

7th November 2024

Delivered via email

FAO Mr Adam Madge - Principal Planning Officer

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

Dear Mr Madge,

LETTER OF OBJECTION TO PLANNING APPLICATION REFERENCE PL/2024/05527 – LAND SOUTH OF WESTWELLS ROAD

On behalf of our client, Rangeford Villages, we write to object to application reference PL/2024/05527 at Land South of Westwells Road.

Our representations largely expand on the matters Rangeford Villages previously raised in their objection letter on the website dated 30th August 2024, and the impact that the proposed development would have on residents living at Wadswick Green Retirement Village, Corsham, SN13 9RD. Since the submission of these initial comments, additional information has been produced by the applicant which is intended to address a number of consultee comments received. As such, our response has had due consideration to this new information.

Since this letter raises a variety of points, the remainder of this letter is generally structured by theme and the details of our client's objection are set out as below.

THE PRINCIPLE OF DEVELOPMENT

We note that the site is adjacent to Westwells a 'small village' as set out in CP1. Policy CP2 does not define settlement boundaries for small villages, limiting development to infill in such locations. Whilst these representations do not address the principle of development per se, it will be necessary for the LPA to have regard to this matter when determining the application.

We would also highlight at the previous residential appeal on site (ref. 3243873), the Inspector applied 'substantial positive weight to the proposed provision of affordable housing' given the Council was not meeting its targets for affordable housing provision. In addition, the Inspector identified that 'the creation of 81 dwellings would help the Council to meet its housing land supply' and again placed 'substantial positive weight' to this factor. Should the current application be approved, this would result in the loss of 81 dwellings contributing to the Council's housing delivery as these would not come forward.

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NEED FOR AN ASSESSMENT OF THE IMPACT ON THE RETIREMENT VILLAGE

As set out in Rangeford Villages comments of the 30th August 2024, we consider there is a need for an assessment of the impacts of the proposed development on the nearby retirement village. To date, from a review of the planning file available on the website, this information has not been produced.

As such, Rangeford Villages has serious concerns that the impact of the development has not been considered in respect of amenity for its existing residents, and future residents who will occupy the further phase of development being undertaken on site and will reside even closer to the subject application site. Our review highlights that the mitigation proposed by the applicant seeks to address issues such as noise, and the visual impact of the scheme in respect of Westwells residents by locating the impacts of these in closer proximity to Wadswick Green Retirement Village yet the supporting technical documents submitted do not consider the impact of residents of the Retirement Village.

As a result, our clients own technical consultants have prepared supporting documents, appended to this objection letter, identifying issues that remain with the submission and appropriate mitigation measures to protect residents of Wadswick Green.

NOISE IMPACT

The adopted Development Plan sets out at Core Policy 51 of the Core Strategy (adopted 2015) that *“proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures: vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion”*. Core Policy 57 of the Core Strategy goes on to note that *“Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through: vii. having 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)”*.

Our client’s noise consultant, Hoare Lea, have reviewed the submission and identified the following issues with the submission and appropriate mitigation to protect the residents of Wadswick Green.

Predicted operational noise emission levels.

An assessment of operational noise has been presented within the NIA. There isn’t sufficient information to fully review those predictions and recommend the LPA insist on compliance with the predicted operational noise levels, within an appropriate worded planning condition, in the vicinity of Wadswick Green.

Generator noise emission levels.

In Section 3.2 of the NIA there is discussion regarding backup power generators. These are required to allow the data centre to operate in the event of power failure. It is stated that emergency events are unlikely and are typically rectified quickly and therefore not considered part of normal operation and has been excluded from the assessment. This is unacceptable. Data centres require multiple generators to operate when there is power failure and noise emission levels can be very high. Generators will also require regular testing. If the development is approved there should be a Planning Condition protecting residents from noise associated with this plant. It is considered appropriate that an assessment of noise emission from this plant is presented and we recommend the noise levels do not exceed existing background noise levels at noise sensitive dwellings.

Construction noise / vibration to comply with planning policy.

Noise and vibration generated during construction has not been discussed. Should planning approval be granted

there must be a suitably worded Planning Condition protecting residents including the use of external amenity areas.

As such, our client does not consider that the proposed scheme accords with the requirements of Core Policies 51 and 57 of the Wiltshire Core Strategy as it would not sufficiently protect against intrusion from noise and would have an adverse impact on the amenities of existing occupants at Wadswick Green.

LANDSCAPE / VISUAL IMPACT

Core Policy 51 of the Core Strategy (2015) goes on to set out that in respect of Landscape *“development should 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.”*

Submitted with this objection letter is a technical note prepared by Ecology Solution Ltd which sets out a professional and objective assessment of the applicant’s Landscape Visual Assessment (LVA) and the findings therein.

This concludes that the applicant’s LVA significantly underplays the potential effect of the proposals upon the receiving landscape character and visual amenities of the area. In addition, the proposals fail to recognise the transitional character of the site and would not create a sympathetic transition between the existing development at Spring Park and the smaller scale, residential built form to the east, or the built up areas and the countryside immediately to the south. It is accepted that the proposed landscaping is positive, however, given the scale of the building it will not screen the proposed data centre, resulting in the perception of large-scale commercial development extending south into the wider landscape. Contrary to the findings of the LVA, the proposals would not enhance the character and appearance of the area.

Furthermore, the published assessment identifies that security fencing and large scale commercial built form is an existing detracting feature of the localised landscape. The proposals would extend the presence of large scale, commercial development, set within secure compounds into an area acknowledged by the applicants as representing a transition, or buffer, between the built environment and wider countryside.

As such, it is not considered that the proposed development is able to protect, conserve or enhance the landscape character of the area, and would have a harmful impact upon the landscape character and visual amenities that would not allow the scheme to successfully integrate into the setting of the surrounding area. In light of this, our client does not consider that the proposed scheme accords with the requirements of Core Policy 51 of the Wiltshire Core Strategy.

PUBLIC RIGHT OF WAY

As part of the proposed development we note the applicant’s intention to alter the existing public rights of way (PROW) on site, and that under the terms of Section 257 of the Town and Country Planning Act (1990) this has been made at the same time as the planning application.

The applicant as part of the additional information package submitted in October 2024 have provided updated landscaping plans detailing the creation of an additional length of PROW and the elevation of a PROW to a bridleway.

Whilst the proposed alterations to the PROW can be secured via the approved plans, should the application be approved, given the actual diversion of PROWs is a separate process to the determination of the planning

application we would question the likelihood of the diversion being granted thus allowing the development to be implemented, should it be approved.

SUMMARY

We trust that this letter and the enclosed material provides a useful response to our client's concerns in respect of the proposed development, and that the matters raised will be taken into consideration for determination of the application.

As referenced above, this letter of objection is supported by the following material appended to our objection letter:

- Landscape Technical Note (ref. 12528L TN01) (prepared by Ecology Solution Ltd)

I would be grateful to receive confirmation that these representations have been received.

Should you have any queries related to the objections made by our client, please do not hesitate to get in contact with myself or my colleague Emma Sibley (emma.sibley@turley.co.uk) to discuss.

Yours sincerely

David Murray-Cox
Director

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Appendix One: Landscape Technical Note (ref. 12528L TN01)

12528L TN01– Ecology Solution Ltd Landscape Technical Note

Proposed Data Centre, Land south of Westwells Road, Neston, Corsham (planning ref: PL/2024/05527) – Landscape Matters

Ecology Solutions (ES) have been instructed by our client, Rangeford Villages, to undertake a review of the Landscape and Visual Appraisal (LVA) that has been prepared in relation to the above scheme by The Environmental Dimension Partnership Ltd (EDP) on behalf of the applicants, Ark Data Centres. The LVA (ref: edp7897_r007c, dated May 2024) accompanied the planning application that was registered on 25th June 2024.

By way of background, I am director of Ecology Solutions and a chartered member of the Landscape Institute with 16 years working in the landscape industry. I regularly prepare Landscape and Visual Impact Assessments (LVIAs) for a variety of commercial clients and, as such, am very familiar with GLVIA3 and the approach to landscape and visual assessments set out within the industry best practice guidance.

The purpose of this letter is to provide a professional and objective assessment of the applicant's LVA and the findings therein.

Review of EDP's LVA

- 1.1. While the EDP LVA methodology reflects the approach advocated in GLVIA3 and appears sound, I do have some concerns with regard to the findings within the submitted assessment.
- 1.2. At paragraph 2.11, the LVA contends that the presence of the concrete foundations associated with the former MoD uses “strongly influence” the character of the site. While the remaining foundations are evident in aerial photography of the site, this is not how people would perceive it from the public realm. On the whole, the remnant foundations do not extend above the surrounding ground level ensuring that within views from the surrounding public realm, the site has a green, open character and its former uses are not immediately apparent. This is evidenced by Image 2.1 and EDP viewpoints 7, 10, 11 and 12. As such, I would disagree that the remnant foundations “strongly” influence the character of the site.
- 1.3. Images 2.1 – 2.3 illustrate the existing context of the site and its setting. It is clear from these images that the site is visually well-separated from the existing data centre site to the north, with the adjoining residential properties to the north east and east influencing the immediate setting and establishing a settlement edge character which is residential in scale.

- 1.4. I note that at para 2.13, the LVA identifies the presence of the industrial and MoD developments to the north and the residential areas to the east. However, these townscapes are distinctly different in terms of character, scale and openness and this is not acknowledged by the assessment. The established vegetation structure that lies immediately to the north west of the site and the edge of the village creates a robust green edge between the larger scale, campus style landscape associated with Spring Park and the MoD development, and the smaller, more intimate scale townscape of the village that extends to the east of the site. The green, open nature of the site ensures that it is more closely related to the village than the campus to the north.

Baseline Character Assessment

- 1.5. At para 4.29, while it is accepted that the undulating topography and vegetated setting does reduce intervisibility, this relates to the visibility of a green, open parcel of land, not a 12-15m high (with some parts extending up to 14-18m high), large scale industrial building.
- 1.6. Under “visual & sensory character” on page 36 of the LVA, the assessment highlights that the published character assessment identifies that the security fencing and industrial units along Rowan Lane represent detracting features. The mature belt of vegetation that defines the northern boundary of the site, together with Rowan Lane, creates a robust and defensible edge between the commercial development to the north west and the application site, which the LVA acknowledges forms a transition, or buffer, between the countryside to the south and development to the north and east. I also consider that the LVA overplays the perception of the brownfield nature of the site within its environs. As identified above, the remnant footings do not extend above ground level and are not immediately evident from the surrounding public realm as illustrated by the viewpoints included within the LVA. The foundations are certainly not dominant within the site’s environs.
- 1.7. It is noted that para 4.36 includes a reference from the pre-app comments received from the Council, which highlights that the site is a “green open gap” separating Spring Park from the smaller scale residential areas. I would contend that it also serves as a transitional space between the larger scale development to the north and the open countryside to the south.
- 1.8. The LVA’s conclusions in relation to the overall sensitivity of the site and its immediate environs fails to recognise the recreational value of the site, across which 4 footpaths cross as well as the transitional character of the site.
- 1.9. In terms of susceptibility, it is considered that a 12-15m tall, large footprint building is significantly different from the small scale, intimate residential areas which are more closely associated with the site’s immediate setting. The site is well separated from the wider Spring Park campus and has a very different character compared to the landscape to the north of Rowan Lane. The assessment fails to acknowledge this transitional character and the limited relationship between the site and the commercial areas to the north west which is experienced on the ground.

- 1.10. In my professional opinion, the susceptibility of the site and its environs to the type of development proposed (12-15m tall, large footprint commercial built form) should be High given the smaller scale residential areas to the east and countryside setting to the south. This would inform the overall sensitivity of the landscape receptor, elevating it to at least Medium, possibly Medium / High.

Baseline Visual Assessment

- 1.11. While it is noted that EDP consulted with, and agreed viewpoints, with the Council's Landscape Officer (para 1.11), it is disappointing that a view from Footpath CORM 136, to the south of the site is not included to provide an understanding of the setting of the route to the south and the views north across the site.
- 1.12. While I appreciate that the views identified are representative, I would question why the location for Viewpoint EDP5 was chosen over one taken from where the footway meets Westwells Road to allow an appreciation of the north western corner of the site, which is obscured by the planting that surrounds the play area in the selected view, particularly given that there are no views from Rowan Lane or Westwells Road to the north of the site. Viewpoint EDP4 is located at the far end of Rowan Lane, so this area, which the LVA identifies as being within the Zone of Primary Visibility is not represented.
- 1.13. I would also query the location of the "approximate extent of the site" annotation on Viewpoint EDP15, which appears to be located too far to the right. The extract from Google Earth (below) illustrates the location of the view cone (yellow lines) in relation to the view towards the Telecoms mast (blue line). Based on this analysis, the telecoms mast should be located centrally within the "approximate extent of the site", with the development at Wadswick Green (to the left of the view) forming the south westerly extent of the view cone. While not a fundamental point, it does raise questions as to the level of detail and care applied to the assessment.

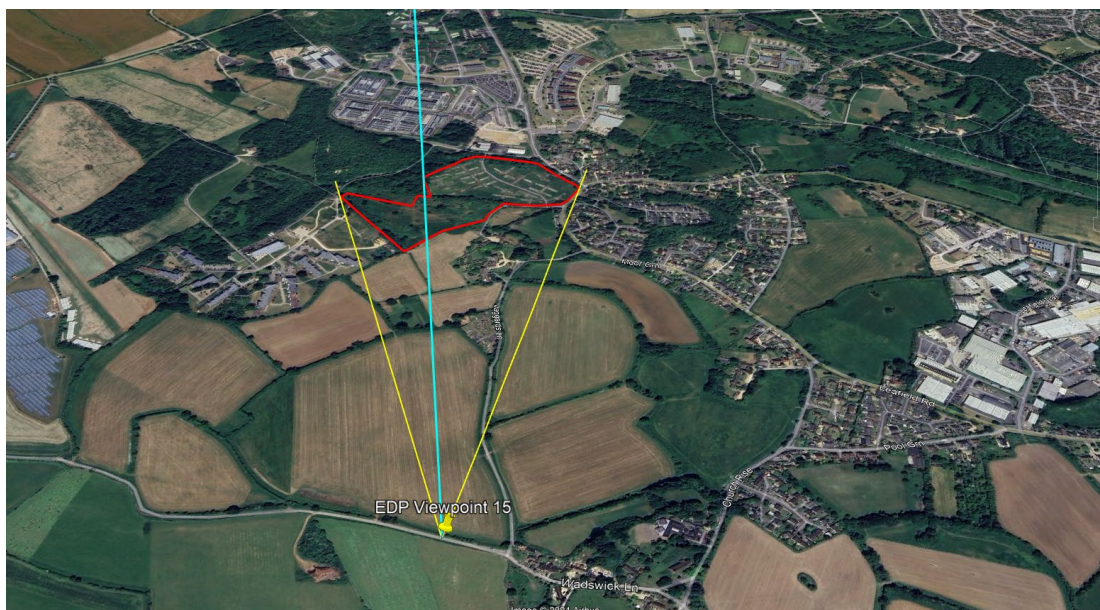


Figure ES1: Extract from Google Earth illustrating the view cone from EDP Viewpoint 15

Assessment of Effects

- 1.14. In terms of the effect of the proposals upon the character of the landscape, I agree with the LVA's conclusion at para 7.4 that the proposals would result in a fundamental change to the visual and perceptual aspects of the site's character.
- 1.15. I also agree that the site provides a buffer, or transition, to the wider open countryside (para 7.5).
- 1.16. The LVA makes reference to the extant permission for up to 81 dwellings on the site, which was approved at appeal in 2021, at para 7.6. The inference in the LVA is that the development of the site should not necessarily be seen as adverse as it may present opportunities to improve low quality land, particularly given the presence of the extant permission. However, the approved scheme and the proposed development are markedly different. It is noted that in the reference from para 17 of the Inspector's decision (at para 7.6 of the LVA), the Inspector noted that subject to the number of dwellings, their height and the provision of public open space, the approved scheme would enhance the character and appearance of the appeal site. The reference to the height of the scheme is of note. The approved scheme comprised residential uses "of no more than 2-storeys" (para 17 of the Inspector's decision). The scale of the approved development would reflect the adjacent residential areas that lie to the north east and east of the site. The proposals, however, are significantly different, extending up to 14.5m and 18m in height, equivalent to a 3 and 4 storey building. The LVA acknowledges the transitional character of the site, but it is difficult to see how the assessor concludes that a building of significantly greater scale would respond positively to this to the extent that it enhances the character and appearance of the site.
- 1.17. The proposals comprise a single, large footprint building which extends to over 2.7ha (27,260m²) and, as noted above, the building would be 3 storeys high at the north eastern end and up to 4 storeys high at the south western end. This is significantly different to a scheme of 2 storey residential properties set within a landscaped setting. The mix of detached and semi-detached properties would break up the perceived bulk and mass of the approved development, whereas the proposals would comprise a single large-scale building with a number of ancillary buildings surrounding it. While the proposed visualisations indicate some articulation in the built elevations, there is no avoiding the fact that this is a very large building located on the edge of a settlement, in an area of transition. As illustrated on the Proposed Masterplan, the proposals would certainly be longer than any of the existing / consented development to the north. I also note that the data centres approved to the north of the site, fronting onto Westwells Road, are 3 storeys in height.
- 1.18. While the site is subject to an extant permission for development, the type, scale, massing and appearance of the proposals varies significantly to what the Inspector previously considered acceptable. The proposals would not complement the transitional character of the site, either between the village and Spring Park or the built-up areas and countryside to the south.

- 1.19. The proposed site plan also indicates a large area of generators (over 1,500m²) extending to the south of the main building along the southern boundary of the campus. These would introduce built elements and noise towards the southern extent of the parcel and the adjoining public rights of way, affecting the amenities of these routes, which have already been directly affected by the proposals, requiring diversions.
- 1.20. Furthermore, the nature of the development requires the site to be secure. Unlike the approved residential development, that would have a degree of permeability, the proposals would neutralise a significant part of the site, removing it from the public realm, requiring the diversion of the existing footpaths across the site, and the installation of security fencing. Given the sensitive nature of the data centre use, the fencing would need to incorporate barbed wire to ensure maximum security is achieved. This is not a characteristic feature of the site or wider landscape to the south of the robust landscape buffer along Rowan Lane.
- 1.21. It is likely that parts of the site would also need to be lit throughout the night, extending the lit environment south of Rowan Lane and Westwells Road, into an area acknowledged as forming a transition between the settlement and the countryside, which is currently unlit.
- 1.22. Regardless of the degree of landscaping proposed, the proposals would preclude public access across much of the site and would require the diversion of existing public rights of way. The published character assessment identifies that security fencing and large scale commercial built form is a detracting feature within this character area. The proposals would extend the presence of these features to the south of Rowan Lane into a green, open parcel of land which the LVA acknowledges forms a transition and buffer.
- 1.23. As such, it is considered that the LVA significantly underplays the potential landscape effects of the proposals which, in reality, would give rise to significant adverse effects upon the character of the site and its environs from the outset. Given the scale and nature of the proposed built form, together with the significant ancillary infrastructure and the need for a secure site, it is considered that the proposed development would continue to give rise to at least a Moderate Adverse effect upon the character of the area beyond the 15 year timeframe. This is far greater than the suggested Neutral effect set out within the LVA.
- 1.24. In terms of the effect of the proposals upon the visual amenities of the area, I disagree with the LVA's conclusions that the sensitivity of Footpaths CORM135 and CORM137 is low or that the sensitivity of CORM136 is medium. The footpaths are well-used and are not located within an "urban environment". As such the sensitivity of these routes should be considered High, in accordance with the LVA's methodology. The footpaths that currently cross the site would require diversion to accommodate the development and would be diverted around the perimeter of the site, adjacent to the security fencing and ancillary features. It is considered that users of the footpaths within and immediately adjacent to the site would experience significant change as a result of the proposals, far greater than the Moderate Adverse effect suggested by the LVA.

- 1.25. Within the context of Viewpoint EDP3, the proposed building would dominate the centre of the view, being significantly taller and closer than those at MoD Corsham. The proposed building within the south western part of the site extends up to 18m above ground level, with the single storey generators being located within the intervening southern part of the site. It is noted that the application does not include any visualisations from this location. The Design & Access Statement includes 3 verified views, two of which are taken from locations on road corridors where the intervening summer vegetation screens the building. A view from a more sensitive location, such as a Viewpoint EDP3 would be helpful in understanding how the proposed large-scale building complements the transitional character of the site. The LVA considers that the proposals would result in a medium magnitude of change (para 7.32) (defined as “partial loss or alteration”, within the methodology). However, given the scale of the building, together with the surrounding ancillary structures and security fencing, it is considered that the change would result in a major alteration to the view and, as such, the magnitude of change would more likely be Very High Adverse.
- 1.26. As noted above, while it is acknowledged that the site is subject to an extant permission, the nature of the approved development, together with scale, massing, appearance and height, differs significantly from what is being proposed. The immediate setting of Footpaths CORM135, 136, 137 and 139 will be permanently affected by the proposals, introducing large scale commercial built form, ancillary uses, hardstanding and security fencing into an area currently perceived as green open space. As such, it is considered that the proposals would result in change of Very High magnitude at Year 1, representing a total loss / major alteration to views from these routes. It is acknowledged that the proposed landscaping would temper views, during the summer months, once matured, but the introduction of a 14.5 – 18m tall, large footprint building, set within a secure compound, into the immediate context of these footpaths would remain a notable alteration to the views and, as such, would represent a High Adverse magnitude of change at Year 15.
- 1.27. I also disagree with the conclusions reached in relation to Viewpoint EDP11, which is taken from Moor Green, immediately to the east of the site, and which the LVA considers would experience a Moderate / Minor effect at Year 1. The view would be permanently changed with a 14.5m tall building introduced into the middle ground of the view. This is completely at odds with the existing townscape in this location which is characterised by smaller scale, more intimate residential development. The proposals are also completely different to the approved residential scheme, which would be no more than 2 storeys, with articulation and breaks in the built form reducing the perceived mass and affording views through the development. The approved scheme would also create a more appropriate interface with the streetscene without the need for security fencing. As such, it is considered that the proposals would result in a Major / Moderate effect at Year One and while the maturing of the landscaping would soften the edge of the site, the scale of the built form would still be perceived, particularly during the winter, ensuring that in the longer term, the effects upon Moor Green and Viewpoint EDP11 would be Moderate Adverse.
- 1.28. With regard to the effect of the proposals upon residents at Wadswick Green, the proposed development would introduce a building of significant stature into an area

currently characterised by open space, to the south of the defensible edge formed by Rowan Lane and the mature belt of vegetation to the north of the site. While the vegetation along the southern part of the site will soften some views towards the proposals, the proposed building will be prominent, extending above the overgrown hedge. It is considered that the proposals would more likely result in a Major / Moderate Adverse effect at Year One with some minor reductions by Year 15 assuming that the proposed landscaping matures. However, the planting will take far longer than 15 years to exceed the 18m height of the south western extent of the building. As such, it is considered that at Year 15 the Major / Moderate Adverse effect would remain.

- 1.29. Overall, as with the assessment of landscape effects, it is considered that the LVA underplays the effect of the proposed development upon the visual amenities of the area.

Conclusions

As set out within this appraisal, it is considered that the LVA significantly underplays the potential effect of the proposals upon the receiving landscape character and visual amenities of the area.

The proposals fail to recognise the transitional character of the site and would not create a sympathetic transition between the existing development at Spring Park and the smaller scale, residential built form to the east, or the built up areas and the countryside immediately to the south.

The proposals are also fundamentally different to the scheme associated with the extant permission and, as such, the assertion that because the site has been considered appropriate for one type of development does not mean that it has the capacity to accommodate any development. The approved scheme would have introduced up to 81, 2 storey dwellings within a landscaped setting. Conversely, the proposals seek to introduce a single, large footprint (over 2.7ha) building which extends up to 18m in height (4 storeys), together with ancillary structures and significant hardstanding, into a secure compound. The proposals would require the diversion of the existing public rights of way across the site, reducing permeability, and would introduce a bank of generators onto the more sensitive southern boundary of the site.

It is accepted that the proposed landscaping is positive, however, given the scale of the building it will not screen the proposed data centre, resulting in the perception of large-scale commercial development extending south into the wider landscape. Contrary to the findings of the LVA, the proposals would not enhance the character and appearance of the area.

Policy CP51 of the Core Strategy, requires development to protect, conserve and, where possible, enhance landscape character. The published assessment identifies that security fencing and large scale commercial built form is an existing detracting feature of the localised landscape. The proposals would extend the presence of large scale, commercial development, set within secure compounds into an area acknowledged by the applicants as representing a transition, or buffer, between the built environment and wider countryside. As such, it is considered that the proposed development fails to protect, conserve or enhance the character of the area.

In conclusion, it is considered that the proposals could not be successfully integrated into this setting without significant adverse effects upon the landscape character and visual amenities.