

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 16 July 2014
Time: 10.30 am

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	15 July	1200	Rudman Room, County Hall

Membership:

Cllr Glenis Ansell	Cllr Bill Moss
Cllr Terry Chivers	Cllr Christopher Newbury
Cllr Andrew Davis (Chairman)	Cllr Anthony Trotman (Vice Chairman)
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr David Jenkins	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Bill Douglas	Cllr James Sheppard
Cllr Mary Douglas	Cllr Nick Watts
Cllr Dennis Drewett	Cllr Ian West
Cllr George Jeans	Cllr Jerry Wickham
Cllr Howard Marshall	

PART I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

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

To consider the minutes of the meeting held on 18 June 2014.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

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 10.20am 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 9 July 2014. 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 **14/03118/OUT: Hawkeridge Business Park, Land North and South of Mill Lane, Hakeridge, Westbury, BA13 4LD** *(Pages 9 - 46)*
- 7 **14/03182/FUL: Land North of Mill Lane, Hawkeridge, Westbury, BA13 4LD** *(Pages 47 - 56)*
- 8 **13/01956/WCM: Land at Thingley Junction, Easton Lane, Chippenham, SN14 0RW** *(Pages 57 - 78)*
- 9 **14/04903/WCM: Land off Abberd Lane, Calne, SN11 8TE** *(Pages 79 - 90)*
- 10 **13/06739/FUL: Land East and North of Melksham Oak Community School** *(Pages 91 - 110)*

11 **Date of the Next Meeting**

An additional meeting has been scheduled for 30 July 2014 at 1400 at Salisbury City Hall.

The next ordinary meeting is scheduled for 17 September 2014 at County Hall, Trowbridge.

PART II

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

None

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 18 JUNE 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Ernie Clark (Substitute), Cllr Andrew Davis (Chairman), Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman (Vice Chairman), Cllr Fred Westmoreland and Cllr Graham Wright

47 **Apologies for Absence**

Apologies for absence were received from Councillors Stuart Dobson and Terry Chivers.

Councillor Chivers was substituted by Councillor Ernie Clark.

48 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 May were presented for consideration and it was,

Resolved:

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

49 **Declarations of Interest**

There were no declarations.

50 **Chairman's Announcements**

There were no announcements.

51 **Public Participation and Councillors' Questions**

The rules on public participation were noted.

52 **14/01798/VAR: Land South of Four Winds, 81 Yarnbrook Road, West Ashton**

Public Participation

Mr Timothy LeMare spoke in objection to the application.

Dr Angus Murdoch spoke in support of the application.

Mr Richard Covington, Chairman of West Ashton Parish Council, spoke in objection to the application.

The Senior Planning Officer presented a report which recommended that the application for variance of two of the conditions imposed with a previous permission be granted. Key issues were stated to include highway safety, impact on the countryside and neighbouring amenity and the requirements for the delivery of Gypsy and Traveller sites under the council's emerging Core Strategy.

Members then had the opportunity to ask technical questions of the officers. There were queries as to why the application was being considered by the Strategic Planning Committee rather than the Western Area Planning Committee, and it was stated the change in designation had been in response to comments from the Planning Inspector investigating the Core Strategy on the need to plan strategically for the provision of Gypsy and Traveller sites. Some members raised concerns that the Council had not amended its Constitution to enact such a change of criteria for the designation of planning applications to particular committees, although it was noted that the Scheme of Delegation for Planning did specify that Director of Development could determine that any application that raised appropriate issues could be considered by the Strategic Committee.

In response to additional queries it was confirmed that as further pitches would be permitted as a result of the variance applied for, this was to be counted as new sites, and that additional conditions could be imposed. Clarity was also sought about whether there was an underprovision of Gypsy and Traveller sites by the Council for the period running to 2021, or whether the council had met the minimum requirement up until 2016. In reply it was stated that the provision of 48 pitches countywide was a minimum requirement, but that if applications met the appropriate criteria they would be recommended for approval even when that minimum requirement was met.

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

A statement from the Local Member, Councillor Horace Prickett, in objection to the application was then read out by Councillor Christopher Newbury.

A debate followed, where members discussed the reasons for the original imposition of a condition restricting use of the site to a particular family, and whether it was appropriate that this be removed given the additional impact that would follow on the site and the amenity of the area. Highway safety was assessed, with the busy nature of the A350 adjoining the site noted, and

whether an overriding need for the site had been demonstrated which would overcome the discouragement of development on the national primary route network. Details were also sought on the enforcement of conditions.

At the conclusion of debate, it was,

Resolved:

That Permission be GRANTED 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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.**

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 2 shall be a static caravan, shall be stationed on the site at any time.**

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

- 4 Within one month of the date of this permission, a scheme for the parking and turning of vehicles within the hatched area shown on plan reference SP1/Revision A (site layout plan) dated April 2014, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented fully in accordance with the approved details within three months of the date of this permission. The approved parking and turning area shall be retained for those purposes and kept free from obstruction at all times thereafter.**

REASON: In the interests of highway safety.

- 5 Within one month of the date of this permission a scheme for the discharge of surface water from the site (including surface water from the access/driveway/parking/turning areas), incorporating sustainable drainage details, shall be submitted to and approved in**

writing by the Local Planning Authority. Within three months of the date of this permission, the approved surface water drainage scheme shall be fully implemented in accordance with the approved scheme.

REASON: In the interests of highway safety.

- 6** No commercial activities shall take place on the land, including the commercial storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety.

- 7** No materials shall be burnt on site or on the adjacent field under the control of the applicant.

REASON: In order to minimise nuisance.

- 8** Within one month of the date of this permission a detailed landscaping scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include details of existing and proposed planting, all new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details and in accordance with time frames to be agreed.

REASON: In the interests of protecting the rural character of the area.

- 9** The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

- Site Location Plan: Received on 25 July 2012 (in respect of red-line area only); and
- Site Layout Plan SP1 Rev A: Received on 14 April 2014.

REASON: In order to define the terms of this permission.

Councillors Ernie Clark and Christopher Newbury requested that their votes against the approval be recorded.

53 **N/13/05525/FUL:The Paddock, Hook, Wiltshire, SN4 8EA**

Public Participation

Dr Angus Murdoch spoke in support of the application.

The Team Leader presented a report which recommended the application be approved. Key issues were stated to include the principle of development, impact on the highway, residential amenity and the character and appearance

of the locality. Attention was also drawn to an updated plan that had been submitted, and the relevant condition amended accordingly.

Members then had the opportunity to ask technical questions of the officers. As with Minute 52 some concerns were raised about the item coming before the Strategic Committee rather than an Area Planning Committee, and clarity was sought on sections of the report.

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

A debate followed, where the impact on highways and drainage was assessed, and the restriction of the site for close family members was noted, along with the level of provision of Gypsy and Traveller sites in the county.

At the conclusion of debate, it was,

Resolved:

That permission be GRANTED subject to conditions:

WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

- 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.

WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

- 2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the amenity buildings 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.

WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

- 3) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be**

replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

WC7 SUBMISSION OF DETAILS OF EARTHWORKS

- 4) Within six months of the date of this permission details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

WC11 ERECTION OF SCREEN WALLS / FENCES TO PREVENT OVERLOOKING

- 5) The screen walls, fences and/or plating shown on the approved plans hereby permitted shall be erected within 3 months of the date of this permission and shall be retained and maintained as such at all times thereafter.

Reason: To prevent overlooking & loss of privacy to neighbouring property.

WE6 NO GARAGES / OUTBUILDINGS

- 6) 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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

WE8 NO FENCES / WALLS / GATES

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site OR forward of any wall of the dwelling(s) (including a rear or side wall)] which fronts onto a highway, carriageway or footpath].

REASON: In the interests of visual amenity.

WJ4 GYPSIES AND TRAVELLERS

- 8) The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (DCLG, 2012).

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 9) No more than two commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 10) Except for the keeping of commercial vehicles as defined in condition 7, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 11) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan) shall be stationed on the site at any time. At no time shall the two touring caravans hereby permitted be used as permanent occupation.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

- 12) Occupation and use of the Mobile homes and touring caravans hereby permitted shall be limited solely to and by close family members of the occupants of the property known as The Paddocks.

Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

WM13 APPROVED PLANS

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

TDA.1956.02 Dated 18/6/14

0914/03 Dated 28/3/14

Site Location Plan Dated 28/3/14

1219/03 Dated 28/3/14

1219/01 Dated 17/3/14

3551/500 17/3/14

Design & Access Dated 12/3/14

Cole Easdon Consultants Micro Drainage Details 17/3/14

TDA/1956/RhC/10.13 Dated 15/4/14

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

54 **Date of the Next Meeting**

The date of the next meeting was confirmed as 16 July 2014.

(Duration of meeting: 10.30 am - 12.00 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

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

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	14/03118/OUT
Site Address	Hawkeridge Business Park Land North and South of Mill Lane Hawkeridge Westbury BA13 4LD
Proposal	Formation of new business park (Class B1, B2 and B8) access and associated works
Applicant	HPH Ltd
Town/Parish Council	HEYWOOD
Electoral Division	ETHANDUNE
Grid Ref	386397 153201
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

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

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Technical Issues
- Principle
- Impact upon the character and appearance of the area
- Archaeology
- Flood Risk & Drainage
- Land Contamination
- Agricultural Land Classification
- Impact on the Grade II Listed Building
- Ecology
- Impact upon neighbouring amenity

- Highway
- Air Quality Management Area
- Public Rights of Way
- Renewable Energy
- Other
- Section 106 Legal Agreement

3. Site Description

The site of the proposed Hawke Ridge Business Park is situated within the important A350 corridor route near to the employment sites of West Wiltshire Trading Estate and the White Horse Business Park. The site is located approximately 1.5km north of Westbury, 100 metres east of the West Wilts Trading Estate and 2km south of the A350/A363 junction near Yarnbrook. It is bounded by Hawkeridge Road to the west (B3097) and the railway line is to the east with agricultural land to the north and south. The site measures approximately 14.3 hectares and is currently agricultural fields surrounding the main buildings of Hawkeridge Farm. Mill Lane divides the site into two areas, running broadly east to west through the middle of the site and connects the site to Hawkeridge Road. The farmhouse at Hawkeridge is listed (grade II).

4. Planning History

No relevant planning applications.

There are other current applications within the immediate vicinity. These include:

14/04586/PNCOU – Rigg Construction: Prior Approval of proposed Change of Use from B1(a) use to C3 (Dwellinghouse) – Prior Approval not Required 23/06/14

W/13/01111/FUL & W/13/01112/LBC – Hawkeridge Farmhouse - Demolition of existing extension and part demolition of existing barn. 2 new single storey extensions to house and new extension to barn. Demolition and replacement of existing garage. 2 x new dormer windows, replacement windows, internal alterations, new access track and landscaping. These applications are yet to be decided.

5. The Proposal

This outline application is for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. The means of access to the site is to be determined at this time with all other matters (landscape, siting, design) being left to the reserved matters stage.

The application site has the capacity to accommodate 45,250 sq metres of new employment floor space and when fully developed could cater for up to 1,438 full time jobs.

6. Planning Policy

West Wiltshire District Local Plan

C1 - Countryside Protection, C35 - Light Pollution, C38 - Nuisance, R11 - Footpaths and Rights of Way

Emerging Wiltshire Core Strategy (eWCS)

Core Policy 2 Delivery Strategy

Core Policy 32 Westbury Community Area

Core Policy 41 Sustainable Construction and low carbon energy

Core Policy 55 Air Quality

Appendix A Development Template for Land at Mill Lane, Hawkeridge, Westbury

Other

Topic Paper 7 - Economy

Wiltshire Car Parking Strategy

Leisure and Recreation Development Plan Document

The Wiltshire Workspace and Employment Land Review (2011)

National Planning Policy Framework 2012 (NPPF)

Planning Policy Guidance 2014 (PPG)

PPS 5 (Planning for the Historic Environment) Historic Environment Planning Practice Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Consultations

HEYWOOD PARISH COUNCIL (Parish for the site) – Object for the following reasons:

Concerned about the time restriction as there was a wealth of information for Councillors to absorb which has been frustrating and difficult. Employment land is unnecessary, speculative and not required. It is premature as the allocation has not yet been adopted. Under the new rules adopted in March 2014 on prematurity Wiltshire Council is able to resist such an application. Outline application is not appropriate. The allocation of employment land in Westbury has not been adequately justified. There is adequate employment space available on the Northacre Trading Estate as well as the White Horse Business Park where there are long term vacancies. New development is supposed to be restricted in the open

countryside and will only be approved in exceptional circumstances. The highway infrastructure is substandard and the proposal will exacerbate this. The weight restriction should be formalised on The Ham. Insufficient information has been given regarding archaeology. More ecology surveys should be requested. Inadequate information has been provided regarding the public footpaths. Is it acceptable to put a footpath in a flood zone?

If approved the site should be allocated for B1, have adequate transport facilities, pedestrian access at the roundabout, restriction on height and density of development, have adequate perimeter planting and landscape buffers

WESTBURY TOWN COUNCIL (adjacent parish) - If permission is to be granted, Westbury Town Council expects conditions that ensure that the high quality design and the landscaping, as set out in the draft Core Strategy, are enforceable, and that the overall development focuses on B1 use, and any B2 or B8 uses form only a minor part and are ancillary to the B1 use. Effectively, the intended high quality design should address the concerns of neighbours in terms of how the development fits into the landscape.

NORTH BRADLEY PARISH COUNCIL (adjacent parish) - Whilst we understand that this application does not fall into North Bradley Parish, Councillors do feel that this proposed development might affect traffic in Yarnbrook. The Parish Council of North Bradley therefore are exceedingly concerned about the additional traffic this proposal would create on the A350 corridor & Yarnbrook roundabout and would suggest consideration be given to another access via the A36.

WEST ASHTON PARISH COUNCIL (neighbouring parish) – Object for the following reasons:

Core Strategy has not been approved and therefore it is premature, B2 and B8 uses will not bring high numbers of new jobs. The Westbury Trading Estate is an undeveloped environment with empty and semi-derelict corrugated premises in need of significant renovation. The site is 3 miles from Westbury and therefore people will not be able to walk to it. It will create more commuter traffic where there are existing traffic problems. The railway bridge in Westbury has a 7 ½ tonne weight limit. Development sees the removal of all hedgerows which the Core Strategy states should be retained. Hawkeridge Farm is Listed Grade II of which part of the listing is its setting. The bat survey is not conclusive.

WILTSHIRE COUNCIL ARCHAEOLOGY OFFICER – No objection subject to a condition regarding further archaeological work to be undertaken

WILTSHIRE COUNCIL PUBLIC PROTECTION OFFICER – No objection subject to conditions regarding lighting and noise levels

WILTSHIRE COUNCIL CONSERVATION OFFICER – No objection subject to

conditions regarding mitigation requirements

WILTSHIRE COUNCIL DRAINAGE OFFICER – No objections, Further work would require consent under separate legislation

WILTSHIRE COUNCIL LAND CONTAMINATION OFFICER – No objection but request informative regarding gas testing

WILTSHIRE COUNCIL ENVIRONMENTAL HEALTH OFFICER- No objections subject to conditions

WILTSHIRE COUNCIL RIGHTS OF WAY OFFICER – As this is outline we are unable to comment on the impact on public footpaths however we do think that they should remain on the site

WILTSHIRE COUNCIL SPATIAL PLANS & ECONOMY OFFICERS – Support the proposal – the eWCS allocates this site as a strategic employment allocation to which the Core Strategy Inspector has not raised any concerns in any of his procedural letters to Wiltshire Council. Therefore the eWCS is considered to carry significant weight when assessing the planning application. There are several documents that support the proposed development and location and there are no other suitable sized plots available in Westbury. The proposal will also facilitate the expansion of Wiltshire Businesses and could attract inward investors resulting in the potential creation and safeguarding of jobs in the region.

WILTSHIRE COUNCIL CLIMATE CONTROL OFFICER – Approve subject to a condition requiring a Sustainable Energy Strategy to be submitted with reserved matters application

ENVIRONMENT AGENCY – No Objections subject to conditions and informatives regarding flooding, surface water drainage,

NATURAL ENGLAND – No objection and agree with Wiltshire Council Ecologist conclusions. We welcome the additional survey and are satisfied that the proposed mitigation should be sufficient for the low level use of the site by bats.

NETWORK RAIL – No objections to the proposed scheme

WESSEX WATER – No objections subject to conditions regarding foul water,

WILTSHIRE FIRE & RESCUE – request a contribution of £21,849.60 to support the provision of Wiltshire Fire & Rescue Service related infrastructure

8. Publicity

The application was advertised by a site notice, press advert and neighbour notification letters. The deadline for any correspondence was 27th June 2014.

111 letters of objection have been received and the issues raised are as follows and have been summarised:

Principle

- There is great local opposition to the development – this is the wrong site
- The Wiltshire Core Strategy has not been approved and due to the discussions at the hearing it cannot be assumed that the proposal will be accepted without an amendment. This is premature
- If this application is approved it should be for B1 uses with very small amounts of B2 and B8 as they will not bring high numbers of new jobs
- There are 109 acres of available land within 8 miles of the site. The Hawk Ridge site is not urgent and not required
- The Core Strategy states that the buildings should be green, the developer makes no reference to this requirement
- The wrong place for industrialisation - the site has views of the White Horse which will be lost
- Westbury needs to build tourism and leisure facilities
- We need to safeguard agricultural land – we need to become self sufficient
- The site is too far from the M3/M4 without a solid linking road network.
- The West Wilts, White Horse Business Estates and Northacre Park have many vacant or flattened plots.
- Proposal does not provide any benefit and there is no need
- There is a need for a green buffer area between villages and towns to preserve their identity
- Westbury does not have an adopted town plan
- Application should be re-advertised as a departure and the Secretary of State should be informed.
- This is green field land – need to build on brownfield first
- The site has no services and all the infrastructure has to be installed and built whereas other alternative sites have these services close to hand.

Impact on Character and Appearance of the Area

- There will be loss of historical ancient hedgerows which is in contradiction to the Hedgerow Regulations 1977
- Where will the surface water go
- The geophysical survey should be completed before a decision is made
- The proposal will ruin a beautiful landscape

Impact on Grade II Listed Building

- Part of the Grade II Listing is its setting and it should not be surrounded by overshadowing buildings.

Impact on Neighbouring Amenity

- Development ignores the fact that residents live in Mill Lane. The 8 families that live on Mill Lane will lose their quality of life by noise, smell and light pollution, noise from increased traffic and now face 24 hours noisy factories within 30 metres of their homes
- There are people living right in the middle of the estate
- Surface Water issues with the brook which already struggles and impacts on neighbouring gardens
- Loss of privacy to residents of Mill Lane due to overlooking buildings
- Air Quality Issues

Ecology

- The badger site to the North Side of the site is known to be active
- There is a large tree to the south east of the site which is home to breeding buzzards which is not mentioned by the developer
- The bat survey is not conclusive and does not protect bats which are protected under EU law.
- Bat flights and roosts will be disturbed
- Damage to wildlife and protected species
- Proposal will lead to a loss of rural amenity and a reduction in biodiversity

Highways

- The site is too far from Westbury for people to walk or cycle and therefore will create more commuter traffic. It is estimated that a further one million cars will be created by this development.
- There is no footpath and is a known dangerous road for pedestrians and cyclists.
- The Transport Assessment is trying to provide a sustainable transport justification for an unsustainable development
- The railway bridge has a 7 ½ tonne weight limit
- Yarnbrook roundabout is seriously overloaded already
- Public footpaths are well used
- The historic location of the footpaths should remain for future generations to appreciate the medieval routes
- Diverted public footpaths will be in the flood zone which will be impassable for several months a year
- The developer should pay for road and footpath/cycle improvements in the S106
- At the existing bus stop I feel like I am taking my life in my hands as the lorries hurtle past at 50mph
- Will cause major traffic and pedestrian safety issues
- Inadequate road network to carry an extra 1500 people to work
- With a gap of 45 min in the bus timetable in the morning peak, the bus service will not make much of a contribution and rail travel will only be helpful with an improved bus service
- Traffic links are poor in the area

Other

- Why have the developers planted trees
- Request to extend the public consultation by 3 weeks due to the volume of material that is required to be reviewed.
- Owners are purely looking at money
- The solar farm was a much better idea

The Hawk Ridge Action Group also objected to the application for the following reasons (also summarised):

- Planning Application was not available for inspection for 8 days after the consultation date had started and the documents were not on the web until 12 days after the start of consultation which means that comments have had to be hurried and interested parties have not had an opportunity to gather their full views meaning the process is biased towards the applicant. Some documents were not available until 8th April.
- The planning application is premature and seeks to prejudge the report of the Core Strategy Inspector examining the Wiltshire Core Strategy. The draft plan that includes this site as a strategic allocation must not be taken as confirmation of its adoption and therefore the application should be considered under the West Wiltshire District Plan
- The application is a departure application and should be re-advertised as such and the Secretary of State should be informed.
- Wiltshire Council has already set a precedent for deciding this type of application as 12/03594/FUL was refused in Gastard.
- There is currently over 108 acres of available industrial land and sites within an 8 mile radius of Hawk Ridge and 60 acres within a 3 mile radius which demonstrates that there is a very large bank of available sites. There is also 10 acres of brown field sites available on the West Wiltshire Industrial Estate which should be developed before green field sites.
- The development would create further over supply of allocated industrial land which may lead to the deterioration of existing industrial areas.
- The applicant does not own all of the land – a former part of Mill Lane is not registered to HPH. Certificate B should therefore be resubmitted.
- The application is too large to be dealt with as an outline application.
- The site is not sustainable as the infrastructure does not exist, site is remote from any town centre, employees will not be able to travel to work by public transport, no direct access to Westbury for pedestrians and cyclists.
- Traffic report is inaccurate and out of date. We conducted our own survey and found four times the amount of traffic. Wiltshire Council should conduct an independent traffic survey
- The application does not provide any mitigation for noise and vibration to nearby residential properties
- Ecology report is inaccurate, unfinished and wrong as there is no mitigation strategy for bats including foraging. The ecology report requests that Hark

Ridge Farm Buildings should be investigated and this has not been carried out. No study has been submitted regarding slow worms.

- Hawkeridge Farmhouse is Grade II Listed, the surroundings of which have not changed since 1987. To surround the farm with Industrial buildings up to 9 metre in height (eaves level) is unacceptable.
- Insufficient attention has been given to archaeology as not all investigations were completed and should be.
- The relocation of footpaths is within a flood plain and is unacceptable as they are used regularly. The current routes should be retained and the development designed to accommodate them.
- The developer offers no S106 schemes other than those directly connected with the development. As part of this the Council should ensure that there are pavements along the B3097 and improvements to Hawkeridge junction and Dursley Road junction. The developer should also contribute to the local community especially those residents in Mill Lane.
- The developer and Wiltshire Council have not engaged with the local community as is required under the NPPF.
- Mill Lane is a residential area and the scale of buildings should be limited and no building should be constructed within 250 metres of a residential property and with an eaves level the same height as the residential properties. Privacy should be retained and windows should be treated as a reserved matter.
- With this objection letter, further information was also received including UK and Regional Market Update, available land within 8 mile radius of Mill Lane, Land Registry details, press details, bat study, pictures and comments on the Design and Access Statement, Transport Statement, Noise and Vibration Assessment, Planning Statement, Archaeological Evaluation Field Work Report, S106 Heads of Terms.
- Not enough time given to assess additional bat survey. A challenge will be mounted regarding the lack of time for consultation
- No request has been received from Hawkeridge Farm to access barns so that an appropriate and full bat survey can be carried out. The Council does therefore not have the appropriate information to make a recommendation
- No mitigation for bats at Hawkeridge Farm in the parameters plan.
- The councils assessment under the Habitats Regulations 2010 is not attached and therefore cannot be considered

9. Planning Considerations

9.1 Technical Issues

The site has been advertised as a departure from the policies of the adopted development plan (in this case the West Wiltshire District Plan (1st alteration) and will if recommended for approval need to be referred to the Secretary of State solely because the proposal may include more than 5,000 square meters of office space outside of a town centre.

Concerns have been raised through the public consultation process regarding whether an outline application is the correct application for this particular

development. An outline application seeks to establish whether the principle and nature of a proposed development would be acceptable to the Local Planning Authority before a fully detailed proposal is put forward. As the end users are not known at this stage, an outline application is regarded as the most appropriate means of establishing whether the principle of the development is acceptable. Whilst concerns have been raised that the Developer and Local Planning Authority have not engaged with the local community, the onus lies on the developers, who have held several public consultation meetings prior to submitting this application. The requirements of the NPPF have therefore been met.

Objections have also been received raising concerns regarding the consultation process being flawed. The Planning Practice Guidance states that *the time period for making comments will be set out in the publicity accompanying the planning application. This will not be less than 21 days, or 14 days where a notice is published in a newspaper.* With regards to this particular application the initial consultation period was open for 32 days which is much longer than the statutory requirement and as such is considered to be appropriate. Subsequently due to the Local Planning Authority receiving new updated reports (Transport Assessment, Landscape Report, Parameters Plan) there was a further public consultation period for 21 days (including a press advert and site notice) to allow further comments on these items. The expiry date of this process was 30th June 2014.

The applicant has confirmed that they own all of the land outlined in red on this application and therefore the location plan does not need to be resubmitted.

The emerging Wiltshire Core Strategy (eWCS) will eventually replace those within the extant local plan and is at an advanced stage. Between May and July 2013, a series of public hearing sessions took place. In December 2013, the Core Strategy Inspector's 10th procedural letter to the Council outlined six issues that he required the Council to address by undertaking further work. In February 2014, the Council submitted a suite of further evidence base documents to the Inspector.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. If the relevant Core Strategy Policies have been examined by the Examiner, and the Examiner has not raised any concerns in respect of those policies, then Sec 38(5) suggests that the most recent policy to be "*adopted, approved or published*" should be the policies applicable to determination of the application. Given that Paragraph 14 of the NPPF requires the "*presumption in favour of sustainable development*" and Paragraph 186 states "*The relationship between decision-taking and plan making should be seamless*" if the Examiner for the eWCS has not identified any concerns with the relevant policies in the emerging Core Strategy, then it seems that they are the "*most recent*" policies against which this application is to be determined. In addition, the

Local Planning Authority has advised the Core Strategy Inspector that this application has been submitted.

Reference in the objections is made to a decision made by the Council on a planning application at Gastard (12/03594/FUL). This application was not refused on prematurity grounds but refused for the following reason: *By reason of its scale, massing and external appearance, the proposed building would not respect the character and distinctiveness of the rural locality and landscape. As such the proposed development would be contrary to the provisions of Policies C3 and NE15 of the adopted North Wiltshire Local Plan.*

It is important to note that the Strategic Planning Committee approved a planning application in the Northern area on 30th July 2013 for an employment allocation in the Core Strategy (13/00308/OUT – Land at Showell Farm, Patterdown Road, Chippenham).

In sum, the Council is fully entitled to take a view on this application, and can advise the Secretary of State, if it so wishes, that it is minded to grant the application. The Secretary of State has the option to either intervene and call a public inquiry, and make the decision himself or to allow the Council to determine the application in accordance with its wishes. Alternatively the Council can refuse the application without reference to the Secretary of State.

9.2 Principle

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

Paragraph 7 of the NPPF states that one of the dimensions that give rise to the need for the planning system to perform is an economic role: *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is*

available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

The NPPF goes on to state in Paragraph 19 that *The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on*

the need to support economic growth through the planning system and also states in paragraph 20 that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The Wiltshire Workspace and Employment Land Strategy identifies Westbury as having the scope to become a more significant employment location. Topic Paper 7 (Economy), which supports the Wiltshire Core Strategy, summarises the employment land needs for Westbury: *'The Roger Tym Employment land review identifies that 8.3 ha of employment land should be identified at Westbury. The study also identifies that Westbury is located on the main strategic transport route of the A350. It also identifies that most warehousing employment currently exists at Westbury (and Corsham) and that self containment of Westbury is not as great as at other settlements in Wiltshire. Between 2005 and 2011 Westbury was a main location where business premises (industrial, warehousing and office space) has been let outside of Salisbury, Devizes and Trowbridge and is the only other settlement that has let both industrial, warehousing and office space over that period. The study identifies that Westbury is likely to attract demand for new space. The Future Employment Needs in Wiltshire study that looks specifically at job forecasts on a former district basis identifies that the largest amount of employment land should be identified in the west Wiltshire area (compared to north and east Wiltshire). Consultation responses to the Wiltshire Core Strategy Draft (June 2011) identified that Westbury could accommodate more land than that identified in the draft (around 18 ha).'*

Topic Paper 7 concludes that: *'It is therefore considered that Westbury should accommodate around 18 of employment land due to its position on the A350, that demand exists for employment land in Westbury, greater self containment should be achieved. However some of this may need to be phased depending on the outcome of further landscaping work*

Core Policy 2 of the eWCS makes provision for at least 178 ha of new employment land between 2006 and 2026 across Wiltshire. This will be delivered in a sustainable way that prioritises the release of employment land. Land at Mill Lane, Hawkeridge, Westbury is identified as a proposed strategically important employment allocation for 14.7 ha of employment land within the eWCS at Core Policy 2. Development of sites allocated under Core Policy 2 is to be supported in accordance with the Area Strategies and requirements in the development templates at Appendix A of the eWCS

The Area Strategy for Westbury (eWCS Core Policy 32) identifies specific issues to be addressed in planning for the Westbury Community Area (paragraph 5.163). One of these is to maintain and enhance the strategic employment role of Westbury. The proposed strategically important employment allocation at Hawkeridge will provide for a mix of uses and a much needed expansion to the employment base in the area. This development will be expected to deliver high quality landscaping and

environmental standards in accordance with the development template set out in Appendix A of the eWCS

The Wiltshire Workspace and Employment Land Review (2011) described the site as deliverable for B1/B2/B8 uses, and describe its commercial attractiveness as good stating that the site would form a natural extension to West Wiltshire Trading Estate and has reasonable transport linkages. It goes on to say that an advantage of Hawke Ridge Business Park is that it could be delivered in the short term (as acknowledged by the 2011 Wiltshire Workspace and Employment Land Study) and could cater for businesses with an immediate relocation or expansion requirement. This deliverability could be advanced further by the developers securing Growing Places Infrastructure Funding where negotiations are currently at an advanced stage.

The Swindon and Wiltshire Strategic Economic Plan (SEP) which has recently been submitted to Government for approval, recognises the A350 as a key economic artery through the west of Wiltshire and is one of three priority growth zones. The SEP reports that there are strong prospects for employment growth in Swindon and Wiltshire forecasting 30,000 additional jobs to be created between 2010 and 200 and in the last year jobs were created in the A350 corridor at a rate three times faster than that for the rest of Wiltshire

In terms of demand, the 'Wiltshire 100' programme of direct engagement with many of the county's leading employers indicates an ongoing level of property activity in spite of the recent economic downturn. Within the past 18 months or so, direct contact with around 70 leading businesses has identified at least 15 with plans to expand or relocate within the county which are imminent or will commence within the next 12-18 months, and 10 having relatively made growth investments or moves. Within the last couple of years, the following substantial acquisitions have taken place in the A350 West Wiltshire region:

- Welton Bibby and Baron – relocated to Westbury
- DTR VMS – relocated to Trowbridge
- Herman Miller – relocating to Melksham
- Hitachi Capital – relocated to land adjacent to the White Horse Business Park at North Bradley, Trowbridge

These recent examples total over 40 acres and demonstrate demand for large scale premises within this area.

The site subject of this application could provide an employment location whereby the main infrastructure is in place before any deals are agreed with potential occupiers. This has proven to be successful on other sites in Wiltshire (Solstice Park in Amesbury, Crusader Park in Warminster) where once the basic infrastructure was in place, significant occupiers have developed or are developing on site. If readily available employment land is not in place then there is a risk that some of Wiltshire's strategically significant employers (e.g Wiltshire 100 businesses) could look for expansion solutions outside Wiltshire. This issue is the same for inward investors

whereby if Wiltshire does not have a range of 'oven ready' employment sites available, then the county could be overlooked in favour of alternatives elsewhere. Currently there are no 'oven ready' employment sites of sufficient size in West Wiltshire and Hawk Ridge could become a strategic platform for economic growth along the A350 corridor. Although the eWCS is yet to be adopted, the site is clearly required to help meet the identified employment need and would help to provide jobs for the increase in housing that is planned for Westbury.

Many of the objections received refer to sufficient employment land already available within the immediate area to cater for future demand. However at the time of writing this report five sites are currently available (Estates Gazette Property Link) with the largest site measuring 4.4 hectares in the Westbury area. None of these sites are considered to be capable of bringing large businesses to the region or the re-location of existing businesses who want to expand within the region.

In short, studies have demonstrated that there is a clear identified need for large scale employment land in this part of Wiltshire, close to the A350 route. This site could help meet that need. Westbury is also in need of further employment to balance the additional housing currently being built and planned for the town and to provide employment opportunities for local residents.

A development template for Land at Mill Lane, Hawkeridge, Westbury, set out at Appendix A of the eWCS sets out the following key objectives for the proposed strategically important employment site allocation:

- *To provide 14.7ha new employment land for a mix of B class uses through a high quality business park which will provide a much needed expansion to the existing employment base in the area*
- *The strategic employment role of Westbury, Trowbridge and the surrounding area will be maintained and enhanced*
- *Complement and extend the range of employment opportunities already available at the West Wiltshire Trading Estate*
- *The development will facilitate improvements to public transport between the site, West Wiltshire Trading Estate and Westbury*
- *This development will deliver high quality landscaping and environmental standards*

The development template also outlines a series of infrastructure requirements that development of this site will be required to meet which include, *foul drainage to be via a new pumping station, surface water to be controlled by sustainable urban drainage systems, reinforcement of electricity network, a sustainable energy strategy for the site (in accordance with Core Policy 41), area within floodzone 2 and 3 will be used for a diverted footpath route to enhance biodiversity of the area and*

incorporated into the landscaped area of the site and screened from development as far as possible, habitat surveys, masterplan to include sensitive edge treatment of hedgerows (5 metre buffer), allow existing hedgerows to grow taller and wider to reduce the visual impact, careful consideration to be given to the scale and massing of any proposals to avoid visually intrusive buildings, avoid the use of reflective surface finishes and consider the use of green/brown roof coverage to reduce visual impact on views from higher ground, archaeology watching brief will be required, appropriate mitigation measure to reduce the impact upon the setting and views of the Grade II Listed Building Hawkeridge Farm which is located at the centre of the proposed employment strategic site and Land at Mill Lane, Hawkeridge

9.3 Impact upon the character and appearance of the area

The proposal will undoubtedly have an impact upon the character and appearance of the area as an employment site will replace the agricultural fields that are present. Important to note however is that the site is relatively contained by the existing railway line that runs on the eastern and southern sides.

The impact the proposal would have on the character and appearance of the area is considered to be significantly reduced through the limitations on the proposed parameters plans which sees large amounts of planting proposed. The proposal does see the removal of two existing hedgerows which cross the site but again these are considered to be offset by the additional planting elsewhere. The applicant has commenced advanced planting to certain areas of the site, predominantly adjacent to the Hawkeridge Farm and the dog kennels (planted at their own risk) which will have the chance to grow before any construction commences on site. This advanced planting has been considered by the Council's Landscape Officer to be a vital part of the landscape and visual assessment mitigation.

The Design and Access Statement considers that the most significant impacts on visual amenity will be felt at the residential properties along Mill Lane, Hawkeridge Farm and the private dwellings on the southern edge of Hawkeridge. The provision of perimeter planting zones and the substantial block of woodland planting along the northern edge of the proposed development are considered to screen views of the proposed development whilst retaining the rural setting of the dwellings. Limits on the heights of buildings (10 metres to eaves) are proposed through the submitted parameters plan which will help mitigate the impact of the proposal when viewed from existing residential properties.

When viewing the site from elsewhere, the proposal would predominantly be seen in conjunction with the existing Industrial estate that lies 100 metres away and not as a isolated greenfield development.

This application does not look at the detailed design of any buildings and their individual landscaping measures as these are to be left to the reserved matters stage but as part of the outline application a material palette has been suggested

which will ensure that there is an emphasis on neutral tones and colours which is considered to be appropriate. The design template in Annexe A of the eWCS requests the roofs of the proposed buildings to be dark which can be also be conditioned on any approval as was successfully achieved at the Marlborough Business Park on the edge of Savernake forest and within an area of outstanding natural beauty.

In conclusion, the proposal will have a material adverse impact upon the character and appearance of the area, as would be expected when developing an employment site on a green field area, but this impact will be significantly ameliorated due to the proposed planting, limited building heights and material palette. It is also considered that the need for such an employment area which has been identified by various reports in the principle section of this report outweighs this impact.

9.4 Archaeology

The proposed development site has been subject to a previous application and a geophysical survey and trial trench evaluation were carried out in 2011. The results revealed that the most significant archaeological remains appear to be in the north eastern part of the development site, reflecting medieval and subsequent post-medieval settlement. The National Planning Policy Framework (2012) has a number of policies concerning the Historic Environment, in particular policy 141 states *Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.* Due to the limited preservation of the remains, an archaeological watching brief is considered necessary for that part of the site (identified in figure 1 of the Archaeology Summary Report) and as such should form a condition to any approval. This is in accordance with the development template within the eWCS.

Concerns have been raised by objectors that not all investigations were carried out. However the Council's archaeologist is satisfied with the information that has been submitted as part of this application.

9.5 Flood Risk & Drainage

Paragraph 103 of the NPPF states: *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment*

The submitted Flood Risk Assessment states that the majority of the site is located within Flood Zone 1 (a low probability of flooding). However the lower lying land adjacent to the Bitham Brook and eastern boundary is located within Flood Zone 2 and 3 (medium to high probability of flooding). Any future buildings are not proposed

to be located within Flood Zone 2 or 3 and therefore the overall risk of flooding both on the development site and the wider catchment area is low.

The Environment Agency have raised no objections to the proposed development but have requested conditions regarding ground levels and a surface water run-off scheme both of which are considered to be appropriate. Wessex Water have also raised no objections to the proposed development subject to a condition regarding a foul water drainage strategy which again is considered to be appropriate.

9.6 Land Contamination

The Environmental Health Officer has confirmed that there is no land of a potentially contaminative nature associated with the proposed site and the ground investigation submitted with the application also comes to this conclusion. However an informative would be required on any approval requiring a completed ground gas risk assessment to be carried out on the site to confirm whether any gas ground mitigation would be required for the development.

9.7 Agricultural Land Classification

Paragraph 112 of the NPPF states that *local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land*. The majority of the site is mainly Grade 3 with some poor quality Grade 4 flanking the Bitham Brook to the north-east. As no Grade 1 or 2 land is affected it is considered that there would be no justifiable grounds for refusing planning permission based on loss of no “best and versatile” agricultural land.

9.8 Impact upon the Grade II Listed Building

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 132 sets out 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”*. Significance is defined in the NPPF *“as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*. It goes on to note that *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of designated heritage assets of the highest significance, including SAMs and Grade I & II* Listed Buildings should be wholly exceptional”*. The *“setting of a designated heritage asset is defined in the Framework as the surroundings in which a heritage asset is experienced”*.

Paragraph 133 goes on to note, that *“where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or*

loss”.

Paragraph 134 says that “*where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*”.

In *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin), it was accepted that substantial harm is an impact which would have such a serious effect on the significance of an asset that its significance was either removed altogether, or very much reduced.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*

PPS5 has been superseded by the NPPF but the PPS5 practice guide is still valid and is due to be replaced by a good practice guide which has not yet been published. The PPS5 Practice Guide states that *the design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of the setting to the historic significance can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather they should together form a harmonious group.*

Hawkeridge Farmhouse is Grade II Listed and was listed in 1987. The listing description does not include anything regarding the setting but this could purely be because of the age of the listing and therefore the wider setting of Hawkeridge Farmhouse should not be ignored. It is considered that the scheme will not result in the loss of any features of historic or architectural interest as the building remains unchanged but that the proposal would alter the setting of the Grade II Listed Building. The immediate setting (the curtilage of the Grade II Listed Building) is not considered to be as affected as the wider setting (agricultural landscape) but the proposal sees substantial planting around the perimeter of the site and as part of the application the parameters plan shows that buildings are to be kept to a maximum eaves height of 10 metres, alongside a control of lighting to safeguard the setting of the listed building. This landscaping buffer has been considered by the Conservation Officer to give a sense of separation needed between the listed building and the new development either side. It is therefore important to ensure that the landscaping scheme is robust and planted before the construction phase begins. It is important to note that planting has already been started on site by the applicant (at their own risk)

to allow new hedges to grow to a suitable height before any development commences on site. The material palette submitted with the application (within the Design and Access Statement) has an emphasis on neutral tones and colours which will also help to reduce the harm to the heritage asset.

Further information is required regarding the material palette which can be subject to a condition of any approval but in conclusion it is considered that the proposed development by reason of the substantial planting, limitations on buildings heights and lighting adjacent to the historic building and when taken with the material palette, the development would lead to a less than substantial harm to the setting of the Grade II Listed Building. The development would also bring about significant public benefits in terms of employment and businesses to the area which when looking at paragraph 134 of the NPPF is considered to outweigh the harm to the setting of the Grade II Listed Building.

The proposal is therefore considered to have an impact upon the wider setting of the Grade II Listed Building but it would not remove the setting of the Grade II Listed Building all together due to the immediate setting (which is not within the ownership of the applicant) being retained. The impact the proposal would have on the wider setting of the Grade II Listed Building has not been considered to be significant and the public benefits of the scheme are considered to outweigh this impact. The proposal is therefore considered to comply with the eWCS and advice contained in the NPPF, PPG, PPS5 practice guidance and the Planning (Listed Buildings and Conservation Areas) Act 1990

Concerns have been raised regarding English Heritage incorrectly locating the Grade II Listed Building. It was confirmed at the examination of the eWCS that the Local Planning Authority had correctly identified the Grade II Listed Building.

9.9 Ecology

The site is in close proximity to the Picket and Clanger Wood Site of Special Scientific Interest (SSSI). Natural England have confirmed that they are satisfied with the proposal being carried out in strict accordance with the details submitted with the application and would therefore not impact upon the SSSI.

The proposal sees the loss two internal hedgerows. Whilst this is regrettable, some loss is essential for the development to commence and this loss would be compensated by advance planting which would greatly increase the area of vegetation compared with the existing situation and would have no consequence for the wider landscape of the site.

Bat surveys were undertaken in July, August and September 2013 and May and June 2014 (Bat Activity Report, Keystone Ecology, June 2014). Overall the amount of bat activity on the site was low. Bats were more commonly recorded in the northern half of the site but the automatic detector also recorded low numbers of

bats along the boundary adjacent to the disused railway line.

Two species of bats were recorded on the site, greater horseshoe and barbastelle. Both species were recorded in low numbers. Another species, Bechsteins bat, are difficult to distinguish from the other 4 species using bat detectors. The Wiltshire Council Ecologist has made an assessment of the application under the Habitats Regulations 2010 and this identifies the risks presented to those bats which are features of the Bath and Bradford on Avon Bats SAC (greater and lesser horseshoe bats and Bechstein's Bats). As long as light levels at key areas of perimeter vegetation do not exceed existing base line levels and an appropriate buffer is retained between hard development and perimeter vegetation, it will be possible to conclude that the development would have no likely significant effect on the SAC. Discussions with the developer suggest these limitations are achievable and they are shown on the site Parameters Plan (Rev C) and therefore it is considered to be acceptable to condition these requirements. The development is unlikely to have significant effects on barbastelle bats and no roosts have been recorded in the Westbury area but this species is known to travel considerable distances from its roosts. It is therefore very unlikely that a roost of this species would be affected by the Hawkeridge development.

Although each bat species has its own ecological niche, impacts to other species recorded at the site and the farm house would be broadly similar to those identified in the Habitats Regulations Assessment. Avoidance measures would ensure there would be no direct harm caused to any bat species, and compensation planting would ensure that the foraging resource would be increased overall. While lighting within the development may be attractive to some bat species, some would still be able to move through the landscape using the unlit green corridors along the railway line and Bitham Brook. Bats may also be encouraged to use the development site itself by incorporating bat roosting features in suitable buildings and including native planting along internal access roads and around development plots. Conditions would be needed to secure all mitigation if recommended for Approval.

Although no evidence has been found of dormice in the hedgerows, the measures being put forward to safeguard habitat for bats would also encourage this species in the future.

The Ecological Appraisal (Keystone Ecology, August 2013) demonstrates that the risk of great crested newts occurring on the site is relatively low largely due to the unsuitable habitat on site and also due to the remoteness of ponds with the potential to support this species. Nevertheless newts may still occasionally occur on the site and it would be important to ensure that construction works protect the hedgerows which provide the most likely areas of shelter. Protection of hedgerows is covered in the Site Mitigation Strategy (Keystone Ecology, November 2013) and the Precautionary Working Method Statement – Great Crested Newts and Reptiles (Keystone Ecology, December 2013) demonstrates that it would be possible to

ensure the Habitats Regulations 2010 are not breached in relation to this species. The consultant has recommended offset gully pots and dropped kerbs for access roads within the site and on individual plots and these would need to be applied consistently across the site.

There are several disused badger setts which would not be directly affected by the development. Under the Badgers Act 1992, disturbance to badgers must be avoided and therefore the status of these and potentially new setts would need to be re-assessed annually or before the start of any part of the development including reserved matters applications. This is not something the council can condition as it falls under separate legislation.

Due to the extensive area of habitat with potential for breeding birds that will be cleared, a condition should be used to avoid clearance during the bird breeding season unless checks are made by an ecologist just before removal.

In conclusion it is considered that the proposal would not have a significant adverse impact upon ecology to justify a reason to refuse the application.

Concerns have been raised regarding the ecology report being inaccurate, unfinished and wrong as there is not a mitigation strategy for bats including foraging. The ecology report requests that Hark Ridge Farm Buildings should be investigated and this has not been carried out and that no study has been submitted regarding slow worms. Also of concerns was that the Habitats Record undertaken by Wiltshire Council not being available and therefore the consultation process should be started again. The Wiltshire Council Ecologist is satisfied with the information that has been submitted and is of the opinion that it is sufficient for the Local Planning Authority to make a recommendation. The applicant is also not required to conduct a bat survey on land that is not owned by them. The Wiltshire Council Ecologist has viewed a bat survey undertaken by Hawkeridge Farm for their own application and this demonstrated that the associated farm buildings are being used by common pipistrelle bats, long eared and possibly greater horseshoe bats for roosting and these have been taken into consideration when making a recommendation on this application. The Habitat Assessment undertaken by the Wiltshire Council Ecologist does not form part of the consultation process as it is purely a requirement under separate legislation. The Local Planning Authority are therefore not obliged to consult on such matters.

9.10 Impact upon neighbouring amenity

Policy C38 of the Local Plan relates to nuisance and states:

Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant

emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.

The NPPF states that planning policies and decisions should aim *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.*

The closest noise sensitive residential receptors to the site are Hawkeridge Farm which is located in the centre of the site, Hawkeridge Mill to the east of the site and Hawkeridge Village to the north. Additionally a railway runs along the eastern boundary and dog kennels are situated near the railway line which is north east of the site.

The Environmental Health Officer has stated that there is the potential for a loss of amenity on noise grounds and lighting and therefore has recommended conditions regarding noise levels measured at sensitive receptors, a lighting assessment to be submitted to overcome glare, spillage and intrusion, construction times and no burning to take place on the site during construction all of which are considered to be appropriate.

A Noise and Vibration Assessment was submitted with the application which the Environmental Health Officer has considered to be appropriate and as such should be conditioned to any approval.

Objectors have requested that there should be no building within 250 metres of a residential property and that eaves levels should be the same as a residential property. The details (use, location, design, height etc) of any future buildings and whether there will be an impact (noise, overlooking, overshadowing) on any residential properties will be assessed when an application has been submitted and will be tested against the relevant policies.

The proposal is therefore considered to comply with Policy C38 and advice contained in the NPPF.

9.11 Highway Impact

The revised Transport Assessment acknowledges that the site is not well provided in terms of pedestrian access and is not particularly close to the main residential areas of Westbury. However there does not appear to be any available land in order to achieve these pedestrian routes. The NPPF states in paragraph 32 that *All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take*

account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

It is clear that access cannot be achieved for pedestrians because of the constraints on the B3097 and therefore the proposal fails this part of the above guidance but the proposal does have the potential to reduce high levels of out-commuting from Westbury by focusing on cycling, buses and shared car use. The proposal does facilitate a cycle access to the north end of the site frontage with Hawkeridge Road and there are two existing bus stops adjacent to the site. A framework travel plan is attached to the Transport Assessment, however a full travel plan will need to be submitted for each future occupier which can be achieved via a condition to any approval.

Access to the site is proposed to be via a new roundabout junction at the existing Link Road/Mill Lane junction. The roundabout has been considered by the Highways Officer to be of a compact design, can accommodate the largest vehicles likely to be in use locally, is in accordance with the necessary design standards and will have capacity to accommodate forecasted traffic increases to 2023. The proposed roundabout will require the re-siting of the north side bus stop to avoid blocking the junction and included as part of this application is the upgrading of the existing shelters with waiting information in both directions.

Vehicles at present travel quickly along this stretch of road causing near incidents with large vehicles/lorries pulling in and out of the industrial estate. The introduction of a roundabout in this location would slow the existing traffic making it safer for vehicles to pull out and pedestrians to cross the road to use the bus stops.

Mill Lane is proposed to be diverted and partially stopped-up to accommodate the new access road which is proposed to split just beyond the roundabout to serve both north and south parts of the site. Mill Lane will be locally diverted to take access from the northern site access road. This internal arrangement will require a stopping up order under a separate section of the Planning Act to address the changes proposed to Mill Lane which is outside of the scope of this application

The impact of the development on the local road network as been assessed in the Transport Assessment and notes that certain junctions will reach capacity by 2023. It is therefore considered appropriate to ensure that the additional works to the A363/B3097 junction and the Haynes Road/Station Road roundabout are required in

order to make the development acceptable which can be achieved through a S106 Legal Agreement. It has been considered that the impact the proposal would have on the Yarnbrook roundabout will be modest and therefore the Highways Officer has not requested any further improvements.

It is important to note that car parking cannot be defined through this outline application because the use and size of individual buildings is not known. However, B1 uses would require significantly more parking than B2 and B8 uses and subsequently would potentially generate more vehicle movements. It is therefore appropriate at this stage to limit the amount the B1 land use to 12,000 square meters and the total floorspace shall not exceed 45,520 square meters on site.

The site is located where safe pedestrian routes are not able to be provided alongside the road. However the highway benefits (introduction of a roundabout adjacent to the site, improvements to other road junctions, re-location of bus stops, sign improvements & cycle improvements) alongside the economic benefits of the proposal are considered to outweigh the concerns regarding pedestrian routes. Also in accordance with Paragraph 32 of the NPPF the proposal would not result in a severe residual cumulative impact that is the only justification on highway grounds for refusal. The Highways Officer and Network Rail have raised no objections to the proposed development and therefore the proposal is not considered to have an adverse impact upon highway safety.

Objectors have raised concerns regarding the accuracy of the traffic report as the Hawkridge Action Group conducted their own survey and found four times the amount of traffic. They are also of the opinion that Wiltshire Council should conduct an independent traffic survey. The Highways Officer has assessed the information submitted by the Hawk Ridge Action Group and has confirmed that the Transport Assessment submitted by the Applicant and on which the officers have based their assessment has been revised and there is no data to substantiate the claims that the traffic figures within this document which were undertaken on an independent basis are wrong.

9.12 Air Quality Management Area (AQMA)

Core Policy 55 states: *Development proposals which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and may include:*

- i. landscaping, bunding or separation to increase distance from highways and junctions*
- ii. possible traffic management or highway improvements to be agreed with the local authority*

- iii. abatement technology and incorporating site layout / separation and other conditions in site planning*
- iv. traffic routing, site management, site layout and phasing*

Wiltshire Council declared an AQMA along part of the A350 in Westbury (Haynes Road and Warminster Road) in 2001. The Air Quality Assessment submitted with the application states that there will be a minimal impact on the AQMA as a result of this development and the Environment Protection Officer agrees with the submission.

9.13 Public Rights of Way

Policy R11 of the local plan states: *The protection, enhancement and use of the public rights of way system will be sought. Where appropriate, extensions and improvements to the network will be sought as part of development proposals.* This is supported by paragraph 75 of the NPPF.

There are several public rights of way that run across the site (WEST6, HEYW7 & HEYW8). It is proposed to divert these footpaths to the edge of the site so that users do not have to walk through the middle of an employment area but can instead walk through landscaped areas as required by the development template (Appendix A of the eWCS). It is important to note that the planning process is not able to approve the diversion of these public rights of way (a separate process is required) and as part of this application there is no loss of any public right of way. When the location of buildings on the site is known the developer can apply to the Rights Of Way Team who will assess whether the diversions are acceptable. If the proposed routes are not acceptable then a diversion order would not be made and the development would have to be built around them.

Concerns have been raised regarding whether it is appropriate to re-locate public rights of way to floodzone areas. This is common practice on large sites and is not a reason to refuse the application.

9.12 Renewable Energy

The development template in Appendix A of the eWCS states that a sustainable energy strategy (SES) should be submitted for the site in accordance with Core Policy 41. However a SES requires buildings to be designed and constructed in an environmentally sustainable manner and as this is an outline application the details of buildings are not known. It would therefore be appropriate to ensure that any future applications should submit a SES for each building which can be controlled via a condition to any approval.

9.13 Section 106 Legal Agreement

The PPG states that planning obligations obligations mitigate the impact of otherwise unacceptable development to make it acceptable in planning terms (eg by

necessary road improvements). Obligations should meet the tests that are set out in the NPPF. These are that they must be:

- *Necessary to make the development acceptable in planning terms*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development*

The Wiltshire Council Highways Officer has deemed that the following requirements are appropriate and meet the tests highlighted above:

- Completion of a S278 Agreement with the highway authority for the provision of a new site access roundabout at the junction of Mill Lane and Link Road with the B3097 Hawkeridge Road
- Two existing bus stops on Hawkeridge Road near Mill Lane to be relocated in agreement with the Local Planning Authority and upgraded to include shelter, seating and time table information alongside raised kerbs for low-floor buses prior to the occupation of any building on site
- A contribution of £15,000 towards a Signposting and Wayfinding Strategy for Westbury to include the Hawk Ridge Business Park, to be payable to the Local Planning Authority prior to the occupation of 10,000 sqm of the development.
- Provide carriageway remarking works at the A363/B3097 junction and the West End/Hayes Road/Station Road roundabout prior to first occupation of the site.
- The S106 Legal Agreement will also need to include any necessary monitoring fees

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. It should also be discounted as it is not in the development template.

Objectors have stated that the developer offers no S106 benefits other than those directly connected with the development. As part of this the Council should ensure that there are pavements along the B3097 and improvements to Hawkeridge junction and Dursley Road junction. The developer should also contribute to the local community especially those residents in Mill Lane. As stated in section 9.11 it is not possible to provide pavements and the junctions that have deemed to require further works by the Highways Officer have been stated above.

9.14 Other

There is a further planning application running alongside the application subject of this report for a foul pumping station in accordance with the development template provided in Annexe A of the eWCS.

10. Conclusion

In summary it is considered that the proposal put forward would help provide for the employment needs identified in the eWCS for this area and for residents of the growing town of Westbury on a site that can be developed without significant adverse impacts. The site is closely associated in visual terms with the existing trading estate and the landscaping proposed would help mitigate the landscape impact on a site that is not in any protected area. The proposal would not have a significant impact upon the setting of the Grade II Listed Building and the less than substantial harm that could result to the setting of this building is offset by the public benefit created by the provision of employment land for businesses and potential inward investors to the county. Importantly the site could also cater for businesses with an immediate relocation or expansion requirement to the benefit to the public and the local economy.

The proposal complies with the proposed allocation of the site for employment use in the eWCS and with up to date national guidance that post dates the West Wiltshire Local Plan and as such is recommended for Approval.

RECOMMENDATION: Defer and Delegate to the Area Development Manager to advise the Secretary of State that the Council is minded to grant outline planning permission subject to the conditions set out below, and subject to the prior completion of a Section 106 Legal Agreement to secure the planning obligations set out in section 9.13 of this report. The Area Development Manager to issue the planning permission on these terms if the Secretary of State advises the Council that he does not wish to determine the application himself.

CONDITIONS

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;
The layout of the development;
The external appearance of the development;
The landscaping of the development;
The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed uses are acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

- 5 The floorspace occupied by Class B1 (a) and (b) land uses, as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended), shall not exceed 12,000m² and the total floorspace shall not exceed 45,520m², unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure that traffic associated with the development can be satisfactorily accommodated on the road network.

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

of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. All hard and soft landscaping shall remain in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development, to protect the setting of heritage assets and existing important landscape features and to manage biodiversity.

- 7 Other than the site access roundabout and associated works, no other development on the site hereby approved shall be commenced until the roundabout access works on Hawkeridge Road and the alterations to Mill Lane have been completed in accordance with drawing number IMA-13-051-005A received by the local planning authority on 19th March 2014. Access to the properties served by Mill Lane shall be secured at all times during the works.

REASON: In order to ensure that a satisfactory access is provided to serve the site, and the existing properties accessed from Mill Lane

- 8 There shall be no vehicular access points to the site other than via the proposed roundabout on Hawkeridge Road, and a cycle access point to the north of the roundabout. The existing agricultural access to the site north of Mill Lane shall be closed to all traffic before the commencement of development.

REASON: In the interests of highway safety

- 9 Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include, inter alia, details of the proposed routing of lorry traffic to and from the site, on-site facilities to ensure that detritus from the site is not transferred onto the highway, road sweeping proposals, and construction lorry and worker traffic minimisation proposals. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 10 No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The proposal shall then be carried out in accordance with the approved details.

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

- 11 No development shall commence on site until an Ecological Mitigation Plan demonstrating how the commitments for ecological protection, mitigation and management measures will be implemented in accordance with the

Site Mitigation Strategy (Keystone Ecology, November 2013) and details of when vegetation will be removed has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

REASON: In the interest of ecology.

- 12 No development shall commence on site until a Landscape and Ecology Management Strategy setting out the management aims and objectives of the site, ownership and management responsibilities and a five year long term management plan to ensure planting meets the objective of maximising habitat for bat SAC species in perpetuity has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of landscape management and ecology

- 13 No development shall commence on site until details of a foul water drainage strategy and a timetable including appropriate arrangements for the agreed points of connection and the capacity improvements required has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 14 No development shall commence on site until a site lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include detailed measurements of existing light levels across the whole site and details of proposed lighting installation in communal areas. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ecology

- 15 The development hereby approved shall be carried out in strict accordance with the Parameters Plan Revision C received by the Local Planning Authority on 23rd June 2014.

REASON: In the interest of neighbouring amenity, to protect the setting of heritage assets and ecology

- 16 There shall be no development, groundraising or other alteration on land with an existing ground level of 47.51mAOD or below. This land shall remain undeveloped and shall form unobstructed open space with associated landscaping.

REASON To minimise impact on the fluvial floodplain and flood risk to the

surrounding area.

- 17 Any Development and associated works shall be carried out in accordance with all the recommendations of the, undated (noise measurements carried out in July 2013), Entran Noise and Vibration Assessment for land at Hawkeridge submitted as part of planning application ref 14/03118/OUT
REASON: In the interest of neighbouring amenity

- 18 No burning shall take place on site during the construction phase.

REASON: In the interest of neighbouring amenity

- 19 Demolition or construction works shall not take place outside the hours of 08:00hrs to 18:00hrs Mondays to Fridays and from 08:00hrs to 13:00hrs on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity.

- 20 Prior to the occupation of any building on site, evidence that all building services, plant and fixed machinery are sited and designed to achieve a Rating Level LArTr of 30dB between the hours of 07:00 hrs and 23:00 hrs and Rating level LArTr 25db (subject for the scope of BS4142 for low background noise and therefore the rating level) between the hours of 23:00hrs and 07:00 hrs as measured at the nearest noise sensitive receptor shall be submitted to and approved in writing by the Local Planning Authority. Measurements and assessments shall be carried out in accordance with BS4142.1997. The development shall be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity

- 21 No building or component thereof shall be constructed on site until details and samples of the materials to be used for the external walls, windows and roofs of that building have been submitted to and approved in writing by the Local Planning Authority. The Development shall then be carried out in accordance with the approved details.

REASON: In the interest of the visual amenity, the impact upon the character and appearance of the area and to protect the setting of heritage assets

- 22 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected and soft landscaping. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority and the soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from

weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. The 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.

- 23 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a sustainable energy strategy statement including how details of provision for sustainable energy of the building will be achieved. The buildings shall then be carried out in accordance with the approved details.

REASON: In the interest of renewable energy

- 24 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority a transport assessment relating to the particular use including details of car and cycle parking spaces. The buildings shall then be carried out in accordance with approved details

REASON: In the interest of highway safety and in order to ensure a satisfactory level of provision of operational car and cycle parking within the site, and to support sustainable travel.

- 25 No building shall be constructed on site until details of the estate road, internal roads, footways, footpaths, cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, access gradients, car parking and street furniture, and a phasing plan for provision of such works have been submitted to and approved by the local planning authority. No building shall be first put into use until the approved items serving that building have been carried out in accordance with the approved details. .

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner and at an appropriate time whilst protecting ecological concerns

- 26 Prior to the occupation of each and every building on the site, operational parking required for that site shall be provided in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

REASON: To ensure adequate provision is made for loading, offloading and site storage of commercial and heavy goods traffic.

- 27 No development shall commence on each individual plot until details of the storage of refuse including recycling facilities, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development serving that plot shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

- 28 No building shall be occupied until a lighting scheme for the associated plot has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be so designed as to control glare, spillage and intrusion and include details of lighting appliance positions, lux plots showing effects of proposed lighting in combination with other approved developments. All schemes should comply with guidance issued by the Institution of Lighting Engineers for an E2 Zone and be in accordance with the Parameters Plan received by the Local Planning Authority on 23rd June 2014, section 6.3 of the Design and Access Statement and section 5.16 of the Site Mitigation Strategy (Keystone Ecology, November 2013) received on 19th March 2014. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity and ecology

- 29 No development shall commence on each individual plot until a detailed surface water run-off limitation scheme for each plot, phase or parcel of land, together with supporting calculations, 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 associated with the development.

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

Site Context Plan, Site Location Plan, Topographical Plan 866/6113/1A, Topographical Plan 866/6113/1B, Topographical Plan 866/6113/2, Topographical Plan 866/6113/3 received on 19th March 2014

IMA-11-078 - 028A, IMA-13-051-005A received on 19th March 2014

Parameters Plan Rev C received on 23rd June 2014

REASON:

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

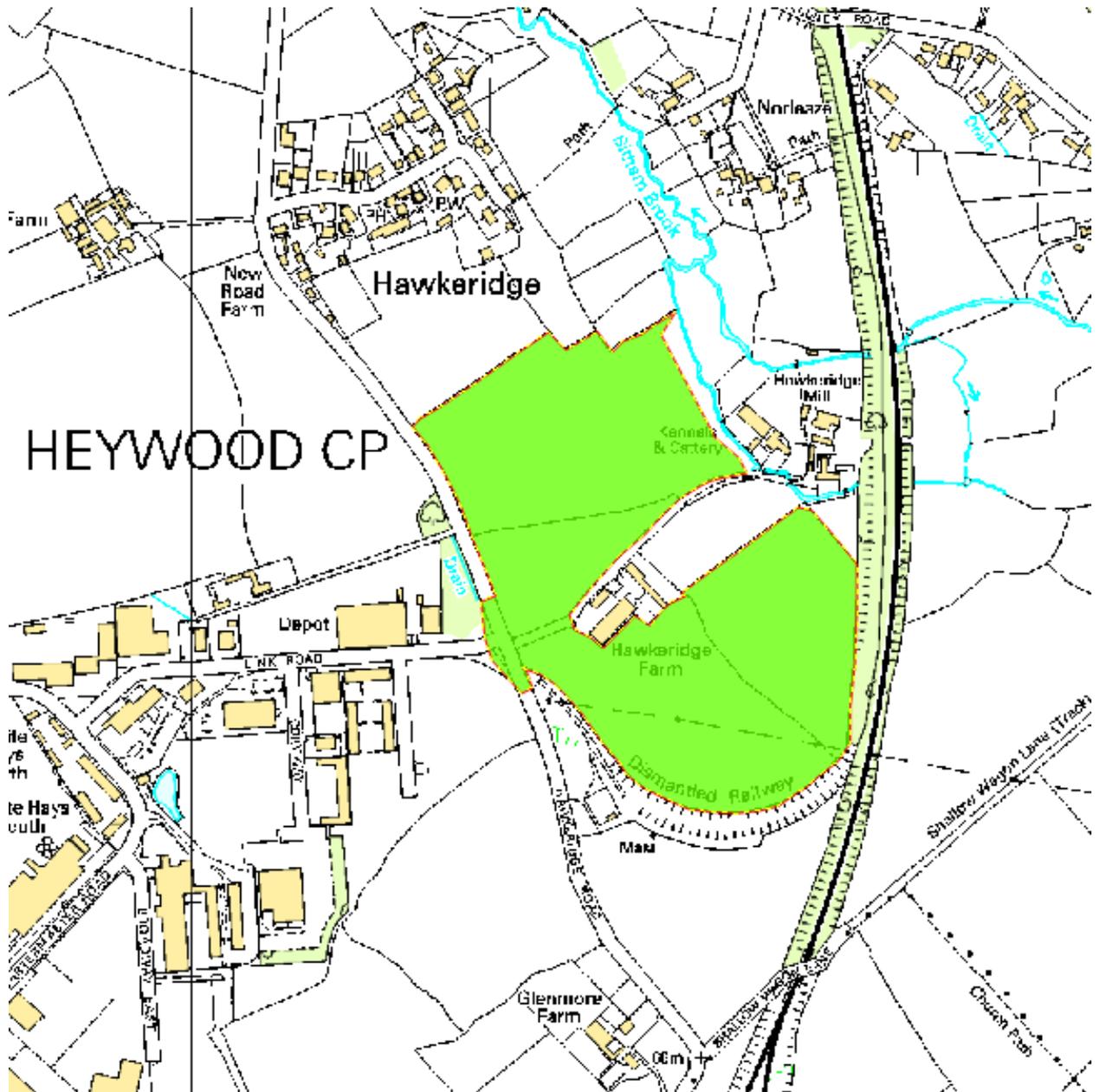
- 1 INFORMATIVE: The developer should be aware that any reserved matters application should include detailed scheme of measures to minimise noise generation due to traffic arising from the development. The road networks and loading area of each unit shall also be located and designed to minimise impact to noise sensitive dwellings.

- 2 INFORMATIVE: When discharging the condition regarding surface water run off the Environment Agency will expect the following:
 - A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
 - A manhole schedule;
 - Model runs to demonstrate that the critical storm duration is being used;
 - Confirmation of the appropriate discharge rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
 - Calculations showing the volume of attenuation provided and that parity on rate and volume of runoff will be achieved, demonstrating how the system operates during the 1 in 100 critical duration storm event;
 - The run-off from the site during the critical 1 in 100 year storm plus an allowance for climate change must be contained (must not be permitted to run un-attenuated overland to areas off site) within the site and must not reach unsafe depths on site. If there is any surcharge and flooding from the surface water drainage system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.
 - An appropriate allowance for climate change should be incorporated into the scheme in accordance with NPPF;
 - Where infiltration forms part of the proposed storm-water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Seasonal ground water level fluctuations should be assessed to gain appropriate base level for any soakaways (base must be at least 1m above ground water level).
 - Specification of how the scheme will be maintained and managed after completion.

- 3 INFORMATIVE 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. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

- 4 INFORMATIVE Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed (permanent or temporary) works or structures in, under, over or within 8 metres of the top of the bank of the Bitham Brook, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483421.
- 5 INFORMATIVE Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.
- 6 INFORMATIVE: It is important for the applicant to note that if the development is to be connected to the existing water main in Link Road, an application should be submitted to Wessex Water. Non domestic supplies required for fire fighting or commercial use will require an assessment with network modelling subject to design requirements. Wessex Water would recommend the use of storage tanks where the network capacity is not available or where off site reinforcement is necessary to provide the stated demand. For further information please contact Wessex Water on 01225 526000 or at www.wessexwater.co.uk
- 7 INFORMATIVE: It is important for the applicant to note that if surface water is proposed to be discharged into a nearby ditch/watercourse, then an application for land drainage consent would also be required.
- 8 INFORMATIVE: It is important for the applicant to note that details of the ground gas risk assessment for the site confirming whether any ground gas mitigation is required for the development. This should be submitted to the Environmental Health Team at Wiltshire Council prior to any works commencing on site
- 9 INFORMATIVE: The developer will need to ensure that any alterations to Mill Lane are in accordance with legal requirements, and any areas of Mill Lane to be stopped up or subject to changed status will be required to have a formal stopping-up order made under the provisions of s247 TCPA 1990 before development commences. A legal agreement under the provisions of s278 Highways Act 1980 shall be completed with the Council in relation to the access works prior to any access works being undertaken.
- 10 INFORMATIVE: There are public rights of way crossing the site, intended to be diverted; the appropriate legal procedures for diversion, both temporary and permanent shall be followed.

- 11 INFORMATIVE: Car and Cycle parking spaces shall be provided on the site in accordance with the Wiltshire Transport Plan LTP3 2013-2026 Car Parking Strategy and Cycle Strategy respectively or such standards contained in any superseding document.



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

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

3. Site Description

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

4. Planning History

No relevant planning history on this piece of land.

5. The Proposal

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

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

6. Planning Policy

C1 Countryside Protection
C31a Design
C38 Nuisance

National Planning Policy Framework 2012

7. Consultations

HEYWOOD PARISH COUNCIL: Object for the following reasons:

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

WESTBURY TOWN COUNCIL: No Objections

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

WILTSHIRE COUNCIL HIGHWAYS OFFICER: No Objections subject to further conditions

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

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

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

8. Publicity

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

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

Principle

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

Impact upon character and appearance of the area

- Ruin the countryside and will be unsightly

Impact upon neighbouring amenity

- It will be noisy

Impact upon ecology

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

Access

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

Other

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

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

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

9. Planning Considerations

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

9.1 Principle

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

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

9.2 Impact upon the character and appearance of the area

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

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

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

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

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

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

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

9.3 Impact upon the Grade II Listed Building

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

9.4 Impact upon neighbouring amenity

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

9.5 Highway Impact

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

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

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

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

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

9.6 Other

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

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

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

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

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

10. Conclusion

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

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

Conditions

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

REASON:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	13/01956/WCM
Site Address	Land at Thingley Junction, Easton Lane, Chippenham,SN14 0RW
Proposal	Proposed use of land (former railway yard) for metal salvaging and recycling, including E.O.L.V. (End of Life Vehicle) processing; waste transfer station; including improvements to vehicular access, construction of buildings and associated siteworks and landscaping. (Resubmission of N/12/03988/WCM)
Applicant	Bluesteel (Bath) Ltd
Town/Parish Council	CORSHAM
Electoral Division	CORSHAM TOWN
Grid Ref	389966 170773
Type of application	Full Planning
Case Officer	Greg Lester

Reason for the application being considered by Committee:

Councillor Philip Whalley has requested that the application be determined by the Committee for the following reasons:

- Scale of Development
- Visual Impact
- Impact on Residential Amenity
- Design, bulk and massing
- Environmental Impact
- Highway Impact

1. Purpose of Report

To consider the above application, and recommend that, subject to the signing of a Section 106 Agreement, that permission be GRANTED.

2. Report Summary

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

- Principle of Development
- Noise Impact and Residential Amenity
- Impact on Landscape and Character of the Area
- Ecology and Biodiversity
- Transportation of Waste and Impact on Highway Safety

The application has generated 7 letters of objection from local residents.

Corsham Town Council raises no objection to the proposed development.

3. Site Description

The site is located 1.5km to the southwest of Chippenham and approximately 2.3km east of Corsham. The site extends to approximately 3.5 hectares of previously developed land, formerly used as a railway depot. Disused railway tracks and an engine shed lie to the east of the site, beyond which is the Chippenham - Bath main line railway. Mixed arable and pasture farmland lies to the north and northwest. Immediately to the sites northwest lies Thingley Caravan Park, accessed via a private access track which runs parallel to the sites northwestern boundary.

Access to the site is obtained from the minor road (classification C159) which runs in a northwest – southeast alignment past the sites south-western boundary. This in turn leads to the A4, approximately 1.3km northeast of the application site.

The existing site is accessed via a gate in the south-western corner. This in turn leads to the C159. The route to the southeast rises to a railway bridge, and proceeds towards the A350 along a narrow section of road. The route to the northwest proceeds towards the A4.

The site is located in close proximity to high voltage (400kV) overhead power lines, which cross the site at its northern end.

The site is predominantly level, although there is a gentle fall across the site from south to north.

4. Planning History

12/03988/WCM Proposed Use of Land (Former Railway Yard) For Metal Salvaging and Recycling, Including E.O.L.V. (End of Life Vehicle) Processing; Waste Transfer Station; Including Alterations to Vehicular Access, Construction of Buildings and Associated Siteworks. – WITHDRAWN (due to insufficient site area included within the red line boundary to accommodate acoustic/visual screen bund ecological mitigation).

5. The Proposal

The proposal seeks full planning permission for the change of use of the site to a mixed use incorporating metal salvaging and recycling, including end of life vehicle processing, waste transfer station, alterations to vehicular access, construction of buildings, including a weighbridge, and associated siteworks, to include the provision of a landscaped noise attenuation bund and concrete barrier.

The site will cover a total area of 3.5 hectares and will comprise a concrete surfaced yard area, 3 buildings, weigh bridge, concrete access road, staff and visitor parking spaces, and various landscaping and noise attenuation works.

The largest building (building 1) will be located in the southwest portion of the site, immediately adjoining the staff and visitor parking spaces and will measure 51.5 metres in length, with a maximum width of 24.5 metres and a minimum width of 6 metres. The building will have a split level mono-pitched roof with a maximum height of 6.8 metres.

Building 1 will be split into three sections. The first will be accessed via an industrial door and be used for the de-pollution of end of life vehicles. The second section will also be accessed via an industrial door and be used for the maintenance of the applicant's fleet of plant and vehicles. The narrower section to the south comprises of a general storage area and staff welfare facilities.

Building 2 will be located in the north west portion of the site and will measure 32.2 metres in length, 10.4 metres in width and feature a mono-pitched roof with a maximum height of 7.1 metres. The building will comprise a storage area for both ferrous and non-ferrous metal swarf, with the latter storage area being secured by an industrial door and the former being open bays.

Building 3 will be located towards the centre of the concrete yard and comprise of a two-storey office building. The building will measure 12 metres in length, 6 metres in width and have a mono-pitched roof, with a maximum height of 5.2 metres.

A weigh bridge will be installed directly to the south east of the office building, and will be utilised by vehicles visiting the site to either drop off or collect material.

An open area of the yard will also be used to store waste bins and scrap material prior to onward disposal.

The proposed new site access will involve the existing access being permanently stopped up, and a new access being provided further to the north west, in order to improve visibility. The access road, and area immediately adjacent to the new access will be resurfaced and new fencing and gates erected. The new access road will serve both the site subject of this application, and the rail sidings.

In addition, a concrete noise barrier will be erected to the north, west and east of the yard area. The fence will stand 6 metres high along the entire north and west boundaries of the yard, and for a portion of the east boundary. In addition to the concrete acoustic fence, a planted attenuation bund is also proposed. This will

extend around the west and north sides of the site and have a maximum height of 6 metres above the site's lowest ground level.

The proposed hours of operation for the site are between 7am and 6pm Monday to Friday, and 7am and 2pm on Saturdays. No operations are proposed on Sundays or Bank or Public Holidays.

6. Planning Policy

Wiltshire and Swindon Waste Core Strategy Development Plan Document July 2009.

WCS1 – The Need for Additional Waste Management Capacity and Self Sufficiency

WCS2 – Future Waste Site Locations

WCS3 – Preferred Locations of Waste Management Facilities

WCS5 – The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

Wiltshire and Swindon Waste Development Control Policies Development Plan Document September 2009.

WDC1 – Key Criteria for Ensuring Sustainable Waste Management Development

WDC2 – Managing the Impacts of Waste Management

WDC3 – Water Environment

WDC5 – Canals and Railways

WDC7 – Conserving Landscape Character

WDC8 – Biodiversity and Geological Interest

WDC11 – Sustainable Transportation of Waste

Wiltshire and Swindon Waste Site Allocations Local plan February 2013

WAS1 – Presumption in Favour of Sustainable Development

Inset Map N10 – Thingley Junction, Chippenham

Table 2.10 – Thingley Junction, Chippenham

National Guidance

National Planning Policy Framework (March 2012)

Planning Policy Statement 10 – Planning for Sustainable Waste Management

7. Consultations

Local Member – Councillor Philip Whalley – In addition to the areas highlighted for the call-in of this application, there are concerns over the routing of HGV traffic to and from the site. Concerns were expressed over the possibility of HGV traffic seeking to use a ‘short cut’ from the A350 to the site, avoiding a longer route via the A4.

Corsham Town Council – No objection

Environment Agency – No objection, subject to the inclusion of conditions to cover how the risks associated with the contamination of the site will be dealt with and details regarding surface water drainage.

Network Rail – No objection in principle.

Wiltshire Council Highways Officer – the proposed development could potentially have adverse implications for the C159 road connecting the A350 with the A4. However, subject to a planning agreement to control movements, to facilitate arrangements to recover road damage caused through extraordinary use, to facilitate the introduction of a Traffic Regulation Order (TRO) in respect of the eastern section of the C159 between the site access and the A350, and to appropriate conditions, that there are no severe cumulative adverse impacts that would justify refusing the application on transport grounds.

Satisfied the quantum of traffic associated with the imported fill for the proposed bund has been adequately addressed. The two passing places proposed by the developer (between the site access and A4) could help to alleviate carriageway haunch and verge damage as a result of over-run by lorries on this part of the access road where visibility is a little more restricted. Accepts this work should be undertaken. However, the passing places will not preclude potential highway damage by lorry traffic; this is because the width of the carriageway is so close to being at an appropriate width for slow closing-speed passing, the reality is that lorries will slightly over-run onto verges, and this is likely to occur over most of the length of the road. It will not necessarily result in unacceptable damage, but it could do. With this in mind, considers it appropriate that a planning obligation provides for these passing places as well as an on-going commitment by the developer to meet the extraordinary costs of maintaining the road (as provided for under s59, Highways Act 1980) between the site access and the A4.

Wiltshire Council Environmental Protection – the additional information from the noise consultant has confirmed initial concerns that despite the extensive mitigation measures the proposed operations associated with this development will still create a noise rating level of 6 dB above background. Although does not feel it appropriate to recommend refusal due to BS 4142 assessment method detailing an increase above background of around 5 dB (which this is) as marginal significance, remains concerned that it may impact on the amenity of nearby receptors and would question whether a site for such activities being so close to residential dwellings is appropriate.

Wiltshire Council Landscape Officer – The proposed masterplan will provide positive landscape features, as well as improvements to the local visual amenity.

Wiltshire Council Ecologist – The site survey and subsequent design of mitigation will ensure that the habitats within the site will continue to provide a high level function for biodiversity and that populations of reptiles and invertebrates will not be significantly adversely impacted by the development.

8. Publicity

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

Seven letters of objection have been received in response to the application, with comments in addition from the Showell Protection Group and Corsham Civic Society.

Summary of key relevant points raised:

- Concern over the extra traffic that will travel from the A4 to the site and that this will pose a danger to other road users.
- Concern over HGV traffic using the C159 between the A350 and the site which are single track and not suitable for HGV traffic.
- Increased level of noise.
- Noise survey conducted is based on an existing site, and does not reflect the fact this site is in the countryside.
- Light pollution due to the use of floodlighting out of hours for security purposes
- It cannot be ensured that HGV traffic will not access the site via the C159 from the A350.
- A 6 metre high wall will be visible when entering the village and will be an eyesore.
- Site was only intended to be accessed via the railway, not by road.
- There are no restrictions on evening and Saturday afternoon and Sunday working.
- Hours of operation are vague.
- Concerned over increased fly tipping.
- Inappropriate area for such a development.

Showell Protection Group – Object to the proposal. We believe this will cause extensive noise pollution that will impact on residential developments. The existing road network will not support the size of vehicles needing access to the site. The site is outside the boundary of development within the Wiltshire Core Strategy. It was disappointing that only immediate neighbours of the site were approached for feedback.

Corsham Civic Society – Raised concerns over the increased traffic at the bottom of Chequers Hill, which has a long history of accidents.

9. Planning Considerations

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

9.1 Principle of the development

In February 2013, the Council adopted the Waste Site Allocations Local Plan which presents a framework of 35 strategic and local scale sites offering a range of potential waste uses to flexibly meet the capacity requirements of Wiltshire and Swindon up to 2026. Some 7.1 ha of land at Thingley Junction (comprising an area formerly used for rail sidings and the stockpiling of ballast and railway track for use in rail maintenance and repair) is allocated in the Local Plan as a 'Local' scale site.

In principle the Council will be supportive of applications for appropriate waste management facilities within the locations set out in the Local Plan, although any proposals that come forward on the sites will be subject to a detailed planning application process. The type and scale of development proposed is considered to accord with the allocation.

Each proposed site is illustrated on an inset map and accompanied by a table providing a brief description of the site and highlighting issues that should be addressed in detail at the planning application stage. The planning application has been submitted with assessments seeking to address these areas. The detail of these surveys and assessments will be assessed in the following sections.

9.2 Residential Amenity and Noise Impact

Potential noise impacts of the proposed site activities on nearby noise receptors have been investigated and reported in an 'Environmental Noise Report'. A site baseline noise monitoring exercise has been carried out and equivalent noise levels from site operations at the most sensitive residential dwellings have been measured and then used for predictions in accordance with British Standard 4142:1997.

The site is located in a rural area, with the nearest noise sensitive residential receiver the caravan park located on average 125 metres to the north. Currently the site (former rail sidings) is open with little in the way of acoustic screening to the nearby noise sensitive receivers.

To help control noise from the site a number of features have been integrated into the proposed design of the site:

- Waste transfer station is located at the southern end of the site away from the sensitive caravan park to the north;
- 4.5-6.0metre high concrete wall surrounding the operational areas of the waste transfer site;
- Installation of a 6metre high earth bund along the north and west boundary of the site; and
- Enclosed buildings.

With the site operations as proposed, the British Standard 4142 “assessment difference” at the noise sensitive receiver is +6 decibel. BS4142:1997 states that: *‘The greater the difference, the greater the likelihood of complaints. A difference of +10dB or more indicates complaints are likely. A difference of around +5dB is of marginal significance. If the rating level is more than 10 decibels below the Background Noise Level, then this is a positive indication that complaints are unlikely.’*

A difference of +6 dB is of more than marginal significance. In terms of planning, it is normally considered acceptable if a difference of +5 decibels is achieved. However, reducing the noise levels by 1 dB would not be perceived at the noise sensitive receivers on the basis that a change of 3 dB (A) is the minimum perceptible under normal conditions.

The Environmental Health Officer does not consider it appropriate to recommend refusal due to the BS 4142 assessment method detailing an increase above background of around 5 dB as this is of marginal significance, but has reservations over the impact the waste transfer use may have on the amenity of nearby receptors.

In this respect, it is worth noting the background noise levels did not include noise experienced from the railway line, only of distant road traffic and bird song. It is considered that the provision of the mitigation measures and the relatively low predicted increase in noise levels at the nearest sensitive receptor as a result of site operations will be unlikely to cause a significant adverse impact on the amenity of nearby residential occupiers.

In addition, the nearest residential receptors were located along the south western boundary of the caravan site. Permission has since been granted (N/12/03900/REG4) to alter the layout of the site, which has the effect of moving the nearest receptors further to the north in relation to the development site. It is considered this would further reduce the likelihood of a significant adverse impact from noise.

In environmental noise terms the proposals are considered acceptable in terms of noise emission to the dwellings in the vicinity.

9.3 Impact on Landscape and the Character of the Area

The planning application is accompanied by a landscape assessment that considers the setting of the development, the current status of the site, and opportunities for improvement.

The site is currently disused and has a number of large piles of inert material present that appear to have been in-situ for some time. Rough grassland has begun to grow around these stockpiles. In terms of built development, the caravan park to the north, railway lines to the south and electricity pylons contribute to the built form of the site. The existing vegetation on site comprises a mixture of scrub, rough and species rich grassland, which has colonised the inert material. There is also some planting to the site boundaries made up of a mixture of deciduous tree and shrub vegetation. A number of breaks in this planting are also apparent.

The submitted assessment considers the condition of the site to be poor and detract locally from the character of the local farming landscape. Due to the location of the site, there are a limited number of viewpoints from which the sites full extent can be perceived. The buildings proposed will be grouped together to the north west portion of the site and whilst of a similar size to the existing building to the south they will be located at a lower level than the existing railway shed, which is not affected by the current proposal. It is considered that this would limit views of the site from a southerly direction.

The scheme also provides for the construction of a landscaped bund. Whilst this is primarily intended to provide an acoustic barrier, this will also have a wider benefit to the landscape quality of the area. The bunds will be constructed from a mixture of onsite and imported inert material, and then covered with soils, some of which will need to be imported.

Views into the site are currently limited to those in close proximity, and due to the disused nature of the site, it is considered that the landscape proposals will, overall, lead to an improvement over the current situation and would not lead to an unacceptable adverse impact on the character of the landscape.

The proposed concrete acoustic/pushing walls will stand at a height of 6-metres, and the upper part of the wall would be open to views when approaching the site on the C159 from the southeast. In order to soften the appearance of the concrete it is proposed that cladding of a suitable colour be affixed to the wall. Full details of a suitable finish can be secured by condition.

With regard to lighting, the supporting statement does confirm the lighting to be provided at the site, although this is in regard to safe working and will be of the minimum required level. No security lighting has been proposed. Full details of an appropriate scheme can be secured by condition.

The Council's Landscape Officer raised no objection to the scheme.

9.4 Ecology and Biodiversity

An Extended Phase 1 Ecology survey followed up by reptile and invertebrate surveys have been submitted with the planning application. Significantly high numbers of slow worms have been found on the site, along with a breeding population of grass snake and some notable species of invertebrate.

The submitted surveys are considered to have provided sufficient detail on the species present on site, and to enable a mitigation and enhancement strategy to be designed. The mitigation strategy proposed includes the safe removal of reptiles to a holding area away from the site until construction works are complete, the creation of a UK BAP Priority Habitat (Open Mosaic Habitats on Previously Developed Ground), and creation of enhanced habitat areas for reptiles to include the full range of habitat requirements for summer breeding and winter hibernation.

In order to ensure no reptiles are harmed as a result of the proposed works, a suitable planning condition can be imposed to ensure the works on site are undertaken in accordance with the mitigation strategy. Furthermore, a suitable management strategy can be secured by condition for the post-construction management of all habitats within the site for the duration of the development.

It is considered that the proposals would not only maintain and support the current population found on site, but will also provide enhancements to benefit reptiles and invertebrates. It is therefore unlikely that demonstrable harm would be caused to ecology or biodiversity as a result of the proposed development.

9.5 Transportation of Waste and Impact on Highway Safety

A Transport Statement (TS) considering the anticipated transport impacts of the proposal has been submitted in support of the planning application, in line with the requirements of Policy WDC11 of the Waste Development Control Policies DPD.

The TS considered the existing conditions of the route to the site, and found that the visibility where the C159 meets the A4 Bath Road was provided by splays of at least 4.5m x 215m in both directions, which are considered appropriate to a 60mph speed limit section of road. The A4 is also designated as a local lorry route.

Between the A4 Bath Road and the site access, the C159 is rural in character with a carriageway width of approximately 5 to 5.5m and verges of between 1m and 2m. The C159 has no footway or street lighting and is subject to the national 60mph speed limit.

To the southeast of the site the C159 continues via a bridge over the railway to Notton where it links to the A350 Melksham Road. The carriageway width from the railway bridge to the A350 is generally less than 4.0m wide with opposing vehicles only being able to pass at field accesses and occasional other passing places. This section of the road is not suitable for large vehicles.

The delivery route to and from the site is therefore proposed via the A4 Bath Road and the C159. The scale of the proposed development is such that the number of Heavy Goods Vehicle (HGV) movements to and from the site over the course of an average day is likely to be limited to approximately 15 two-way (i.e. 15 trips in and 15 trips out of the site, giving a total number of trips of 30).

The TS concludes that the traffic impact of the proposals once complete and operational are minor and do not in themselves merit off-site highway improvements. Whilst the Waste Site Allocations Local Plan indicates some local widening will be required along the C159, the scale of the waste use proposed means the probability of two HGVs travelling in opposing directions needing to pass each other while travelling the length of the C159 is very low. As a result, widening the full length of the C159 is not considered to be necessary or appropriate.

However, the development proposal also involves construction of significant landscaped bunds which will require approximately 17,170 cubic metres of fill material to be imported. Working on a likely construction period of nine months and

an average lorry load of 15 cubic metres the import phase is likely to involve approximately 254 lorry movements monthly, 64 lorry movements weekly and 13 lorry movements daily.

In light of this, the applicant has given further consideration to the standard of the C159 between the site and the A4 and in particular its ability to safely accommodate the anticipated lorry movements. No improvements are considered necessary between the site access and its junction with the lane leading towards Westrop. Forward visibility in both directions to oncoming vehicles is slightly restricted between the lane leading to Westrop and the junction with the A4, particularly in the vicinity of the unused gates to the Corsham Estate. It is therefore proposed to provide two passing bays at this location. In these locations the carriageway width of the C159 will be widened by approximately 1m to create a 6m carriageway width over a length of approximately 40m. The locations have been carefully chosen to ensure that inter-visibility is available between opposing lorry drivers enabling one to pull in, slow and wait for an opposing lorry to pass should the need arise.

Although the passing bays are proposed primarily in relation to the construction traffic, they will be retained post construction. As such they will also be available to cater for opposing lorry movements during the operation of the proposed development in the unlikely event that the small number of predicted lorry movements might meet. The Applicant has undertaken to fund the implementation of these passing bays (Section 106 agreement).

The Highways engineer has suggested that, in addition to providing for these passing places, a planning obligation should also secure an ongoing commitment by the developer to meet the extraordinary costs of maintaining the road between the site access and the A4. However, such a bond to cover the repair of any damage to the public highway is not considered appropriate for a planning obligation. The Local Highway Authority has its own statutory regime (Section 59 of the Highways Act 1980) to recover the expense of additional maintenance work to the public highway if this is associated with extraordinary traffic to and from a particular operator / end user. In this case, the developer has stated in the TS that a bond under Section 59 of the Highways Act will be provided such that the Highway Authority can undertake repairs to the C159 verges should damage be caused by HGVs accessing the site. This commitment can be secured by the Local Highway Authority in parallel with the completion of the S106 planning agreement.

The junction of the C159 with the A4 Bath Road has been assessed and it demonstrated that the junction would operate with good levels of spare capacity. In a period of 5 years, there have been a total of 4 accidents at this junction, and one on the C159. The TS considers that, due to the good visibility at the A4 junction, the probable cause of the accidents was driver error and not the standard of the junction. It is not considered the number of vehicle collisions over the last 5 years is sufficient to justify a recommendation for refusal on highway safety grounds.

Plans have been submitted to show that the existing site access is to be permanently stopped up, and the surface between there and the proposed access will be removed. The access has deliberately been designed in order to make it difficult for vehicles approaching from the direction of the A350 to turn right into the site, and aid

vehicles that approach from the A4, whilst also providing increased visibility. Similarly, egress to the A4 is encouraged by the junction layout. All vehicles accessing both the development site and the wider sidings area will use the new access, the design of which allows 2 HGVs to pass.

In addition to the physical works to the site access, the Highways engineer considers a Traffic Regulation Order (TRO) would be appropriate to cover the section of the C159 between the site access and the A350 junction, imposing a 7.5t 'except for access' weight restriction. This would prohibit any driver from gaining access to/from the development site from the A350. The Applicant is willing to enter into a Legal Agreement (Section 106) to underwrite the costs associated with advertising and delivering the TRO and also to cover the cost of all necessary signing works. The Applicant is also willing to fund provision of/improvement to three vehicle passing points on the length of the C159 between the proposed site access and the A350 at Notton to accommodate any vans/cars potentially travelling to and from the site from this direction.

On the basis of the details provided within the TS, no objections being raised by the Local Highway Authority and the imposition of suitable planning conditions, it is considered that the proposal is unlikely to demonstrably harm highway safety and represents the most sustainable method of moving goods to the development site.

10. Conclusion

The site is included within the Waste Site Allocations Local Plan and so there is 'in principle' support for its use as a waste management facility. The assessments submitted with the planning application demonstrate that proposed development can be undertaken without causing significant adverse impact on local or residential amenity, landscape character and visual amenity, highway safety or biodiversity interests. No material considerations have been presented to indicate permission should not be granted. The site is located with 16km of Chippenham and Trowbridge and will make a positive contribution to meeting capacity requirements in line with policies WCS1, WCS2 and WCS3 of the Waste Core Strategy.

RECOMMENDATION

To delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement to secure the highway matters outlined in section 9.5 above (i.e. improvements to C159 and provision of TRO), and subject to the following conditions:-

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise required by conditions contained within this schedule:

Plan Ref: VL.2012/60/11 Rev. B - Site Layout Plan, dated 6 November 2013.

Plan Ref: VL.2012/60/12 - Proposed Buildings - Plans, dated June 2013.

Plan Ref: VL.2012/60/13 - Proposed Buildings - Elevations, dated June 2013.

Plan Ref: NPA 10589 301 Rev. P4 - General Arrangement, dated 25 June 2013.

Plan Ref: VL.2012/60/20 – Site Functions Plan, dated April 2014.

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

3. No development shall commence on site until full detail of the improvements to the C159 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the provision of passing bays and installation of traffic priority road markings and signage. Those improvements shall be completed in accordance with the approved details before the development hereby permitted is commenced and shall be maintained throughout the duration of the development.

REASON: In the interests of highway safety and to ensure that adequate highway capacity is available to accommodate the additional traffic generation by the proposed development.

4. Prior to the commencement of any other part of the development the new access to the site shall have been completed in accordance with the detailed plans to be approved by the Local Planning Authority. There shall be no other access to the site other than from the approved access. Access to the land to the east of the approved site (the blue edged land) shall be provided only via the new site access road.

REASON: In the interests of highway safety.

5. Notwithstanding the proposed access details shown on the submitted drawings, any gates to the site shall be set back from the new carriageway edge by a minimum distance of 18 metres, and shall be designed to not open towards the highway.

REASON: In the interest of highway safety, and to accommodate the longest lorries likely to visit the site clear of the carriageway.

6. The site access road, car parking areas and yard servicing areas shall be completed in accordance with details which shall first have been submitted to and approved by the Local Planning Authority prior to the development being brought into beneficial use.

REASON: To ensure that traffic using the site access does not prejudice the safety of highway users by way of muck being dragged off the site.

7. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160 metres to the west and 160 metres to the east from the centre of the access in accordance with detailed plans to be submitted to and approved by the local planning authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

9. No development shall commence on, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles to be used during construction;
 - the means of access to and from the site and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors clear of the highway,

- the loading and unloading of plant, materials and waste clear of the highway,
- the storage of plant and materials used in construction of the development clear of the highway and trees;
- the erection and maintenance of security hoarding clear of the highway;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security clear of the highway;
- details of public engagement both prior to and during construction works;
- A traffic management plan for the public highway;
- Details of advance warning signage (highway and/or otherwise);

The approved Plan shall be implemented and adhered to throughout the entire construction period.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of buildings and the acoustic wall 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.

11. No development shall commence on site until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours of the land;
- means of enclosure;
- car parking layouts;

- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- biodiversity enhancement proposals
- minor artefacts and structures (e.g. refuse and other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

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

12. No development shall commence on site until an Ecological Management Plan for the post-construction management of all habitats within the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented as approved.

REASON: In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity and to safeguard the special character of the area.

13. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and prevent pollution of the water environment.

14. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

[1] A preliminary risk assessment which has identified:

- a) all previous uses;
- b) potential contaminants associated with those uses;
- c) a conceptual model of the site indicating sources, pathways and receptors;
- d) potentially unacceptable risks arising from contamination at the site.

[2] A site investigation scheme, based on [1] to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

[3] The results of the site investigation and detailed risk assessment referred to in [2] and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

[4] A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in [3] are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters from pollution by contaminants (due to past site uses as a railway yard) mobilised by construction.

15. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To prevent pollution of the water environment.

16. The development shall only be carried out in accordance with the Ecological Mitigation Strategy by Nicholas Pearson Associates, entitled 'Proposed Metal Salvaging, Recycling and Waste Facility at Thingley Junction, Chippenham - Mitigation Strategy' and dated July 2013.

REASON: In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity and to safeguard the special character of the area.

17. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

18. No operations shall take place on the site, including the movement of vehicles within the site, except between the hours of:

07:00 - 18:00 Monday to Friday

07:00 - 14:00 Saturdays

No operations, including the movement of vehicles, shall be carried out at any time on Sundays, Bank or Public Holidays.

REASON: In the interests of highway safety and amenity.

19. The total number of HGV vehicle movements associated with the development hereby permitted shall not exceed the following limits:

30 movements [15 in and 15 out] per day Monday to Friday

16 movements [8 in and 8 out] per day Saturdays

No HGV movements shall take place outside the hours of operation stated in condition 18 of this permission.

REASON: To secure the level of traffic assessed as acceptable in the Transport Statement and to reduce the potential for disturbance caused by vehicular movements.

20. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Local Planning Authority on request and retained for a duration of not less than three months.

REASON: To enable the Local Planning Authority to monitor the operations and ensure vehicle movements do not exceed that stated in condition 19.

21. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. Associated pipe work should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Waste Planning Authority prior to the first use of the development.

REASON: To prevent pollution of the water environment.

Appendices:

Appendix 1: Site Location Plan

Appendix 2: Site layout plan

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Showell Cottages

Showell Farm

Lackham

Thingley Junction

Caravan Site

Landfill Site

Thingley Junction

Dismantled Railway

Dismantled Railway

Easton Farm

Easton Court Farm

Drain

Drain

Track

Track

Thingley Court

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	14/04903/WCM
Site Address	Land off Abberd Lane, Calne, SN11 8TE
Proposal	Change of Use of Agricultural land to use of land for storing empty skips & for lorry turning involving the removal of top soil & laying 450mm of hardcore/scalpings together with an area for storing reclaimed materials for disposal to appropriate sites without compliance with Condition 5 of Permission N/09/01253/WCM (stockpile heights).'
Applicant	Calne Aggregates Ltd
Town/Parish Council	CALNE WITHOUT
Electoral Division	CALNE SOUTH AND CHERHILL
Grid Ref	400852 171642
Type of application	Full Planning
Case Officer	Greg Lester

Reason for the application being considered by Committee

Councillor Christine Crisp has requested that the application be determined by the Committee for the following reasons:

- Scale of Development
- Visual Impact
- Environmental Impact
- Highway Impact

1. Purpose of Report

To consider the above application, and recommend that permission be GRANTED.

2. Report Summary

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

Whether the reasons for the imposition of condition 5 of permission reference N/09/01253/WCM (hereinafter referred to as 'the original permission'), would prevent the modification of the condition to allow a stockpile storage height of 5.0 metres.

The application has generated 2 letters of objection from local residents.

Calne Town Council objects to the proposed development.

3. Site Description

The site is an existing waste management facility located on the west side of bridleway 56 from which access is derived. Three passing places are located to the south of the site before the bridleway meets the public highway (Abberd Lane). The bridleway has a consolidated surface that continues just beyond the site entrance.

The site currently comprises areas of covered sorting and storage, outdoor storage of recovered material and storage of skips. A weighbridge is located inside the access gates, with existing buildings being located to the western portion of the site, comprising offices, staff welfare facilities and covered sorting and storage areas. The land rises towards the east, starting with a moderate rise, becoming steeper towards the back of the site. The site is surrounded in the main by mature hedgerows and trees.

Land surrounding the site is predominantly in agricultural use, with a farmyard and buildings bounding the site immediately to the north. A large solar farm is currently in the final stages of construction, and lies to the north on both sides of the bridleway. The access road leading to bridleway 56 also provides access to a landfill site and minerals and concrete products factory.

The site subject of the current application is located to the western portion of the site and has been in use since 2009 as an area for the storage of reclaimed materials, lorry turning and for the storage of empty skips.

4. Planning History

14/02739/WCM	Section 73 Application - Erection of building for sorting, recovery and reclamation of waste, office, weighbridge and office and messroom for staff, without compliance with conditions 4 and 6 of planning permission N/98/2073 (change types of waste handled and remove time limit imposed on the use)
N/97/02353/FUL	ERECTION OF BUILDINGS FOR SORTING, RECOVERY AND RECLAMATION OF WASTE, OFFICES, MESSROOM, VEHICLE WORKSHOP AND WEIGHBRIDGE
N/01/02209/COU	ADDITIONAL AREA FOR TURNING AND SKIP STORAGE

N/07/01393/FUL	Construction of Steel Framed Covered Yard and Fodder Store
N/08/07002/FCM	Change of Use of Agricultural Land to Use of Land for Storing Empty Skips and for Lorry Parking; Involving the Removal of Top Soil and Laying 450cm of Hardcore & Scalping
N/08/07027/FCM	Change of Use of Agricultural Land to Use of Land For Storing Empty Skips and for Lorry Turning Involving The Removal of Top Soil and Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials at Land Adjacent Reclamation Yard.
N/09/01253/WCM	Change of Use of Agricultural Land to use of Land for Storing Empty Skips & for Lorry Turning Involving the Removal of Top Soil & Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials for Disposal to Appropriate Sites Without Compliance with Condition 3 of Permission N/08/07027 Dated 18th June 2009 (to Change Operation Hours).
N/10/03007/FUL	Agricultural General Purpose Building
N/12/02367/SCR	Screening Opinion as to whether EIA is required In Respect of A Proposed Solar Park
N/12/04169/FUL	Installation of 25.53Ha 12MW Solar Park Including Transformer Housings, Security Fencing and Cameras, Landscaping and Associated Works.
13/07238/WCM	Extension to existing waste processing building and erection of covered store

5. Proposal:

The proposal seeks to amend Condition 5 of planning permission N/09/01253/WCM to allow a change in stockpile heights from 3.0 metres to 5.0 metres. Planning permission was originally granted for the Change of Use of the site in 2009, with the physical works having been completed shortly thereafter. No other changes or intensification of use are proposed as part of the application.

6. Planning Policy

Wiltshire and Swindon Waste Core Strategy Development Plan Document

WCS3 – Preferred Locations of Waste management Facilities by Type and the Provision of Flexibility

WCS4 – Safeguarding Waste Management Sites

WCS5 – The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

Wiltshire and Swindon Waste Development Control Policies Development Plan
Document September 2009.

WDC1 – Key Criteria for Sustainable Waste Management Development
WDC2 – Managing the Impact of Waste Management
WDC7 – Conserving landscape Character
WDC8 – Biodiversity and Geological Interest
WDC11 – Sustainable Transportation of Waste

North Wiltshire Local Plan 2011

NE15 – The Landscape Character of the Countryside

ISSUES

The section 73 procedure for such applications requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted. If it is decided permission should be granted subject to conditions differing from the previous permission the planning authority may grant planning permission accordingly. Alternatively, if the planning authority decides that permission should be granted subject to the same conditions as in the previous permission, then it should refuse the application.

7. Consultations

Calne Town Council

Members fully endorsed the objections made by Calne Without Parish Council and went on to add their own comments and concerns.

Members **strongly objected** to this application which will have a direct, negative impact on the local area and in particular the residents of the neighbouring housing development at Sandpit Road. Members felt strongly that the proposed expansion of this site (14/02739/WCM) and this latest application to increase the height of the stockpiles will only exacerbate the issues currently experienced with regards pollution, waste and litter in the area.

Members resolved to **strongly object** to this application

Calne Without Parish Council

Calne Without Parish Council object to Application 14/04903 which proposes an increase in the height of materials stored on site from the existing height of 3m to 5m.

We endorse the calling in to committee of this application and agree with the grounds namely Visual Impact on the Surrounding Area, Scale of Development, and Environmental/Highway Impact.

We are concerned about the management and current operation of this site and feel that an increase in the height of the stockpiles would only exacerbate this, as would the extensions to the scope of business sought in the previous Planning Application 14/02739/WCM. Neighbouring properties have already complained about the impact of rubbish and dust which extends beyond the perimeter of the site and the disruption created by the lorry movements to and from the site along a public bridleway. There is also the concern about the impact on the new housing on Sandpit Road.

Going forward, we would also request monitoring of the operations at this site by the appropriate officers at Wiltshire Council.

Environment Agency – No objection.

Wiltshire Council Rights of Way Warden – No objection.

Wiltshire Council Environmental Health Officer – No adverse comments.

Local Highways Authority – No objection.

Wiltshire Council Landscape Officer – ‘...the above application to vary Condition 5 of application N/09/01253 to increase the height of stock piles from 3m to 5m, I have no objections in terms of landscape. The existing site is well screened and there should be sufficient height in the surrounding hedgerows and trees to provide visual containment. I understand that the stockpiles at the moment are in excess of 5m so once the site is brought back into compliance amenity should be restored’.

8. Publicity

In addition, the development was advertised by press notice, site notice and a neighbour consultation exercise undertaken. Two letters were received raising the following concerns:

- Access route is along a public bridleway.
- Increasing number of vehicles are visiting the site
- Signage should be provided to alert HGV drivers of the likely presence of other bridleway users (pedestrians, cyclists, riders).
- Speed along access route should be restricted
- Piles of waste unsightly
- Dust, litter and smoke spoils enjoyment of the bridleway
- Rubbish appears to be burnt on site
- There must be a limit to expansion
- Stacks of skips can be as high as a house
- Parking on bridleway causes obstruction for agricultural vehicles

9. Planning Considerations

Principle of Development

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. Nonetheless, the authority may be unrestrained in its consideration of the full planning merits of the application, and the result of a successful application under s.73 is a wholly new planning permission.

The application seeks to 'vary' Condition 5 of Planning Permission ref: N/09/01253/WCM dated 22 September 2009. The development approved by that permission is: *Change of use of agricultural land to use of land for storing empty skips and for lorry turning, involving the removal of top soil and laying 450mm of hardcore/scalping together with an area for storing reclaimed materials for disposal to appropriate sites without compliance with condition 3 of permission N/08/07027/WCM dated 18 June 2009 (to change operation hours)*. This permission is a variation to the development permitted by permission N/08/07027/WCM on 18 June 2009.

Condition 5 reads: *'The height of any stockpiles or stacks of reclaimed or salvaged materials shall not exceed a height of 3.0 metres above existing ground level'*.

The proposed 'variation' to the condition will strike out the height '3.0 metres' and replace it with the height '5.0 metres'. The reason given for the imposition of the original condition was *'To protect the visual amenities of the area'*. In terms of the current application, regard must be had to the reason for the imposition of the original condition, and whether the proposed amendment to the condition will have a detrimental impact on the visual amenities of the area.

The applicant has requested an increase in the height of the stockpiles of recovered material stored on site due to the pressures experienced in the past with having insufficient space to store recovered material prior to its collection. The proposal to increase stockpile heights would serve to provide a degree of flexibility to the site operator, allowing more material to 'bulked-up' on site prior to removal.

The area of the site used for the stockpiling of materials and the storage of skips is located to the northeast of the existing buildings on site. This land has been in use for this purpose since planning permission was originally granted in 2009.

The existing stockpiles on site are in excess of the currently permitted levels (3.0m). Indeed it should be noted that some of the stockpiles on site are in excess of the level requested under the modified condition (5.0m). This is due to a period of poor management of the site, which both the Council's Minerals and Waste Enforcement Officer and the Environment Agency are aware of, and working to resolve. At the time of the Case Officer's visit, the stockpile heights had reduced from those levels previously witnessed.

Due to the position of the site, and the nature of the existing boundary planting, it is considered unlikely that allowing an increase of stockpile heights from 3 metres to 5 metres would cause demonstrable harm to the visual amenities of the area. The portion of the site used for stockpiling has limited visibility from outside the confines of the site, although glimpse views are possible from field gateways and occasional gaps in hedgerow planting and the elevated northern section of the bridleway, a situation which has been exacerbated through the removal of some portions of hedgerow to accommodate accesses to the new solar farm. However, when viewed from the bridleway to the north, the existing stockpiles are heavily filtered by vegetation, with only the top of stockpiles being visible at the time of the site visit. The intervening space between the viewpoint and the site is dominated by the newly installed solar panels, which are considered to be a more prominent feature from this location. In addition, an existing agricultural building immediately adjoining part of the site provides screening to the eastern section of the site.

It is not considered that the amenity will be harmed by transient glimpse views through field gateways and gaps in the hedgerow. Furthermore, the Council's Landscape officer raised no objection to the proposal to increase stockpile heights to 5 metres.

In winter months, whilst the site will be more open to views as a result of the loss of foliage, it is considered views into the site will continue to be screened and filtered by trees and hedges serving to 'break-up' the sites appearance.

The proposal does not seek to increase either the intensity of the operation, or the amount of traffic visiting the site, as the portion of the site subject of this application is used for storage and lorry turning only. No processing of waste is undertaken. However, it should be noted that the site for processing waste material to the east of the site currently has no restrictions on the amount of vehicle movements to the site or the quantity of waste that may be handled. In terms of the waste handled at the site, the Environment Agency Waste Permit will impose restrictions on the throughput of material and the material that may be stored on site.

Policy WCS3 sets out the preferred locations of waste management facilities. Waste Transfer Stations are considered to be appropriate on existing waste management sites. The site at Abberd Lane has been a waste site since 1992 and has become an established local waste site.

In terms of the impacts that can be generated from waste management developments, account has been taken of the existing mitigation measures / planning conditions which seek to avoid any unacceptable adverse impacts. These appear to have been effective given the absence of any complaints and can be re-imposed on any new permission. The site is also regulated by the Environment Agency under the terms of an Environmental Permit.

It is therefore not considered that the proposed increase in stockpile heights would lead to an adverse impact on the surrounding highway network or lead to an unacceptable environmental impact.

10. Conclusion:

The proposed development complies with the development plan and permission can be granted subject to conditions different from those previously imposed for the reasons explained.

Recommendation

To grant planning permission subject to the following conditions:

1. Landscaping of the site shall be carried out in accordance with the details as shown on plan number KS 07F-Rev A dated 18 March 2009 within the first available planting season coinciding with or immediately following the commencement of development. Within a period of five years of the planting, any trees or shrubs which die, become diseased, are removed or damaged shall be replaced in the first available planting season with others of a similar size and species.

Reason: In the interests of the visual amenity of the area.

2. No operations authorised by this permission shall take place outside of the following hours:

07.00 to 17.00 Monday to Friday

07.00 to 12.00 noon Saturday

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

Reason: To protect the amenities of local residents and visitors to the area.

3. The land to which this permission relates shall be used for the purposes of storing empty skips, and reclaimed materials, and for the turning of vehicles and for no other purpose.

Reason: To secure the development as described in the application and for the avoidance of doubt.

4. The height of any stockpiles or stacks of reclaimed or salvaged materials shall not exceed a height of 5.0 metres above existing ground level.

Reason: To protect the visual amenities of the area.

5. Empty skips shall not be stacked/stored in excess of 3.0 metres above existing ground level.

Reason: To protect the visual amenities of the area.

6. No external floodlighting or other illumination shall be erected or installed at the site.

Reason: To ensure that the development is carried out in accordance with the submitted details and to protect the amenities of the area.

7. All loading shovels and other mobile plant operating within the site shall be fitted with “smart” reversing alarm systems which have a white noise audible alarm set at a level which would not impact upon the occupants of any nearby noise sensitive properties.

Reason: To safeguard the amenity of local residents and users of the bridleway.

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	13/06739/FUL
Site Address	Land East and North of Melksham Oak Community School
Proposal	Provision of new football and rugby facilities, including changing rooms, clubhouse and football stadium, together with 11 other football pitches, 4 rugby pitches, car parking, new access road and junction.
Applicant	Wiltshire Council
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH
Grid Ref	391811 162487
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

This application is being considered by the Strategic Planning Committee as it is a Wiltshire Council application that has received objection letters. The application is connected to Melksham Community Campus and it is also a large scale leisure development which has wider strategic implications and raises issues of more than local importance.

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Archaeology
- Land Contamination
- Flood Risk & Drainage
- Agricultural Land Classification
- Ecology
- Impact on Listed Buildings

- Impact upon neighbouring amenity
- Highway
- Public Rights of Way
- Renewable Energy
- Section 106 Legal Agreement
- Other

3. Site Description

The application comprises of 20 hectares of grassland enclosed by hedgerows currently used for agriculture. The proposed site is located North East of the existing Melksham Oak School building and East of the school playing facilities. The proposal is also located south of the new housing development and the road known as Thyme Road and north of the A365.

4. Planning History

No relevant planning history

5. The Proposal

The proposed application is for a stadium to seat up to 256 people and includes a club room and facilities, floodlit stadium pitch, a floodlit football training pitch, 10 football pitches of varying sizes to suit different age groups, 4 rugby pitches also suited to different age groups two of which would be floodlit. The proposal sees vehicular parking spaces and coach parking spaces with an overflow car park. Pedestrian access will be available from the existing community parking area at Melksham Oak School. A new access is also to be provided via a junction on Thyme Road.

The proposal is to provide enhanced facilities for the public as well as Melksham Football Club who are currently based at Melksham House and for Melksham Rugby. It should be noted by members that Melksham House has been approved as a Council Community Campus and as such alternative facilities need to be found.

6. Planning Policy

West Wiltshire District Local Plan

C1 Countryside Protection, C15 Archaeology, C31a Design, C32

Landscaping

C34a Resource, Consumption and Reduction, C35 Light Pollution, C38 Nuisance

R11 Footpaths and Rights of Way

Emerging Core Strategy (eWCS)

Core Policy 41 (Sustainable construction and low carbon energy)

Core Policy 51 (Landscape)

Other

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Wiltshire Car Parking Strategy

Leisure and Recreation Development Plan Document

Circular 06/2005 Biodiversity and Geological Conservation

7. Consultations

MELKSHAM TOWN COUNCIL –no objection but requested clarification on whether the proposed pedestrian access to the site from the north forms part of an alternative route for Melksham Oak pupils.

MELKSHAM WITHOUT PARISH COUNCIL – The Council expressed concern that the revised plans and reports were received on 27th March and therefore residents and statutory consultees has not had sufficient time to look at the reports. The Council supports the Planning Officers comments that further archaeology exploration should be carried out on the area with regard to archaeology.

Previous Comments include: Glad to see the access road has moved, concerns with noise levels in the future as noise will be from adults in the stadium which will be above hedgerow height so a planting condition would be necessary to help screen noise, more information is required regarding flood lights (location, time of use etc), the ecology statement was conducted in 2008 and prior to the school being built. Is there sufficient space for car parking as the school car park has been proposed to be used as an overflow which is always full in the evenings

WILTSHIRE COUNCIL SPATIAL PLANNING OFFICER – No objections

WILTSHIRE COUNCIL LAND CONTAMINATION OFFICER– No objection subject to an informative regarding finding unexpected land contamination

WILTSHIRE COUNCIL HIGHWAYS OFFICER – No objections to additional plans showing a right hand turn lane. The proposal does require further detailed information which can be requested by condition

WILTSHIRE COUNCIL LAND DRAINAGE OFFICER - No objection however the preliminary drainage strategy (Dwg No.475001-C01/P2) confirms that three structures (an attenuation pond and two swales) would be connected to the ordinary watercourse/ ditch. Three applications would be required for 'Land Drainage Consent' (one for each structure).

WILTSHIRE COUNCIL ARCHAEOLOGY OFFICER – No Objection subject to a

condition regarding archaeological mitigation excavation

WILTSHIRE COUNCIL ECOLOGY OFFICER – No Objection subject to conditions requiring an ecological construction method statement and an ecological management plan

WILTSHIRE COUNCIL ENVIRONMENTAL HEALTH OFFICER – No Objections subject to conditions regarding hours of operation for lighting, hours of construction, noise from plant

WILTSHIRE COUNCIL RIGHTS OF WAY OFFICER – Melksham footpath 18 cuts through the northwest corner of field C and Melksham footpath 23 runs along the northeast edge of field B which must be taken into account and diversions applied for if necessary. The Public Footpath should not be obstructed at any time during the works and that any damage made to the surface during construction is appropriately restored.

BIO RECORDS CENTRE – Great crested newt recorded within 360 m (2005)

NATURAL ENGLAND – No Objection – Proposal is unlikely to affect any statutory protected species or landscapes. The incorporation of roosting opportunities for bats or the installation of bird nest boxes should be considered. The Local Planning Authority should secure measures to enhance biodiversity and to improve the landscape to avoid any unacceptable impacts.

SPORT ENGLAND – Support the proposal

ENVIROMENT AGENCY – No Objections subject to a condition regarding surface water drainage scheme

WILTSHIRE FIRE & RESCUE – request a contribution of £846.72 towards infrastructure

8. Publicity

The application was advertised by a site notice, advert and neighbour notification letters. The deadline for any correspondence was 28th March 2014.

2 letters of support have been received with the following comments:

- Plans look fantastic and is a great development for Melksham Town Football Club, Melksham Rugby and the town
- There is a link to be provided from Thyme Road, please can this be solid to make it a safe route for children walking to school from the new residential development
- Melksham Rugby fully support the proposal. There has been several years of consultation with Wiltshire Council. Melksham Rugby Club has for years been identified by the Rugby Football Union as a club in crisis due to the lack of controlled facilities to match its requirements. The scheme will allow the club

to provide additional services in a far better co-ordinated manner and will allow to develop aspects that have had to be temporarily cut due to lack of facilities (e.g development of the female game due to changing facilities, longer training hours, permanently marked pitches). The proposal would allow the club to carry out all existing activities in a single purpose built location instead of hired amenities currently juggled by the club.

2 letters of objection have also been received and the issues raised are as follows and have been summarised:

- The access is directly opposite Hawthorn Road which is the main access to Phases 1 and 2 of the Bloor Development. Therefore there is a considerable potential for congestion and accidents.
- We were told by Bloors that this piece of land was not going to be developed
- This is an exception site and is not allocated in the Core Strategy nor likely to be in the Neighbourhood Plan
- The east melksham residents consider this land to be their local amenity land with dozens of dog walkers. People shouting at their dogs are a disturbance to residents and wildlife
- Is this recreational or business use (bar, conference facilities etc). There is no overriding public interest to allow this as there was for the school
- Noise - Where is the noise assessment? The application states that there will be no noise intrusion. There will be from the football stadium, 200 people stood in a field. The school is at a far greater distance than the proposed stadium from residential properties. Noise will also be at unsociable hours. Noise from construction
- Views from the Spa will be lost and replaced with 48 lighting columns which will result in waste light spillage and will be visible from the AONB. Lighting will also effect the owls who live here. Views of Sandridge Hill will also be lost
- Lack of consistency across the documents
- Plans are not clear as to which is the stadium.
- People will be able to look directly into residents first floor windows from the stadium
- Strongly object to the first floor part of the proposal as noise and light pollution from the balcony are a cause of contention
- Lack of public consultation on the proposal and absence of any planning notice will lead to many residents being ignorant of the scheme.
- Presentation at the Area Board was poor due to bad lighting, no hard copies of plans to view
- Environmental Report was based on one walk round on 26th June – this is not adequate
- Intention to create a new skylark field adjacent to a distributor road where none have been seen before has concerns
- The removal of 190 metres of mature hedgerow which is a wildlife corridor is to be deplored
- Access is highly constrained and restricted by a narrow lane so what will happen when traffic meets– work traffic especially.
- Not enough parking spaces
- No provision for cyclists and walkers

- Working hours should not exceed 5:30pm and no weekend working
- The style of the building looks industrial and is uglier than the school building
- A solar farm would be less contentious and will maximise financial return for Wiltshire Council
- The Governors at Melksham Oak Community School initially objected to the scheme due to assumptions that the school car park could be used as an overspill, conflict between cars and pedestrians, overcrowded car parks and lack of pedestrian footpaths

9. Planning Considerations

Amended plans have been received for the application which includes a right hand turn lane on Thyme Road along with an updated Transport Assessment.

9.1 Principle

The site is located in the open countryside where Policy C1 states: *In order to maintain the quality and variety of the countryside, the water environment, the rural landscape and wildlife, will be protected, conserved and enhanced through the control of development and positive planning measures. Development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. Acceptable mitigation measures will be implemented where appropriate.*

The proposal is for rural recreation and therefore is considered to comply with this Policy.

Policy OS2 of the Leisure & Recreation DPD states: *Proposals for the development of grass sports pitches and ancillary facilities will be permitted at the following locations to address the shortage of pitch provision at Woolmore Farm Melksham.*

The Leisure & Recreation DPD also stated that: *provided that development protects and where possible enhances wildlife habitats, historic and landscape features, delivers a sustainable drainage solution and creates a safe and convenient connection to existing pedestrian, cycle and public transport networks and the highway without creating transport problems. Acceptable mitigation measures will be implemented where appropriate and also goes onto say facilities should be designed and managed to ensure that there are no adverse impacts upon the character and setting of nearby listed properties, particularly Woolmore Farmhouse, a Grade II* listed building, and those located at The Spa*

The proposal results in grass sports pitches and ancillary facilities at Woolmore Farm and therefore is considered to comply with this policy.

In conclusion it is considered that in principle the proposal is acceptable.

A concern has been raised stating that the site is not allocated in the Core Strategy, or the neighbourhood plan and that there is not public interest to allow the proposal. However as stated above the Leisure & Recreation DPD does support the proposal in principle.

9.2 Impact upon the character and appearance of the area

Policy C31a of the Local Plan states: *Proposals for new development will be required to respect or enhance:*

A Townscape and landscape features and views;

B Existing patterns of movement, activity and permeability;

C The quality of architecture of surrounding buildings;

D Historic layout and spatial characteristics.

Proposals for new development on prominent or sensitive sites will be required to :

A Pay particular attention to proportion, composition, form, massing and scale;

B Utilise high quality materials, finishes, and details;

C Integrate landscaping into the design as appropriate;

D Minimise the visual impact of roads, vehicles and parking areas.

A design statement may be required for prominent or sensitive sites, which should analyse the site, show how the proposal relates to the existing built context and patterns of movement, and set out the principles behind the building and landscape design.

The proposed stadium is two storey and is 67 ½ metres long and a maximum of 24 ½ metres wide (including the roof over the stand) and a maximum of 11 ½ metres in height. The stadium is to be built with brick work at ground floor level with metal cladding above which are not considered to be sympathetic to its rural surroundings. An objection has also been raised on the materials by a member of the public. However Melksham Oak Community School is two storey and is built of similar materials. Therefore due to the proximity of the existing building to the proposed site it is not considered reasonable to refuse the application on this basis. The proposed stadium by reason of its size and location would impact upon the rural character of the area however the public benefits that would be created by this application is considered to overcome this issue alongside the fact that the stadium would be relatively close to the existing school building.

The proposed pitches including their slight grading on the relatively flat landscape

are not considered to have an impact upon the character and appearance of the area as they will remain open with no buildings meaning that the landscape will generally remain unaltered.

The proposal sees the erection of 18 floodlights which are proposed to be 15 metres high. Further details regarding the finer details of these floodlights will be required to ensure that glare and light spillage from these floodlights are minimised to reduce the overall impact upon the rural area. These details can be obtained via a condition. The floodlights are therefore considered to comply with Policy C35.

The proposal sees the loss of 155 metres of mature hedgerow and breaks will be made within two existing hedges to make way for the proposed access road. The proposal also includes significant tree and shrub planting to the north, to the boundaries of the site to the east and south alongside enhanced hedgerows and a wildflower meadow to the west of the proposed access. It is therefore considered that the proposal makes suitable provision for landscaping which will minimise the impact of the proposal on the wider area and as such complies with Policy C32 and Core Policy 51.

It is accepted that rugby and football posts may be erected on the site alongside floodlights and the creation of a new access and associated parking areas which will be visible from the public realm and will alter the character and appearance of the rural area. However these are not considered to have a significant adverse impact upon the character and appearance of the area to warrant a refusal reason. It is also considered that the public benefit as a result of this proposal is considered to overcome any impact the proposal may have upon the character and appearance of the area. As such the proposal is considered to comply with Policy C31a.

9.3 Archaeology

A number of anomalies of possible archaeological origin were targeted by trial trench evaluation. One anomaly at the eastern end of the site displayed trends of a sub-rectangular feature on a northeast-southwest alignment. A single trench across this feature confirmed that it forms part of a wider enclosure relating to a small settlement or farmstead. Environmental and animal bone analysis suggests some stock rearing and arable agriculture on a relatively small scale. The pottery and ceramic building material recovered is of Romano-British date and may be indicative of a substantial building in the nearby vicinity.

Current research by English Heritage as part of a National Archaeological Identification Survey Lowland Pilot Project in West Wiltshire has identified a large enclosure within the southern field of the proposed development site. The monument record states that this enclosure is visible as a shallow earthwork on the 2005 lidar and may be of possible later prehistoric and/or Roman date (Unique Identifier 1579857, NMR ST 96 SW 209). Neither the geophysical survey nor trial trench evaluation found any archaeology associated with this feature, though it was

not specifically targeted.

Due to the potential for heritage assets with archaeological interest to be impacted by the proposed development the Archaeologist has recommend that a programme of archaeological investigation is carried out as mitigation for the impact the proposed development will have on them which can be achieved via a condition which is considered to be acceptable.

9.4 Land Contamination

The Environmental Health Officer has advised that there does not appear to be any likelihood of land contamination being found on site and as such an informative should be added to any approval advising the developer to contact the Local Planning Authority should any land contamination be found which is considered to be appropriate.

9.5 Flood Risk & Drainage

Paragraph 103 of the NPPF states: *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.*

The nearest watercourse is the Clackers Brook which runs from east to west and is parallel to the northern boundary of the site and there are no known historic flood incidents recorded on the site. The site is located within Flood Zone 1 which has the lowest probability of flooding and the Environment Agency have assessed the Flood Risk Assessment and have raised no objections to the application subject to a surface water drainage scheme to be conditioned to any approval which is considered to be appropriate.

It is therefore considered that the proposal would not result in flooding on the site or elsewhere.

9.6 Ecology

The current proposal sites the football and rugby pitches on land that currently supports habitat creation and management of sensitive habitats, in mitigation for construction of the school. It is therefore vitally important that the current proposal fully recognises the mitigation and enhancement strategy and the management plan that were a part of the permitted design for the school and which are still ongoing, and that the integrity of the strategy and management plan are not compromised by the current proposal for further development.

The Ecologist has stated that most of the existing sensitive ecological receptors within the site will remain unaffected by the current proposal, other than a short section of hedgerow to be removed to enable construction of the stadium. Significant replacement hedge planting is proposed, together with the creation of a wildflower hay meadow on the remainder of the field to the west of the proposed car park. In

addition, efforts have been made to ensure that lighting will not introduce any additional impacts to the ecology of the site and the submitted lux plot shows that the sensitive habitats such as hedgerows, tree canopies, ditches and rough grass margins that comprise the “ecological zones” marked on the drawings, can be retained as darkened corridors to allow movement between different habitats for a range of wildlife species. A small population of great crested newts therefore parts of the works will need to be carried out under a further licence but the proposal would not have an impact upon them.

The proposal is therefore considered not to have an adverse impact upon ecology and complies with guidance contained in the NPPF and Circular 06/2005

9.7 Impact upon nearby Listed Buildings

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 132 sets out 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.* Significance is defined in the NPPF as *the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.* It goes on to note that *significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of designated heritage assets of the highest significance, including SAMs and Grade I & II* Listed Buildings should be wholly exceptional.* The setting of a designated heritage asset is defined in the Framework as *the surroundings in which a heritage asset is experienced.*

Paragraph 133 goes on to note, that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

In *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin), it was accepted that substantial harm is an impact which would have such a serious effect on the significance of an asset that its significance was either removed altogether, or very much reduced.

Woolmore Manor is Grade II* Listed and lies approximately 530 metres south west of the nearest edge of the proposed development and lies adjacent to the Melksham Oak School Building. It is therefore considered that due to the distance of this property to the proposed development boundary, the proposal would not have an

adverse impact upon it or its setting.

The Spa consists of 4 three-storey buildings which are Grade II Listed and are located approximately 570 metres from the site boundary and due to existing vegetation, can hardly be seen from the site. Properties within The Grove are also Grade II Listed and lie adjacent to the properties at The Spa and as such the same issues as stated above comply.

All of these sites have glimpses of the Melksham Oak School and associated playing fields and due to the proposed stadium and flood lights being located near to these existing facilities the proposal is not considered to have a significant adverse impact upon them and their setting.

Bowerhill Lodge Farmhouse is Grade II Listed and is located approximately 180 metres to north east of the proposed development boundary. Bowerhill Lodge Farmhouse would be closest to the proposed access and as such would have views of the stadium but they would be long distance and as such the proposal is not considered to have a significant adverse impact upon this Listed Building or its setting. It is important to note that a meadow is to be planted between this Listed Building and the access which will minimise the impact upon the Listed Building.

In conclusion it is considered that the proposed development would not have an adverse impact upon nearby Listed Buildings and their setting and as such complies with guidance contained in the NPPF.

9.8 Impact upon neighbouring amenity

Policy C38 of the Local Plan relates to nuisance and states:

Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.

The NPPF states that planning policies and decisions should aim *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.*

The proposed stadium is located away from existing residential properties and faces the school playing fields. It is therefore considered that the proposed stadium would not have an adverse impact upon neighbouring amenity in terms of overlooking and

overshadowing.

The Environmental Health Officer has assessed the noise from any new plant associated with the development (cooking and toilet extraction etc) and is of the opinion that subject to a suitable condition, it is unlikely that any nearby receptors would not be adversely affected. Noise from sporting activities has also been assessed and it is considered that it would not affect the amenity of the nearest residential receptor. Noise from social activities from the stadium has also been considered not to affect the nearest noise sensitive receptor which is located approximately 600 metres away but a condition is still considered necessary. It is also important to note that if any noise exceeds the recommended conditions than existing noise nuisance legislation under the Environmental Protection Act 1990 would still apply.

The Environmental Health Officer has also proposed a condition regarding floodlights to only be used between the hours of 07:00hrs to 22:00hrs on any day to protect neighbouring amenity and also a condition regarding construction hours, both of which are considered to be acceptable.

In conclusion it is considered that the proposal would not have an adverse impact upon neighbouring amenity and complies with Policy C38 and advice contained in the NPPF.

9.9 Highway Impact

The proposal sees a new access from Thyme Road which includes a right hand turn lane which can be achieved and it is therefore considered that the proposed access would not have an adverse impact upon highway safety.

The road access into the site will have a 2 metre wide footway running its entire length which would be required to enable pedestrians to walk to the site however a condition will be required to ensure that this footway does not conflict with the overflow parking, the coach bay and the access.

The proposal sees 152 car parking spaces in the main car park and a further 112 in the overflow car park with a total of 264 car parking spaces which has been considered to be sufficient for the proposed use.

The Governors at Melksham Oak School had objected to the application on the basis that they would not be happy for overflow parking to be located in the School car park. However this car park is owned by Wiltshire Council and is too large to serve the school and as such an area will be portioned off to serve the proposed development. It is considered appropriate however to condition details of a further 52 overflow parking spaces to be submitted to ensure that the requirement is met.

The highways officer has stated that the proposal would not have an adverse impact upon the highway safety and as such has recommended approval subject to various

conditions which have been considered to be appropriate.

9.10 Public Rights of Way

Policy R11 of the local plan states: *The protection, enhancement and use of the public rights of way system will be sought. Where appropriate, extensions and improvements to the network will be sought as part of development proposals.* This is supported by paragraph 75 of the NPPF.

Footpath MELW18 cuts through the northwest corner of the field and footpath MELW23 runs along the northeast edge of a further field neither of which would be affected by the proposed development. The proposal is therefore considered to comply with Policy R11.

9.11 Renewable Energy

The proposed stadium is to meet part L of the current Building Regulations and is therefore considered to identify suitable sustainable construction methods (lighting detection in rooms, low building permeability, low u-values, lighting daylight control, mechanical ventilation) and as such is considered to comply with Policy 34a and Core Policy 41.

9.12 Other

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.

Issues have been raised that are not material planning considerations when making a recommendation on this application. These include whether the site was going to be safeguarded rather than developed, presentation and communication at the Area Board and other possible uses for the site.

A concern was raised regarding the lack of public consultation. Neighbour notification letters were sent to all those who are located adjacent to the site, 7 site notices were located around the site, including at the school, doctors surgery and bus stops on Thyme Road. An advert was also inserted into the local paper. The Local Planning Authority are required to notify the public for a minimum of 14 days, however Wiltshire Council consult the public for 28 days. The Local Planning Authority has therefore fulfilled its statutory obligation with regards to notifying the public.

10. Conclusion

The proposed stadium is considered to have an impact upon the character and appearance of the rural area however it is considered that the significant public benefits that would be achieved by this application would overcome any concern. The proposal complies with the relevant policies of the Development Plan and as

such is recommended for Approval.

RECOMMENDATION: Recommend Approval with 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. The development shall then 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 development shall commence until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with approved details.

REASON: In the interest of archaeology

- 4 No development shall commence on site until an Ecological Construction Method Statement is submitted for approval by the Local Planning Authority. This should take account of all sensitive receptors within or immediately adjacent to the site and should also include a précis of, or reference to the method statement submitted to Natural England in support of the Great Crested Newt development licence application. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ecology

- 5 No development shall commence on site until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority. This should be based on the existing management principles for the site in relation to the Melksham Oak Community School management plan but should also prescribe suitable management for new or replacement ecological mitigation and enhancements in relation to the current application. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ecology

- 6 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the Flood Risk Assessment (PFA Consulting, Issue 4, dated 29 /11/13) and 'Preliminary Drainage Strategy' document (Halcrow Group Limited, dated 7 November 2013) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

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

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

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless

otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 9 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 10 No development shall commence on site until details of the floodlights including materials and how they reduce glare and light spillage into the open countryside have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the submitted details.

REASON: To reduce the amount of glare and light spillage into the open countryside and to protect ecology.

- 11 No development shall commence until details of the access road, carriageway (5.5m), footway (2m), overflow car parking and associated signing / lining from site access to stadium has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the details has been completed in accordance with the approved details and shall thereafter remain available for this use at all times thereafter.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

- 12 No part of the development hereby permitted shall be first brought into use until the ghost right hand turn lane has been completed in accordance with the outline drawing numbered 10154/HL/08 Rev B, received by the Local Planning Authority on 11th June 2014 , titled 'Access road to sports club junction layout Thyme Road - Right hand turn lane'. A full package of construction details, safety audit, visibility splays, swept path analysis, provision for swales, provision for relocation of bus stops, provision for pedestrian crossing facilities / Right of Way shall be submitted and approved in writing prior to commencement of the ghost right hand turn lane works/ access works by the Local Planning authority.

REASON: In the interests of highway safety

- 13 No part of the development hereby approved shall be first brought into use until details outlining sufficient space for the temporary car parking associated with tournaments/events has been submitted to and approved in writing by the Local Planning Authority. Prior to tournaments/events the approved car parking shall be made available for car parking in accordance with approved details.

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

- 14 No part of the development hereby approved shall be first brought into use until the main parking area shown on the approved plans has 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 within the site in the interests of highway safety.

- 15 The development shall not be brought into use until an updated Travel Plan (in accordance with the submitted 'Interim Travel Plan, Relocation of Melksham Town Football and Rugby Club dated November 2013) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 16 The Floodlighting hereby approved will not be operated before 07:00 hrs or after 22:00 hrs on any day, to ensure disturbance to wildlife from light spill is minimised.

REASON: In the interest of neighbouring amenity and ecology

- 17 The rating level for any plant associated with the development hereby approved shall be lower than the existing background noise level by at least -5dB when measured at 1 metre from the façade of any noise receptor. The measurement and assessment shall be made in accordance with BS4142.1997.

REASON: In the interest of neighbouring amenity

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

8385/: 1A Rev B, 1B Rev B, 1C Rev A, 1D Rev A, 1E Rev A, 1F Rev A, 1G Rev B, 1H Rev B, 1J Rev B, 475001 E 080 P2, 475001 E 081 P2, S1-150 Rev B, SE-310 Rev A, SE 311 /, 02 N received by the Local Planning Authority on 10th December 2013

MTFC 01 received on 19th December 2013

201 Rev F, SI 101 Rev E , S1-122 Rev G, GA 146 Rev H, GA 147 Rev E, GA 148 Rev F, GA 149 Rev C, 149 C, EL 200 F, EL 201 F, SE 300, 475001 E 082 P3, 475001-C01 P2- received by the Local Planning Authority on 3rd February 2014

475001-001-B Rev A, 10154/HL/08 Rev B, received by the Local Planning Authority on 11th June 2014

10154/HL/08 Rev B received by the Local Planning Authority on 18th June 2014

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

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INFORMATIVE TO APPLICANT:

The Environmental Health department have advised the developer to contact the Local Planning Authority with their proposals for dealing with any unexpected land contamination should this be encountered. Also where any soils are to be imported to the site for use in sports pitch surfaces, these must be accompanied by chemical analysis which confirms their suitability, details of which must be submitted to the Planning Authority prior to their use.

If any surface water is to be discharged into an ordinary water course, an application for Land Drainage Consent would be required.

Due to a small population of great crested newts being found on the site a further licence will be required from Natural England

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