CASE OFFICER'S REPORT

Application Reference:	PL/2023/06091
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	24 August 2023
Case officer:	Jonathan James

Site Address:	Ox House Farm, Devizes Road, Rowde, Devizes, Wilts
Proposal:	Change of use to a mixed-use site comprising agriculture and B8 storage (including open storage) and replacement of existing areas of hardsurfacing
Recommendation:	Approve with Conditions

POLICIES

Wiltshire Core Strategy (WCS) (2015)
- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12 Spatial Strategy: Devizes Community Area
- Core Policy 34 Additional employment land
- Core Policy 35 Existing Employment Land
- Core Policy 36 Economic regeneration
- Core Policy 41 Sustainable construction and low-carbon energy
- Core Policy 48 Supporting rural life
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 64 Demand management

Devizes Area Neighbourhood Plan

National Planning policy Framework (NPPF) (2023)

Planning Practice Guidance (PPG)

From the point of view of the historic environment a primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

CONSULTATION RESPONSES

Town/Parish Council – No objection subject to condition; The Parish Council supports diversification and employment on farms and supports this application subject to conditions.

The Parish Council would like to support the comments submitted by Miss Melissa Camilleri regarding the need to improve access, so that vehicles entering the site will not obstruct the flow of traffic on the A342, and the need to prevent chemical detergents and human effluent entering nearby water courses. There also may be a need to limit vehicle movements outside of the core hours as stated in the planning statement.

WC Highways – Comment; I note that there is a very specific use being proposed for this unit and I am minded that the use itself is not likley to result in a number of vehicle movements requiring a change to the road layout eg RHT Lane.

However, as raised previously for the application in regards to Wessex Water I am minded that the access should be improved to allow for easy of access , especially two way movements for larger vehicles.

As such I am minded to approve subject to the applicant provided an improvement to the current access.

WC Public Protection – No objection; I have no objections or conditions to recommend. I would advise, however, if you have not already done so, you may wish to consult the Environment Agency (EA) with regard to this application and the potential for groundwater contamination etc.

WC Ecology – No objection subject to condition;

The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

REPRESENTATIONS

Third party representations
• No objection in principle
• Previous commercial use was severely restricted, proposed commercial use is far more extensive
• Agricultural building recently granted consent should be conditioned to be used for agriculture only
• Existing access is not adequate for the size of vehicle using the site
• Conflict between vehicles using the site and existing along the A342
• Bell mouth is not wide enough tosupport large vehicles entering and exiting at the same time
• Impact on highway safety
• Combined uses of the site with Wessex Water not practical or safe
• Concerned at the washing down of portable toilets and other waste containers
• Use of chemicals to carry out washing down, impact on the environment
• Ground contamination
• Where will wash down take place

SITE HISTORY

• 15/04465/FUL – Change of use from agricultural building to goods vehicle operating confine for three good vehicles and no trailers – approved conditionally
• E/2013/0022/FUL - Single storey rear extension to Ox House Farm. Change of use and alterations of farm buildings to incorporate them into residential use – approved conditionally
• E/2013/0021/LBC - Alterations and extension to existing farm house and adjoining ancillary building – approved conditionally
• E/2012/1551/FUL - Erection of agricultural building - approved conditionally

ASSESSMENT

Site description and proposal

The application concerns several elements including an existing agricultural building and hard surfaced areas at Ox House Farmhouse. The building and surfaced areas are located within the existing farm complex. The main farmhouse and buildings are located in a prominent roadside position at the edge of Devizes, on the approach from the north. The farmhouse itself (Ox House Farmhouse) is a Grade II listed building. There are no other landscape or heritage designations covering the site. Access into the adjoining highway via an already improved access onto the A342 (Dunkirk Hill).

The application proposes the change of use of the existing building (former agricultural use) and associated hard surfaced land to a mixed-use site comprising agriculture and B8 storage (including open storage) and replacement of existing areas of hard surfacing. Planning consent was granted for the conversion of the former agricultural building to a commercial use under application 15/04465/FUL.

Principle

The starting point for the determination of this application is under section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that the decision be made in accordance with the development plan, unless material considerations indicate otherwise.

The development maintains the existing agricultural operations at the site and seeks to alter the existing commercial operations to create a B8 storage use that supports the owners other commercial operations within the Devizes area.

Concerns have been raised at the use of other agricultural buildings for the commercial use. The plans submitted clearly show which areas of land / buildings are to be used for the commercial uses proposed and this can be reasonably condition. Reference to the recently consented agricultural building is acknowledged; however, this falls outside of the proposed commercial use and for it to be used for any other purpose than agriculture would require the appropriate further planning consent. It would therefore be unreasonable to condition the use of this building now.

The NPPF supports the growth of existing rural based businesses as does the Wiltshire Core Strategy. Whilst it is acknowledged that the site lies outside of any Limits of Development, it was previously in both agricultural and commercial uses and this application seeks to retain a mix of

commercial and agricultural with a change to the mix of uses at Ox House Farm. As such the scheme in principle is accepted and it is the following matters that bear the greater consideration.

Visual impact on the area and design

Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’ seeks to secure good design. Core Policy 51 ‘Landscape’ seeks to ensure that development protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

It is acknowledged that the site does not fall within a designated protected landscape, such as a National Landscape (former AONB); this however does not remove the importance of protecting and enhancing the whole of the Wiltshire landscape.

The scheme is set within the existing built form of the farm buildings complex and proposes enhanced planting along the edges of the site. Whilst concerns with regard to the external storage has been expressed to the agent/applicant they have clarified that the maximum storage heights as quoted within their submitted planning statement could be reasonably conditioned. It is considered that conditions for landscaping and restricted storage height are both reasonable and necessary.

There are no external alterations proposed to the existing built form. The yard is relatively well contained within the landscape, with views largely afforded through the gaps in the surrounding boundary features. Much of the outdoor storage and areas of hard surfacing will be screened because of the positioning of the existing buildings and the limited height of the outdoor storage (maximum 3.5m). It is agreed that the visual impacts will be predominantly localised.

It is noted that a request for external lighting restrictions has been made by the ecologist, however, it is considered that such restrictions would also benefit the landscape and amenity of the area.

On balance it is considered that the proposal, through the localized impact, a restriction of height of outside storage and enhanced planting proposed does not raise an issue in terms of visual impact and is considered to comply with the relevant policies.

Impact on neighbour amenity

The nearest neighbours to the site are located approximately 110m to the north of the site. It is considered that no neighbours stand to be affected by the proposed use of the site given the separation distance from the nearest properties.

Impact on highway safety

Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations. Core Policy 61 Transport and new development, amongst other criteria aims to ensure that the proposal is capable of being served by safe access to the highway network.

Concerns have been raised at the increase in traffic and the adequacy of the existing access. Initial concerns were raised by the highway officer, who subsequently removed their concerns following clarification from the agent that the access had already been improved to cater for the traffic using the site previously and that this remained acceptable for the proposed uses. Following this clarification, the highway officer removed their concerns and their requirements for additional enhancements by condition.

Whilst it is acknowledged that a recent temporary consent was granted for part of the site to be used by Wessex Water while they carry out upgrades within the town centre, this use will be for a temporary period and has already commenced.

There is clearly adequate space within the site to allow for vehicles to manoeuvre and enter and exit in a forward gear. The use of the site for goods vehicles is considered to be acceptable in principle given what the fallback position is on the site whereby large agricultural and commercial vehicles can operate from now. With no objections from the highway officer it is considered that the scheme is acceptable in terms of highway safety and is compliant with the relevant policies of the development plan and NPPF.

Impact on heritage

From the point of view of the historic environment a primary consideration is the duty placed on the Council under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (2023) outlines government policy, including the historic environment (Section 16). National Planning Policy Guidance provides guidance on making changes to Heritage Assets.

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Wiltshire Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

There is an existing grade II listed house (Oxhouse Farm) to the east of the site.

It is considered that the proposed scheme would not impact on the setting of this heritage asset due to the separation distance and the intervening agricultural structures between.On this basis it is considered that the proposed development would have a neutral impact on the setting of the farmhouse.

Due regard has been given to sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in terms of the historic environment and the development is

considered to comply with Core Policies CP57 and CP 58 of the Wiltshire Core Strategy, and key sections of the NPPF (2023).

Impact on ecology

Comments from the ecologist assessed the following: “the application site is located within an informal consultation zone for bats associated with the Bath & Bradford on Avon Special Area of Conservation (SAC) and therefore has potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). The development is small in scale and nature and will not result in removal or impacts to any habitat which could be used by bats associated with the SAC. The test of likely significance therefore concluded that 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.

The Planning Statement (July 2023, RCC Town Planning Consultancy) states that no external lighting is proposed, this is welcomed, and a condition should be applied to secure this. Bats are likely to use habitats outside of the site boundary for foraging and commuting, furthermore the proposals include the planting of boundary vegetation which could be used by bats in the future. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The Proposed Site Plan shows the locations of new hedgerow and tree planting, the provision of new habitat is welcomed and would be in accordance with Core Policy 50. It is encouraged that efforts are taken to maximise the benefit of these habitats for wildlife e.g., planting of native species or local provenance or those of known value to wildlife, and provision of features for wildlife such as habitat piles. Habitats should be managed to provide cover for wildlife”.

It is therefore considered necessary to condition both the lighting and the new landscaping in the interests of protecting and enhancing biodiversity opportunities.

Other matters

Concerns have been raised at pollution from washing down of the portable toilets and other waste containers, using inappropriate chemicals that could impact on the environment. The application is for B8 storage uses only and not for disposal of waste products. Grist have other premises under which such activities for waste disposal should be taking place. The application form submitted clearly states that the proposed use would not result in the need for the disposal of

waste or trade effluent or the disposal of foul sewage. Comments received from the Public Protection Officer raise no issues relating to contamination and raise no objections to the scheme or require no conditions or informatives to be attached. Should the scheme result in unauthorised waste disposal this can be controlled through enforcement action by the appropriate authority.

Conclusion/planning balance

In determining this application the local planning authority is fully aware that if development accords with an up-to-date Local Plan it should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

It is considered that the development is acceptable in principle and would not have a significant impact on the amenity of any nearby residential properties to justify a reason for refusal in this instance. The scheme would not result in a negative impact on highway safety or result in a detrimental impact on the visual amenity of the area, ecology and the environment or that of the heritage. The proposal is considered to comply with the relevant Policies of the Wiltshire Core Strategy (2015) and Devizes Neighbourhood Plan and with the NPPF (2023) and a positive recommendation is hereby made.

RECOMMENDATION:
Approve subject to conditions

Conditions: (6)

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:
- Application Form
- Planning Statement July 2023, RCC Town Planning Consultancy
- Location and Existing Site Plan
- Replacement Hardstanding Plan
- Site Plan (3/5/2023)

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

3 The development will be carried out in strict accordance with the following documents:

• Proposed Site Plan. 3rd May 2023.
• Planning Statement July 2023, RCC Town Planning Consultancy

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4 Within three months of the consent hereby granted a scheme of soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
• a detailed planting specification showing all trees, plant species, supply and planting sizes and planting densities

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

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

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

6 No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored above a height of 3.5 metres above the existing ground level within the bunded area or 3.0 metres above the existing ground level outside of the bunded area.

There shall be no storage of materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item associated with the development hereby approved whatsoever outside of the ‘cyan’ area as shown on the approved ‘Site Plan’ (03/05/2023).

REASON: In the interests of the appearance of the site and the amenities of the area.

Informatives: (1)

7 INFORMATIVES:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Planting

The Proposed Site Plan shows the locations of new hedgerow and tree planting, the provision of new habitat is welcomed and would be in accordance with Core Policy 50. It is encouraged that efforts are taken to maximise the benefit of these habitats for wildlife e.g., planting of native species or local provenance or those of known value to wildlife, and provision of features for wildlife such as habitat piles. Habitats should be managed to provide cover for wildlife.

Lighting

Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08-23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.