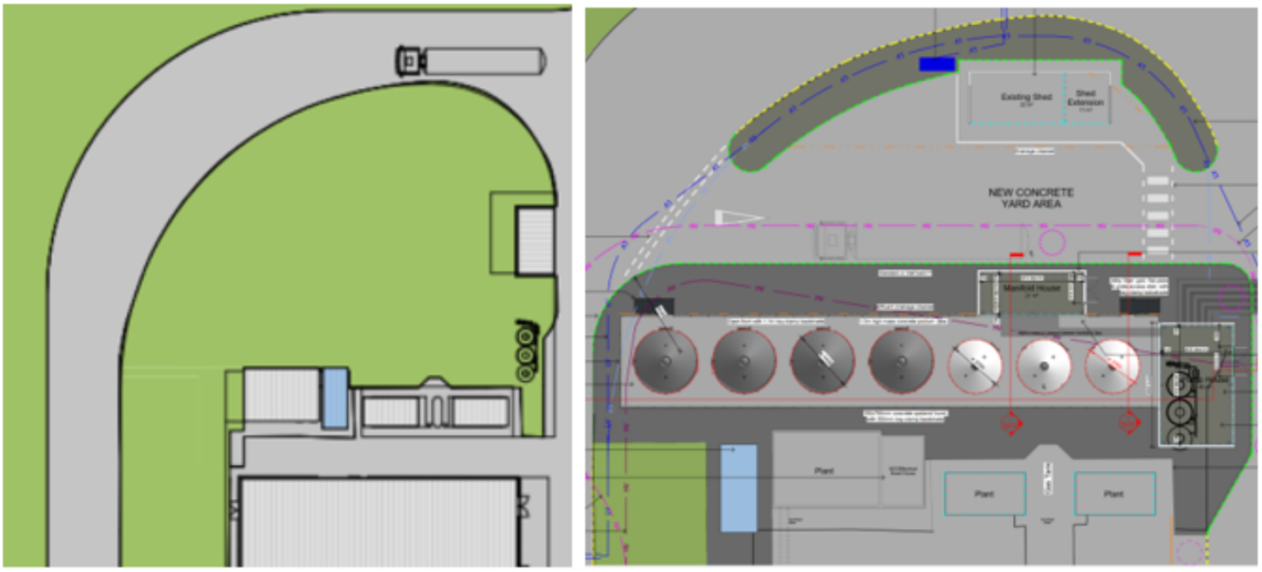
CASE OFFICER'S REPORT

Application Reference:	PL/2023/06851
Application Type:	Full planning permission
Site Inspection:	26 October 2023
Consultation ends:	19 October 2023
Case officer:	Verity Giles-Franklin

Site Address:	4 Stephenson Road, Northacre Industrial Park, Westbury, BA13 4WD
Proposal:	Removal of existing mounding for 7 new silos, plant room, pump room, pipe gantry, yard and relocated / extended plant store
Recommendation:	Approve with Conditions

Proposal and Site Description: This application is seeking planning permission for an extension to the existing dairy facilities (currently operated by Arla Foods), to provide 7 additional silos and service buildings, as detailed by the below extracts taken from the submitted existing and proposal site plan drawings. With reference to the submitted Design and Access Statement, the proposed 7 vertical silo tanks would be located above a new concrete base, with two ancillary plant rooms positioned nearby. To facilitate the proposed works, an existing grassed mound would be cleared and an existing open fronted equipment store would be relocated and extended.



Existing (left) and proposed (right) site plan drawings

The application site relates to an established dairy factory, located on the Northacre Industrial Estate, with open countryside to the west and south. The site is located within the 4km core roost buffer zone associated with the Greater Horseshoe Bat and within the grey hatched zone of the Trowbridge Bat Mitigation Strategy SPD that covers areas at medium risk of increased recreational impacts. The site is also located within the 6400m buffer of the Salisbury Plain Special Protection Area (SPA).

Policies

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP32 - Spatial Strategy: Westbury Community Area; CP35 - Principal Employment Area; CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development; CP64 - Demand Management; CP67 - Flood Risk

Saved policy U1a (foul drainage) of the West Wiltshire District Local Plan (1st Alteration) (WWDLP)

Wiltshire Local Transport Plan 2011- 2026, Car Parking Strategy

Key Issues: Principle of the development; design and visual impact; impact on neighbouring amenity; ecology; highways

Relevant Planning History

The following is of most relevance to this application:

21/02066/FUL - Proposed Building for Process Air Heater Plant - Approved with conditions
19/01981/FUL - Single storey side extension to existing dairy and 2no. silos - Approved with conditions
W/10/03992/FUL - Extension and alterations to an existing dairy, to include new production, storage, associated plant and staff facilities - Approved with conditions

Consultation Responses

Westbury Town Council: No objection

Wiltshire Council Archaeology: No objection

Wiltshire Council Ecology: Initially raised an objection, but following the submission of an unlocked Biodiversity Metric spreadsheet, no objections raised subject to planning conditions (discussed further below)

Wiltshire Council Drainage: No comments received

Representations

Third-party Representations: One letter of objection was received, raising the following summarised concerns:

- Removal of the mound and increase in infrastructure would increase the noise from the site
- Lack of noise information submitted with this application

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development: The application site is located within the established Brook Lane and Northacre Trading Estates, designated in CP32 of the adopted WCS as a Principal Employment Area.

Core Policy 35 of the WCS states that "*Wiltshire's Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. Proposals for renewal and intensification of the above employment uses within these areas will be supported*" and proposals for the redevelopment of land or buildings falling within use classes B1, B2 and B8 must demonstrate compliance to a specific set of criteria in for any change of use to be considered.

This proposal seeks to extend the existing factory, to facilitate an additional stage in the existing dairy process and to store milk and water. It is considered that this proposal would safeguard the existing use, by allowing the existing dairy factory to increase its production. As such, the principle of the development complies with CP35 of the adopted WCS.

Design and Visual Impact: Policy CP57 of the adopted WCS requires a "*high standard of design*" for all new developments. This policy requires developments to "*create a strong sense of place through drawing on the local context and being complementary to the locality*" with applications being accompanied by appropriate information to demonstrate how the proposal would "*make a positive contribution to the character of Wiltshire*". Criterion iii of CP57 requires proposals to respond "*positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting*".

In addition to the above, the latest iteration of the Framework has a greater focus on delivering high-quality design and sets out in paragraph 126 that the "*creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*". Paragraph 130 moreover sets out a series of six criteria to ensure development is of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, and creating a strong sense of place.

The proposed silos and associated works would be located within the existing factory boundary and close to existing infrastructure associated with the factory. It is acknowledged that a grassed mount would need to be cleared in order to accommodate the proposed development, however this existing mound is of little ecological value and this application is seeking replacement tree planting elsewhere on the factory site. Furthermore, the applicant has confirmed that the existing boundary mound on the outer edge of the factory site would remain, with this application seeking no alterations to this.

The proposed height of the new silos is 17 metres (as measured from the concrete plinth) and whilst this is of a generous height, the proposal silos would be lower in height compared to other existing buildings at the factory. The submitted Design and Access Statement provides a comparison, stating that “the drier building behind is circa 33.2m high and the highest chimney on the site is circa 38.5m high”. As the proposed silos would be viewed within the context of the existing factory and would be of a height lower than other buildings on the factory site, completed in materials similar to existing silos already installed on the site, the proposal is considered to be of a suitable design that would preserve the character and appearance of the area.

Neighbour Amenity: Core policy CP57 requires in criteria vii for developments to have "*regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*".

Criterion f) of paragraph 130 of the Framework meanwhile requires the creation of “*places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*”.

The concerns raised within the submitted representation regarding noise from the site is duly noted. It is however important to appreciated that the proposed development would be sited within the existing confines of an established dairy factory, which is located within a designated Principle Employment Area and trading estate, where a degree of noise is expected due to the types of uses and industry operating from such sites.

It is noted that there are a couple of residential properties located 247.5m to the north-east of the subject site and 248m to the south. Concerns have been raised regarding the loss of the existing grassed mound, however this mound is a swallow structure which would offer limited noise attenuation. The applicant has confirmed that the more substantial outer bund along the southern boundary of the site would remain, with no alterations to this being proposed as part of this application.

As the proposed development would be used in connection with the existing dairy factory, it is not considered that the proposal would have an adverse impact on the amenity of neighbouring properties.

Ecology: As stated above, the application site is located within an area sensitive to bat species and would involve the loss of an existing area of vegetation. Core policy CP50 of the adopted WCS requires proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate*

appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development". All developments are also required to seek opportunities to enhance biodiversity with proposals.

Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by "*establishing coherent ecological networks that are more resilient to current and future pressures*" in paragraph 174d.

This application has been submitted with a biodiversity net gain letter, produced by Crossman Associated (reference D1148.001, dated 24 July 2023) which confirms that the proposal would result in a 56% loss in habitat value due to the reduction in the area of grassland, but with the proposed planting of 38 trees (within the wider factory site but outside the red line boundary of this application) would provide a net gain of 10.37%. The council's ecology department were consulted on this application for their view on the acceptance of the proposal and as cited above, raised no objections following the submission of the unlocked Biodiversity Metric spreadsheet, subject to conditions being imposed.

It is noted that the proposed tree planting area is located outside of the application boundary but within the applicant's ownership and as such this would be secured by a planning condition. It is noted that the council's ecologist has requested the submission of a Landscape and Ecology Management Plan (LEMP) to be submitted and approved in writing prior to any development taking place. However, as the grassed mound that would be lost through this proposal is considered to be little ecological or biodiversity value, it would be unreasonable to request that the trees are planted before the grassed mound is removed. Therefore, a planning condition would be imposed on any planning permission granted, requesting that the trees are planted within the first growing season of the development being completed.

As the application site is located within a consultation zone for bats associated with the Bath and Bradford on Avon Bats SAC, it has potential to result in significant adverse impact on the special features of that site. A test of likely significance has been carried out by the relevant Competent Authority (in this instance Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). The council's ecologist has confirmed that this "*concluded that given the scale and nature of the development combined with the habitats present on the site and the existing level of disturbance, there is no mechanism for adverse effect and operational impacts would be de-minimis. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required*".

Due to the site being in an area sensitive to bat species, it is necessary to impose a planning condition restricting external lighting from being installed without the prior written approval of the local planning authority.

Highway Matters: Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be "*located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives*". CP61 also requires in criterion ii that proposals would be "*capable of being served by safe access to the highway network*". In addition, CP64 requires adherence to the council's adopted residential parking standards.

This application is not seeking any alterations to the existing vehicle or pedestrian accesses to the site. There are existing separate accesses for HGVs and staff/visitors from Stephenson Road, with an existing one-way service road for HGV's on-site. The proposal would not result in a loss of on-site car parking provision. With reference to the submitted design and access statement the applicant has confirmed that once completed, tankers to the site would not exceed 3 a day. IT is considered that the proposal would comply with the above policies.

Drainage: Policy CP67 of the adopted WCS also requires proposals for all new development to "*include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable*".

Furthermore, saved policy U1a of the West Wiltshire District Plan 1st Alteration 2004 states that new developments would only be permitted "*where adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision*".

With reference to the Environment Agency's flood map, the site is located in Flood Zone 1. However, it is appreciated that the proposals involve increasing the amount of hardstanding and the construction of new silos which would hold liquids. This application has been submitted with a Drainage Impact Assessment (produced by JPG, reference 6238-JPG-XX-XX-RP-D-0622-S2-P01, dated June 2023) which states that net increase in impermeable surfacing represents an approximate 1.5% increase, which would have little impact on the existing drainage network, with the hardstanding being drained via the existing private surface water network.

The construction of new silos would result in the potential for spillages to occur, however the strategy states that to "*ensure any potential spills do not reach the surface water network levels are engineered to ensure flows in risk areas are directed into stainless steel effluent channel drains before discharging to the existing effluent drainage network and ultimately the effluent treatment plant*". It is therefore considered that this proposal would not exacerbate flood risk on or off site.

Conclusion: Approve with conditions

Conditions: (5)

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 and documents:

Location Plan, 4478-DLG-A-(10)20C; Proposed Drainage Layout, 6238-JPG-ZZ-ZZ-DR-D-1400-S2-P02; Proposed Levels, 6238-JPG-ZZ-ZZ-DR-C-1300-S2-P02; Existing Silo and Service Yard Plan, 4478-DLG-A-(10)11A; Existing North-East and South-East Elevations, 4478-DLG-A-(10)09C; Existing South-West and North-West Elevations, 4478-DLG-A-(10)08C; Existing Site Plan, 4478-DLG-A-(10)01C; Proposed Silo and Service Yard Sections, 4478-DLG-A-(02)10; Proposed Silo and Service Yard Visuals, 4478-DLG-A-(01)03; Proposed Silo and Service Yard Elevations, 4478-DLG-A-(01)02A; Proposed Silo and Services Yard Plan, 4478-DLG-A-(00)03; Proposed Site Plan, 4478-DLG-A-(00)01C, as received on 11 August 2023

Proposed Tree Planting Area, DLG-S01-00-DR-A-(00)08, as received on 25 October 2023

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

3 All soft landscaping comprised in the Biodiversity Net Gain letter produced by Crossman Associates (reference D1148.001, dated 24 July 2023) shall be carried out within the area outlined in blue on drawing reference DLG-S01-00-DR-A-(00)08 in the first planting and seeding season following the completion of the development. All shrubs and trees 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.

REASON: To ensure a satisfactory landscaped setting for the development and for the benefit of visual amenity and biodiversity.

4 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01-21), have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the proposed lighting would impact on bat habitat compared to the existing situation. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to avoid illumination of habitat used by bats.

5 The development hereby approved shall be carried out in strict accordance with the

Biodiversity Net Gain letter, produced by Crossman Associates, reference D1148.001, dated 24 July 2023.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

Informatives: (1)

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