

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 3 September 2014
Time: 3.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 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

Membership:

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

Substitutes:

Cllr Nick Blakemore	Cllr Stephen Oldrieve
Cllr Rosemary Brown	Cllr Jeff Osborn
Cllr Terry Chivers	Cllr Graham Payne
Cllr Russell Hawker	Cllr Fleur de Rhé-Philippe
Cllr Keith Humphries	Cllr Jerry Wickham
Cllr Gordon King	

AGENDA

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 - 4*)

To approve and sign as a correct record the minutes of the meeting held on 23 July 2014.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

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 2.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on Wednesday 27 August 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 **Planning Applications**

To consider and determine the following planning applications:

6a **14/05253/FUL: Land West of Ganbrook Farm, Little Chalfield, Wiltshire (Pages 5 - 22)**

6b **14/01962/VAR: Land West of Norrington Lane, Broughton Gifford, Norrington Common, SN12 8LR (Pages 23 - 36)**

6c **14/05282/FUL: 9 Wicker Hill, Trowbridge, Wiltshire, BA14 8JU (Pages 37 - 44)**

6d **14/05299/LBC: 9 Wicker Hill, Trowbridge, Wiltshire, BA14 8JU (Pages 45 - 52)**

7 **Urgent Items**

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

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

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 JULY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Andrew Davis, Cllr Keith Humphries (Substitute), Cllr John Knight (Vice-Chair), Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While

87 Apologies for Absence

Apologies for absence were received from:

- Cllr Prickett
- Cllr Drewett
- Cllr Clark

88 Minutes of the Previous Meeting

The minutes of the meeting held on 2 July 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 2 July 2014.

89 Chairman's Announcements

The Chairman gave details of the procedure to follow in the event of an emergency.

90 Declarations of Interest

There were no declarations of interest.

91 Public Participation and Councillors' Questions

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

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

92 Planning Applications

The Committee considered the following applications:

93 14/03465/FUL - 93 Victoria Road, Trowbridge

Public Participation

Madeline Archer spoke in objection to the application.

Cllr Roger Andrews, on behalf of Trowbridge Town Council, spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were given noting that the site was outside of the conservation area. The officer also made reference to the site visit that Members undertook.

The Planning Officer outlined the relevant planning policy. 6 letters of objection had been received which were outlined in the report. Attention was drawn to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

A statement was read on behalf of Cllr Oldrieve as the local Member who objected to the application, noting the main concerns as: Against policy C31a & C38 of the WWDP and that no consultation had been conducted with the neighbours.

The debate focused on how much the extension would overbear the neighbouring property, the adverse impacts of the development on the amenities of the neighbouring property and policies C31a & C38 of the WWDP and at the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

The proposal by virtue of its scale, mass, proportions and projection beyond the existing property building line would result in overdevelopment of the site and would have an imposing and unacceptable adverse visual impact and would detract from the amenities enjoyed by the neighbouring property at 91 Victoria Road contrary to policies C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004.

94 **14/03780/FUL - Ashton Gifford Coach House, Ashton Gifford Lane, Station Road, Codford St Peter**

Public Participation

Gideon Amos spoke in support of the application.

The Planning Officer outlined the report which recommended the application for refusal. The site description and an overview of the proposed development were given noting that the site was situated in an Area of Outstanding Natural Beauty and outside the village policy limits and therefore in open countryside.

The Planning Officer outlined the relevant planning policy, drew attention to the objections of the Wiltshire Council Highways Officer and made reference to the relevant planning considerations.

Members were invited to ask technical questions about the site and these focused on: the Highways Officer's objection and how the site was deemed unsustainable, the planning history and the options for the property to become a bed and breakfast with increased traffic.

Members of the public were invited to speak on the application as listed above.

The Chairman as the local Member spoke in support of the application. A motion to approve the application subject to conditions was put forward. The debate focused on the issue of whether the sub-division of the property would be sustainable and that many large properties have previously been sub-divided. At the end of the debate it was unanimously;

Resolved

To approve planning permission subject to the following conditions:

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

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

- 2. The area specified as Harness House shall not be occupied as a separate dwelling until the parking spaces and bin storage on the approved plans have been provided. The parking spaces and bin storage shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

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

AGCH/01 Revision A received on 11 April 2014

AGCH/02 received on 28 March 2014

AGCH/03 Revision A received on 11 April 2014

AGCH/04 received on 28 March 2014

AGCH/05 received on 28 March 2014

AGCH/06 received on 28 March 2014

AGCH/07 received on 28 March 2014

AGCH/08 received on 28 March 2014

AGCH/09 received on 28 March 2014

AGCH/10 received on 28 March 2014

AGCH/11 received on 28 March 2014

AGCH/12 received on 28 March 2014

AGCH/13 received on 28 March 2014

AGCH/14 received on 28 March 2014

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

95 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

REPORT TO THE AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	3 September 2014
Application Number	14/05253/FUL
Site Address	Land West Of Ganbrook Farm Little Chalfield Wiltshire
Proposal	Proposed ground mounted solar farm, associated works and ancillary infrastructure.
Applicant	Solar Planning Ltd
Town/Parish Council	ATWORTH
Ward	MELKSHAM WITHOUT NORTH
Grid Ref	384921 164731
Type of application	Full Planning
Case Officer	Alison Hall

Reason for the application being considered by Committee

1. Purpose of Report

This application has been called in by Councillor Terry Chivers in relation to the scale of the development, visual impact on the surrounding area, relationship to adjoining properties, design and environmental impact.

2. Report Summary

The main issues to consider are:

- Principle of the development
- Whether the proposal would result in the loss of the best and most versatile agricultural land
- The landscape
- The cumulative impact of solar farm development in the locality
- The historic environment
- Use of local transport network
- Biodiversity
- Residential amenity
- Other Matters

3. Site Description

The application site is located to the west of South Wraxall and is an arable field. The site is broadly triangular in shape and is bounded on 3 sides by mature hedgerows. The site adjoins a country lane to the east and agricultural land to the north and west. A small watercourse runs along the western boundary.

The site slopes gently from the north west to the south east from 65m AOD to 57m AOD at the southern boundary.

The site is not located within any landscape or ecological designations and there are no heritage assets within the site boundary or directly adjacent.

4. Planning History

The applicant submitted a request for a screening opinion to the council under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 (Council's ref: 13/06478/SCR- No EIA was required.

5. The Proposal

This application seeks permission for a 25 year period for the construction of a 12MW solar farm on 25ha of land. The panels would be installed to a maximum height of 2.135m. In addition to the solar panels supporting infrastructure comprising of seven inverter cabins, DNO cabin, customer cabin, 2m high deer fence and 2.5m high CCTV system, underground cabling, temporary vehicle tracks, access and landscaping are proposed.

The proposals would generate approximately 12 MW (peak) of electricity which would offset approximately 5,100 tonnes of Co2 per annum, and 127,500 tonnes over the life of the scheme. That (conservatively) equates to enough electricity to serve the total power needs of around 2,500 houses.

6. Planning Policy

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

C1 Countryside Protection, C2 AONB, C3 Special Landscape Areas, C4 Landscape setting, C15 Archaeological Assessment, C31a Design, C32 Landscaping, C34 Renewable Energy, C38 Nuisance, E7 Farm Diversification,

Emerging Wiltshire Core Strategy

Strategic Objective 2: Addressing Climate Change, Strategic Objective 5: Protecting and Enhancing the Natural, Historic and Built Environment, Core Policy 29 Trowbridge Community Area, Core Policy 42 - Standalone Renewable Energy Installations, Core Policy 50 - Biodiversity and Geodiversity, Core Policy 51 – Landscape, Core Policy 58 - Ensuring the Conservation of the Historic Environment,

Core Policy 61 -Transport and new development, Core Policy 15 – Melksham Community Area

National Planning Policy Framework 2012

National Planning Policy Framework (NPPF) sets out the general planning policy advice of central government. Of particular relevance to the determination of this application is section 7 “requiring good design”, 10 “meeting the challenge of climate change, flooding and coastal change”, 11 “conserving and enhancing the natural environment” and 12 “conserving and enhancing the historic environment”.

Planning Practice Guidance (PPG)

Paragraph: 013 Reference ID: 5-013-20140306 – Guidance on what are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.

Other Material Considerations:

- (a) National Policy Statement for Energy Infrastructure (2011) (DECC)
- (b) National Policy Statement for Renewable Energy Infrastructure (2011) (DECC)
- (c) The 2009 Renewable Energy Directive (2009/28/EC) – setting a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.
- (d) Coalition Government’s Programme for Government (June 2010) – addressing climate change and maximising the exploitation of UK’s renewable energy resources.
- (e) National Renewable Energy Action Plan (July 2010) - all about securing energy supplies.
- (f) The International, European and UK Renewable Policy Frameworks – providing financial support for renewable energy schemes including feed in tariffs, unblocking barriers to delivery and seeking to develop emerging technologies
- (g) Renewable Energy Progress Report: South West 2013 Annual Survey
- (h) Planning Guidance for the Development of large scale ground mounted solar PV systems (bre)
- (i) Gregory Barker MP – Minister of State for Energy & Climate Change letter dated November 1 2013 titled Solar Energy.
- (j) ‘UK Solar PV Strategy Part 1: Roadmap to a Brighter Future’ (Oct 2013) (DECC) which established 4 guiding principles:
 1. Support solar PV alongside other energy generation technologies in delivering carbon reductions, energy security and customer affordability;
 2. To meet the UKs 15% renewable energy target from final consumption by 2020 and decarbonisation in longer term;
 3. Ensure solar PV are appropriately sited, giving proper weight to environmental considerations; and,
 4. Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing, grid connectivity and financial incentives.
- (l) The State of the Environment Wiltshire and Swindon 2013 – published by the Wiltshire Wildlife Trust.

7. Consultations

ATWORTH PARISH COUNCIL – Object – impact on the highway, loss of agricultural land, ecological impacts.

SOUTH WRAXALL PARISH COUNCIL – No objection, they have concerns relating to the loss of agricultural land but recognise the need for low carbon renewable energy.

BROUGHTON GIFFORD PARISH COUNCIL – Object, impact on the highway, impact of construction vehicles, cumulative impact.

WILTSHIRE COUNCIL HIGHWAYS – No objection subject to condition relating to Construction Method Statement and delivery times and movements.

WILTSHIRE COUNCIL ECOLOGIST – No objection subject to conditions

WILTSHIRE COUNCIL ARCHAEOLOGIST – No objection, no further archaeological works required.

WILTSHIRE COUNCIL LANDSCAPE ARCHITECT – No objections subject to conditions.

ENGLISH HERITAGE – Comment that consideration needs to be given to the cumulative impact of the development with great weight to be afforded to the conservation of heritage assets and their settings.

ENVIRONMENT AGENCY – No objection subject to an informative

8. Publicity

The application was advertised by site notice, neighbour notification letters and in the Wiltshire Times.

A total of 83 letters of objection were received and a total of 64 letters of support were received (41 of which were a standard letter)

A survey of 19 unidentified people gave 63.4% objection, 1.1% generally support and 10.5% Support.

Objection reasons	Support reasons
Impact on Listed Buildings	Site would be screened
Impact on the countryside and landscape	Renewable Energy contribution
Loss of Agricultural Land	Continued grazing under the panels
No community benefit proposed	Ecological benefits
Amenity of cyclists and horse riders	Proximity to grid connection
Highway and pedestrian safety	Benefits to rural economy/farm diversification
Impact on highway verges	Less obtrusive than wind turbines
Impact on tourism	Resting the land for 25 years has ecological benefits
Brownfield sites should be used	Help meet local and national renewable energy targets
Renewable energy targets already met	
Inefficiency of panels	
Site is in AONB	
Loss of views	
Lack of publicity	

9. Planning Considerations

- Principle of the development
- Whether the proposal would result in the loss of the best and most versatile agricultural land
- The landscape
- The cumulative impact of solar farm development in the locality
- The historic environment
- Use of local transport network
- Biodiversity
- Residential amenity
- Other Matters

ASSESSMENT:

Principle

The proposal seeks to construct a solar farm to provide 12MW of energy which would generate enough electricity to power approximately 2500 average homes per year and save 5,100 tonnes of CO₂. The solar farm would be in situ for 25 years.

Policy C34 of the West Wiltshire District Plan, 2004 states that Renewable Energy Generation proposals, will be permitted in appropriate locations having regard to visual impacts on the landscape, impacts on areas and features of natural, ecological, historic and archaeological interest, the environmental and visual impact of associated ancillary development including new access roads, buildings, power lines and connections to the electricity distribution network, the impact on residential amenity and pollution effects, highway capacity of the existing road network, particularly where transportation of raw materials is a major consideration, safety and access, and materials, scale, siting, design, screening and landscaping.

The Climate Change Act 2008 has set an ambitious target of a 34% cut in greenhouse gas (GHG) emissions against a 1990 baseline by 2020, rising to an 80% reduction by 2050. These targets are the UK's contribution to a global GHG reduction necessary to limit climate change to 2°C. Reductions can be achieved in all sectors of the economy and society by applying three broad principles: Behaviour Change, Energy Efficiency and Renewable / low carbon energy generation.

The NPPF, existing WWDP policies as well as emerging policies within the Core Strategy are considered to be in alignment with the goals of the Climate Change Act. Apart from National Guidance in the form of the NPPF, the adopted WWDP, 2004 and the emerging Core Strategy, further guidance is provided in the recently published "Planning Practice Guidance" (DCLG : Section on Renewable and Low Carbon Energy 6 March 2014).

The core purpose of the planning system as stated within the NPPF is to contribute to the achievement of sustainable development. Sustainable development is defined

as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At the heart of the decision making process as set out by the NPPF is a presumption in favour of sustainable development. It goes further to identify that planning plays a key role in securing radical reductions in greenhouse gas emission which is central to achieving the economic, social and environmental dimensions of sustainable development.

Proposals for the generation of energy from renewable sources are in principle supported by National policy due to their contribution to sustainable development, meeting the challenges of climate change, air quality and fuel security. Policy asserts that such applications should be encouraged and any application be approved if its impacts are or can be made to be acceptable. This supportive stance towards development proposals which will generate renewable energy where the impacts of the proposal are or can be made to be acceptable is also found within the local plan as outlined above (Policy C34 of the West Wiltshire District Plan 1st Alteration (2004)).

With regard to the Core Strategy, the “Strategic Objective” to address climate change (Strategic Objective 2) and Core Policy 42 (Standalone renewable energy installations) directly reflect the national policy picture and as such are considered to carry weight.

The DCLG “Planning Practice Guidance” has specific advice on situations where green-field sites are proposed, i.e: “whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The NPPF states that LPAs must to take into account the benefits of the best and most versatile land, and that where development is considered necessary local planning authorities should seek to use poorer quality land rather than high quality land. The land quality in this instance is therefore a material consideration. In considering this aspect records available to Council indicate Category 3 land is involved. The issue of land quality and agricultural use has been raised in neighbour comments.

In this instance the proposal is for a temporary - albeit extended period - use that is wholly reversible. The proposals include the biodiversity enhancements (discussed further below) and the land remains available for grazing between the units as has been demonstrated in other solar project cases. The improvements of biodiversity potential are themselves material considerations. The land would remain available for future agricultural use and any permission can be conditioned to ensure that it is returned to its original state at the end of the period of operation, so there would be

no permanent loss of agricultural land, such as would be the case with, for example, residential or industrial permanent development.

The above must furthermore be balanced with the NPPF (Chapter 3 Supporting a Prosperous Rural Economy) requiring that economic growth in rural areas must be supported by taking a positive approach to sustainable new development. The NPPF notes that all types of business and enterprise in rural areas, and the diversification of agricultural activity should be supported. The remainder of the agricultural land will continue to remain in use.

The proposed development has been estimated to allow for the siting of PV arrays to generate 12 Mega Watts (MW) of renewable electricity. This is a significant contribution to the amount of renewable energy generated within the county of Wiltshire in keeping with the goals of the NPPF.

Planning Practice Guidance for Renewable and Low Carbon Energy outlines the particular planning considerations that relate to the deployment of large scale ground-mounted solar photovoltaic farms in paragraph 13 and these are summarised below:

- The effective use of previously developed land
- Proposals involving greenfield land should involve continued agricultural use and/or encourages biodiversity improvements around arrays
- The temporary nature of solar farms
- The effect on landscape of glint and glare
- Additional impacts if solar arrays follow the movements of the sun
- The need for and impact of security measures such as fencing and lighting
- Impact on heritage assets
- The potential to mitigate landscape and visual impacts
- The energy generating potential

These specific considerations are addressed in this report alongside the relevant criteria set out in Wiltshire Core Policy 42.

Would the proposal result in the loss of the best and most versatile agricultural land

The Agricultural Land Classification system classifies land into five grades, with grade 3 subdivided into sub grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is the most flexible, productive and efficient in response to inputs and which can best deliver food crops for future generations.

The application site comprises grade 3b land and as such would not be categorised as best and most versatile for the purposes of applying Core Policy 42 and the NPPF.

It is also proposed that the areas between the arrays would be sown with a wild flower mix which can then also be grazed by sheep. The management of the land will be addressed in both the Landscape and Ecology Management Plans which are required by condition.

The landscape

The applicants submitted a Landscape and Visual Impact Assessment prepared by The Environmental Dimension Partnership (EDP) in support of their proposals. Wiltshire Council's Landscape and Design Team provided comments in the context of potential effects on Landscape Character, Views and Visual Amenity resulting from development of this proposed nature and scale at this location having regard to the West Wiltshire District Plan Policy C1 (Countryside) and emerging Draft Wiltshire Core Strategy (DWCS) - Core Policy 51 (Landscape).

Core Policy 51 of the emerging Wiltshire Core Strategy clearly states that in particular, proposals would need to demonstrate that the following aspects of landscape character have been considered; 'ii. The locally distinctive character of settlements and their landscape settings' & 'vi. important views and visual amenity'.

Likewise, WWDP Policy C1 states 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 site is not located within any landscape designations.

It is acknowledged that the site comprises Greenfield land however as the National Planning Policy Guidance in relation to renewable and low carbon energy states where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

As already discussed the site comprises Grade 3b land which is not considered to be the best and most versatile agricultural land, in addition the proposal would allow for the continued sheep grazing of the land and encourages biodiversity improvements through the sowing of wild flower meadow seed mix.

The Council's Landscape Architect has been consulted and raises no objections. The site is located in a rural, managed agricultural setting; it is relatively tranquil and is described as having a local landscape character that is 'broadly consistent' to that described in the local Landscape Character Assessment. Overall the value attached to the landscape is medium.

Introducing a solar development to an agricultural field will inevitably, albeit temporarily change the character and appearance of the local landscape. However on balance solar development has a medium to low susceptibility to change the landscape due to

- The local low, undulating topography, existing hedges and vegetation that reduce the influence of the development in the landscape
- Retention and enhancement of existing landscape elements on site
- Development is of low height and therefore not intrusive
- The development is completely reversible (although landscape improvements will be retained)

In terms of visual impact most views into the site are local and filtered by existing topography or trees and hedging. In addition the mitigation planting both gapping up hedges and new tree belt, will reduce the residual effects to moderate/minor at the worst from VP2, VP3 & VP8, which in terms of landscape and visual impact assessment is not considered to be significant.

The design of the ancillary infrastructure associated with the solar farm would also have an impact on the character and appearance of the area. It is proposed to mitigate such impacts through the use of conditions to ensure that trees and hedgerows are protected and improved, the substation and inverter housing are painted in recessive colours, deer fencing is used and solar frame foundations are kept to a minimum.

It is therefore considered that while the proposal would result in a change to the character of the area due to the scale of the proposal, topography of the land, the temporary nature of the development and the proposed mitigation planting the proposal would not result in an adverse impact on the landscape in accordance with Policy C1 of the WWDP, Policy CP51 of the emerging WCS and the NPPF.

The cumulative impact of solar farm development in the locality

Planning Practice Guidance advises that 'the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However in the case of ground mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero'.

The visual impact assessment submitted with the application identifies 9 viewpoints that are intended to be representative of the range of views and receptors around the site. They do not cover every single possible view but are intended to be representative of a range of receptor types e.g. residents, walkers on public footpaths and road users, from different directions and distances from the site.

Of the above viewpoints the report concluded that the development would have no effect on views from Viewpoints 2, 3, 5 and 6, have a slight effect on views from Viewpoint 1 and a moderate effect from Viewpoint 4.

The LVIA submitted with the application concludes that the Kingston Farm (3.5km to the south, operational) and Marsh Farm (3.5km to the south east, in planning) proposal would be unlikely to be visible cumulatively due to a combination of

distance and intervening vegetation. As a result, Kingston Farm and Marsh Farm were scoped out of the cumulative assessment.

In addition the two other schemes either within 5km radius of the site are Broughton Gifford (Permitted) and Roundponds/Leechpool Farm (Permitted). The submitted LVIA states that there are potential cumulative effects arising on the right of way between the crossroads north at Ganbrook Farm and Stonar School. Theoretically combined visibility with Broughton Gifford and Roundponds Farm is predicted, although in reality any likely visibility would be sequential along the elevated (northern) portion of this route where trees would screen the proposed development, but not the other two schemes. Photo viewpoint EDP 4 illustrates the view at the termination of this route at the crossroads north of Ganbrook Farm. Views of Broughton Gifford and Roundponds Farm are only likely from the most elevated part of this route due to intervening woodland and hedgerows screening these schemes in views at lower elevations, closer to the crossroads. Where visible, they would appear as a single scheme (as one would be located immediately behind the other). It is therefore most likely that the proposed development and the two schemes to the east would not actually appear in combination (due to the screening described), but rather sequentially. Neither scheme alone would result in greater than a very low magnitude of change along this route, so it is estimated that the cumulative level of effect would be minor.

Wiltshire Council Landscape Architect has been consulted and raises no objections to the proposal commenting that they agree with the conclusions of the LVIA. In relation to the cumulative impact they state the Little Chalfield solar farm has a number of large mature trees along the western boundary and planned mitigation planting. It is therefore highly unlikely that there would be any visibility between the application site and the Broughton Gifford site (or beyond it to Roundponds).

The historic environment

The application is supported by a detailed Archaeological and Heritage Assessment by EDP which identified the heritage assets, their significance and potential impact of the development on their significance. A further letter dated 8th August from the agent in response to English Heritage's comments on the application in relation to the cumulative impact on heritage assets.

English Heritage and Wiltshire Council's County Archaeologist provided comments in the context of potential effects on the historic environment.

At the request of the County Archaeologist trial trenching has been undertaken which concluded that there was no archaeological interest in the area. The final archaeological report is still to be submitted and therefore a condition is recommended that requires the submission of the report and an archaeological works/mitigation strategy to be submitted and agreed in writing.

Chapter 12 of the NPPF relates to conserving and enhancing the historic environment. Wiltshire Core Strategy Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage

significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. The policy advises that development should protect, conserve and where possible enhance the historic environment.

There are no world heritage sites, scheduled monuments or registered battlefields in the 1km study area. However within the 1-2km area there are in excess of 40 listed buildings and a single conservation area South Wraxhall and Lower Wraxhall is located c.800m to the west of the application site (as shown on plan EDP H1). A registered park and garden is located 1.3km to the south east of the site. Great Chalfield Manor is located 1.4km to the south east of the site and is Grade I Listed.

Appendix EDP1 of the Archaeological and Heritage Assessment details each Listed Building and the likely impact of the development. The listed buildings identified within the study area (the positions of which are shown on Plan EDP H1), comprise a range of domestic scale cottages, farmhouses, public houses, larger scale country houses, churches and monuments, where it is highly unlikely that there would have ever been functional or aesthetic associations with the land within the site. Their settings are variously focused within the farmstead and settlement groupings, within their own grounds, or with the roads and tracks they are positioned adjacent to, rather than the wider agricultural landscape. The report concludes that due to the topography of the land and existing and proposed tree planting and hedgerows the proposal would not result in an adverse impact on the setting or character of the heritage assets. While English Heritage comment that the development has the potential to impact on the wider landscape setting of a number of designated heritage assets and the potential cumulative effects. Officers consider that as the Archaeological and Heritage Assessment concludes that there would be no change to the settings of any designated heritage assets, and a neutral effect on all assets as result there would also be no cumulative effects resulting from the implementation of the scheme.

Great Chalfield Manor is located 1.4km to the south east of the site. The land levels at this point are approximately 47m AOD with the land rising and falling towards the site which is located at approximately 61m AOD. The National Trust has commented on the application stating that they are supportive of renewable energy. In addition they commented that the proposal is not immediately adjacent to Great Chalfield Manor, and the ground in between is relatively level. Unacceptable landscape and visual impacts that may affect the historic significance of the property are therefore unlikely. It is considered that given the separation distance and screening afforded by the topography of the land and the intervening tree and hedging planting the setting and character of the Grade I Listed property would not be impacted upon.

It is also important to record that paragraph 134 of the NPPF states that the level of 'harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. Officers consider that the harm is very limited and not significant to warrant refusal of this application.

Use of local transport network

The application is supported by a Traffic and Construction Plan. It is proposed to secure a revised and updated Traffic and Construction Plan by condition. The Traffic Management Plan prepared by Mayer Brown advises that the construction of the solar array would last approximately 3 to 4 months. In total, the construction phase is anticipated to attract in the region of 150 to 200 two way trips. The majority of delivery trips will occur during the first two months the daily traffic generation would be in the region of five two-way trips per day. Once operational, vehicle access to the site would be low, with the majority of trips relating to monitoring, on-going maintenance and cleaning of the site and would equate to approximately 1-2 two-way trips per week, and would occur by car or small van.

The principle transport consideration concerns the suitability of the access route to accommodate construction traffic and the management of construction traffic to minimise disruption.

Wiltshire Council Highways Officer has been consulted and raises no objections to the proposal subject to conditions relating to the submission of a construction method statement and to ensure the traffic generation does not exceed the traffic management plan.

Officers consider that the proposed development complies with Policies 61 and 62 of the emerging Wiltshire Core Strategy. Construction traffic can be suitably controlled by condition including permanent and temporary upgrades to the road network.

Biodiversity

The application is supported by an Ecological Appraisal prepared by EDP and a further letter dated 8th August 2014 and email dated 11th August following the request for additional information by the County Ecologist in relation to skylarks and wildflower strips. Core Policy 50 of the emerging Core Strategy seeks the protections and enhancement of biodiversity.

Landscape mitigation proposals will restore gaps in boundary hedgerows, and conserve features of ecological value on site. Wildflower buffers would extend from a minimum of 3m in width to a maximum of 10m. New hedgerows would be planted extending to approximately 800m and native wildflower grassland would be established. The mitigation strategy would result in a net gain in biodiversity with respect to ecology and will reinforce the key landscape features that form part of the local landscape character. The County Ecologist has been consulted on the proposals and additional information and is raising no objection subject to conditions.

Residential amenity

The Wiltshire Council Landscape Architect is raising no objections to the proposals and comments that although views from upper windows are considered less sensitive than those from day living quarters in LVIA terms, the submitted assessment has recognised the sensitivity of all residential receptors as very high.

The nearest residential properties are Gable Cottage located approximately 140m to the south of the site and Ganbrook Farm located approximately 140m to the north east of the site. There are other residential properties at Little Chalfield which are located 0.8km to the south east. South Wraxall is located approximately 0.6km to the west and Lower Wraxall 0.9km to the west.

Gable Cottage and the property referred to as the Barn (No.232) are located approximately 140m and 160m to the south of the application site.

Gable Cottage and the existing boundary planting along the road screen the single storey property no.232 (The Barn) from views of the proposed solar farm. Gable Cottage is orientated so that the principle elevation faces onto the road and is orientated angled slightly to the north east. Therefore obscured views from the first floor windows would be afforded of the site. The proposed hedge and tree planting along the southern boundary of the site would after year 1 predominantly screen the proposed solar farm from the upper views from Gable Cottage. It is considered that while there will be an enclosure of the open field view currently experienced by the property this would not result in an adverse impact on residential amenity.

Due to the separation distances from other residential properties including the settlements of South and Lower Wraxall it is considered that over looking, loss of privacy, loss of light and overbearing impact would not be an issue. The panels/arrays are static and would not give rise to any noise or disturbance. In addition subject to the mitigation tree and hedge planting and planting improvements the solar farm would have very limited to no visibility from neighbouring properties. It is therefore considered that the proposals are in accordance with Policy C38 of the WWDP, 2004.

Other Matters

Hydrology and Flood Risk – The application was accompanied by a flood risk assessment.

The Environment Agency is raising no objections subject to an informative. They comment that the submitted Flood Risk Assessment (FRA) takes into account advice given to the developer at the pre-planning stage. The proposed swales and the run-off calculations are therefore acceptable. The site falls within a groundwater Source Protection Zone 2 (SPZ2). This is a zone of protection surrounding a nearby public drinking water borehole, which needs careful protection from pollution to which they are recommending an informative be attached.

Temporary Permission – The application seeks temporary permission for a period of 25 years.

Public Rights of Way – There are no public rights of way within or adjacent to the site. The proposals therefore do not give rise to any adverse impact on public rights of way.

Lack of publicity – The application has been advertised by site notice, directly affected neighbours notified by letter and a press notice.

Loss of views- Loss of a view is not a material planning consideration.

Impact on tourism – There is no evidence to detail that renewable energy schemes such as solar farms impact on tourism.

10. Conclusion

The proposed development is considered to be acceptable in principle and would not result in unacceptable impact on the surrounding landscape, historic environment, biodiversity, residential amenity or transport.

RECOMMENDATION

Approve with 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:
D-200 General Site Plan dated 17/12/2013
D-204 Cross section perimeter path dated 18/02/2014
D-108 Customer Cabin dated 18/02/2014
D-106 Structure detail dated 18/02/2014
D-105 Camera detail dated 18/02/2014
D-104 Control room dated 18/02/2014
D-103 Inverter cabin dated 3/04/2014

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

- 3 In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 4 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use.

- 4 The development hereby approved shall be discontinued and the land restored to its former condition on or before 3 September 2039 in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use.

- 5 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.

- 6 The development hereby approved shall be carried out in accordance with sections 4.10 - 4.34 of the Ecological Appraisal dated May 2014 prepared by The Environmental Dimension Partnership, including a pre-commencement badger survey to accurately pinpoint the location of the perimeter fence, unless otherwise agreed in writing with the local planning authority.

REASON: to ensure the full implementation of the recommendations made in the Ecological Appraisal.

- 7 A survey of habitat condition measured against the Amended Landscape Strategy (drawing numbers EDP2151/35, EDP2151/19 and EDP2151/36a) will be undertaken by a professional ecologist during the period June to August and submitted for Local Planning Authority Approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies non-compliance, remedial measures will be identified, implemented and reported through a subsequent agreed monitoring survey.

REASON: to ensure full compliance with the Amended Landscape Strategy.

- 8 Any decommissioning plan submitted in accordance with Conditions 3 and 4 shall include an ecological assessment and mitigation report to be submitted to the planning authority for written approval. The site will only be decommissioned in accordance with the approved mitigation report.

REASON: to ensure that protected species are fully considered at the decommissioning stage of the development.

- 9 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;
- j) Amount of deliveries per day

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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 Prior to the commencement of development the boundary/deer fencing shall be erected in accordance with the approved plans.

REASON: In the interests of the protection of wildlife.

- 11 The hours of working shall be restricted to 07:00-18:00 Monday - Friday, 07:00-12:00 Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of amenity and highway safety.

INFORMATIVE TO APPLICANT

Removal of hedgerows and ground preparation shall be undertaken only

during the period 1st September to 28th February unless, if done outside this period a survey by a professional ecologist is submitted to and approved in writing by the local planning authority. The works shall then only undertaken in accordance with the ecologist's written advice.

INFORMATIVE TO APPLICANT

Bats

The mature trees present in the northern boundary hedgerow contain suitable features for roosting bats, as the Ecological Appraisal identified significant deadwood. Although these trees are not affected by the proposed development, which is retaining the northern boundary hedgerow, subsequent management of the trees may be required for Health and Safety purposes or as part of the ongoing management of the farm. The applicant should be advised that all bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 (as amended), which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. A bat survey by a licensed bat ecologist should be undertaken prior to tree surgery works to ensure that full consideration is given to their likely presence. If bats are subsequently discovered, then all works should stop immediately and the Natural England should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Breeding birds

All British birds; adults, young, nests and eggs (with certain limited exceptions), are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, while they are breeding. The applicant is advised to check any structure or vegetation suitable for breeding birds and delay removing or altering these features until after the young birds have fledged (i.e. left the nest). Damage to extensive areas of vegetation that could contain nests/breeding birds should be undertaken outside the breeding season to ensure their protection. The breeding season is usually taken to be the period between 1st March to 31st August, but some bird species are known to breed outside these limits.

INFORMATIVE TO APPLICANT

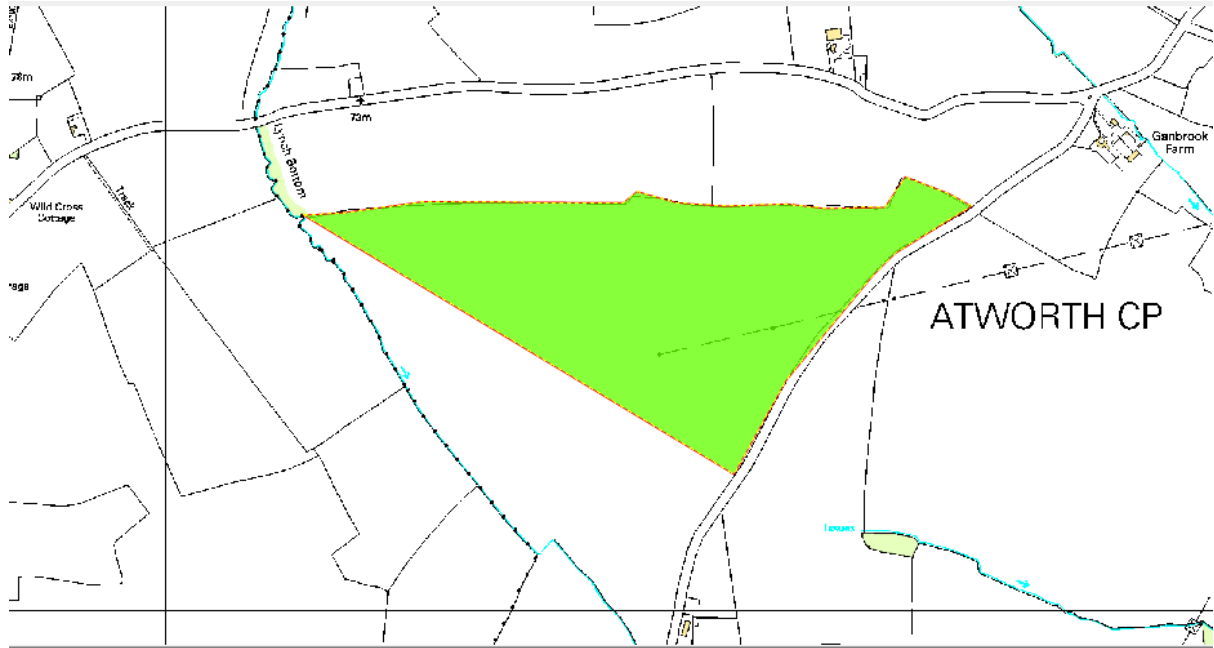
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- 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:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Item 1 - 14/05253/FUL - Land West Of Ganbrook Farm Little Chalfield



REPORT TO THE AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	3 September 2014
Application Number	14/01962/VAR
Site Address	Land West Of Norrington Lane, Broughton Gifford, Norrington Common SN12 8LR
Proposal	Minor material amendment to planning permission W/12/02072/FUL to facilitate CCTV and revised access track
Applicant	ESCO NRG
Town/Parish Council	BROUGHTON GIFFORD
Ward	MELKSHAM WITHOUT NORTH
Grid Ref	387726 164840
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

Councillor Terry Chivers has requested that this application be determined by Members should officers be supportive of it and to allow Members to consider the following key issues:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact; and,
- The lack of conditions put on the original application and the issues we have had on site.

1. Purpose of Report

The purpose of this report is to consider the merits of the application and to explain the rationale for officers recommending approval.

2. Report Summary

The key planning issues are considered to be:

- Principle of Development
- Potential contribution to reducing climate change and sustainable development objectives
- Impact on the Landscape of the Open Countryside
- Impact on Public Rights of Way
- Impact on Highway Safety
- Impact on Ecological Interests

- Impact on Archaeological Interests
- Impact on agricultural land and surface water flooding
- Impact on Heritage Assets
- Conditions

The following report outlines the relevant material considerations, the results of the consultation process, an officer's assessment of the planning merits and concludes by recommending that the application should be approved. This conclusion is reached on the basis that the proposals would make a significant and highly valued contribution towards Wiltshire's renewable energy targets. Although the site is located within the open countryside it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets that this type of development needs to be located in rural and semi-rural areas.

The more significant level of public response to this variation application compared to the original application is noted and should be afforded some weight. However due cognizance must be given to the fact that planning permission was granted in June 2013 for the installation of a solar photovoltaic (PV) farm covering 22.1 hectares with associated cable trenches, electrical connection buildings and improvements to the existing access; and that is a very significant material consideration.

The development has been virtually completed and this application seeks to make relatively minor (albeit material) alterations to the original approval. Officers submit that the alterations would not result in any significant material harm in planning terms above and beyond the extant approval when considered singularly or cumulatively with more recent large-scale solar PV schemes in the vicinity.

3. Site Description

The application site, until the recent implementation of planning approval W/12/02072/FUL, was agricultural fields. In total there were 4 fields with mature field margins and drainage ditches on the periphery. More recently though with the partial implementation of the aforementioned planning approval, the 4-field site has taken on a different character formed by the solar panel arrays and associated development such as invertors and fencing whilst retaining the same mature field margins.

It is important to stress again that the site is not subject to any special landscape designations.

Access is to the east of the main development area onto Norrington Lane – which is a single width county lane bounded by high hedgerows. The access point to the public highway was originally via a farm access, however this has been altered (as previously approved) to facilitate the implementation of W/12/2072/FUL.

The application site has a dense network of public rights of way, some of which have been diverted following the implementation of W/12/02072/FUL.

To the south of the application site is Broughton Gifford Common and the associated designated Conservation Area. There are also a number of listed buildings within the designated conservation area including the Grade II* listed Gifford Hall. The south east field is a designated scheduled monument record (SMR). There are isolated rural dwellings adjacent to the site to the east, next to the electricity station and residential

property around The Common to the south of the application site. There is also an area of high ecological value to the east of the application site.

4. Planning History

W/12/02072/FUL - Installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access – Permission on 25.06.2013

5. The Proposal

This is a minor material amendment application seeking to vary the original planning approval for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access to finally include:

- Installation of 72 CCTV cameras;
- Amendments to access to allow separation from SSE electricity pole;
- Extension to permanent track way to allow year round maintenance access;
- Arrays to have 1 leg instead of 2 and 0.73 metres lower in height;
- Arrays to be 2x landscape rather than 5x portrait and closer together;
- Alterations to on-site substation detail including reduction in area by circa 22sqm and height by circa 0.5 metres;
- Alterations to DNO substation so circa 15sqm smaller but approximately 0.73 metres higher;
- Reduction in number and height of inverter houses to allow 8 (rather than 13) and circa 0.5 metres lower in height;
- Fencing changed from deer proof fencing to standard metal security fencing with a tighter mesh and 0.4 metres lower in height; and
- Revised landscaping detail to reflect alterations above.

It is understood that works are largely complete and the development has been producing renewable energy for a number of months.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004 (Saved policies)

- C1: Countryside Protection; C6a: Landscape Features; C17: Conservation Areas; C31a: Design; C32: Landscape; C34: Renewable Energy; C35: Light Pollution; C38: Nuisance; U2: Surface Water Disposal; T12: Footpaths and Bridleways

West Wiltshire Leisure & Recreation DPD (2009)

- CR1: Footpaths and Rights of Way

The Emerging Wiltshire Core Strategy

- SO2: Addressing Climate Change; SO5: Protecting and Enhancing the Natural, Historic and Built Environment; CP3: Infrastructure requirements; CP42: Standalone Renewable Energy Installations; CP50: Biodiversity and Geodiversity; CP57: Landscape; CP58: Ensuring the conservation of the historic environment; CP62: Development Impacts on the Transport Network; CP67: Flood Risk

National Planning Policy Framework 2012 (NPPF) and Planning Practice Guidance

(PPG)

7. Consultations

Broughton Gifford Parish Council: No objection.

Melksham Without Parish Council: No objection, although concern raised over access.

English Heritage: Raised areas of concern regarding the setting of the conservation area and Grade II* listed building and the adequacy of information. EH concludes by urging that their concerns be addressed and that the “*application be determined in accordance with national and local policy guidance*”.

Wiltshire Council's Conservation Officer: No comments and did not object to original scheme.

Environment Agency: No comments received. Note that they raised no objection to original scheme

Natural England: No comments received. Note that they raised no objection to original scheme.

Wiltshire and Swindon's Biological Records Centre: Great crested newt and bat species recorded nearby.

Wiltshire Council's Archaeology: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Climate Change Officer: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Ecology: No objection. Note that they raised no objection to original scheme.

Wiltshire Council's Environmental Health: No objection.

Wiltshire Council's Highways: No objection.

Wiltshire Council's Landscape Officer: No objection. Would prefer not to have seen the addition of CCTV or changes to fencing but there no major landscaping concerns.

Wiltshire Council's Rights of Way: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Tree Officer: No comments received. Note that they raised no objection to original scheme.

8. Publicity

This application was advertised by means of press notice, site notices and neighbour notification letters.

35 letters of objection have been received and the issues raised may be summarised as follows:

- Revised track will impact on amenity through noise;
- Such a large number of CCTV cameras – where will they be and how will privacy be protected.

- Further industrialisation of the site there are already too many electricity pylons
- Loss of privacy from CCTV
- Has the need to safeguard the countryside been taken into account?
- Planting along the track to protect privacy.
- Developer has disregarded / flouted terms and conditions on earlier application.
- Why were these requirements not known about and applied for originally?
- Disruption during construction has been hugely significant and some activity has been unlawful.
- Significant damage to the highway verges, adjacent drainage ditches and common land
- Inadequate notification and consultation
- Harm to the setting of heritage assets including the Grade II* Gifford Hall and adjacent conservation area
- Landscape sensitivity and impact
- Cumulative landscape impact
- How is 25 years temporary – a housing development has probably been planned for 10 years time.
- Further landscaping required
- The first application should never have been allowed – this is a further impingement on the conservation area and the outlook of Gifford Hall
- Government guidance is to not use Greenfield sites for solar
- Do not understand how this is a minor amendment
- Noise from the inverters is a nuisance
- Harm to footpath amenity
- The reputation of solar power has been harmed by the developers lack of consideration and responsibility
- Cumulative impact with other solar development in the vicinity.

9. Planning Considerations

9.1 Principle of Development

Planning permission has been granted for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access. This sets the principle for such development on the site.

The development is on-going although substantially completed with the production of renewable energy having been occurring for several months. The initial construction took place without compliance to the original planning conditions. It was a very intensive development and caused significant local concern with the damage to the local roads and nuisance to local residents. However this is not material to the determination of this application. The detailed material considerations are the potential impact on planning interests from the proposed modifications.

9.2 Potential contribution to reducing climate change and sustainable development objectives

The modifications proposed would continue to contribute to ambitious targets to cut greenhouse gas emissions and accord with the economic, social and environmental dimensions of sustainable development.

9.3 Impact on the landscape of the Open Countryside

The proposed changes to the access are nominal and divert the route around a SEE electricity pole only. The resultant route is nominally different and no closer to residential properties than the original route. The proposal to extend the permanent track into the site would have a further urbanising effect over the existing but the impact would be only noted from the rights of way. Indeed the alterations to the fencing details, introduction of CCTV beyond the perimeter fencing and alterations to structures would only be noted in the immediate landscape setting viewed from rights of way. The landscaping scheme has been modified nominally to reflect these relatively minor alterations to the scheme.

In short, there would be some nominal apparent changes in terms of the immediate landscape context, but these would not cause significant harm over the extant approval. The introduction of CCTV and alternative fencing is regrettable and had been discouraged in the original discussions with the developer. However both have proven to be a necessity for the scheme to obtain adequate insurance cover, hence the reason this application has been submitted. These alterations can be balanced with the reduction in inverter buildings and the reductions in scale and heights that are being offered following more detailed design work. The CCTV camera numbers have been kept to a minimum based on a pole height of 2 metres. If the overall number of cameras is to be reduced then the height of the poles would have to be increased and that is not desirable. Officers submit that the applicants have taken the most reasonable balance between height of cameras and the numbers of cameras given that CCTV is an insurance requirement.

Wider impacts would be negligible and the amendments would not affect the potential cumulative impact of this scheme with other developments in the area over and above the extant approval. In part this is because the overall height of the cameras has been kept no higher than the height of the development already approved.

The landscape officer shares the disappointment of your planning officers with the introduction of CCTV cameras and alternative fencing, however they consider that overall the proposed changes to the development will not cause any significant change to the original findings of the landscape and visual appraisal submitted with the application, therefore no additional mitigation is required for landscape and visual effects as a result of these amendments and therefore they have no major concerns about landscape issues. They have queried the need for CCTV cameras and the number but this is now an insurance necessity and the right balance between the pole height and the number of cameras has been made.

9.4 Impact on Public Rights of Way

Over and above the extant approval, the rights of way and their routes are unchanged.

The experience of those using the rights of way would be little altered over and above the extant scheme. The 72 proposed CCTV cameras are likely to pick up the movement of some users of the rights of way and as such monitor and record them. The cameras are only operational when triggered by a sensor and they have been positioned inside the security fencing atop of a circa 2 metres high pole to monitor along the edges of the security fencing only. The number has been kept to a minimum

(when they are 2 metres high) reflecting the distance that each camera can monitor and the perimeter of the security fencing. The number of CCTV camera's is increased by virtue of the fact that rights of way continue to dissect the site – if it were not for that the developer would have not needed to put cameras within the site's interior.

It is assessed that the CCTV cameras have been kept to a minimum and are not designed to monitor the rights of way – rather they are to maintain the security of the site and would not harm the rights of way interest. The cameras would not monitor beyond the existing boundary hedging. They are clearly designed for the protection of the site which contains valuable equipment in an isolated location that is publically open due to the rights of way through the site.

9.5 Impact on Highway Safety

The proposals would have no impact over and above the extant scheme in terms of highway safety and the highway officer raises no objection. It is acknowledged that the initial construction phase has caused harm to the highway but this is a matter beyond the scope of this application. There have been breaches in planning conditions but this is again beyond the scope of this application.

9.6 Impact on Ecological Interests

The Council's ecologist has raised no objection to the revisions and it is assessed that they would have no impact on ecological interests.

9.7 Impact on Archaeological Interests

The alterations detailed would not affect the archaeological area of interest on the site. The area that has no or limited archaeological interests would be less disturbed with the reduction in the number of legs on the arrays.

9.8 Impact on agricultural land and surface water flooding

The modifications would have no impact on the ability to use the site for grazing.

The surface water management would continue to be aided by the use of swales. The reduction in the number of inverter buildings and the reduction in the size of inverter buildings and substations mean that the swales previously agreed would now actually be a modest over provision for the site's surface water management.

9.9 Impact on Heritage Assets

It was previously assessed that the impact on views from Broughton Gifford Conservation Area would be very limited. This is as a result of distance, topography and woodland. Any views would be restricted to private views. As such the impacts on the Conservation Area are negligible, and its character and appearance would be preserved.

It was also previously assessed that there were 2 listed buildings whose settings could be affected - Gifford Hall and The Hayes. It was assessed that "*Gifford Hall is visible from the site in long distance views, and long distance oblique views of the PV arrays*

will be visible from upper floor rooms of the property. However, the distance (300m) of the property from the site and the intervening landscape would ensure that the setting of the listed building would not be harmed as a result of the landscape. At the Hayes upper floor south facing windows would have views of the development. The distance of the 550m would ensure that any impact on the setting of the building would be so small as not to be significant.”

The proposed alterations for which consent is now sought, would not impact further on these heritage assets over and above the extant approval as, in the case of the CCTV cameras they would be viewed within the context of other similar development which either creates a backdrop of development or obscures it from view. Other development is reduced in number and some balance must be applied when considering the changes in character between the different fencing types and the form of development nominally increased in scale. It is assessed that the amendments would cause no detrimental impact to the setting of these heritage assets, nor would there be any enhancement, in the context of the extant approval. It is acknowledged that the heritage assets are afforded statutory protection and considerable weight is attributed to that.

Officers appreciate that there is a strong presumption in favour of preserving heritage assets. However the proposed variations (which are the subject of this application) would not affect the heritage assets and so considerable weight cannot be attached to a neutral impact and the proposal would preserve the heritage asset in the context of the planning history.

English Heritage considers that the character and setting of the heritage assets at this point is one of a rural, open character. It was acknowledged that the countryside in the application site would be altered in character but the impact on the countryside was outweighed by the benefit of providing renewable energy. There has been no information presented to change this conclusion which is a judgment for the local planning authority giving considerable weight to the statutory protection afforded to the setting of heritage assets. Save for views from the upper floors of some listed properties, the development is not visible from the heritage assets in the area.

The information provided is clear that the 72 CCTV cameras would be fitted on top of 2 metre high poles behind security fencing and viewed against development either in the foreground and/or the background. The changes to the fencing are regrettable in terms of character but are in terms of overall height, positive. The extension of the maintenance access track into the site, given the topography and landscaping of the area would have no impact beyond the immediate environment of the rights of way. The other alterations are very minor in scale given the overall development, some nominally intensifying development in places and some reducing development elsewhere. As such no significant intensification of “industrial paraphernalia” to impact on the heritage assets would occur. The information provided is considered adequate to assess the potential impact on what are relatively distant heritage assets compared to the relatively minor modifications being sought under this application.

9.10 Conditions

It is necessary to consider the original conditions imposed on the basis that the Council would, if it approved this application, create a fresh permission. The original conditions

have therefore been revisited and omitted and amended as appropriate to the stage of construction.

In addition, it is necessary to consider if further conditions are necessary in light of the amendments proposed. In the interests of preserving privacy, a condition to restrict the CCTV cameras in number and to ensure that they are static has been considered. However on balance this is not considered necessary as the number of cameras is detailed on the approved plans and whether the camera is static or can move makes little difference to the merits of them.

In line with good practice, the conditions have been discussed with the agent prior to making this recommendation; and Members are advised that the agent is in agreement with the suggested conditions set out below.

10. Conclusion

Officers submit that the solar installation would make a significant and highly valued contribution towards Wiltshire's renewable energy targets. Although the site is located within the open countryside it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets that this type of development needs to be located in rural and semi-rural areas.

The more significant level of public response to this variation application compared to the original application is noted and should be afforded some weight. However planning permission for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access was granted in June 2013 and that is a very significant material consideration. The development has been virtually completed and this application seeks to make relatively minor alterations to the original approval. It is assessed that the alterations would not result in any significant material harm in planning terms above and beyond the extant approval when considered singularly or cumulatively with more recent large- scale solar PV schemes in the vicinity; and as such, it is recommended favorably.

RECOMMENDATION: Approve subject to conditions.

1. The development hereby approved shall be discontinued and the land restored to its former condition on or before 31 December 2039 in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

2. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL, within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

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

Drawing: 1295/2575 (Revision V5) - Location Plan
Drawing: 1295/2576 (Revision V2) - Existing Site Plan;
Drawing: 1285/2580 (Revision V1) - Topographic Survey;
Drawing: 1295/2635 (Revision V1.1) - Existing Access Arrangements;
Drawing: 1295/2636 (Revision V1.1) - Construction Phase Access Arrangements;
Drawing: 1295/2627 (Revision V1.1) - Operational Phase Access Arrangements;
Drawing: 1295/2588 (Revision V3) - Proposed new access cross-section;
Drawing: 1295/2559 (Revision V3) - Footpath Site Plan;
Drawing: 1295/2585 (Revision V1) - Indicative interpretation board specification details; Drawing: Track detail 1
Drawing: 1429 2829 (Revision V1) - As built site plan
Drawing: HESR Frame 3 - Inverter elevations
Drawing: SR 18 - Fence details
Drawing: 1506410 - Substation elevations
Drawing: Structure details - ground fixed array cross sections
Drawing: 001-9-5575 sheet 1 - Substation General Arrangement
Drawing: 1429 2833 (Revision V1) - CCTV visibility Splays
Drawing: 1429/2884 (revision V2) – Cross Section Plan

REASON: To define the terms of this permission; and in the interests of consistency with W/12/02072/FUL.

4. Development shall be completed in accordance with the Construction Traffic Management Strategy as approved under W/12/02072/FUL. Any deviation from the approved Strategy shall require the written approval of the local planning authority.

REASON: To secure adequate control of lorry movements on Norrington Lane; and in the interests of consistency with W/12/02072/FUL.

5. Within 3 months of the granting of this approval an updated a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority. Within a further 3 months the final plan shall be agreed and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details for the lifetime of the development.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and new landscape features and to ensure the maintenance of screening to the site and to protect the appearance and character of the area; and in the interests of consistency with W/12/02072/FUL.

6. Within 3 months of the granting of this approval an updated Habitat and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all areas submitted to the Local Planning Authority. Within a further 3 months the final plan shall be agreed and

approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details for the lifetime of the development.

REASON: In order to conserve and enhance wildlife and its habitat; and in the interests of consistency with W/12/02072/FUL.

7. Development shall be completed in accordance with the Tree Protection Plan approved under W/12/02072/FUL.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 'Tree Work - Recommendations' or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

(In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the completion of the development.)

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity; and in the interests of consistency with W/12/02072/FUL.

8. Within 3 months of the granting of this approval an updated scheme of soft landscaping shall be submitted to the Local Planning Authority, the 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;
- a detailed planting plan that includes all species, planting sizes and planting densities,
- spread of all trees and hedgerows within or overhanging the site, in relation to the proposals and other works;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Within a further 3 months the final plan shall be agreed and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features; and in the interests of consistency with W/12/02072/FUL.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the harnessing of energy from the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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 harnessing of energy from 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; and in the interests of consistency with W/12/02072/FUL.

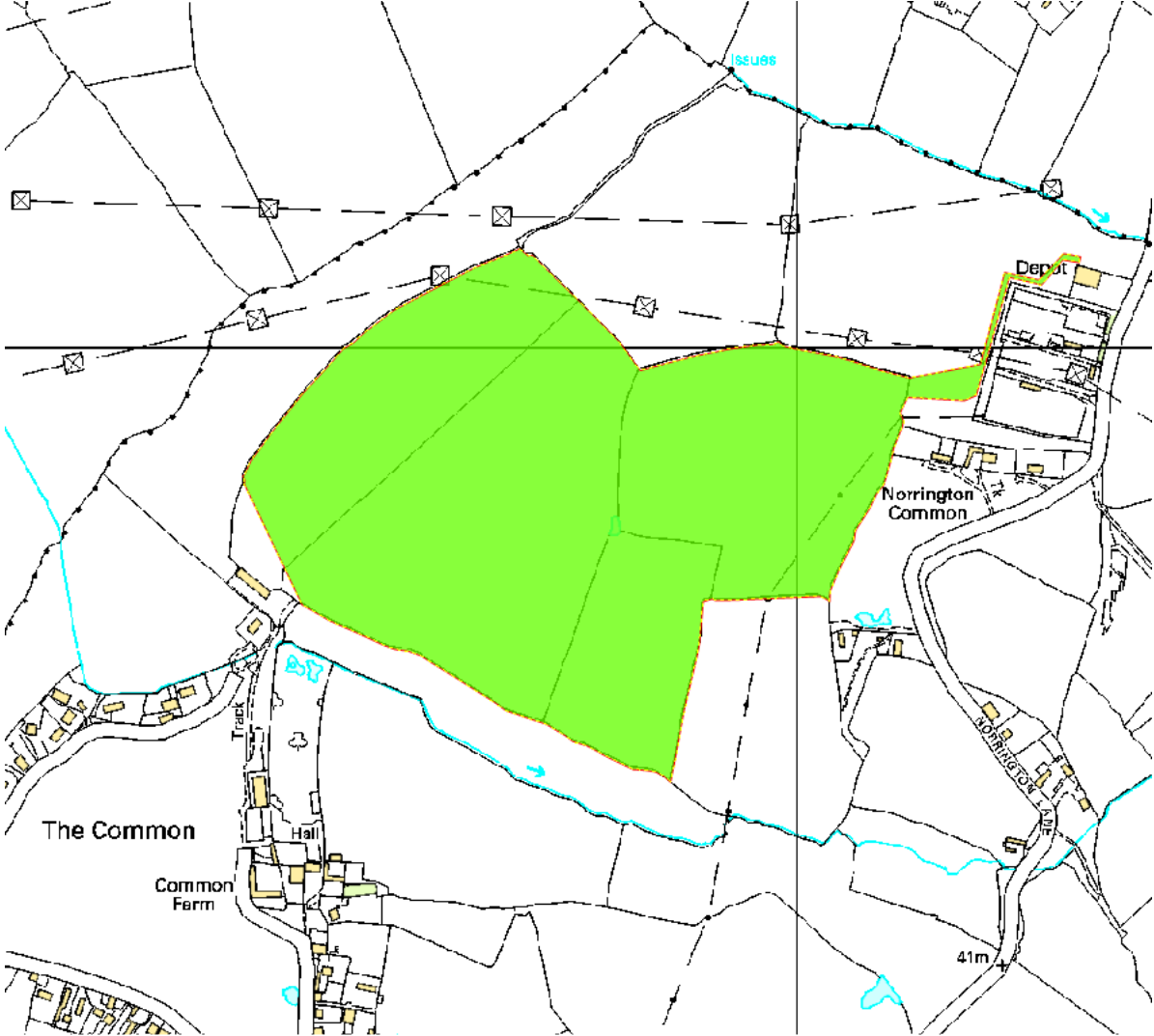
10. Development shall be completed in accordance with the Flood Risk Assessment and management plan approved under W/12/02072/FUL.

REASON: To minimise flood risk by ensuring the satisfactory management of surface water from the site through its lifetime; and in the interests of consistency with W/12/02072/FUL.

11. 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 and removed in accordance with conditions 1 and 2 above.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development; and in the interests of consistency with W/12/02072/FUL.

Item 2 - 14/01962/VAR - Land West Of Norrington Lane Broughton Gifford



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REPORT TO THE AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	3 September 2014
Application Number	14/05282/FUL
Site Address	9 Wicker Hill Trowbridge Wiltshire BA14 8JU
Proposal	Alterations to approved extension and proposed additional floor to form one bedroom flat
Applicant	Mr Peter Andrews
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE CENTRAL
Grid Ref	385427 158035
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor John Knight for consideration of the visual impact upon the surrounding area, the relationship to adjoining properties, and the design of the development.

1. Purpose of Report

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

2. Report Summary

The key issues to consider are:

- Impact on the listed building;
- Impact on the Conservation Area;
- Parking; and
- Neighbour amenity

Neighbourhood Responses: The owner of the adjacent property No.8 submitted objections.

Trowbridge Town Council – Welcomes the proposed improvement of the site but objects for reasons detailed in Section 7 below.

3. Site Description

The application site is a Grade II listed building located at 9 Wicker Hill. The property lies within the Trowbridge Town Centre Commercial Area, and within the Conservation Area. Records indicate that permission/consent were granted under Planning References 06/02834/LBC, 06/02837/FUL and W/10/02539/LBC for works including the conversion to three flats, one each to the ground, first and second floors. During the site visit it was noted that repair works are under way, with scaffolding in place and some of the approved development under way, but the building remains in relatively poor visual condition as it has been for a number of years.

4. Planning History

06/02837/FUL: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building :
Permission : 02.04.2007

06/02834/LBC: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building : Consent : 02.04.2007

W/10/02539/LBC: Removal of structurally unstable chimney breast to west party wall on ground and first floors and steel tie bar and plate to stabilise masonry : Consent : 04.10.2010

A parallel application to the current proposals (14/05299/LBC) has been submitted for consideration.

5. The Proposal

The proposal involves amendments to a previously approved scheme that was for a side extension to create three flats, incorporating a main entrance, bin store and stairs. The main revision to the previous scheme is an additional floor to provide one further flat within a new mansard structure, and the omission of a portion of the building that would have been situated above the neighbouring “vestibule. The overall result of the alterations would be to provide four one-bedroom flats (two benefitting from an additional study/box room). Whilst this would mean an increase in the number of dwellings on the site, the re-configuration actually results in a reduction of total bedroom spaces. An internal bin store would be located at ground floor level.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (WWDP)
C28 - Alterations and Extensions to Listed Buildings

C31a – Design
C38 – Nuisance
H1 – New residential development in Town Policy Limits
SP1 – Commercial Area boundaries
TC1 – Upper Floor Uses in Town Centres
T10 - Parking

Emerging Core Strategy

NPPF

7. Consultations

Trowbridge Town Council

Whilst the Town Council welcomes a proposal to significantly improve this site through the development of residential accommodation, the Council believes that the proposal does not satisfactorily resolve issues regarding the treatment of the gap between the proposed development and No. 8 Wicker Hill next door, including loss of light, party wall construction, access to fixtures and fittings and therefore results in loss of neighbour amenity.

8. Publicity

One neighbouring property owner raised objections on the following grounds:

- Incorrect declaration of ownership in original application 06/02837/FUL, which included emergency exit vestibule from No.8. Original applicant destroyed this vestibule and seriously damaged stonework.
- Work was commenced without Party Wall Agreement in place. Work stopped following legal intervention. Original plan ignored cellar ventilation ducts, storm water and waste pipes, air conditioning outlets, a boiler extraction flue, a kitchen window and the fine parapet. A stone window surround would be covered up and a Flying Freehold would also have been created. Not accepted;
- New plans show a narrow void next to end wall to No.8. Void needs to be large enough to provide access to end wall;
- Footings to new back wall may cause damage to deep cellar in No.8
- Original vestibule to No.8 contained a window and a door to give access with a right of way to aid repairs if needed. A door needs to be provided in the new vestibule. Vestibule also needs to be re-built to full current building regulations and the Civic Society stonework on the main street repaired.
- Object to the finish to the development being in lime wash rather than stone to match No.8 as well as other properties in The Parade.
- Design, giving a third flat and putting another storey on the building is not in-keeping with neighbouring properties, being uncharacteristic of Parade street scene.;

- Proposed design would cut in behind vestibule to No.8;
- No Party Wall agreement will be entered into that interferes with property or business therein;
- Subsequent to initial objection, issue arose with planks leaning near boiler flue and diverting fumes back into No.8. This confirms the need for access to boiler flue and gable end wall;
- After purchasing No.8, an offer was made to enable applicant to build over vestibule under previous plans which would have given a better street scene, provided Party Wall matters were addressed. Applicant did not pursue negotiations.

The agent was approached in an attempt to resolve matters but it is understood that the parties did not reach agreement. The agent however submitted revised plans to provide access to the facilities. The neighbour still objected:

- Health and Safety hazard for workers leaning over void. Impossible to retrieve anything dropped;
- Large equipment that might be needed would not be able to be given access – no lift;
- If there is a fire alarm, and there is equipment in the stairwell, this would be a health and safety risk;
- No ladder access for more major servicing/repair work, or to keep the ground floor void area tidy;
- Who will manage access and what if there is an emergency requiring urgent entry?;
- Part Wall Agreement is not in place.

9. Planning Considerations

The proposed works involve the lateral extension to the existing frontage of the building, with openings matching those to be retained, as before, but with a new ground floor windows, door and surround of traditional design. A section of frontage that extended above the neighbouring “vestibule” that was permitted under the previously approved scheme has been omitted from the current proposals. The mansard type roof with slate cladding set back behind the existing parapet would constitute a further alteration to the appearance of the building. New window frames to the front elevation would be painted timber. The finish to the street frontage would be lime wash.

The site is within Trowbridge Town Policy limits, where an additional flat unit is acceptable in principle in terms of Policy. It is also within close proximity to the town centre, and the addition of residential accommodation in this context would contribute towards the mix of uses in, and the overall vitality of, the area.

The site history has established the principle of residential development over the three levels that currently exist. At present the same Local Plan (West Wiltshire

District Plan, 2004) applies as was the case in 2006, but in the interim the National Planning Policy Framework has come in to being. The NPPF is supportive of new development in sustainable locations. The emerging Core Strategy also effectively carries through Trowbridge development limits to include this area.

The flat layouts are of a similar form to those previously approved, with rear-facing bedrooms looking into a light well behind the building. An open plan living room/kitchen would face onto the street frontage.

With regard to the impact of the proposals on the Conservation Area and Listed Building, the Conservation Officer was involved in pre-application discussions and raises no objection to the proposed mansard extension, and welcomes the prospect of the building being brought back into functional use. The Officer does not object to the development with regard to the Listed Building grounds and has not raised concerns with the proposed lime wash finish (an issue raised by the objector). This building was previously painted, but the failed finishes have been removed. Whilst noting the objector comments on the mansard as a design consideration in particular, the Conservation Officer is of the view that this would not be out of place in the area. Frontage treatments in the proximity of the site are varied. There is a set-back roof space with flat-topped dormers to the roof to No. 8 itself, seen when approaching the site on Fore Street from the east. Further east along Fore Street there are examples of dormers to pitched roofs, flat roofs, ornate gables and standard pitched roofs without dormers. The application site is at the point where Fore Street “turns the corner” and, in its current form, is not part of a uniform frontage albeit that it appears originally to have been part of a group. In the light of the Conservation Officer comments it is considered that the application should be supported from the heritage perspective, in particular where it would bring the Listed Building back into use and add new dwellings to the overall mix within Trowbridge Town Centre.

Given the proximity to the Town Centre and its related facilities, a car-free scheme is sustainable and the Highway Officer raises no objection in respect of highway matters or parking.

With regard to neighbour amenity, the neighbour has raised concerns with regard to the impact of the proposed top storey on a side-facing window to No. 8. This was investigated and, as noted by the objector, found to serve a kitchen in the roofspace. From within the kitchen this relatively small window is approximately at a counter level, with a view from eye level downwards. A second, larger opening is provided by a roof light serving the kitchen area. The overall loss of light resulting from the impact of the proposal on the smaller window is not of a degree of significance considered grounds to recommend refusal.

The objector has also raised a number of issues of private treaty, including a Party Wall agreement, works that were previously done affecting the “vestibule” and earlier negotiations on the “flying freehold” relating to the previous application. These are not planning considerations but efforts were made during the processing of the application to encourage engagement between the parties on the access issues raise, as well as the private treaty matters, without success.

An outcome however on was the submission by the agent of additional plans addressing the access to a flue and air-conditioner situated on the side-facing wall to No. 8. The plans provide for access panels within the stairwell area to the air conditioner and flue. It is understood from building regulations officers that, providing building regulations are met as a separate matter, this solution would be acceptable. Similarly the issue of potential impact by new footings would be a building regulations matter. Party Wall arrangements and the issue of prior damage to the “vestibule”, which is outside of the application site, would be a matter for separate agreement between the affected parties and no conditions can be imposed in that specific regard.

The objector remains opposed to the submitted revisions, for access and health and safety reasons as outlined above. A key issue for the objector is the access to services protruding from the side wall to No. 8, for which the revised plans provide. Reasonable health and safety precautions would appear implementable in the event that servicing is required. The Party Wall agreement concerns are again raised, but this would remain a matter of private treaty. With regard to arrangements for access, this again remains a matter of private treaty and the situation at present is that the flue and air conditioner unit appear to be within the area of ownership of the applicant, requiring access rights for any works that might be required under present circumstances.

10. Conclusion

The proposal accords with Policy on new development within built up areas and would provide new modest dwellings adding to the mix of dwelling types within the town centre, which would accord with NPPF policy. The Conservation Officer is satisfied that the proposals are acceptable from the heritage perspective, and welcomes the return of the building to use. Permission is therefore recommended.

RECOMMENDATION

Permission is recommended, subject to the following conditions.

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

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

Location Plan 702:10 received on 27 May 2014
Plan 702:P:10 A received on 29 July 2014
Plan 702:S:10 received on 27 May 2014
Plan 702:P:11 A received on 29 July 2014
Plan 702:S:11 received on 27 May 2014
Plan 702:P:12 A received 29 July 2014

Plan 702:S:12 received on 27 May 2014
Plan 702:P:13 received on 27 May 2014
Plan 702:S:13 received on 27 May 2014
Plan 702:P:14 received on 27 May 2014
Plan 702:P:15 received on 27 May 2014
Plan 702:P:16 received on 27 May 2014
Plan 702:P:17 received 29 July 2014

REASON:

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

Item 3 and Item 4 - 14/05282/FUL - 9 Wicker Hill Trowbridge



REPORT TO THE AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	3 September 2014
Application Number	14/05299/LBC
Site Address	9 Wicker Hill Trowbridge Wiltshire BA14 8JU
Proposal	Alterations to approved extension and proposed additional floor to form one bedroom flat
Applicant	Mr Peter Andrews
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE CENTRAL
Grid Ref	385427 158035
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor John Knight for consideration of the visual impact upon the surrounding area, the relationship to adjoining properties, and the design of the development.

1. Purpose of Report

To consider the above application and to recommend that Listed Building consent is granted.

2. Report Summary

This application is running in parallel with full planning application reference 14/05282/FUL for a total of four one-bedroom flats and related alterations.

The key issue is the impact of the proposed works in that application on the Listed Building.

Neighbour Responses: The owner of the adjacent property No.8 submitted objections.

Trowbridge Town Council – Welcomes the proposed improvement of the site but objects for reasons detailed in Section 7 below.

3. Site Description

The application site is a Grade II listed building located at 9 Wicker Hill. The property lies within the Trowbridge Town Centre Commercial Area, and within the Conservation Area. Records indicate that permission/consent were granted under Planning References 06/02834/LBC, 06/02837/FUL and W/10/02539/LBC for works including the conversion to three flats, one each to the ground, first and second floors. During the site visit it was noted that repair works are under way and some of the previously approved development has commenced, with scaffolding in place, but the building remains in relatively poor visual condition as it has been for a number of years.

4. Planning History

06/02837/FUL: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building :
Permission : 02.04.2007

06/02834/LBC: Demolition of infill structures between two existing buildings and erection of new residential flats, stairs and entrance to extend the building : Consent : 02.04.2007

W/10/02539/LBC: Removal of structurally unstable chimney breast to west party wall on ground and first floors and steel tie bar and plate to stabilise masonry : Consent : 04.10.2010

5. The Proposal

The proposal involves amendments to a previously approved scheme that was for a side extension to create three flats, incorporating a main entrance, bin store and stairs. The main revision to the previous scheme is an additional floor to provide one further flat within a new mansard structure, and the omission of a portion of the building that would have been situated above the neighbouring “vestibule. The overall result of the alterations would be to provide four one-bedroom flats (two benefitting from an additional study/box room). Whilst this would mean an increase in the number of dwellings on the site, the re-configuration actually results in a reduction of total bedroom spaces. An internal bin store would be located at ground floor level.

6. Planning Policy

West Wiltshire District Plan, 1st Alteration 2004

C28 : Alterations to Listed Buildings

Emerging Core Strategy

NPPF

7. Consultations

Trowbridge Town Council

Whilst the Town Council welcomes a proposal to significantly improve this site through the development of residential accommodation, the Council believes that the proposal does not satisfactorily resolve issues regarding the treatment of the gap between the proposed development and No. 8 Wicker Hill next door, including loss of light, party wall construction, access to fixtures and fittings and therefore results in loss of neighbour amenity.

8. Publicity

One neighbouring property owner raised objections on the following grounds:

- Incorrect declaration of ownership in original application 06/02837/FUL, which included emergency exit vestibule from No.8. Original applicant destroyed this vestibule and seriously damaged stonework.
- Work was commenced without Party Wall Agreement in place. Work stopped following legal intervention. Original plan ignored cellar ventilation ducts, storm water and waste pipes, air conditioning outlets, a boiler extraction flue, a kitchen window and the fine parapet. A stone window surround would be covered up and a Flying Freehold would also have been created. Not accepted;
- New plans show a narrow void next to end wall to No.8. Void needs to be large enough to provide access to end wall;
- Footings to new back wall may cause damage to deep cellar in No.8
- Original vestibule to No.8 contained a window and a door to give access with a right of way to aid repairs if needed. A door needs to be provided in the new vestibule. Vestibule also needs to be re-built to full current building regulations and the Civic Society stonework on the main street repaired.
- Object to the finish to the development being in lime wash rather than stone to match No.8 as well as other properties in The Parade.
- Design, giving a third flat and putting another storey on the building is not in-keeping with neighbouring properties, being uncharacteristic of Parade street scene.;
- Proposed design would cut in behind vestibule to No.8;
- No Party Wall agreement will be entered into that interferes with property or business therein;
- Subsequent to initial objection, issue arose with planks leaning near boiler flue and diverting fumes back into No.8. This confirms the need for access to boiler flue and gable end wall;
- After purchasing No.8, an offer was made to enable applicant to build over vestibule under previous plans which would have given a better street scene, provided Party Wall matters were addressed. Applicant did not pursue negotiations.

9. Planning Considerations

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses when determining an application for listed building consent.

The key considerations for this application therefore relate to the impact on the Listed Building. The proposed works involve the lateral extension to the existing frontage of the building, with openings matching those to be retained, as before, with a new door and surround of traditional design. A section of frontage that extended above the neighbouring “vestibule” that was approved under the previously permitted scheme has been omitted from the current proposals. The mansard type roof with slate cladding set back behind the existing parapet would constitute a further alteration to the appearance of the building. New window frames to the front elevation would be painted timber. The finish to the street frontage would be lime wash.

Internally a new stairwell and alterations to internal walls are proposed. The previously approved scheme also involved the replacement of the old stairwell as well as a re-arrangement of the internal spaces, which would again be the case. The flat layouts are of a similar form to those previously approved, with rear-facing bedrooms looking into a light well behind the building. An open plan living room/kitchen would face onto the street frontage.

With regard to the impact on the Listed Building, the Conservation Officer was involved in pre-application discussions and raises no objection to the alterations to the building interior and the frontage, including the proposed mansard extension. The Officer welcomes the prospect of the building being brought back into functional use. There is also no objection to the proposed lime wash finish which was objected to by the neighbouring property owner. This building was previously painted, but the failed finishes have been removed. Whilst noting the objector comments on the mansard as a design consideration in particular, the Conservation Officer is of the view that this would not be out of place in the area. The objector has raised a number of other matters (see above) but these relate primarily to the full planning application considerations (or to matters of private treaty), and are discussed in the separate report on 14/05282/FUL.

Frontage treatments to buildings in the proximity of the site are varied. There is a set-back roof space with flat-topped dormers to the roof to No. 8 itself, seen when approaching the site on Fore Street from the east. Further east along Fore Street there are examples of dormers to pitched roofs, flat roofs, ornate gables and standard pitched roofs without dormers. The application site is at the point where Fore Street “turns the corner” and, in its current form, is not part of a uniform frontage. In the light of the Conservation Officer comments it is considered that the application should be supported from the heritage perspective, in particular where it would bring the Listed Building back into use.

Whilst noting the Trowbridge Town Council comments, these relate largely to the relationship to the neighbouring property in terms of loss of amenity and other

impacts rather than to Listed Building considerations. The issues identified by the Council are addressed in greater depth in the report on the full planning application.

The emerging Trowbridge Masterplan identifies Wicker Hill as an area for opportunity, including the enhancement of street frontages, whilst in the older Trowbridge Urban Design Framework SPG (Adopted November 2004) it is noted that: *“The built quality of certain frontages also needs improvement. This is particularly so along Silver Street and the western end of Wicker Hill. Improving the architectural and visual quality of the frontages may encourage users to take up some of the accommodation that is currently available. It would also improve the image of the town in existing areas where framework proposals do not affect it.”*

The proposals would have the positive consequences of the refurbishment and bringing the Listed Building back into a condition and active use likely to mean that it will be properly maintained. The street scene in this part of the Conservation Area would also be enhanced. The Conservation Officer is satisfied that the proposals are acceptable from the heritage perspective and welcomes the building being returned to use. It is therefore considered that the revised scheme would accord with Development Plan policy on alterations to Listed Buildings.

10. Conclusion

In the light of the above considerations, Consent is recommended.

RECOMMENDATION

Consent, subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The additional fenestration shall match that approved under application reference 06/02834/LBC and be in accordance with the hereby approved drawing 702:P:14

REASON:

In the interests of the appearance of the Listed Building.

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

Location Plan 702:10 received on 27 May 2014

Plan 702:P:10 A received on 29 July 2014

Plan 702:S:10 received on 27 May 2014

Plan 702:P:11 A received on 29 July 2014

Plan 702:S:11 received on 27 May 2014
Plan 702:P:12 A received 29 July 2014
Plan 702:S:12 received on 27 May 2014
Plan 702:P:13 received on 27 May 2014
Plan 702:S:13 received on 27 May 2014
Plan 702:P:14 received on 27 May 2014
Plan 702:P:15 received on 27 May 2014
Plan 702:P:16 received on 27 May 2014
Plan 702:P:17 received 29 July 2014

REASON:

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

Item 3 and Item 4 - 14/05282/FUL - 9 Wicker Hill Trowbridge



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