

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 26 November 2014  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

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

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### Membership:

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

### Substitutes:

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

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# 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 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 5 November 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 **19 November 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 **14/04399/FUL - Land off Lewington Close and Longford Road, Melksham, Wiltshire (Pages 9 - 22)**

6b **14/06019/FUL - Copse Farm, Holt, Trowbridge BA14 6FW (Pages 23 - 38)**

## 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**

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**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 NOVEMBER 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While

**Also Present:**

Cllr John Hubbard

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**115 Apologies for Absence**

Apologies for absence were received from Magnus MacDonald.

**116 Minutes of the Previous Meeting**

The minutes of the meeting held on 24 September 2014 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 24 September 2014 with the following amendment: that the start and finish time of the meeting be noted in the minutes.**

**117 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency, and asked that mobile phones be turned off or set to silent.

**118 Declarations of Interest**

There were no declarations of interest.

**119 Public Participation and Councillors' Questions**

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

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

*Admin Note: Cllr Magnus MacDonald arrived in the chamber.*

## 120 **Right of Way Applications**

### 121 **West Ashton 1 (Part) Rights of Way Modification Order 2014**

Public participation:

Francis Morland spoke in objection to the application.

Richard Covington spoke on behalf of the West Ashton Parish Council.

The Right of Way Officer presented the report which outlined the need to regularise the definitive map in the light of an issue that had come to the council's attention following a land purchase. There was an objection to the order which means it comes to the Committee. Officers planned to address the issue under powers delegated to officers in the Highways Act.

The Officers thanked Mr Morland for bringing certain issues to the attention of the Council which would allow them to be addressed. Councillors commended the hard work of the officers in trying to resolve the matter. A motion was put forward to move the officer's recommendation as set out in the report.

**RESOLVED** That the Wiltshire Council West Ashton 1 (Part) Rights of Way Modification Order 2014 be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Order is not confirmed.

## 122 **Planning Applications**

The Committee considered the following applications:

### **122a 14/04399/FUL - Land off Lewington Close and Longford Road, Melksham, Wiltshire**

Public Participation:

Karen Munroe and David Timbrell spoke in objection to the application.

Paul Walsh and Sally Hewins spoke in support of 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 also given. The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

Councillor John Hubbard as the local member, spoke in objection to the

application. He also commented that the developers had consulted with the public and had made changes to the original plans, but that there were still a number of objections to the development. The main issues were noted as: impact of changes to landscaping on neighbours and the density and proximity of the development. The debate focused on the impact of the proposed development on the character of the area. A motion was put forward to refuse the defer the application for a site visit. At the end of the debate it was;

### **Resolved**

**To defer consideration of the application to allow for a site visit to take place.**

*Admin Note: Cllr MacDonald having declared an interest in this item did not participate in the meeting for the duration of the item.*

### **122b 14/05120/FUL - Land North of Goose Street, Southwick, Wiltshire**

Public Participation:

Julian Sully spoke in objection to the application.  
Peter Grist spoke in support of the application.  
Tony Doel spoke on behalf of Southwick Parish Council.

The Planning Officer outlined the report which recommended refusal. The site description and an overview of the proposed development were also given. The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

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

Councillor Horace Prickett, as the local member, spoke in relation to the application. The main issues were noted as: the level of objection in the community, whether the issues given in the previously refused application had been address, and the position of the proposal in relation to the village boundary. A motion was put forward to refuse the application. At the end of the debate it was;

**Resolved to refuse the application for the following reasons:**

- 1 The proposed residential development is located outside of the defined village policy limits. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals therefore constitute an unwarranted extension of urbanisation into the countryside to the detriment of the visual openness and quality of the countryside contrary to policies C1 and H19 of the West Wiltshire District Plan 1st**

**Alteration (2004), and Core Policies 1 and 2 of the emerging Wiltshire Core Strategy.**

- 2 The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paras. 29, 30 & 37) and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.**

123 **14/07674/FUL - Land at 347 Snarilton Lane, Melksham, Wiltshire, SN12 7QP**

Public Participation:

Peter Steven spoke in support of 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 also given. The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

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

Councillors questioned why the application had been called-in to Committee given that the apparent low level of objection. A motion was put forward to approve the application. At the end of the debate it was;

**Resolved**

**To approve the recommendation subject to the following conditions:**

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

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

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

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



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

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

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

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

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

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

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

**6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has**

been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

8. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**REASON:** In the interests of highway safety.

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 materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding;
- 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;
- h) Hours of construction, including deliveries has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the demolition/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, detrimental to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

Topographic survey received 8 August 2014;  
Proposed site plan received on 21 August 2014;  
Elevations Plot 1 received on 21 August 2014;  
Floorplans Plot 1 received on 21 August 2014;  
Elevations Plot 2 received on 21 August 2014;  
Floorplans Plot 2 received on 21 August 2014;

Location Plan received on 30 August 2014;  
Access visibility play received 24 September 2014;

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

**INFORMATIVES:**

1. Further information on connection to Wessex Water infrastructure can be obtained from their New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
2. There is a low risk that great crested newts / reptiles / badgers could occur on the application site. Great crested newts and all reptiles are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of amphibians/reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles/amphibians until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or a Council Ecologist (01225 713875 / 718182).

Badgers are protected under the Protection of Badgers Act 1992 mainly for welfare purposes. If works are carried out in close proximity to a known badger sett, then a licence may be required. Please see Natural England's website for further information.

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

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx>

124 14/08400/FUL - Plot adjacent to 'Beechwood', Bratton Road, West Ashton, Trowbridge, BA14 6AZ

Public Participation:

Paul Pursey spoke in objection to the application.

Howard Walters spoke in support of the application.

Richard Covington spoke on behalf of the West Ashton Parish Council.

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 also given. The Planning Officer outlined the relevant planning policy, consultation and relevant planning considerations.

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

Councillor Horace Prickett, as the local member, spoke in objection to the application. The main issues were noted as: impact of the proposals on neighbours, whether the issues given in the previously refused application had been address, that the Committee had previously visited the site and the position of the proposal in relation to the streetscene. A motion was put forward to refuse the application. At the end of the debate it was;

**Resolved to refuse the application for the following reason:**

1. *The proposed dwelling by reason of its siting, size, height and design would have an adverse impact upon the character and appearance of the street scene and neighbouring amenity, contrary to Saved Policies C31a and C38 of West Wiltshire District Local Plan (Adopted 2004).*

**125 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.18 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935, e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

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

## REPORT TO THE AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	26th November 2014
<b>Application Number</b>	14/04399/FUL
<b>Site Address</b>	Land off Lewington Close and Longford Road Melksham Wiltshire
<b>Proposal</b>	Demolition of the existing bungalow and construction of four x 3 bed houses and seven x 2 bed houses and one x 1 bed house with associated roads and parking. Also the provision of a play area off Lewington Close
<b>Applicant</b>	Mr Mick Latham
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Ward</b>	MELKSHAM SOUTH
<b>Grid Ref</b>	390402 162962
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

This application is brought back to Committee for further discussion in the light of the resolution of the meeting of the 5th November 2014 to hold a site visit.

The application was initially brought to Committee at the request of Councillor Jon Hubbard for consideration of the scale of development, 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, subject to the completion of a S106 Agreement.

#### 2. Report Summary

The key issues are:

- The principle of development in this locality;
- Landscaping and Potential impact on neighbouring properties;
- Access; and
- Ecological considerations

Neighbourhood Responses:

There were 14 responses to advertising, including secondary responses on revised plans.

Melksham Town Council

Supports the application but highlights areas of concern, as discussed in section 7 below.

### **3. Site Description**

The +-3000m<sup>2</sup> application site is comprised of the curtilage to No. 17a Longford Road and an elongated portion of land to the rear of No 11 Longford Road. The curtilage land is fairly extensive and is well planted with trees and shrubbery, and is surrounded largely by well-vegetated boundaries. The land is currently accessed via a “panhandle” private drive off of Longford Road to the south. The site is an isolated property in terms of the single access, but is set within a wider residential context of surrounding semi-detached or terraced dwellings in Peel Court, Semington Road, Longford Road, Kenilworth Gardens and Lewington Close.

The land falls within Melksham Town Policy Limits (Policy H1 to the West Wiltshire District Plan, 2004).

### **4. Planning History**

None applicable to this site, apart from a 1985 outline application (W/85/00056/OUT) for a dwelling on portion of the site, which was refused.

### **5. The Proposal**

The application is for the construction of four x 3 bed houses and seven x 2 bed houses and one x 1 bed house with associated roads and parking following the demolition of the existing bungalow. The scheme includes the provision of a separate play area off Lewington Close (which has been the subject of negotiation and discussion between the applicants, the Local Member and Melksham Town Council). Access would be retained from the existing “panhandle” from Longford Road to the south, but the majority of the dwellings would be served by a connection with Lewington Close to the north.

### **6. Planning Policy**

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

C31a Design  
C32 Landscaping  
H1 Town Policy Limits  
H24 New Housing Design

Emerging Wiltshire Core Strategy

National Planning Policy Framework

### **7. Consultations**

#### **Melksham Town Council**

The Council supports the principle of the development, but has raised questions regarding loss of amenity particularly in relation to impacts on Kenilworth Gardens and Peel Court properties, density of development, and highways and ecological impacts. These comments are discussed in more detail in Section 9 below,

#### **Highway Officer**

The officer had concerns with the initial layout that was submitted in terms of parking, passing areas and turning. Following the submission of the revised plans the officer found

the extension to Lewington Close and the overall parking provision to be acceptable subject to conditions in relation to the submission of highway and related infrastructure construction details (and their completion), access and parking provision prior to occupation.

### **Housing**

The officer advises that, under current planning policy approaches, no affordable housing contribution would be sought from this application. As the application is from a Registered Housing provider, these new homes are likely to be for affordable housing (although there is no Policy requirement for them to be) and Housing Officers therefore support the proposal. It is also confirmed that the mix and size of the units proposed reflect current affordable housing demonstrable need/requirements. The total number on the Housing register in the Melksham Community Area is 907, of who 502 are in priority housing need.

### **Drainage**

The officer notes that the site is within Flood Zone 1 according to the Environment Agency classification (lowest flood risk). No objections.

### **Environmental Health**

No loss of amenity likely, other than potential noise and dust during the construction phase. The authority can limit construction hours under the Control of Pollution Act 1974. An informative is recommended.

### **Wessex Water**

No objection, noting only that new water supply and waste water connections will be required from Wessex water to serve the development and that separate systems of drainage will be required.

### **Education**

Based upon there effectively being 11 new open market units a need for 3 primary and 2 secondary places is generated at the designated area schools which are Aloeric Primary and Melksham Oak Secondary. The Officer discusses existing provision and future pupil projections at both levels and concludes that a developer contribution will be required towards secondary infrastructure expansion of 2 places at the 2014/15 capital cost multiplier of £19084 each. The assessment is however specific to the site location, housing number and mix available, and any changes would necessitate a new assessment.

### **Ecologist**

Requested an additional bat survey and a mitigation strategy for the relocation of slow worms. This information was provided and the officer raises no objections, subject to conditions. The details are discussed further in the planning considerations below.

### **Open Space Officer**

The officer is satisfied with the proposals for the play area shown on the approved plans, as well as the equipment that is proposed provided that Melksham Town Council is in agreement. The provision of the area will need to be secured by way of a S106 Agreement.

### **Spatial Planning**

The officer sets out the Policy context referencing the NPPF, Policies H1 (Town Policy Limits), C38 (Amenity) of the West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004. The emerging Core Strategy, in particular Core Policies 2 (Development Limits) and 15 (The Strategy for Melksham) is also of relevance. The officer concludes that the application proposals are consistent with both the adopted development plan and emerging Wiltshire Core Strategy

with the proposed site falling within the settlement framework boundary for Melksham. No Policy objections are raised, subject to there being no other site specific impacts that would significantly and demonstrably outweigh the benefits of the development.

## 8. Publicity

The following is a summary of the objections received:

- Bat survey and Phase I Habitat Survey inadequate in terms of timing, methodology, buildings surveyed;
- Loss of hedge would mean loss of habitat;
- Overdevelopment of the site;
- Loss of privacy and amenity to neighbouring properties;
- Footpath would lead to loss of privacy and potential security issues because it could become a through-route;
- Rotation of buildings would enhance renewable energy options;
- Increased parking congestion;
- Play area is too far away from development;
- Loss of trees and replacement with parking harmful to surrounding amenity;
- Development including terraced units out of keeping with spacious feel to surrounding area;
- Potential for future loft space conversions to further overlook surrounding properties;
- Loss of view towards open countryside beyond the historic Spa buildings;
- Loss of light, privacy and overbearing on No. 6 Peel Court;
- Understand more houses are required, but shouldn't be on an already established property with loss of green oasis;
- Revised plans do not address issues at 6 Peel Court;
- Replacing the one bungalow with a single new dwelling would be acceptable, avoiding loss of green corridor; and
- Removal of trees will affect privacy at 3 Peel Court.

Some of the above objections were relayed by objectors to Mr Duncan Hames (MP) who wrote to Council requesting that they be considered.

## 9. Planning Considerations

### *Principle of Development*

The NPPF states that “*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*” and that “*in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development*”.

The site lies within Melksham Town Policy Limits where, in general, the principle of new residential development would be acceptable subject to the criteria that apply under Policy H1 of the West Wiltshire District Plan, 2004 and with other WWDP Policies, with due consideration for the increasing weight attached to the emerging Core Strategy and the NPPF. The site lies within the development limits envisaged in the Core Policy and, by definition, this would be a sustainable location in terms of the NPPF.

The observations of the Spatial Plans officer in response to consultation confirm the acceptability of the principle of development on the site.



### *Landscaping and potential loss of neighbouring amenity*

Melksham Town Council, whilst supporting the principle of the development has raised questions regarding loss of amenity particularly in relation to impact on privacy in Kenilworth Gardens, loss of privacy and sunlight at no. 6 Peel Court as well as the impact arising from the loss of the hedge on Kenilworth Gardens.

Following discussions with the agents in the light of pre-application advice as well as comments received on the proposals, alterations were made to the plans, which included increasing separation distances with neighbouring dwellings and alterations to landscaping proposals.

With specific reference to Kenilworth Gardens, separation distances would now be between 25m and 27m between rear-facing elevations to the new and existing dwellings. This would in all cases exceed the 21m privacy “rule of thumb” guideline that is generally applied between upstairs habitable rooms (and which is frequently reduced given space constraints in modern estate development). Garden depths to the new dwellings abutting the Kenilworth Garden rear amenity spaces would be approximately 10m, which is wholly reasonable. It is therefore considered that no unacceptable amenity, overshadowing or privacy impacts would arise for the dwellings in Kenilworth Gardens that abut the new dwelling plots.

The dwelling at No.6 Peel court lies some 16m west of the site at the nearest point on the boundary. The closest new dwelling would be approximately 17.5 m away with a gable end, containing no windows, facing west. There is open ground of approximately 8m in depth between the boundary to the nearest proposed dwelling and the rear garden boundary to No. 6. Given the location of No.6 to the west, the distance between the proposed new dwelling and its boundaries (and the existing dwelling itself) and where there would be no windows to the gable of the new dwelling facing No.6, it is considered that no unacceptable overshadowing or loss of privacy would arise in respect of that property. Similarly, No.3 Peel Court, being some 33m from the nearest of the proposed dwellings, would not experience any unacceptable overlooking potential, a matter raised in an objection letter.

To the south, existing neighbouring dwellings would be some 28 to 30m distant from the nearest new units, with rear gardens plus access paths to the new plots allowing for 9m between rear facing elevations and the existing boundaries to the elongated rear gardens that they would face, with a number of existing trees to the boundaries being retained.

To the north there is a dwelling with limited garden space (No.20 Lewington Close) where the potential existed for loss of light to rear windows and garden space due to the relative orientations of the new and existing dwellings. Following discussions the agents agreed to reduce the ridge level at the northern end of the development by providing for a 1 bedroomed dwelling with rooms to the roofspace. The 25 deg “rule of thumb” vertical angle from rear facing windows of the existing dwelling to the new ridge to provide for adequate lighting to this property to the north would be met.

In view of the above evaluation, the relationship to surrounding properties is considered to be wholly acceptable.

The density and form of the development has been objected to (“overdevelopment of the site”) by neighbours. The proposal, including parking and landscaping would result in development of approximately 40 units/ha., providing for a mixture of 1, 2 and 3 bedroom dwellings, with 2 bedroom units predominating, of a familiar modern character, all with private garden spaces varying between 36m<sup>2</sup> and 80m<sup>2</sup> in extent. (Pre-NPPF, guidance in the form of PPS3 advocated a *minimum* development density of 30 units/ha. in the interests of efficient use of land, albeit that this guidance was subsequently superseded). Whilst it is

acknowledged that part of the adjacent context includes larger, fairly generous plots to Kenilworth Gardens and Longford Road, the proposal is effectively an extension to the Lewington Close development with its mixture of terraced and semi-detached dwellings on modest plots. The new development would furthermore form a uniform cluster of dwellings of a common design theme with slightly less prominent buildings (in terms of ridge height) than Lewington Close, but not out of keeping with the subdivisional characteristics of that estate area.

With regard to landscaping, the site as it exists contains a number of trees and large shrubs which would be unavoidably lost. None of the trees on site however carry any protection status and, in the light of neighbour and Parish comments a landscaping scheme has been submitted, to include tree planting and native hedging to eastern boundary (replacing Leylandii) which would provide for a degree of screening and softening of the boundary treatment that would include a 2.1m high close-boarded fence.

The distance of the play area from the site is raised by an objector. This open space falls within the Lewington Close precinct and has resulted from efforts by the Local Member in discussions with the Town Council and applicants specifically to provide a local facility with equipment. The Open Space officer is satisfied with the open space as well as the proposed equipment.

#### *Highways and Access*

The Highway Officer, having received additional information and details is satisfied with parking and access provision. The main parking area would be accessed from the north, via Lewington Close. 23 Parking spaces would be arranged around a turning head that would accommodate manoeuvring for a refuse vehicle. The area would be softened to a degree by surrounding planting and trees to separation islands. The highway officer raises no objections in relation to additional traffic or parking issues that are raised by the Town Council and objectors. The proposal would effectively be an extension to the Lewington Close cul-de-sac.

Concerns were also raised by objectors with regard to the creation of a pedestrian “through-route” from Longford Road to Lewington Close and potential security issues. The proposals would retain the southern access as a private driveway serving only Plots 4 and 5 parking (one garage and one parking space per unit). A gated pedestrian pathway from the main parking area would provide access to Plot 3. No public thoroughfare would therefore be provided through the development from north to south.

#### *Ecology*

The site vegetation and the presence of the vacant dwelling gave rise at pre-application stage to the Ecologist noting the possible presence of protected species and the need for a Phase I Habitat Survey. This was submitted, but additional information was requested by the Ecologist. An objector had also raised concerns about the surveys as well as loss of habitat.

Additional documentation on bats (including a method statement in support of a license application to Natural England) and the re-location of slow worms was submitted at the request of the Ecologist. With regard to the bats the Ecologist noted: *“As a competent authority under the Conservation of Habitats and Species Regulations 2010, the Local Planning Authority (LPA) must have regard to the EC Habitats Directive’s requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions (the “three tests”) under Article 16 of the Habitats Directive are met. In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision (see Judicial Review, Woolley vs. Cheshire East*

*Borough Council, 2009*). Following evaluation of the “3 Tests” the Ecologist concluded that, subject to conditions in relation to planting, lighting, the provision of bat boxes and the submission of an ecology management plan, there would not be an objection. In respect of reptiles, a revised “Reptile Mitigation Strategy” was submitted. This includes a re-location strategy which satisfied the Ecologist’s requirements, again provided that a relevant condition is imposed. It is considered, therefore, that the habitat and ecology issues arising from the application can be adequately addressed by way of conditions.

## **10. Conclusion**

In view of the above evaluation of the proposal, it is considered that the development should be granted approval, subject to the completion of a S106 agreement and conditions.

## **RECOMMENDATION**

Planning Permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion a legal Agreement to secure:

- 1) An index-linked financial contribution towards secondary education infrastructure expansion of 2 places; and
- 2) The transfer of ownership of the proposed public open space to the Melksham Town Council and to secure the provision of the play equipment on that site.

Subject to the following conditions:

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

REASON:

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

- 2 The materials to be utilised within this development shall accord with the schedule of materials as described within the planning application form, registered 16 April 2014 and the revised drawings received on 12 August 2014.

REASON:

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

- 3 All soft landscaping comprised in the approved details of landscaping on Plan 3731/01 Rev K 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.

- 4 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON:

To ensure that the roads are laid out and constructed in a satisfactory manner.

- 5 The development hereby permitted shall not be occupied until the first five metres of the access onto Longford Road, measured from the edge of the carriageway, has been widened to 5m (this access width shall include increasing the length of the lowered kerbs and footway crossover) and shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 6 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

- 7 The development hereby approved shall be carried out in strict accordance with the revised 'Bats - Method Statement template to support a licence application' for 17a Longford Road, Melksham (reference WML-A13.2 (03/14)) prepared by Middlemarch Environmental Ltd and received by the local planning authority on 25th September 2014, as modified by any relevant Natural England bat licence relating to this development. The installation of the new bat roost features shall be supervised by a professional ecologist.

REASON:

To ensure adequate protection and mitigation for European protected species (Common pipistrelle, Brown long-eared and Serotine bats).

- 8 The cavity wall bat roost and its access point and the bat tubes will be available for bat use before the first occupation of the dwellings associated with the development hereby approved and shall be retained as permanent features for the lifetime of the development, as modified by any Natural England Licence relating to this development.

REASON:

To protect and maintain the bat roost mitigation.

- 9 No external lighting shall be installed to the south elevation of Plot 6 or the north elevation of Plot 5 unless it is required for health and safety purposes, whereupon lighting shall be controlled by a passive infra-red sensor; all other security /external lighting shall be controlled by passive infra-red sensor and all street lighting installed on site shall be low level and downward directional to minimise light spillage.

REASON:

To prevent illumination of the alternative cavity wall bat roost provided as mitigation in the southern elevation of Plot 6 and to keep the lighting of the whole site to a minimum for continued foraging/commuting bat usage.

- 10 Prior to the commencement of works associated with the development hereby approved, a Landscape and Ecology Management Plan shall be prepared and submitted to the local planning authority for approval. The approved plan shall be complied with during and after the completion of the development hereby approved.

REASON:

To ensure the appropriate management of retained trees, hedgerows and newly planted vegetation, and the maintenance of new bat roosts.

- 11 The development hereby approved shall be carried out in accordance with the revised Reptile Mitigation Strategy prepared by Middlemarch Environmental Ltd and received by the local planning authority on 19th September 2014. The Strategy shall be implemented in full unless otherwise agreed in writing with the local planning authority.

REASON:

To ensure adequate protection and mitigation for slow worms.

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

3731/01 Rev K received on 12 August 2014;

3731/02 Rev E received on 12 August 2014; and

3731/03 Rev E received on 12 August 2014.

REASON:

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

- 13      **INFORMATIVE:** Any noise during the construction phase should be limited to 0730-1800hrs Monday to Friday and 0800-1300 on Saturdays and not at all on Sundays and Public Holidays.

**Appendices:**

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

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Item No 1 - 14/04399/FUL: Land off Lewington Close and Longford Road Melksham



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## REPORT TO THE AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	26th November 2014
<b>Application Number</b>	14/06019/FUL
<b>Site Address</b>	Copse Farm, Holt, Trowbridge BA14 6FW
<b>Proposal</b>	The provision of a freestanding array of 196 photovoltaic panels to provide sustainable power for Copse Farm (temporary 25 year consent)
<b>Applicant</b>	Mr J Ovens
<b>Town/Parish Council</b>	HOLT
<b>Ward</b>	HOLT AND STAVERTON
<b>Grid Ref</b>	386364 162663
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

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

Councillor Trevor Carbin 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:

- the visual impact of the development on the surrounding area;
- the environmental/highway impacts and
- the loss of agricultural land.

### **1. Purpose of Report**

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

### **2. Report Summary**

The main planning issues to consider are:

- The Principle of the Development.
- Whether the proposal would result in the loss of the best and most versatile agricultural land.
- Landscape Impacts
- Cumulative Impacts
- Residential Amenity Impacts.
- Other impacts

### **3. Site Description**

Copse Farm is an agricultural holding extending to some 74 acres which is presently a mixture of pasture and arable land located to the north of the village of Holt. The defined 735 square metre application site is currently part of a field located in relative close proximity to the established farm steading which has developed since 2008. The site is calculated as being 300 metres away from the nearest residential property within Holt village – which is

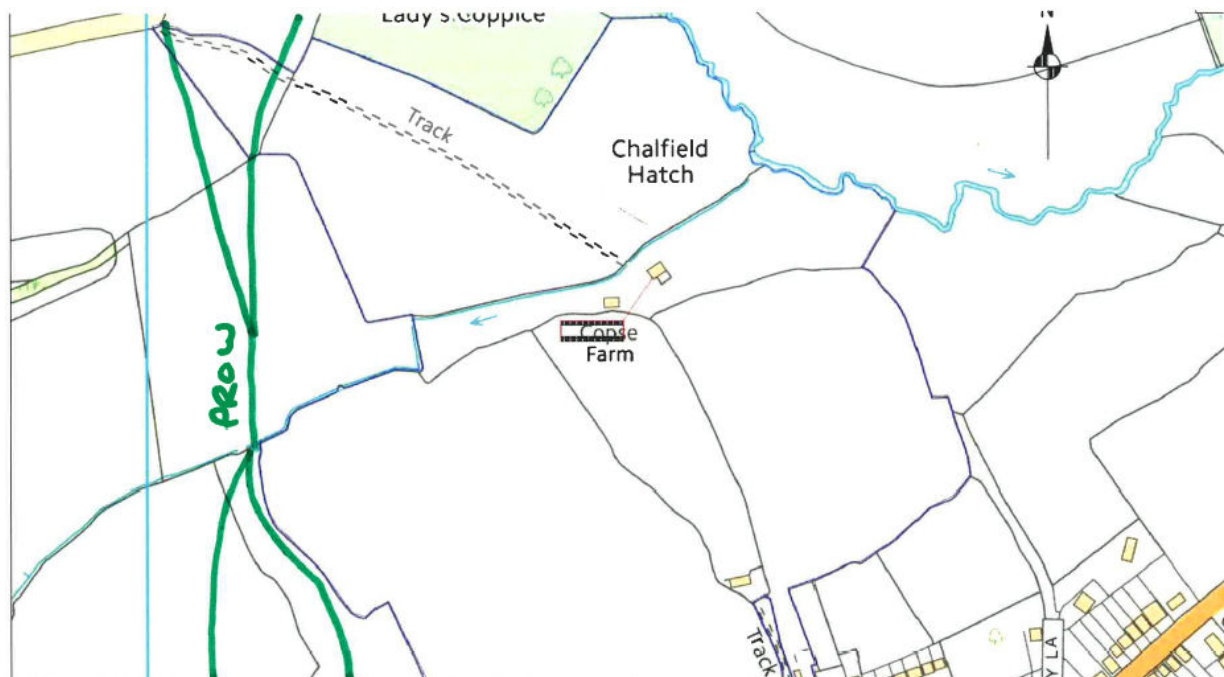
located on higher ground to the south. Copse Farm is set within a mature landscape with the field system bordered by hedges and fences.

The site is not located within any protected landscape or subject to any ecological / environmentally sensitive designation; and there are no heritage assets on the holding or within close proximity.

The location of the proposed solar installation would be at the foot of a small valley that slopes down from Holt and up towards Lady's Coppice utilising land that is graded as 3a – which represents a sub-grade of agricultural land that is not the best or most versatile land but is nevertheless capable of producing moderate – high yields of a narrow range of arable crops.

Approximately 250 metres to the west of the application site is a public footpath. The farm steading and application site is accessed via a fairly long track which leads off the unclassified road which connects Bradford Leigh and Chalfield Hatch.

This proposal is not within the same field as per the withdrawn application W/12/00261/FUL. This application was for 205 solar panels in three rows in the adjacent field to the east.



#### 4. Planning History

13/04366/FUL – Erection of new permanent agricultural workers dwelling to replace existing temporary dwelling – permitted.

W/12/01897/FUL - Retrospective planning application for two agricultural buildings, one is an extension to an existing stock building and another is a replacement for a former stock building - Permitted

W/12/00261/FUL – Proposed installation of 50kw solar array and associated equipment and construction of boundary fence – Withdrawn.

W/09/03110/FUL – Retrospective application for the erection of two agricultural buildings and the temporary siting of a mobile home (in connection with an agricultural holding) - Permitted

## 5. The Proposal

This application seeks temporary permission to install 196 ground mounted photovoltaic panels for a twenty five year period to be sited alongside the edge of a field to the immediate south of the established farm steading. The applicant's intention is to harness the generated power the PV panels provide on-site to service the diary and farming needs at Copse Farm. The PV panels would be mounted in two rows, each measuring 49 metres in length with a 9 metre gap in between. The overall height of the panels would be approximately 2.7 metres above the ground with the supporting arrays inserted into the ground. No site fencing, lighting or security cameras are proposed.

## 6. Planning Policy

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”, section 10 “meeting the challenge of climate change, flooding and coastal change”; and, section 11 “conserving and enhancing the natural environment”.

Planning Practice Guidance (PPG) – Paragraph: 012 Reference ID: 5-012-20140306 – which sets out the planning considerations to consider for proposed active solar technology installation: which include the importance of siting systems in situations where they can collect the most energy from the sun and the need for sufficient area of solar modules to produce the required energy output from the system.

Paragraph: 022 (Reference ID: 5-022-20140306) advises that “*cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.*”

Paragraph 023 leads on to state that “[i]n identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts, a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views”.

West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 - C1 Countryside Protection, C31a Design, C32 Landscaping, C34 Renewable Energy, C38 Nuisance, E7 Farm Diversification.

Emerging Wiltshire Core Strategy – This emerging plan is considered at a well advanced stage following the closure of the examination hearing sessions and its emphasis and policy direction merits due weight as far as all planning considerations are concerned. It is also



worthwhile mentioning that the Core Strategy examining Inspector has not queried the policies relating to renewable energy, and therefore these policies can be given greater weight, although not full weight. The following strategic objective is of relevance for this proposal: Objective 2: Addressing Climate Change as well as Core Policy 7 – Bradford on Avon Community Area, Core Policy 42 - Standalone Renewable Energy Installations, Core Policy 50 - Biodiversity and Geodiversity, and Core Policy 51 – Landscape.

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**

Holt Parish Council – Objects on the following grounds:

*“The proposed array is pointing towards and is about 300m from houses on the north side of Holt”* The Parish Council challenges the assertion that it would not be seen from these dwellings, particularly in winter.

The Parish Council is *“concerned that there is no justification of the power needs of the dairy versus the size of this array”*.

The proposal *“would remove high quality farmland (Grade 2) from use for 25 years”*.

*“It appears that siting the array on the south facing roofs of the existing farm buildings and the dwelling that is under construction on the site has not been considered. The use of the existing roof space would be a more sustainable solution.”*

Highways – No objection raised.

Landscape Officer – No objection raised in landscape terms and accepts that there would inevitably be a change of character through the introduction of this type of built form into an agricultural field, however it is considered that the susceptibility of the landscape to change as a result of solar development is low because of the following:

- a. the essential landscape elements shall remain intact,
- b. the development would be at low level - under 3.0m height and,
- c. the development is fully reversible.

It is noted that there is a footpath that runs to the west of the site but the proposed solar development is set within a relatively flat landscape with well established hedgerows and sporadic trees which provide substantial screening although filtered views might be seen in winter months.

Notwithstanding the above, it does seem to be a pity, as the applicant's agent advises, that the on-site buildings/roofs cannot be used. This would eliminate the need for trenching and the temporary loss of agricultural land.

## **8. Publicity**

One site notice was erected on the footpath gate near the entrance to Copse Farm. No individual neighbour notification letters were sent in this particular case in recognition of the distance to the nearest dwelling from the site (over 200m distant). For the record, no third party comments were received.

## **9. Planning Considerations**

### 9.1 The Principle of Development.

It is important to note that whilst this application is of a much smaller scale than other proposed solar installation applications previously reported to the Western Area Planning Committee, the following general principles still apply.

Policy C34 of the West Wiltshire District Plan, 2004 states that renewable energy generation proposals will be permitted in appropriate locations having regard to the visual impacts on the landscape, the impacts on areas and features of natural, ecological, historic and archaeological interest, the environmental and visual impacts of associated ancillary development including new access roads, buildings, power lines and connections to the electricity distribution network, the impacts on residential amenity and pollution effects, the 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.

It is also necessary to be ever mindful of the Climate Change Act 2008 which 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, the existing WWDP policies as well as the emerging policies within the Core Strategy are considered to be in alignment with the goals of the Climate Change Act. Further guidance is provided in the recently published "Planning Practice Guidance" which has, since its publication, been revised and is updated at regular intervals. Within the Practice Guidance the section on Renewable and Low Carbon Energy is of relevance providing 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 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 is a presumption in favour of sustainable development. The NPPF 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 approved if its impacts are or can be made to be acceptable. This supportive stance towards renewable energy related development where the impacts of the proposal(s) are or can be made to be acceptable is also found within the adopted local plan as outlined within 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 direction and thus deserves due consideration.

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; and it is duly acknowledged that the issue of land quality and agricultural use has been raised in the parish council’s comments as well as by Cllr Carbin as part of his call in reasons. A full review of this matter is considered in section 9.2.

In terms of the principle, the proposal is for a temporary - albeit 25 year period - use that is wholly reversible. Whilst the applicant does not specify an intention to allow for grazing in and around the arrays, it is duly noted that no enclosure is proposed, so potential grazing opportunities would exist should the applicant choose to do so. In addition, due cognisance must be given to the fact that the proposed development amounts to two 49m long rows of solar arrays whereby on site grass/land maintenance would not be necessarily prevented. Even if the LPA takes the view that the 735 square metres of land (or thereabouts) would be severely restricted in agricultural use terms, the benefits of providing on-site renewable energy to be used at the source must be given due weight.

Officers are satisfied that 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.

The above must furthermore be balanced with the NPPF (Chapter 3 Supporting a Prosperous Rural Economy) which supports economic growth in rural areas 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

Whilst officers recognise that the Parish Council questions whether the dairy function of the farm exists and how much power is required by the dairying operations, such a “needs based justification” is not necessary and it cannot reasonably be taken into account when



forming a decision. The NPPF is very clear on this matter in asserting that applicants do not have to demonstrate any need when proposing renewable energy developments of any size; and furthermore, if the solar installation ends up producing more energy than is needed on-site the excess would be exported to the grid, which officers submit, is not in itself, something the LPA can reasonably object to.

Government Policy makes it very clear that renewable energy related applications no matter how small should not be prejudiced because of their relatively small contributions; as every contribution helps. As far as the principle is concerned, national and local policy provide a clear positive steer and in light of the above paragraphs, officers fully support the principle of developing the 735 square metre site at Copse Farm.

## 9.2 Whether the proposal would result in the loss of the best and most versatile agricultural land.

The Agricultural Land Classification system classifies land into five grades ranging from 1, 2 and 3 (which is subdivided as 3a and 3b) –with grades 1, 2 and 3a being land which is the most flexible, productive and efficient in response to inputs and which can best deliver food crops for future generations. Whereas grade 3b, 4 and 5 are defined as poorer quality offering less versatility and restrictive in terms of what can be grown/produced.

Following research undertaken by both the applicant's agent and case officer, the initially reported grade 2 land designation was found to be an error, and instead, the majority of the applicant's farm is classified as 3a land but also includes some 3b designation located close to a watercourse.

Using the well established principle of sequential testing, using 3b land would be preferable to and "loss" of 3a land, where appropriate. Through a dialogue held with the applicant's agent, the applicant has advised the Council that the 3b land is found in an area which is liable to flood. However, the Environment Agency and Wiltshire Council mapping systems have been examined by officers and it would appear that the majority of the 3b land lies outside land designated as falling within flood zones 2 and 3. Great care must be taken not to rigidly rely upon lines drawn on a map as land flooding can extend beyond indicative lines. Officers also note that the interactive mapping system on the Wiltshire Council website shows the whole section of the 3b land to be within the 'indicative flood zone' and the Council mapping system records that the 3b land is liable to ground and surface water flooding. Taking a balanced approach, officers are of the view that the 3b land classification would be subject to flooding of some type and having solar arrays erected on such land is not considered appropriate given that in the event of a flood, they could act as barriers that could trap floating debris. This could have a damning effect which could further increase the extent of flooding beyond the indicative flood zone; and following a damning effect; once any debris is dislodged, it could result in a sudden release of water causing further harm downstream.

Officers further note that the shape of the 3b land is not suitable for solar arrays as it is not wide enough and lead to the arrays being orientated in a less than efficient arrangement facing south westerly or north easterly. On the basis of the above, whilst the proposal would use 3a land rather than the poorer quality 3b land, there are sound planning reasons why this is acceptable. The amount of 3a land being used for the solar installation would be minimal in the overall context of the farm unit; and by being located next to an existing hedge, its versatility and productive quality is somewhat reduced.

Whilst the applicant does not propose to graze animals in and around the arrays the potential for such activities would exist. More crucially, the solar installation would not prevent the agricultural use of the rest of the field(s). Additionally, from using the pole

mounted installation rather than concrete blocks, the land would be easily returned to agriculture once the 25 year period has ceased.

### 9.3 Landscape Impacts

The Council's Landscape Architect has been consulted and raises no objections. The site is located in a rural, managed agricultural setting and officers are of the opinion that the proposed ground mounted system would have a minimal visual impact on the surrounding countryside. Introducing a solar development, even a small-scale installation such as the one proposed here, within an agricultural field setting will inevitably, albeit temporarily, change the character and appearance of the immediate local landscape. The Council's strategic landscape officer advises that this small-scale solar development has a 'low susceptibility' to change the landscape because the essential landscape elements shall remain intact; the development would be at low level - under 3.0m height; and, the development would be fully reversible.

In terms of visual impact most views into the site are local and filtered by existing topography or trees and hedging. The site and immediate surroundings do not have protected designation status like an Area of Outstanding Natural Beauty or locally designated Special Landscape Area; and clearly does not have the same visual impacts as large scale solar farms this Committee has considered in the past. As far as previous small scale solar installations are concerned, this proposed solar installation is comparable in terms of size/land take up to the ground mounted solar installation approved by this Committee at Church Farm, Winsley – a green belt location in August 2012 under application reference W/12/01303/FUL.

At Copse Farm, the two rows of solar arrays would be sited close to (but not overshadowed by) the approximate 2m high field boundary hedgerow and set within a 90 metre wide field, with other views filtered by established hedgerows and sporadic trees within the control and ownership of the applicant. At 2.7m in height, the solar installation can be accommodated without resulting in harm to landscape interests.

Officers furthermore assert that the solar arrays would not be visible from the access road which serves the farm or from Gipsy Lane in Holt. Views from the public footpath 250 metres to the west would be very limited given the maturity of the two established hedgerows that even during winter months would screen the array from sight. This would leave only longer range views from approximately 300 metres from the dwellings of northern Holt. However it is considered that these views would only be glimpses rather than constant unfiltered views. In taking the separation distance to public receptors into account as well as appreciating the small scale nature of this solar development, officers are of the view that it would not cause demonstrable or adverse harm to warrant a refusal.

Within their consultation response, Holt Parish Council has questioned why the rooftops of the existing farm buildings and farmhouse cannot be used instead of a ground mounted system. In response, the applicant's consultant submitted additional information with shading reports from a solar company. The appraisal concludes that only 10% of the applicant's energy demands could be met through installing PV panels on the roofs of the buildings on site, which would mean that there would still be a requirement for the majority of the provision to be within a ground mounted scheme. It has also been reported that a 10 metre tall tree immediately next to the first barn would result in a significant 49% reduction of power generation. The second barn would in turn be shaded by the first barn causing a 22% reduction. The report does not take into account the roof slope of the farmhouse (which is not subject to any notable shading), but its available surface area would still not account for the required number of panels and would also require a second connection power cable to be connected to the dairy farm involving further ground disturbance and trenching works.

Furthermore the barns and the farmhouse are orientated in a south easterly direction which reduces the amount of potential solar gain and would be less efficient than the ground mounted system being proposed. This would be contrary to the advice given in the PPG which recognises the importance of siting systems in situations where they can collect the most energy from the sun.

On this basis and in taking a proactive approach, officers submit that mounting the panels on the rooftops is not a viable option in this situation and given that there would be no substantive harm caused by the proposed array installation in landscape terms, the application should be supported.

#### 9.4 Cumulative Impacts

Within this part of Central Wiltshire, officers acknowledge that the LPA has granted and refused much larger solar farm proposals within a 5km area in recent years. For example, within 5km of the Copse Farm site, there is an approved solar farm at Norrington Lane Broughton Gifford (granted under ref w/12/02072/FUL) some 2-3km to the north east. The Kingston Farm solar farm at Bradford on Avon (which one of the first to be approved in Wiltshire) is located about 2km to the south west. A solar farm was also approved at land north of Marsh Road, Hilperton under ref 14/00592/FUL where development has started on site. Committee members will also recall refusing a 12MW solar farm on 25ha of land at land west of Ganbrook Farm, Little Chalfield (ref 14/05253/FUL) which is located approximately 2.5 km to the north of the Copse Farm site.

As directed by PPG advice, *“cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.* It is appreciated that cumulative sequential impacts may arise where two or more of the same type of renewable energy development would be visible from the same point, or would be visible/ experienced shortly after each other whilst undertaking the same journey.

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 panel’s it should be noted that with effective screening the appropriate land topography the area of a zone of visual influence could be zero.”*

Given the scale of the installation being proposed, site context and topography and the lack of view from public rights of way, the application has not been submitted with a visual impact assessment and planning/landscape officers have not deemed it necessary to request one. Due to the site circumstances, the actual zone of visibility associated with the proposed development would be limited to the immediate environs of the application site and the glimpse views down from the Holt side of the valley edge, with the installation being read against the farm steading and Lady’s Coppice behind it. There would not therefore be a demonstrable cumulative impact of solar farm development in the locality to warrant a refusal.



**Full Solar PV farms  
Development Status**

- Permitted
- Pending
- Refused

●  
5km radius from centre



**9.5 Residential Amenity Impacts.**

It is submitted that no harm would be caused to residential amenity as the panels would be approximately 300 metres away. Glimpses of the arrays may be obtained largely from upper floor levels of residential properties positioned along the northern periphery of the village, however, officers submit that the proposed solar array would not be of a size or in a prominent position to have a significant un-neighbourly impact upon amenity.

**9.6 Other Impacts**

The applicants have not in this particular case, submitted a traffic and construction plan (which is probably due to the small-scale nature of the application compared with large-scale solar parks). However, officers fully appreciate that the road which serves Copse Farm is unclassified and is in places narrow with some tight bends, and whilst site deliveries may not generate a significant number of vehicle movements, it is considered necessary to require the applicant to submit a construction traffic management plan statement by way of a planning condition, to establish the delivery of all associated solar equipment and for any necessary traffic routing to ensure that suitable delivery vehicles are used and sufficient consideration is given to vehicle routing. It is submitted that this issue can be satisfactorily be resolved by using a pre-commencement worded condition as there are only 196 proposed panels which should not result in significant highway safety conflict or harm.

## **10. Conclusion**

The proposed development is considered to be acceptable in principle and would not have an unacceptable impact on the surrounding landscape, biodiversity, flood risk or residential amenity; and is hereby recommended for approval subject to conditions.

### **RECOMMENDATION - To approve subject to 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:

Design and Access Statement – Received 23 June 2014  
Location Plan – Received 23 June 2014  
Proposed Photovoltaic's – Received 23 June 2014  
Solar Panel Details – Received 23 June 2014  
Email from agent - Received 15 September 2014  
Site Plan Rev E Barn One – Received 25 September 2014  
Site Plan Rev E Barn Two – Received 25 September 2014  
Shading Report Barn One - Received 25 September 2014  
Shading Report Barn Two - Received 25 September 2014  
Shading Report Letter - Received 25 September 2014  
Tree Line Photos - Received 25 September 2014  
Agricultural Classification Report – Received 17 October 2014  
Agricultural Land Classification Map – Received 17 October 2014

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

3. The development hereby approved shall be discontinued and the land restored to its former condition on or before 26 November 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.

4. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 3 above, 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 to 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.

5. Following the installation of the solar array, no fence enclosures shall be erected on the installation site and there shall be no external lighting/illumination at or on the site unless otherwise approved by the Local Planning Authority following the submission of a separate planning permission.

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

6. No development shall commence on site, until a Construction Method Statement, which shall include the following:

- a) The number of and vehicle type used for delivery of the solar panels.
- b) Details of any traffic routing or temporary diversions.
- c) the delivery hours and parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) measures for the protection of the natural environment and;

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

REASON: To minimise detrimental effects to the Highway Network, 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.

7. No development shall commence on site, and; no equipment, machinery or materials shall be brought onto site for the purpose of development, until a tree and hedge Protection Plan showing the exact position of each tree and hedge and siting of secure protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

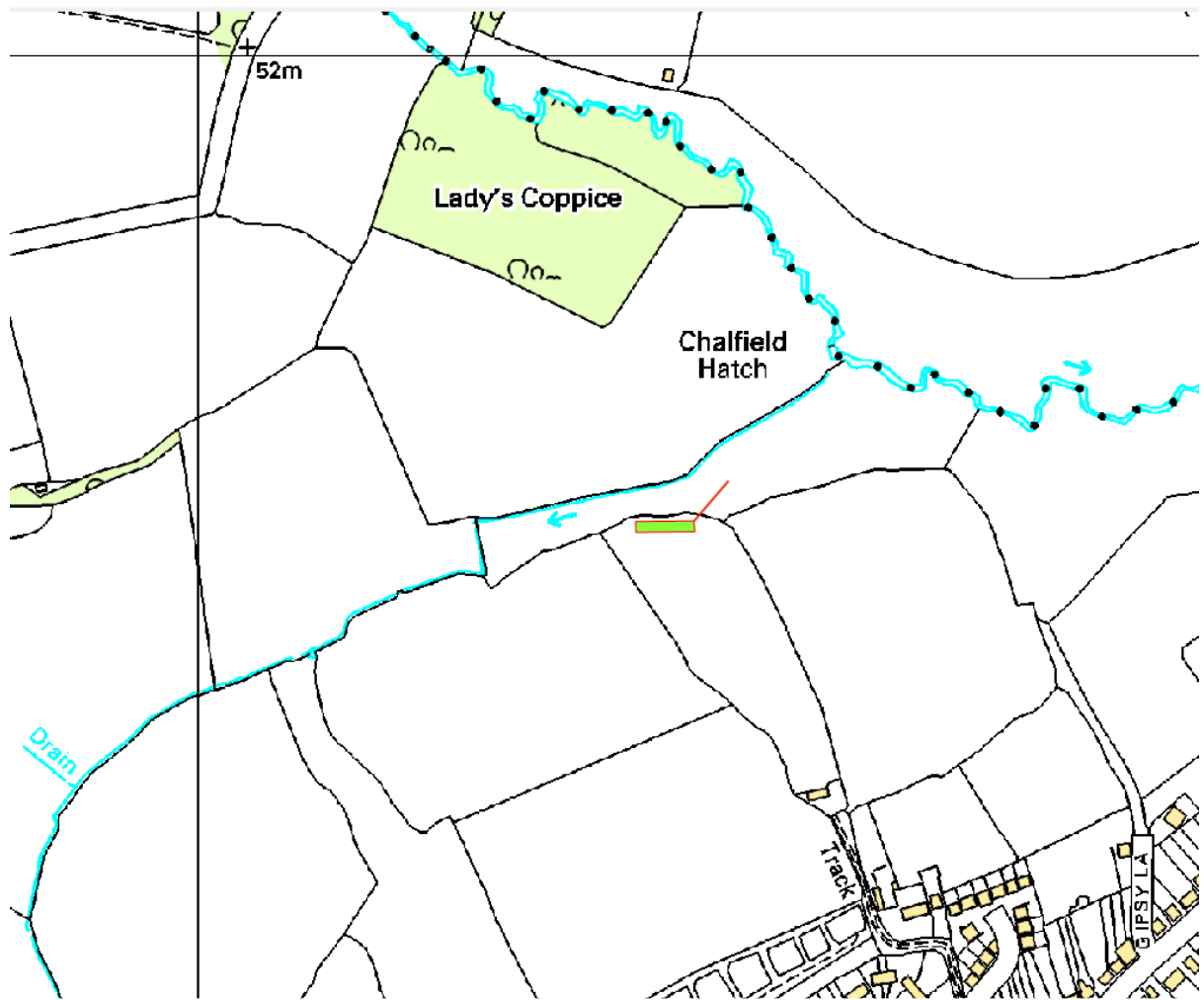
REASON: To enable the Local Planning Authority to ensure the retention of trees and hedgerow on the site in the interests of visual amenity.

8. Construction work on the site shall only take place between the hours of 08:00 and 18:00 on weekdays and between 08:30 and 13:00 on Saturdays, with no work taking place on Sundays or Bank Holidays.

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

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