explored local benefits such as supplying power directly to employment hubs. Where viable, Wiltshire Council particularly encourages locally used and generated energy; since it is more efficient to use energy where it is generated and avoid transmission losses (of between 2 and 12% depending on voltage connection) at National Grid level. As a positive however, the proposal would assist in increasing the amount of renewable energy generating capacity in the County and this would be consistent with local and national policy drivers.

This proposal seeks to install a 5.85 MW ground mounted solar photovoltaic installation ½ Km to the north east of Westbury. This would represent a step toward the 30% target for 2020. It should be noted that this Authority recently granted a ground mounted solar PV installation (totalling 3.5MW) at the closed Westbury Landfill site under application 13/01962/WCM. In assessing both the approved aforesaid application and this submission, due cognisance has been given to the potential cumulative impacts the two schemes would have; and in this regard it is duly reported that by virtue of the site separation, existing topography, screening and landscaping, there would be no substantive harm created.

Whilst each planning application must be considered on its own merits, it cannot be ignored that Wiltshire Council is dedicated to addressing the causes of climate change and is fully committed as an authority to promoting, encouraging and supporting (where appropriate) renewable energy proposals; and in so doing, help contribute to renewable energy and climate change targets, improving air quality (by not relying on fossil fuels), stimulate the UK renewable industry and address fuel security concerns.

It is fully acknowledged that these justifications are proportionately linked to the scale of development. Government Policy however makes it very clear that renewable applications no matter how small should not be prejudiced because of their relatively small contributions; as every contribution helps. The NPPF stresses that sustainable development should go ahead without delay. The NPPF also stresses that applicants do not have to demonstrate any need when proposing renewable energy developments of any size. Paragraph 98 of the NPPF further asserts that such applications should be approved if the impacts are (or can be made through planning conditions and mitigation) acceptable.

It is equally necessary to note that this type of development is, in theory, not permanent; and when the development comes to an end it would be reasonable to insist on the restoration of the land. If permission is granted, a planning condition requiring the decommissioning of the site and the removal of panels and plant should be used.

## 9.2 The Impact upon Heritage Assets (including Archaeology)

**Bratton Camp and the White Horse** - This Scheduled Monument is recognised at a national level as being a complex of separate but significant monuments that when taken as a whole, create a highly distinctive group of archaeological features that are synonymous with this end of Salisbury Plain. The White Horse in particular, is an iconic set piece of landscape modelling that dominates many views within this part of the County and can be seen in many distant views (e.g. from the southern end of the Cotswolds). It is noted that the applicants have re-evaluated the impact of this proposal on the setting to this group of monuments and have concluded that the impact would be minor. This is assisted by the intervening distance and the impact of other development on the lower ground in front of the development site and the addition of planting to screen the southern and eastern sides of the site. The net result will be that the impact will be mostly 'lost' particularly in the summer months by vegetation and from other intervening structures and features. This opinion is shared by English Heritage and the Council's Conservation and Strategic Landscape officers.

**Heywood House and Grounds** - Heywood House is a significant Grade II star listed building located within its own parkland setting. Whilst the house benefits from the parkland it is situated within, the fact that it sits on a designed elevated terrace allows it to enjoy primary views to the south and west and of Salisbury Plain in particular. It also means that the land beyond the park boundaries to a degree, also contributes towards its historic setting.

It has however been demonstrated that the application site would be only glimpsed from Heywood House and its grounds. No views of the site are available from the ground floor level. From the first floor, views are limited to the bay windows of the front facing windows and restricted by an area of mixed deciduous and evergreen trees to the south-west of the building. A view captured and published within the submitted photomontage is somewhat misleading since it was achieved by leaning well clear of an open window - and thus, such a view cannot be considered a normal viewpoint. On the second floor, no view is achievable from any of the front facing main windows. However, one view looking westwards does exist from a secondary, low status room within the building which is not considered a primary viewpoint.

From the grounds of Heywood House, the application site would again be glimpsed in part, but the degree and visual impact of this would be mitigated and limited through the existing and proposed enhanced landscape planting and on site management (e.g. maintaining a 2.5 - 3 metre minimum winter hedgerow height).

The Council must be mindful of the duty placed on it to ensure great weight is applied to conserving heritage assets when considering new developments in the context of their potential impacts. Paragraph 17 of the NPPF identifies this as a core planning principle and paragraph 132 is equally clear in stressing that when "considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". The same paragraph asserts that since "heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

In this particular case, officers submit that a comprehensive heritage assessment has been undertaken and following further post-consultation discussions held between Council officials, English Heritage and the applicant and the appointed agents, the impact this development would have on the identified heritage assets is classed as modest. A detailed visual analysis supports the opinion that views from Heywood House to the site would be restricted and limited to such a degree that heritage professionals raise no substantive objection (subject to conditions).

Whilst being mindful of the 'modest' impact the development would have upon views from Heywood House and the more distant views from Bratton Camp, officers submit due weight must be afforded to the wider environmental benefits which this proposal seeks to deliver. Therefore, on the basis that no substantive harm would accrue, the application proposal has the full support of officers.

Similarly, as far as archaeology is concerned, after a robust review of the submitted proposals, supporting statements and survey work, the Council's archaeologist is satisfied that this proposal can proceed, subject to a condition requiring some mitigation and reporting.

### 9.3 The Impact upon The Rural Surroundings and Surrounding Countryside

The Council's strategic landscape officer raises no objection to this development and officers broadly agree with the conclusions reached within the submitted Landscape and Visual Impact Assessment in terms of the development successfully integrating into the rural landscape through recognising the landform, having an appropriate layout and array orientation. Through negotiation and revisions, a green corridor through the heart of the site has been proposed to accommodate the safeguarded Westbury bypass route - which would be landscaped. In addition, the heights of the modules/arrays have been reduced through negotiations; as well as confirming the retention and enhancement of existing hedgerow boundaries and the PROW.

The cumulative visual effect of the development in relation to the approved solar farm at the closed Westbury Landfill site (under application 13/01962/WCM) has been fully considered and as expected, if the two schemes are implemented, both would be jointly seen from higher ground. From these view points, of the two, the approved solar installation at the landfill site (13/01962/WCM) would be the least visible, taking into account the site layout and contours. The cumulative impacts upon the landscape character would however be minor and not demonstrably harmful.

Whilst the third party glint, glare or excessive reflection related concerns are duly noted, it is important to stress that to be efficient and serve any value, solar panels are specifically designed to have a very low reflectivity level when compared with other surfaces such as glass or water, as they are designed to capture as much sunlight as possible to convert it to electricity, and not lose it through reflection. By way of an example, in the USA and Germany, countries which have more established solar industries than the UK, often use solar panel installations on roofs of airport terminals, as well as on land adjacent to runways, and studies have shown that they pose no risk to aeroplanes through reflectivity nuisance. The type of surface of the solar panels and the angle in relation to the ground are such that there would be no identified risk of solar dazzle or glare from reflected sunlight or skylight. This application proposes panels which are designed to be highly absorbent and have an exceptionally low reflection compared to conventional domestic or toughened glass. This would ensure that the panels are no brighter than surrounding materials found in the natural environment.

As far as the railway line is concerned, the closest panels would be set back about 35m from the railway line at which point the railway line is within a cutting. It is therefore argued that the bank, the existing planting and the orientation of the panels should ensure that they are not demonstrably visible from railway line at this location. When combined with the above, it is clear that the development should not result in a substantive glint or glare issue at the point where the railway line is closest to the site. To the south of the site, the railway line is around 300m away from the panels. Any views towards to the site will be a side view from a train, which would be filtered by landscaping and existing development in the form of the sewage treatment and the Lafarge concrete plant. This will be further enhanced by the substantial planting proposed along the southern boundary of the site.

Officers (and the applicant) are however mindful of the need to be fully assured that such an opinion is backed up by a robust assessment; and it is thus recommended that should permission be granted, a suspensive planning condition should be applied to require a glint and glare assessment which the Council would fully assess in direct liaison /consultation with Network Rail.

Existing localised overhead power lines would provide a potential point of connection to the national grid exists relatively close to the proposed development.

The proposed PV system requires very little post construction maintenance, with on-site activity limited to cleaning and repairing apparatus on an occasional basis accessed by small vehicles.

The concerns raised by Wessex Water also deserves due cognisance. From a planning perspective it is important to stress that a 6 metre wide easement (3m either side of the pipeline) is factored into the proposed layout to allow for rights of access to the existing Wessex Water infrastructure; and thus there can be no substantive planning objection raised thereto. It is however noted that Wessex Water raised further concern about construction access needs to undertake future environmental improvements and have cited a need for a potential 20 metre easement. The applicant counters this 'need' by stressing that there is no signed or committed programme for such works and further asserts that if such a 'need' arises within the next 25 years (the temporary permission timeframe

being sought here), any essential easement can be fulfilled through other legislation and agreements between the landowner and the statutory undertaker. Essentially, given its temporary installation and the capability of panel infrastructure being dismantled (should such a need arise), this solar energy installation can be supported in planning terms, although it is submitted that an informative should be applied to any permission recommending that the applicant/developer enter into further discussions with Wessex Water.

As far as established Policy is concerned, it is acknowledged that the WWDP designates practically the entire site as being within a sewage treatment works buffer zone. However, it is essential to recognise that Policy U5 exists to avoid new housing or other sensitive receptors conflicting with essential sewage treatment operations. Solar farm installations are not specifically sensitive to localised odour pollution, and given the aforesaid commentary on infrastructure easement being planned for and achievable in principle, there can be no in principle objection in planning terms.

#### 9.4 Hydrology and Flood Risk

The development raises no hydrology/flood risk based objections. The Environment Agency and the Councils Drainage Engineer are satisfied that the development proposal can be supported subject to planning conditions and informatives.

#### 9.5 The Impact on Ecological Interests

As noted above, the Council's ecologist reports no objection subject to a series of detailed and robust planning conditions.

#### 9.6 The Impact on Highway Interests

As reported above, the Council's highway authority reports no objections. Through discussions with the applicant and the submission of further information, sufficient detail has been presented to address all highway based concerns. In the unlikely event that the Westbury bypass scheme is revisited in the short-medium term, this revised proposal allows for such a route.

#### 9.7 The Impact on Third Parties

Whilst all the local concerns and objections are duly noted, officers submit that the proposed development would not have a detrimental impact upon third party amenities. The development would not be a significant noise generator. The required inverters and transformers and switchgear would be enclosed within modestly scaled cabinets - which should restrict any noise being audible beyond the boundary of the site.

Furthermore, since the matter has been specifically raised by third parties, whilst community engagement is something to be encouraged, the NPPF makes it explicitly clear in paragraph 66, it is not compulsory. However, it is duly noted that the applicant arranged a public exhibition on Monday 14 January 2013 at Heywood Village Hall; and through this revised planning process, both Westbury Town Council and Heywood Parish Council, third parties and numerous consultees have engaged with the determination process which has culminated in this report.

#### 9.8 EIA Screening

An adopted EIA Screening Opinion for a solar PV farm on the Blenches Mill Farm site was issued on 31 August 2012 which is held on the public register. The Screening Opinion considered the characteristics of the development, location and potential impacts including those on ecology, archaeology, landscape (including visual impact when viewed from the elevated Salisbury escarpment), public footpaths and transport implications. The Council concluded that this type of development did not require an Environmental Impact Assessment.

### **10. Conclusion**

Whilst the proposed 5.85 MW solar installation would have some heritage, ecological, archaeological and visual impacts, through detailed analysis, negotiations and a raft of planning conditions and

mitigating measures, the impacts would not be demonstrably harmful. Given the nature of the development, it is considered the impacts are outweighed by the overall environmental benefits associated to the provision of renewable energy (for a 25 year temporary period). The application would be a sustainable form of development that would make a welcome contribution to Wiltshire's renewable energy production targets, and on the basis of the above, the application has officer support.

**Recommendation: Grant Planning Permission**

**Subject to the following condition(s):**

- 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 solar installation hereby granted shall be removed from the site, together with all supporting/associated infrastructure including the inverter stations, CCTV thermal imaging equipment, poles and DNO switch gear, and the land shall be restored to a condition suitable for agricultural use within 6 months of the PV modules ceasing to be used for the generation of renewable energy, or the expiry of 25 years after the date of this planning permission, whichever is the sooner.

REASON: In the interests of amenity and the timely restoration of the land.

- 3 An aftercare scheme detailing the steps that are necessary to restore the land following cessation of the solar installation use shall be submitted by the applicant/developer to the Local Planning Authority at least 6 months prior to the removal of the PV modules and associated infrastructure.

REASON: To ensure the satisfactory restoration of the site for agriculture.

- 4 No development hereby granted shall commence until:

- a) A written programme of archaeological mitigation and investigation, which should include on-site work and off-site work including analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and,
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the preservation and recording of any matters of archaeological interest.

- 5 No development hereby granted shall commence until a detailed surface water run-off limitation scheme together with supporting calculations, in accordance with the strategy set out in the Flood Risk Assessment (H20K, Ref: J-4119.5-FM, dated 12 October 2012), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 6 No development hereby granted shall commence until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The assessment shall calculate the visual impact and potential glare from the development on train drivers on the east/west line to the south of the development site. The assessment shall cover the stretch of this rail line 274 metres either side of the signal that lies at

the rail line junction to the west of the A350. No development shall take place other than in accordance with the details contained in the approved glint and glare assessment.

REASON: To ensure that the development does not cause any demonstrable glint/glare nuisance to the adjacent railway users.

- 7 No development hereby granted shall commence until the developer has submitted details of improvements of the existing site access on the A350 Westbury Road for the written approval by the local planning authority, and widen the access in accordance with the approved details. Such details shall include vehicle swept path analysis to demonstrate that two 15.4 metre long articulated delivery lorries, can pass in the access bell mouth area, and nearby access track.

REASON: In the interests of highway safety.

- 8 No development hereby granted shall commence until the applicant/developer has submitted for the written approval by the local planning authority a construction traffic management plan (CTMP), and shall undertake the construction of the site in accordance with the approved details. The CTMP shall include, amongst other things, details of numbers, types and timing of delivery lorries to the site, the procedures in place to ensure that lorry wheels are free of mud before returning to the highway, local signing to aid movement of lorries arriving at the site entrance, details of the site management co-ordinator who will ensure compliance with the CTMP, how users of public rights of way on and near the site and site access shall be protected during the works, and details of how construction workers traffic and lorry traffic shall be accommodated on the site.

REASON: To ensure that construction traffic associated with the site does not give rise to unacceptable conditions on the local highway network.

- 9 No development hereby granted shall commence until a landscape management plan has been submitted for the written approval of the Council which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 2.5 m winter height), as well as producing exact tree and hedgerow planting details (including location, species and spacing) and a timetabled programme for the infill and all proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.

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

- 10 The landscaping proposals hereby approved and as indicated on plan drawing no. 2421\_100 Rev F shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 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.

- 11 The defined public rights of shall both be kept free from obstruction during and after the construction period.

REASON: In order to protect and safeguard the public's right to use the public right of ways

- 12 No permission is hereby given for any external lighting/illumination at or on the site.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

13 No development hereby granted shall commence until:

- a) An ecological management plan detailing the construction methods, site management and monitoring has been submitted for the written approval of the Council;
- b) Confirmation of the seeding mixes that shall be used and the area over which each mix shall be sown;
- c) Confirmation of access points to allow badgers and other mammals to enter areas enclosed by fencing;
- d) Confirmation of the annual management of the land, including the grassland, hedgerows and trees; and
- e) The plan should directly accord with the ecological recommendations contained within the submitted survey statements. Therefore the development shall be implemented in accordance with approved details.

REASON: In the interests of safeguarding ecological and biodiversity interests.

14 A survey of habitat condition measured against the Ecology Management Plan and Site Layout Drawing shall be undertaken by a professional ecologist during the period of June to August and submitted for the Local Planning Authority's written approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies any non-compliance, remedial measures shall be identified, implemented and reported on through a subsequent agreed monitoring survey.

REASON: In the interests of safeguarding ecological and biodiversity interests.

15 Any removal of hedgerow and/or ground preparation shall be undertaken during the period of 1st September to 28th February. If done outside this period, any such works shall be preceded by a survey produced by a professional ecologist and be only undertaken in accordance with the ecologist's advice and following the written approval by the local planning authority.

REASON: In the interests of safeguarding ecological and biodiversity interests.

16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

- Site Location Plan - received 19.09.2013
- Site Block Plan - received 19.09.2013
- Development Master Plan - Drawing No 2421\_100\_Rev F - received 19.09.2013
- Planning Layout and Water Pipe Easement Plan - Drawing No 1021-0201-26 received 21.10.2013
- Construction Traffic Route Plan - Drawing no 1021-0201-05 Rev 02 - received 19.09.2013
- Typical Panel Elevation Plan - Drawing No 2421-400 - received 19.09.2013
- Panel Brochure Detail - received 19.09.2013
- Standard Inverter Station Detail Plan - Drawing No 1000-0000-00 Issue 01- received 19.09.2013
- Security Fencing Detail Plan - Drawing No 1000-0000-00 Issue 01 - received 19.09.2013
- Fence and Hedge Setting Out Detail - Figure 16 - received 19.09.2013
- CCTV Dimensions Plan - Drawing no 1000-0000-00 Issue 01 - received 13.11.2012
- GRP Sub-Station Enclosure Plan - Drawing LCS-EGC-002 - received 13.11.2012
- Site Section Plan - Drawing 2421\_300 Rev B - received 13.11.2013

REASON: To ensure that the development is carried out in accordance with the approved plans that has been judged to be acceptable by the local planning authority.

## Informative(s):

- 1 The developer/applicant is advised that Network Rail must be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

In addition, the developer should duly note that the following lists identify Permitted Trees and those which are not permitted to be planting/grown adjacent to railway boundaries:

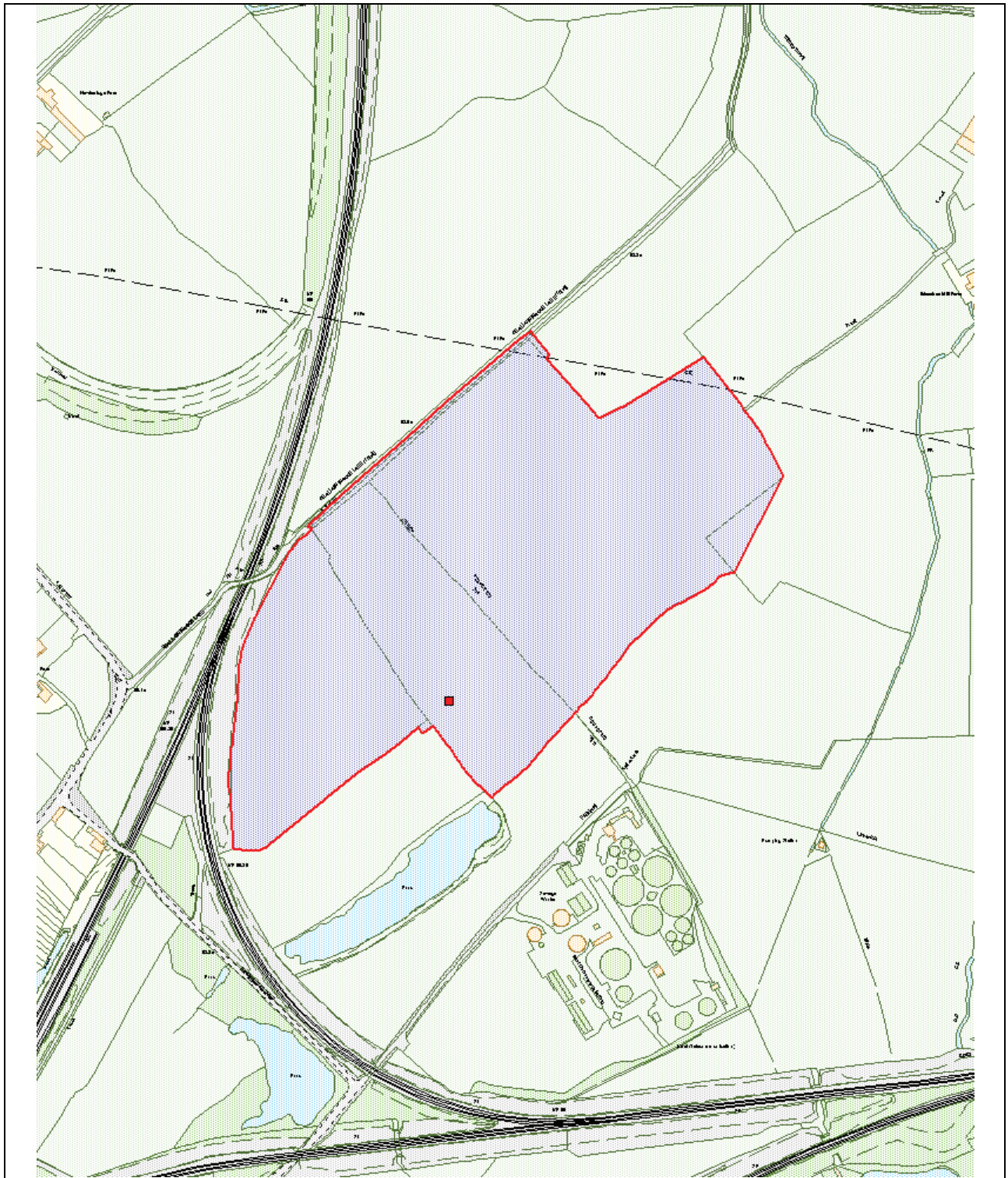
Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash, Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sailor fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

- 2 There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site; and provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- 3 The applicant/developer is further advised to enter into more discussions with Wessex Water to agree, should it be so required, mitigation measures to accommodate any construction easement across part of the site to allow for infrastructure improvements undertaken by the statutory undertaker.





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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.3

<b>Date of Meeting</b>	27 <sup>th</sup> November 2013
<b>Application Number</b>	13/03919/FUL
<b>Site Address</b>	Made to Measure Ltd Carsons Yard Warminster Wilts BA12 9NA
<b>Proposal</b>	Proposed conversion and extension of existing building to provide single dwelling with workshop/garaging
<b>Applicant</b>	Mr J Braddell
<b>Town/Parish Council</b>	WARMINSTER
<b>Grid Ref</b>	387587 144944
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

Cllr Davis has requested that this application be submitted to Committee for consideration for the following reasons:

- Scale of development;
- Relationship to surrounding properties;
- Design;
- Highway Impact and car parking; and
- Warminster Town Council requested call-in.

### 1. Purpose of Report

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

Advertising Responses - no neighbour responses were received.

Warminster Town Council – raises concerns about the design compromising the narrow access which is on land that has unidentifiable ownership.

### 2. Report Summary

The main issues to consider are:

- principle of change of use and loss of employment floor space;
- highways;
- environmental health;
- impact on the appearance of the area, including the nearby Conservation Area; and
- any impact upon neighbouring amenity.

### 3. Site Description

The application site of some 440m<sup>2</sup> accommodates a workshop for a furniture-making business, with two Nissen-hut structures to the rear. Access is via the track known as “Carsons Yard” being an unmade and unadopted access road whose ownership is understood to be unknown. The workshop itself is a building that has a good degree of historical character, but has been subject to ad-hoc extension to the rear. It is not however listed.

The building is not within the Conservation Area, which lies immediately to the north. A modern development comprising flats lies to the east.

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

90/00001/FUL Continued use for motor repairs : Permission : February 1990.

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

The proposal is for the conversion of an existing furniture workshop to a dwelling. The proposals include the refurbishment of the existing single storey building to provide garaging and workshop accessed via an existing opening, with living accommodation/facilities over the remainder of the ground floor level, with bedrooms formed within the existing roof space. All other existing openings to the north elevation would be retained with a view to preserving the character and appearance of the building.

An extension on the south side of the existing building would replace two derelict Nissen huts. Materials are proposed to match the existing brick, which is mixed with stone (albeit that concrete block has been utilised in parts of the building in the past). The upper level bedrooms would be lit naturally using conservation roof windows, with the master bedroom to the new extension having, in addition, a primary window to the south-facing elevation. An enclosed garden would be located on the south side of the dwelling, together with additional parking. A narrow outdoor space would be created to the west of the extension to provide a degree of separation from the existing building to that side of the property.

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

##### West Wiltshire District Plan 1st Alteration (2004) (WWDP)

West Wiltshire District Plan 1st Alteration 2004  
C31a Design  
C38 Nuisance  
E5 Loss of employment floor space  
H1 Further Housing Development within towns  
H4 Urban Mixed Use Brownfield Allocations  
T10 Car parking

NPPF

#### **7. Consultations**

**Warminster Town Council:** Objects to the proposal where the Members have severe concerns about the design compromising the narrow access which is on land that has unidentifiable ownership. Members also requested that the application is to be called in.

**Wiltshire Council Highways:** Considers that the proposed conversion will not detrimentally affect highway safety. No highway objection is therefore raised subject to conditions in relation to parking provision, surfacing and drainage.

**Wiltshire Council Environmental Health Officer:**

Points out that the situation is less than ideal with the garage workshop in such close proximity. However it is noted that there has been much recent residential development/conversion in the area and, in view of this, there are no objections or conditions recommended.

**Wiltshire Council Conservation Officer:** No objections

## 8. Publicity

The application has been advertised by way of Public Notice and neighbour notifications. No responses have been received.

## 9. Planning Considerations

The site is within Warminster Town Policy limits where the principle of new dwellings is accepted in terms of current West Wiltshire District Plan H1, as well as the emerging Core Strategy and the sustainability goals of the NPPF. However, there are additional considerations in this case:

### 9.1 Loss of employment land

The site falls within the WWDP Policy H4 mixed-use brownfield allocation. This policy is supportive of retaining a mix of uses that include small scale retail, leisure/arts or office/business. The Core Strategy consultation document has however indicated that the old "H4" allocations are not all scheduled for retention, with the "Land at Market Place / East Street, Warminster" (within which this property falls) one of the allocations no longer being included. The Core Strategy has progressed significantly towards adoption and, it is considered, carries a reasonable degree of weight at this point.

Pre-Core Strategy adoption, however, Policies E5 (Loss of Employment Floor Space) and H4 remain in effect.

The application is supported by a written evaluation by Messrs Cooper and Tanner (July 2013) which, in summary, expresses doubt as to the viability of the building for sale/rental as an employment premises for the following reasons:

- The unsuitability of the building in particular in relation to the cost-effectiveness of bringing it up to the necessary standards;
- The access for working/delivery vehicles is unacceptable;
- The character of the area has fundamentally changed in recent times with surrounding development exclusively having been residential, with the potential for conflicting uses.

In considering these factors it is noted that the situation within Carsons Yard has evolved over the fairly recent past with a number of dwellings having been permitted to the rear of the East Street-facing buildings, as well as to the east of the application site. Remaining employment/commercial sites are restricted to the application site and the vehicle repair business to the west, the latter now also the subject of a planning application for demolition and the erection of 4 two-bedroom dwellings. The issue of the inadequacy of the access over the track leading to East Street has been long-standing and is not conducive to use by delivery vehicles and heavier traffic that might result from an alternative light industrial/commercial use on this property. Parking and manoeuvring issues are also restrictive for any business use. The Environmental health Officer's comments also have a bearing – the area is not ideally suited to a mix of workshop/commercial activities given the increased number of residential units within the area.

Based on the above, it is considered that the conversion to residential use from a workshop with the loss of employment floor space can be supported

### 9.2 Highways:

Warminster Town Council has objected on the grounds that the design compromises "the narrow access which is on land that has unidentifiable ownership". The highway officer confirmed at pre-application stage that Carsons Yard is indeed a sub-standard access, but has raised no objections to the application, provided that relevant conditions are imposed. He has indicated the need for proper parking and turning areas. The officer notes: "These would be required if the intention is to

include parking in the scheme, which I understand is the case. Alternatively, I am aware that car-free schemes have been accepted on sites in relative close proximity to the town centre, an option that could be explored.”

With regard to the access to the neighbouring workshop it has been confirmed that the window design in the deep reveals will be such that no new interference on the access way will result.

Given the status quo where vehicular access and parking already exists for the workshop and in the light of the highway officer comments it is considered that there is no highways or parking reason not to permit the application.

### 9.3 Impact on the appearance of the area

The building does have a character which is considered worthy of preservation. The proposals show that, in particular the north and east-facing elevations would retain a number of original features. Although the building is not listed it lies immediately adjacent to the conservation area and the preservation/restoration of the building in that context is considered to be of benefit to the area.

To the south of the building there are two dilapidated Nissen Huts that would be replaced by a proposed extension and the amenity/parking area to the new dwelling. The removal of these units was discussed with the Conservation Officer who raised no concerns. In terms of the general appearance of the area it is considered that the removal of these units would be an improvement. No references to the huts that would indicate historical significance has emerged and they appear purely to have been “temporary” structures previously used in association with a car body repair shop.

### 9.4 Environmental Health Considerations.

The Environmental Health officer notes that the situation is less than ideal with the garage workshop in such close proximity but, given the extent of recent residential development/conversion of similar buildings in the area there are no objections or conditions recommended. Furthermore, the occupancy of the workshop can be conditioned to someone living in the house.

### 9.5 Relationship to neighbouring properties

The building sits in the context of an area of changing usage, with a number of residential units having been approved to the north and east in recent times. Together with the vehicle repair workshop to the west the building is the last of the workshop-type buildings within the Carsons Yard area.

The proposed dwelling has publicly accessible pathways/unadopted roads of to the north and east, and the workshop to the west. To the south there is a treed open space, towards which the primary window to the proposed master bedroom is orientated. The proposed roof lights at upper level to this room would face east, towards a residential property on the opposite side of the pathway/road wherein there are upper level windows at a separation distance of approximately 15m. Whilst publicly accessible space lies in the intervening area, it is considered that any permission should include a condition requiring that the proposed east facing roof lights should be obscure glazed. The primary gable end window facing the open space would have no impact on any neighbouring amenity.

At ground floor level the proposals include new screening to the eastern boundary that would provide privacy from passing pedestrians and the ground floor windows on the opposite side of the path/roadway.

Other upper-level windows face inwards onto the site itself, with the treed area beyond to the

south. No neighbouring residential properties would be affected. There would be a degree of overlooking from the existing flats onto the amenity/parking area to the proposed dwelling but this is in a situation where there is intervening publicly accessible areas

## 10. Conclusion

The proposal would result in the restoration and long-term maintenance of the building of character in the setting of the nearby Conservation Area. The proposal accords with the presumption in favour of sustainable development in the NPPF and it is accepted in the emerging Core Strategy that the area is not suited for development as a mixed brownfield site. Permission is recommended.

## RECOMMENDATION

Permission, 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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

- 3 The roof-lights to the east facing elevation shall be obscure glazed for the lifetime of the development

REASON: In the interests of residential amenity and privacy.

- 4 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 interest of highway safety

- 5 The development hereby permitted shall not be first occupied until the first five metres of the site access, measured from the edge of the access track (Public Footpath 92), has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/parking/ turning area), 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 surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

7 The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans:

790/1 received on 2 September 2013;  
790/2 received on 2 September 2013;  
790/3 received on 2 September 2013;

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative:

All public rights must be safeguarded in respect of Public Footpath 92 which is directly affected by the vehicular access leading to the site.

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**Appendices:**

**Background Documents Used in the Preparation of this Report:**





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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	27 <sup>th</sup> November 2013
<b>Application Number</b>	13/03824/FUL
<b>Site Address</b>	Land Rear Of 12 And 12a Westbury Road Warminster Wiltshire
<b>Proposal</b>	Erection of two detached dwellings
<b>Applicant</b>	Mr R Denton
<b>Town/Parish Council</b>	WARMINSTER
<b>Grid Ref</b>	387443 145767
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

Councillor Ridout has requested that this item be determined by Committee due to:

- The previous application having been dismissed on appeal; and
- Clarity required on one of the applicants wanting to revert to the original design.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission is granted subject to the completion of a varied S106 Agreement in relation to Affordable Housing.

Publicity – 4 Neighbours responded with objections.

Warminster Town Council objects.

### 2. Report Summary

The main issues to consider are:

- the principle of development in this locality;
- planning history, especially the findings of the Inspector in his recent appeal decision on this site;
- design and neighbouring amenity; and
- affordable housing.

### 3. Site Description

The application site is a backland site to the rear of No 12a and 12 Westbury Road, rectangular in form and served by a newly constructed access named Tangier Close which will serve these two plots and the three other residential properties on adjacent land to the rear of 11 and 12 Westbury Road . Tangier Close is protected by a security gate, so it is not possible without permission to access the site. These properties are at various stages of development, in accordance with separate planning permissions. At the time of writing two dwellings exist on the adjacent land to the east. The plot on which a single dwelling was permitted to the rear of, No. 11 (accessed via the same shared driveway) remains vacant. Development is also occurring to the west, to the rear of No 12B, with a dwelling recently completed. This dwelling is served by a separate access and stands as an isolated backland plot.

The rectangular portion of the site is some 1300m<sup>2</sup> in extent. The site falls within Warminster Town Policy limits, and forms part of a brownfield allocation site in the West Wiltshire District Plan that encompasses land to the rear of the linear development comprising No's 3 to 12B of Westbury Road, to the north east of the railway line. It is not visible from Westbury Road due to the slope of the land, intervening houses and tree cover.

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

This site: W/11/01243/FUL: Two detached houses with detached garages: Permission: 29.11.2011.

W/12/01649/FUL : 2 detached houses (revised design to W/11/01243/FUL) : Refused (Committee Decision - 14.11.2012): Appeal Dismissed - 07.08.2013.

Recent approvals in the vicinity:

W/10/02406/FUL: Construction of access drive and two detached houses with detached double garages : Permission : 21.03.2011 (adjacent site to east to rear of 12 Westbury Road, served by separate access)

W/11/00755/FUL : Detached house and garage : Permission : 19.10.2011 (Site to rear of 11 Westbury Road, served by same private access)

W/12/00257/FUL: New dwelling : Permission : 21.03.2012 (adjacent site to west to rear of 12B Westbury Road served by separate access).

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

The application is a revision to the proposals refused and dismissed on appeal under Planning reference W/12/01649/FUL. The proposals seek to address the two issues considered unacceptable by the Inspector, namely the impact on the amenity of the new dwelling at 12C Westbury Road and the lack of any provision in a planning obligation to address the affordable housing issue.

As before two detached 4 bedroom dwellings are proposed. One with an integral garage, the other with a carport. The dwellings would be located to either side of a courtyard with parking spaces and a turning area. The site area (excluding the "panhandle" access drive) is some 1300m<sup>2</sup> in extent.

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

West Wiltshire District Plan 1st alteration 2004

H1Town Policy Limit; H3 Urban Brownfield Allocation; H24 New Housing Design; C31aDesign; C38 Nuisance.

National Planning Policy Framework

Emerging Wiltshire Core Strategy – policy CP57

#### **7. Consultations**

##### Town Council

The Warminster Town Council objects to the plans as they are out of keeping with the area and intrusive on neighbouring properties.

##### Wiltshire Council Highways

No objection subject conditions in relation to parking space and turning area provision.

## Network Rail

Objects due to lack of drainage information. (However in the previous cases there were no objections, albeit that observations were made in respect of activities on site that need to be addressed with due consideration for Network Rail property).

## Wiltshire Council Housing Officer

Notes Brownfield status of land, and that varied S106 agreement will need to be entered into.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 23 October 2013. Representations have been received from four neighbouring properties.

Summary of representations received:

- Inspector's criteria not met, materials not matching;
- Owner of one of the plots believes he will be able to implement previous scheme, radically different designs will result;
- What will prevent someone else from submitting yet another design?
- Council should ensure that same design and materials are adhered to;
- Warminster Town Council previously objected;
- Not in keeping with the character of the area;
- There would still be harm to the outlook from the upper floors and sun-room at No 12C;
- There is still a substantial length of wall affecting the open view from No 12C, which was a reason for the Inspector's dismissal.

## **9. Planning Considerations**

### **9.1 Principle of Development**

The principle of the development is well established by virtue of previously granted permission for two dwellings on this site, which is within Warminster Town Policy Limits. The site also forms part of the Urban Brownfield Allocation under Policy H3 of the West Wiltshire District Plan 1st Alteration, 2004. This latter Policy is proposed to be "saved" under the emerging Core Strategy and residential development would also therefore be compliant with the emerging document. It would furthermore accord with the National Planning Policy Framework insofar as that document requires that housing applications should be considered in the context of the presumption in favour of sustainable development, and prioritises the use of brownfield land.

In this instance the locality is by definition sustainable, being within Town Policy Limits. It also forms part of the Urban Brownfield Allocation. There is therefore no objection to the principle of development of two dwellings on this site. This is confirmed in the Inspector's decision on W/12/01649/FUL.

### **9.2 Planning History**

The site history has established the principle of development, but a key consideration in assessing the current proposals is the content of the Inspector's decision in dismissing the recent Appeal.

The Council's reasons for refusal of W/12/01649/FUL were:

- 1 *The proposed development, by reason of its design and external appearance, would be alien to its surroundings and out of keeping with the character of the surrounding area, which has an existing built and under construction context of more traditional building forms utilising pitched roofs and shorter eaves heights. The proposal therefore conflicts with policies H1A and C31a C of the West Wiltshire District Plan.*

2        *The proposed development on plot 1, by reason of its siting and the consequent scale and proximity to the adjacent house on plot 12C of the proposed external wall facing 12C, would have an overbearing and unacceptable impact on the amenity of the occupiers of the dwelling on plot 12C. This would conflict with policy C38 of the West Wiltshire District Plan.*

In considering these reasons in the Appeal the Inspector made the following observations:

Reason 1:

*“From my visit to the area I saw that this part of Warminster, which I define as the linear development along the Westbury Road frontage together with the backland development, exhibits a variety of designs but for the most part using traditional designs and materials. Nos. 1 and 2 Tangier Close have used more modern external materials but there are no overtly contemporary dwellings such as those now proposed on the appeal site. However a common denominator of mostly large detached dwellings with mainly traditional designs and materials does not in my view amount to ‘local distinctiveness’, especially as in the case of the backland plots the development has taken place in an essentially ad hoc manner. Because of this approach, combined with the essentially private location, I see no reason why the appeal dwellings would in principle be inappropriate, provided they would not appear incongruous in their immediate setting next to Nos. 1 and 2 to the south east.*

*I recognise that such incongruity would arise in this case is precisely the view of the Council and local residents but even the previous permissions for the pairs of dwellings on land to the rear of Nos. 12 and 12a respectively were not designed as a noticeably homogenous group. The offset position of the appeal site in relation to Tangier Close and the hedges between the plots and Nos. 1 and 2 Tangier Close provides a degree of visual separation between the two developments whilst the substantial beech hedge for the most part sets the new dwelling to the rear of 12B apart from the site. Thus with a somewhat limited read across the two sites from south west to north east I consider that the proposed dwellings can sit comfortably with the more traditional form of Nos. 1 and 2. This is particularly the case because Nos. 1 and 2 already visually relate well to one other because of their similarity in design and materials, and for the same reason Plots 1 and 2 would have their own visual cohesion, albeit with a much more contemporary appearance.*

*Overall on this issue whilst I consider that Nos. 1 and 2 Tangier Close to be of good design and external materials I also take the same view of the appeal buildings, despite their radically different appearance. More to the point I consider that the two developments would comfortably co-exist, especially when with new landscaping complementing the existing they have had time to settle in to their setting. Accordingly I conclude that the appeal proposal would not harm the character and appearance of the area and would be in accordance with the approach to design set out in the Framework.” (Report writer’s emphasis).*

Reason 2:

*“The new house to the rear of 12B has a gable facing the boundary with the appeal site, with the roof sloping down from its apex to the eaves and then a single storey sun room projecting from the rear elevation. There is therefore a substantial degree of openness in terms of an absence of built form when viewed from the rear patio and the back garden. However the design of the Plot 1 dwelling would result in a substantial length of wall alongside and just beyond the sun room with the three storey element at about the same height as the apex of the aforementioned gable. Notwithstanding that there is a substantial beech hedge on the boundary with the appeal site and that the proposed dwelling on Plot 1 would be set back a reasonable distance from the boundary, I consider that in the outlook from the rear patio and the back garden of No. 12B, the upper part of the Plot 1 dwelling’s north west elevation would be perceived as overbearing and oppressive. This would be in conflict with Local Plan Policy C38, which seeks to protect the ‘amenities enjoyed by neighbouring properties’. On this issue I therefore conclude that the proposal would have an unacceptable effect on the living conditions for the occupiers of the new dwelling to the rear of 12B Westbury Road in terms of outlook.”*

It is considered that the Inspector's findings can be summarised as follows:

- The contemporary design approach, and the materials proposed in Application were wholly acceptable in this particular context; but
- The proposals for Plot 1 were considered by the Inspector to be potentially harmful to the amenity of the occupants of 12C Westbury Road, specifically in relation to the impact of the combined length and 3 storey height of the proposed wall facing No. 12C, notwithstanding the presence of the substantial hedge and the setback from the boundary.

### **9.3 Design and Neighbouring Amenity**

In the light of the Inspector's observations it is considered that the key issue with the revised proposal is whether or not the potential harm to 12C arising from the massing of the proposed building on Plot 1 has been overcome. The issue of a contemporary design approach and materials is a consideration only insofar as to whether or not the current proposals have departed significantly from the Appeal application details.

The proposals include the following changes to the dwelling on Plot 1 (the building identified as presenting potential harm to 12C in the Appeal Application):

- The dwelling would now be reduced to two storeys in height; and
- The position has been revised so that it is minimally set forward of the rear of 12C, at a separation distance between the buildings of 6m, with a single storey element of 2.5m in depth to the front of the building in closest proximity to the sun room/patio area to that neighbour.

The result of the changes is that a significant reduction in massing of the side of the building facing No 12A would occur, and that the structure (including the single storey element) would not fall within the 45° field of view from the rear of the sun room on that property or from any rear-facing window to the main body of the dwelling. The substantial hedge would remain in place. The new height to the proposed unit on No. 1 would be below eaves level to No 12C, with the majority of the side of the building aligned with the side elevation to that property that contains only a first floor level bathroom window with obscure glazing, and at ground floor level a garage, utility room and kitchen window all facing directly onto the hedge. Given the revisions it is considered that the issues identified in the Inspector's decision have been addressed and that there is now no reason for refusal on grounds of harm to amenity at No 12A.

With regard to issues of design, whilst the dwelling to Plot 1 would now be two storeys in height, the same design concept as before is retained for both units, i.e. a contemporary form of linked rectangular blocks with aluminium framed fenestration and materials of render and corten steel finishes. Following an objector's comments, the agent was approached and submitted revised plans making the materials to both units conform. It is considered that the two units would complement each other in terms of contemporary features and appearance forming their own grouping in accordance with the Inspector's comments. It is important however that the development occurs in accordance with this common design approach and any permission should be conditioned so as to ensure that this occurs.

### **9.4 Affordable Housing**

Where the site falls within Policy H3 allocation area housing, officers have confirmed that a commuted sum is acceptable. Any permission will therefore require the completion of a varied S106 agreement to reflect the new permission, a point identified by the Inspector.

### **9.5 Other Matters**

It is considered that conditions and informatives as previously included in the decision notice in relation to landscaping and ecology are reasonable, except that where a TPO tree has been

removed (legally) there is no longer a consideration of protective measures to that tree and the arboricultural method statement and implementation will be adequate without the need for a pre-commencement site meeting. Network Rail has objected, but it is not reasonable to now introduce factors not previously raised as grounds for refusal. A condition requiring drainage details would address the issues raised by that body, and the informatives requested as part of the previous response can be added to the decision notice.

With regard to the Councillor query on one of the applicants wanting to revert to the original design, the agent has confirmed that there is no confusion and that the scheme would be developed as per the submitted plans. This is addressed in condition 6 below.

## **10. Conclusion**

It is considered that the issues raised in the Inspector's dismissal of the appeal have been addressed and that no unacceptable harm would arise from the proposed development affecting any neighbouring property.

## **RECOMMENDATION**

**Planning Permission be granted at a future date in the event of the Area Development Manager being satisfied as to the prior completion of a variation to the S106 legal agreement to secure a commuted sum towards affordable housing in accordance with policy.**

### **Subject to the following condition(s):**

- 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 No development shall commence on site until details and samples of the materials to be used for the external walls, roofs and fenestration frames 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: In the interests of visual amenity and the character and appearance of the area.

- 3 No part of the development hereby approved shall be first occupied until the parking area and turning spaces shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 4 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 shall be 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 BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- 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;
- 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;

REASON: 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.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan 885-D04 received on 05.09.2013  
 885-D01 A received on 22.10.2013  
 885-D02 received on 05.09.2013  
 885-D03 A received on 22.10.2013

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 6 This permission shall be alternative to planning permission W/11/01243/FUL given on 29.11.2011 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site, 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 surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

**Informative(s):**

- 1 The applicant is advised that reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended). Therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March - August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.
- 2 The applicant is advised to contact Wessex Water (01225 526000) with regard to connections to water infrastructure and to check for the possible existence of uncharted sewers or water mains on, or near to, the site.. Wessex Water furthermore advises that the site is within a

source protection zone and any discharge of surface water will need to be within Environment Agency guidelines.

- 3 The applicant should note that under current circumstances "wheely bins" will need to be set out on collection days at least within 25m of the access to the private road serving this complex and that future occupants should be made aware of this.
- 4 Network Rail invites the applicant's attention to matters to be considered in relation to adjoining railway land, where relevant:

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary.

#### SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

#### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Permitted:

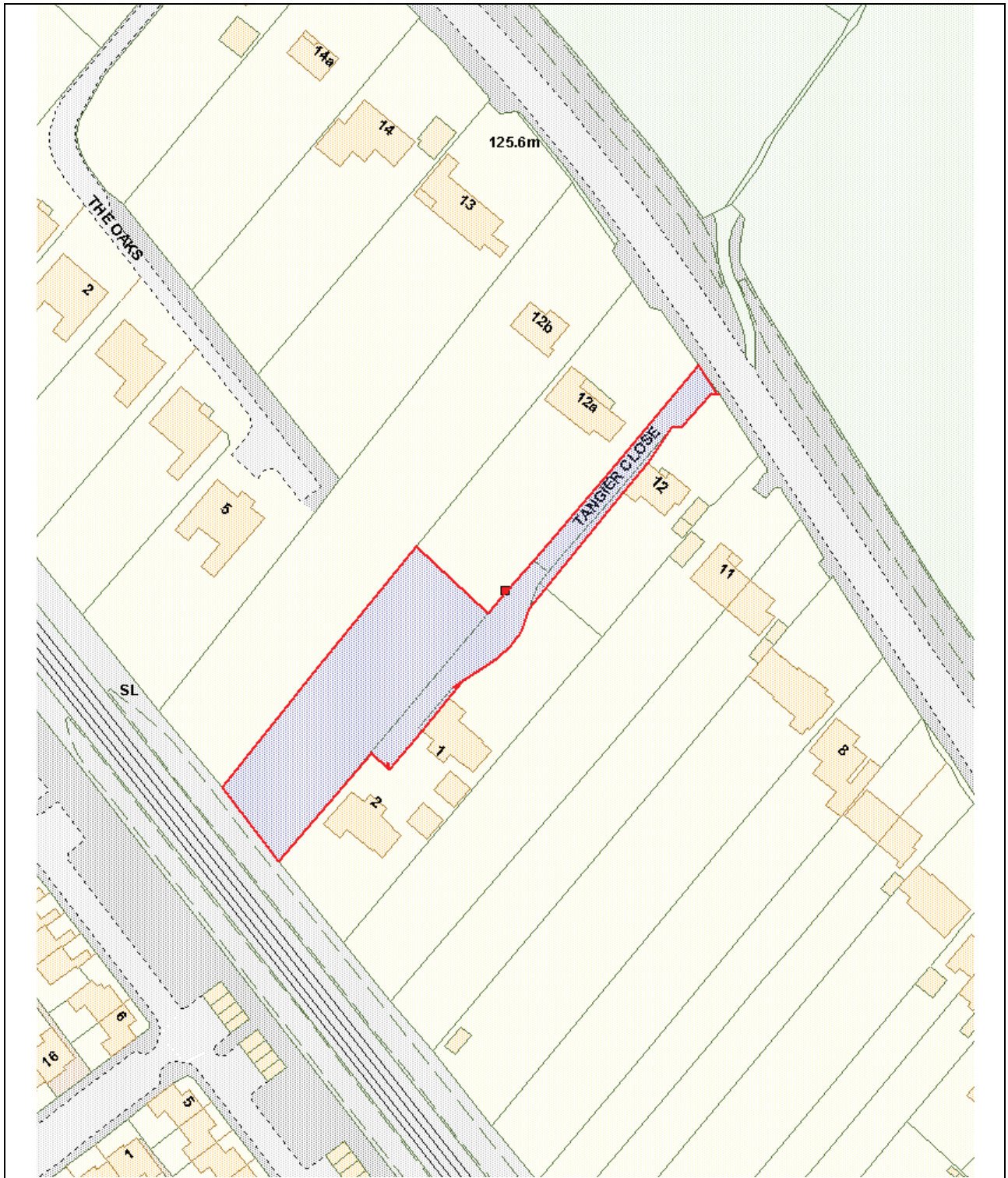
Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvania*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

- 5 The applicant is advised to contact the Wiltshire Fire and Rescue Service (01225 756500) if any advice is required in respect of fire protection measures. Attention is invited to the information provided in the correspondence dated 07 September 2012 from that Authority.

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