

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 27 April 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Shirley Agyeman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718089 or email Shirley.Agyeman@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

Substitutes:

Cllr Nick Blakemore	Cllr Keith Humphries
Cllr Rosemary Brown	Cllr Gordon King
Cllr Terry Chivers	Cllr Stephen Oldrieve
Cllr Fleur de Rhé-Philippe	Cllr Jerry Wickham
Cllr Russell Hawker	Cllr Philip Whitehead

RECORDING AND BROADCASTING NOTIFICATION

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on the Council's website available on request.

If you have any queries please contact Democratic Services using the contact details above.

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 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 6 April 2016.

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 20 April 2016. 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 Appeals Update Report** (*Pages 15 - 16*)

To receive details of appeal decisions and appeals pending.

7 **Planning Applications**

To consider and determine the following planning applications:

7a **15/12454/OUT - Land To The North Of Sandridge Common, Sandridge Road, Melksham, Wiltshire** (*Pages 17 - 50*)

7b **16/01161/FUL - Blackberries Camping Park, Farleigh Rise, Monkton Farleigh, Wiltshire, BA15 2DY** (*Pages 51 - 64*)

8 **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

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 APRIL 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While, Cllr Gordon King (Substitute) and Cllr Graham Payne

Also Present:

Cllr Fleur de Rhé-Philipe

21 Apologies for Absence

An apology was received from Councillor Magnus Macdonald substituted at the meeting by Cllr Gordon King.

22 Minutes of the Previous Meeting

The minutes of the meeting held on 16 March 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 16 March 2016.

23 Chairman's Announcements

The Chairman informed the meeting about the passing of Councillor Jeff Osborne who was a member of the committee. A moment of silence was observed in respect of his memory.

The Chairman also read out a statement informing the meeting about the circumstances surrounding application **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**. He noted that as a result of a legal challenge by a third party, the High Court had quashed the original

decision and the planning application was effectively reinstated as undetermined and to be determined again by the Council as the local planning authority. He reminded members to keep an open mind and only make a final decision after all the evidence and arguments had been seen and heard; he reiterated that the decision had to be made in the context of the development plan, national planning guidance and advice and other material considerations as they currently exist and not as they were in 2014.

The Chairman gave details of the exits to be used in the event of an emergency.

24 **Declarations of Interest**

Cllr Andrew Davis declared that he was a member of the Warminster Town Council that was against application **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**. He noted that he was on the Warminster Town Council in an advisory capacity and would participate in the Committee's deliberations for the day with an open mind and solely on the information submitted.

25 **Public Participation and Councillors' Questions**

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

Questions had been received from Mr Alistair Wright and Cllr Ernie Clark.

Question from Mr Alistair Wright

What is the step by step process sites go through to prove they are not in flood effected areas (from all source) and that they will not increase risk to others now or in the future, how is this information used in the sequential and exception test to ensure that the least flood effected areas are used first and that flood prone areas and the floodplain are protected from development by the LPA and how would the council react if sequential tests were not done or pertinent information was not supplied to it? If additional information has been requested but not supplied what is the council's policy for dealing with lacking or missing data?

Response

Government advice, as set out in the National Planning Policy Framework (NPPF), supplemented by the Technical Guidance on Flood Risk is that development should be directed away from areas at highest risk. These are defined as Flood Zones 2 and 3; or land within flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority

by the Environment Agency. Where development within these zones is necessary, it should be made safe without increasing flood risk elsewhere. The Government advice is to steer new development to areas with Flood Zone 1. If a developer can demonstrate that a proposed site is within this flood zone, no sequential or exceptional test is required. The advice on the application of the sequential test in zones 2 and 3 is set out in the Technical Guidance. Proposals for major developments and developments within Flood Zones 2 and 3 should be accompanied by a flood risk assessment. When the Council receives a major development accompanied by a Flood Risk Assessment, it seeks the views of the Environment Agency to inform the decision making process. In this way, the Council and the Environment Agency work together to protect vulnerable flood zone areas. Where the Environment Agency considers that they require additional information to prepare their response on a planning application, the Council requests that this be supplied by the applicant.

Question from Councillor Ernie Clark, Hilperton Division

I am advised that it is now the policy of WC planning, that all applications for 200+ houses will go to the Strategic Planning Committee irrespective of the officer recommendation and whether or not the local member has called the application in. Is this correct? If it is, when, and by whom, was this decision made as I do not think that it complies with the agreed protocol on planning matters.

Response

The Scheme of Delegation requires that 'large scale major developments (in housing terms this is defined as 200 or more houses) which by their nature have wider strategic implications and raise issues of more than local importance shall be dealt with by the Strategic committee.'

Not every housing scheme for 200 or more houses will have 'wider strategic implications' and raise issues of 'more than local importance' – for example, approval of reserved matters on a site already granted outline planning permission. However, where a site of this scale lies outside of the existing limits of development for a settlement, then it will almost invariably have wider strategic implications as the decision may be cited by other developers of large scale schemes in the same housing market area, thereby raising issues of more than local importance. Furthermore, schemes of this size may well have

implications for the housing land supply across the relevant housing market area, and/or may affect more than one parish.

26 **Planning Appeals Update Report**

Mr. Morland read a statement regarding the Planning Appeals Update Report drawing attention to Minutes Item 19. in which further information was to be presented in the next appeals update report regarding the appeal decisions on the applications:

14/10213/CLP- Sandridge Park House, Sandridge Hill, Melksham
15/01975/PNCOU - Tiled Barn, Bradford-on-Avon
15/03555/PNCOU - Oakley Farm, Lower Woodrow, Melksham
15/03564/PNCOU – The Store, Winsley, Bradford-on Avon.

Mr. Wilmott gave a verbal update on Minute item 19.

Cllr Trevor Carbin questioned why so many planning application appeals were being lost.

Mr. Wilmott responded that there were no endemic problems involved and it was purely a case of the nature of the particular planning applications concerned.

The Planning Appeals Update Report for forthcoming hearings and public inquiries between 21/03/2016 and 30/09/2016 was received.

Resolved:

To note the Planning Appeals Update Report for forthcoming hearings and public inquiries between 21/03/2016 and 30/09/2016.

27 **Planning Applications**

The Committee considered the following applications:

13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster

15/11030/FUL - 10 Warren Road, Staverton, Trowbridge, Wiltshire, BA14 8UZ

16-00563-FUL - 118 Silver Street Lane, Trowbridge, BA14 0JR

28 13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster

The Area Development Manager outlined the report that recommended that the application be approved with conditions.

Mr. Nick Parker, Mr. Alistair Wright, Mr. Paul McDonald and Mr. Jeremy Kelton, Bishopstrow Parish Meeting, spoke in objection to the application; Mr. Chris Beaver, agent of the applicant and Mr. Holdoway, the applicant, spoke in support of the application.

Cllr. Andrew Davis spoke as the local member.

Issues discussed in the course of the presentation and debate included: The location of the site, the limits of development, issues relating to the five year land supply, the highway safety, flood risk, ecology, conservation, neighbouring impacts and general feeling among the local residents. The listed building consent proposal covered by the application for which approval was granted in 2014 and which was not legally challenged was also discussed.

Cllr. Andrew Davis proposed, subsequently seconded by Cllr Christopher Newbury that the Committee should refuse the application.

In questioning the Area Development Manager, the Committee sought clarity on what constitutes a self-build or custom-build development, the areas within the policy limits, the current status of HAB as an applicant, the 5 year housing land supply policy, the application of CP2 and whether there was any provision in the local area for custom-build housing.

In response to the above, the Area Development Manager explained that a custom-build development is where a person enters into partnership with a developer and has a comprehensive involvement in the design and outcome of the building. He pointed out that who the developer was did not constitute a planning matter and the reference to HAB Housing Limited as the applicant though currently alleged to have withdrawn from the development was not an issue under consideration. HPH Ltd & HAB Housing Limited was the original name used for the application and would continue to be used unless formerly withdrawn or changed.

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in

favour of sustainable development at Market Towns. The Planning Policy Framework (NPPF) seeks to ensure that the Council demonstrates a five year housing supply for the north and west housing market area that includes Warminster.

The Area Development Manager noted that in applying CP2 the proposal was not in accordance with the development plan, in that it lies outside of the limits of development for Warminster and was in conflict as the site had not been brought forward through the plan led process identified in policy CP2. He emphasised that he was not challenging a judicial ruling but there was a need to consider whether there were adverse impacts that would demonstrably outweigh the benefits of the scheme in light of the current situation concerning 5 year land supply in the north and west housing market area. He informed the members that he was unaware of any sites in the local area that had permission for custom-build housing.

The legal representative present added that Government policy is material in any consideration and would have weight in any application. The meeting was informed that there were 19 people on the register for self-build and custom-build housing.

Resolved to refuse planning permission for the following reasons:

- 1. The site lies outside of the limits of development defined for Warminster in the Wiltshire Core Strategy. In this location, the proposed development for residential purposes would conflict with Core Policy 2 of the Wiltshire Core Strategy which only allows residential development beyond these limits through a plan led process of a Site Allocations Development Plan and/or a Neighbourhood Plan. The proposal has not been brought forward through either of these means and therefore conflicts with the delivery strategy of the Wiltshire Core Strategy.*
- 2. Furthermore, the proposal would result in the development of a site that is currently undeveloped countryside that forms part of the gap between the built-up area of Warminster and the nearby village of Bishopstrow. The Council consider it important to maintain this gap of undeveloped countryside to prevent the coalescence of the town with Bishopstrow, which was one of the objectives behind the setting of the town limits in this location when they were originally defined. The significant alteration in the character and appearance of this area of open countryside through the construction of this unplanned urban development would seriously erode the remaining gap between the town and village and would have an adverse impact on the character and appearance of the area. This would conflict with Core Policy 51 of the Wiltshire Core Strategy that seeks to maintain the separate identity of settlements. The Council considers that the adverse impact of the loss of a significant part of this gap and the change in the character and appearance of the area that*

would result from the development of this site significantly and demonstrably outweighs the benefits of the proposal.

29 **15/11030/FUL - 10 Warren Road, Staverton, Trowbridge, Wiltshire, BA14 8UZ**

The Planning Officer outlined the report that recommended that the application be approved with conditions.

Cllr. Trevor Carbin spoke as the local member noting that the initial strong objection to the application by the parish council had over the course of time been overcome by the amended plans.

Issues discussed in the course of the presentation and debate included: Visual impact upon the surrounding area, relationship to adjoining properties, impact on parking, ownership of parking and highways.

Cllr. Trevor Carbin proposed, subsequently seconded by Cllr Ernie Clark that the Committee should approve the application as per the officer's recommendations detailed in the report.

In questioning the Planning Officer, the Committee sought clarity on ownership of parking spaces and the impact on the spaces.

In response to the above, the Planning Officer informed the meeting that there would be 3 parking spaces which would meet the requirements for parking.

Resolved to grant permission subject to the following conditions:

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

- 3 The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as 10 Warren Road.

REASON: The development is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit alternative uses.

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

Drg. 222/1 Plans, elevation as existing and site and location plans received 5/11/2015. Site plan existing received 5/11/2015. Amended plan - car parking and wall received 10/3/2016. Drg. No. 222/2 Plans and elevations proposed received 5/11/2015

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

30 **16-00563-FUL - 118 Silver Street Lane, Trowbridge, BA14 0JR**

The Planning Officer outlined the report that recommended that the application be refused.

Mr. Adrian Belcher spoke in objection to the application.

Cllr. Graham Payne spoke as the local member.

Issues discussed in the course of the presentation and debate included:
The scale of the development, the visual impact on the surrounding area, the relationship to adjoining properties, Design – bulk and general appearance.

Cllr. Graham Payne proposed, subsequently seconded by Cllr John Knight that the Committee should refuse the application as per the officer's recommendations detailed in the report.

Resolved to refuse planning permission for the following reason:

1. The proposed development by reason of the increase in height, together with its form, mass and scale in this prominent location would appear incongruous and overly dominant within the street scene and as such would have a detrimental impact on the spatial form and character of the vicinity, contrary to Core Policy 57 of the Wiltshire Core Strategy.

31 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.05 p.m.)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic Services, direct line 01225 718089, e-mail <mailto:Shirley.Agyeman@wiltshire.gov.uk>

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

This page is intentionally left blank

Wiltshire Council
Western Area Planning Committee
27th April 2016

Forthcoming Hearings and Public Inquiries between 14/04/2016 and 31/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Date	Overturn at Cttee
14/09262/OUT	Land North of Bitham Park Trowbridge Road Westbury Wiltshire	HEYWOOD	Proposed development of up to 300 dwellings; Creation of new roundabout access from Trowbridge Road; Creation of a new emergency/cycle and pedestrian access from Coach Road; Open Space; Drainage Works and ancillary works	COMM	Inquiry	Refuse	14/06/2016	No
14/11919/OUT	Land Off A365 Shurnhold Melksham Wiltshire	MELKSHAM WITHOUT	Outline application with all matters reserved except for access, for demolition of existing structures and construction of up to 263 dwellings with access, open space, landscaping and associated works.	COMM	Inquiry	Refuse	21/06/2016	No

Planning Appeals Received between 21/03/2016 and 14/04/2016

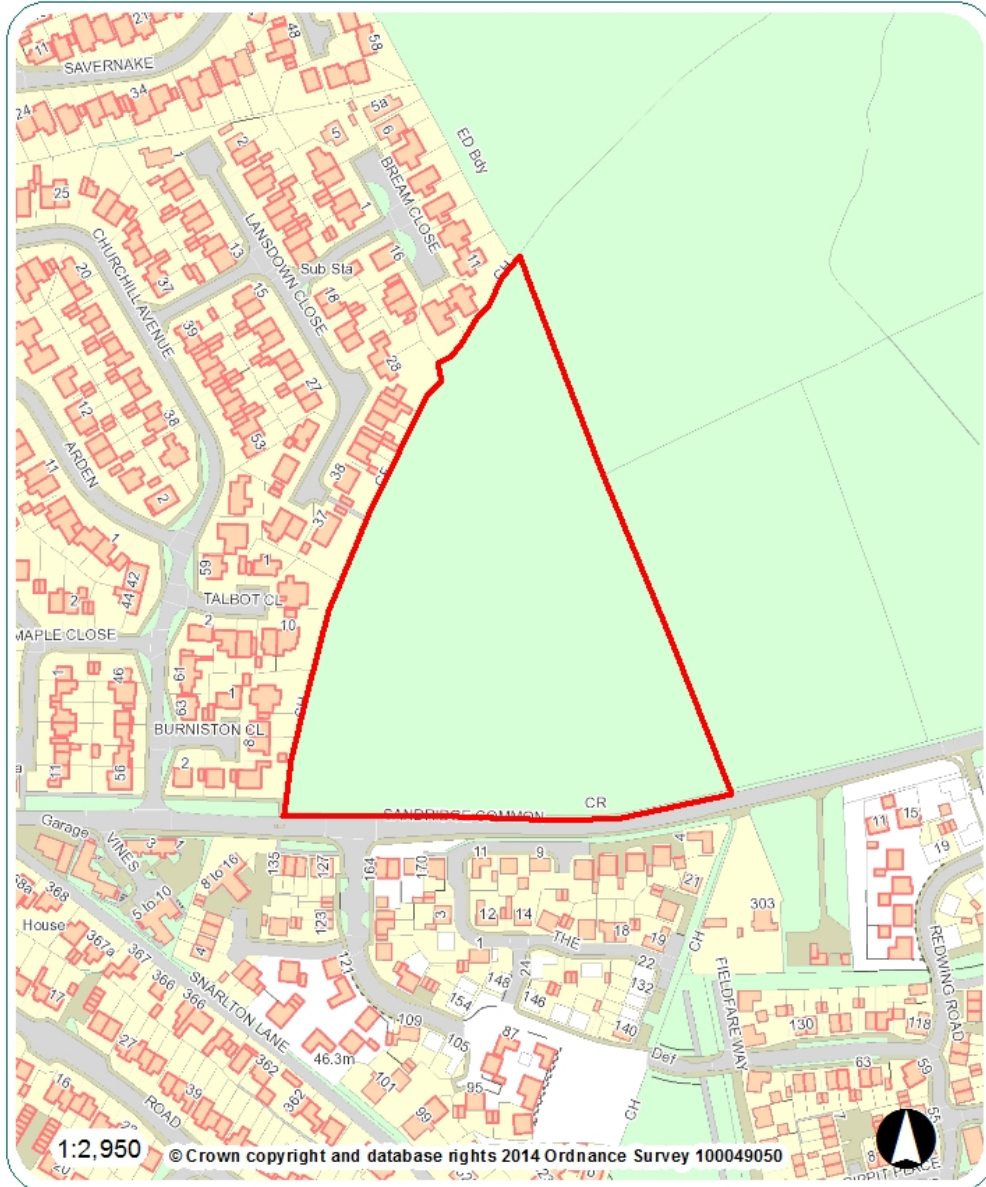
Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/0674/FUL	Station Approach St Margaret's Street Bradford on Avon Wiltshire, BA15 1DF	BRADFORD ON AVON	Erection of 4 x 2 bed terraced houses	COMM	Written Representations	Refuse	30/03/2016	Yes
15/10492/FUL	Land At Sunnyside Yarnbrook Road West Ashton, Wiltshire	WEST ASHTON	Use of land as private gypsy and traveller caravan site, consisting of 2 no. pitches each with 1 no. mobile home, 1 no. touring caravan, and 1 no. utility dayroom, plus stabling.	DEL	Hearing	Refuse	06/04/2016	No
15/10513/FUL	Barn adjacent to 81 Barn View Hindon Road Monkton Deverill Wiltshire, BA12 7EX	KINGSTON DEVERILL	Demolition of barn and erection of a dwelling (resubmission of 15/06445/FUL)	DEL	Written Representations	Refuse	11/04/2016	No

Planning Appeals Decided between 21/03/2016 and 14/04/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/02597/OUT	Land Adjacent Amberley 21 Northleigh Leigh Road Bradford on Avon Wiltshire BA15 2RG	BRADFORD ON AVON	Erection of 3 affordable dwellings (Outline application with all matters reserved)	DEL	Written Reps	Refuse	Dismissed	21/03/2016	No
15/04629/FUL	50 Dunch Lane Melksham Wiltshire SN12 8DX	MELKSHAM (TOWN)	Side and rear two storey extensions	DEL	House Holder Appeal	Refuse	Allowed	01/04/2016	No



15/12454/OUT
Land to North of Sandridge Common
Sandridge Road
Melksham
Wilts



This page is intentionally left blank

Date of Meeting	27 April 2016
Application Number	15/12454/OUT
Site Address	Land To The North Of Sandridge Common, Sandridge Road Melksham, Wiltshire
Proposal	Outline Planning Permission for residential development of up to 100 dwellings associated infrastructure, open space and landscaping , with creation of new vehicular access from Sandridge Common
Applicant	Robert Hitchins Ltd
Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT NORTH – (Cllr Terry Chivers)
Grid Ref	391733 164326
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

Councillor Chivers has requested that the application be considered by the Planning Committee at the request of the Parish Council.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendations that planning permission should be granted.

2. Report Summary

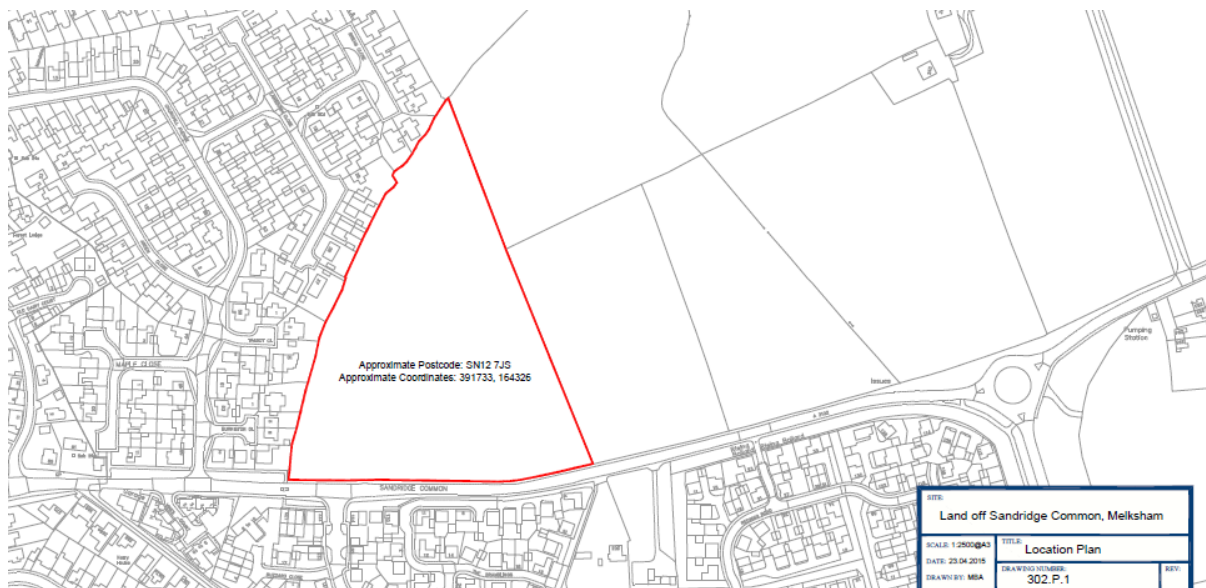
The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

3. Site Description

The application site is a triangular shaped parcel of agricultural land on the periphery of Melksham immediately north of Sandridge Common to the east of the settlement.

The site adjoins late 20th century housing development to the north-west which has an adopted footpath leading to the site between 37 and 38 Lansdown Close. Further agricultural land is adjacent to the site to the north-east. To the south is the A-classified highway known as Sandridge Common; beyond which is early 21st century housing development.



Site Location

The site has a mixed boundary to the north-west; to the north-east and south are established agricultural hedges. There are overhead wires running east to west through the centre of the site and to the northwest and south margins of the site there is subterranean infrastructure.

The site is not subject to any particular designations and to clarify it is not Green Belt and it is not an Area of Outstanding Natural Beauty or a Special Landscape Area of county-wide significance.

4. Planning History

Whilst there have been no previous planning applications on this site a screening opinion was sought in May 2015 (15/04320/SCR) for the proposed development and it was concluded by the Local Planning Authority that the proposal would not require an Environmental Impact Assessment.

5. The Proposal

This application is for up to 100 new dwellings, with all matters reserved, at land north of Sandridge Common. The proposal includes associated infrastructure, open space and landscaping with the creation of a new vehicular access from Sandridge Common. All details, including access, remain reserved for subsequent approval at this outline stage.

6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP15 (Melksham Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP44 (Rural Exception Sites), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring the conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

Wiltshire & Swindon Minerals Core Strategy 2009 - MCS1

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment), I2 (Arts), I3 (Access for everyone)

Other relevant documents (Local)

- Wiltshire Housing Land Supply Statement 2015
- Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

- Wiltshire Infrastructure Delivery Plan 2 2011-2016 Appendix 1 Melksham Community Area September 2013
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Wiltshire Local Transport Plan - Car Parking Strategy
- Leisure and Recreation Development Plan Document 2009
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Wiltshire Council Waste Collection Guidance for New Development

National Policy

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation

7. Consultation Responses

Melksham Without Parish Council – Do not oppose the application but would like to see the following:

- Provision of footway along the entire frontage length of the A3102 is required.
- The developers to respect in the detail of this site that the existing adjoining properties are bungalows. Only bungalows or two storey dwellings to be built along this boundary with the rear gardens of any new dwellings abutting the gardens of the existing bungalows to avoid any loss of light amenity.
- Children from this development would likely attend the new Forest and Sandridge School and as such a pedestrian crossing would be needed across the A3102 and that this should be lined up with the current entrance to footpath MW22. The Parish Council recommends that S106 funding is used to provide this. Additionally there should be a barrier at the end of the footpath that exits onto A3102 to prevent children from running out.
- There are no street lights from the Murco garage to the roundabout and any new housing would be on the left hand side of this section of the A3102. The Council wishes to see street lights from the 5 newly installed at Skylark Road up to the roundabout on Sandridge Common on the northern side, and recommends that S106 funding is used to provide this.
- Apart from the school there is a lack of any community building and a small hall would benefit all the residents living in the East of Melksham.

- No pedestrian access from any new development into Lansdowne Close as residents do not wish to lose the identity of this being a Close.
- There are concerns over the adequacy of the sewage system and seek reassurance over the suitability of foul drainage. The existing sewers in Churchill Avenue and Lansdowne Close are already subject to problems and thus the Council wish to see foul drainage connected to the sewerage system in Sandridge Road.
- The Council note that in the absence of the New Housing Allocations DPD that this proposal is outside of the current Settlement Boundary.
- The Council wishes to see this application considered by the Western Area Planning Committee and will be asking its Wiltshire Councillor to call it in.

Melksham Town Council – No objection. Acknowledge that this application is in the Melksham Without parish, but note that the development will impact on residents in the Melksham town area and therefore ask that:

- As properties adjacent to this development in Burniston Close, Talbot Close, Lansdown Close and Bream Close are predominantly bungalows the Town Council would not like to see large dwellings in particular adjacent to these properties and asked that adequate green screening is provided to protect residents' privacy.
- That adequate street lighting is provided along the A3102 from the Murco Garage to Sandridge Road roundabout.
- Provision is made for a footway along the entire frontage length of the A3102.

Environment Agency – No comments received. (The site is in flood zone 1, the area with lowest risk of flooding)

NHS England – No comments received.

Wessex Water – No objection.

Wiltshire Council Affordable Housing Officer– There is a demonstrable need for affordable housing and therefore in accordance with Policy 30% affordable housing should be sought in the event that the principle of development is acceptable.

Wiltshire Council Archaeology Officer – No objection. An archaeological evaluation has now been completed which confirmed that nothing of archaeological significance is likely to be impacted by the proposed development.

Wiltshire Council Drainage Team – No objection subject to conditions.

Wiltshire Council Ecology Officer – No objection subject to conditions.

Wiltshire Council Education Officer – No objection subject to contributions towards primary and secondary school education

Wiltshire Council Highways Officer – No objection subject to conditions and S106/S38 Legal Agreement

Wiltshire Council Landscape Officer – No objection.

Wiltshire Council Leisure Officer – The proposal would require a contribution of £26,300 to go towards Woolmore Farm.

Wiltshire Council Open Space Officer – No objection

Wiltshire Council Public Art Officer - £30,000 should be put towards public art in the pursuit of public art being integrated into the development.

Wiltshire Council Public Protection Officer – No objection subject to condition on contaminated land and financial contribution towards improvement of local air quality.

Wiltshire Council Spatial Planning Officer – No objection.

Wiltshire Council Urban Designer – No objections.

Wiltshire Council Waste Officer – No objection subject to condition and circa £9,100 for waste and recycling bins depending on the final layout and mix of development.

Wiltshire Fire and Rescue Service – Buildings should be built in accordance with Building Regulations

8. Publicity

The application was advertised by site notices, neighbour notification letters and a Wiltshire Times advert. Around 17 parties have made representations on the proposals raising the following comments (summarised):

Principle

- Loss of open countryside which is used for agricultural purposes.
- Brownfield sites should be developed first.
- Melksham is growing too fast.

Highways

- Traffic calming measures to Sandridge Common required to slow traffic down.
- Increased volume of traffic in area.
- Footway to Lansdown Close should be closed off.
- Concern over width of roads and lack of parking resulting in parking in the existing residential streets.

Impact on Character and Appearance of the Area

- Destroy the appearance of the area and the tranquillity.
- Out of keeping with adjacent low density and low rise development.

Impact on Neighbouring Amenity

- Concern over heights of built form and hedges.
- Concern with loss of privacy and light.
- Concern with impact on solar panels and loss of FiT.
- Noise and smells.

Drainage

- Concern over flooding from urbanising often saturated land.
- Local houses have been underpinned as a result of drainage issues.
- Can the existing sewerage system cope.

Other

- Infrastructure / amenities cannot cope with more development.
- Undemocratic to allow unwanted and not needed housing.
- Loss of wildlife domain and impact on wild animals.
- Devalue property / Loss of view / guaranteed that the land would not be built on when purchased property.
- Are there sufficient doctors, dentists, schools and employment opportunities.

9. Planning Considerations

9.1 Principle

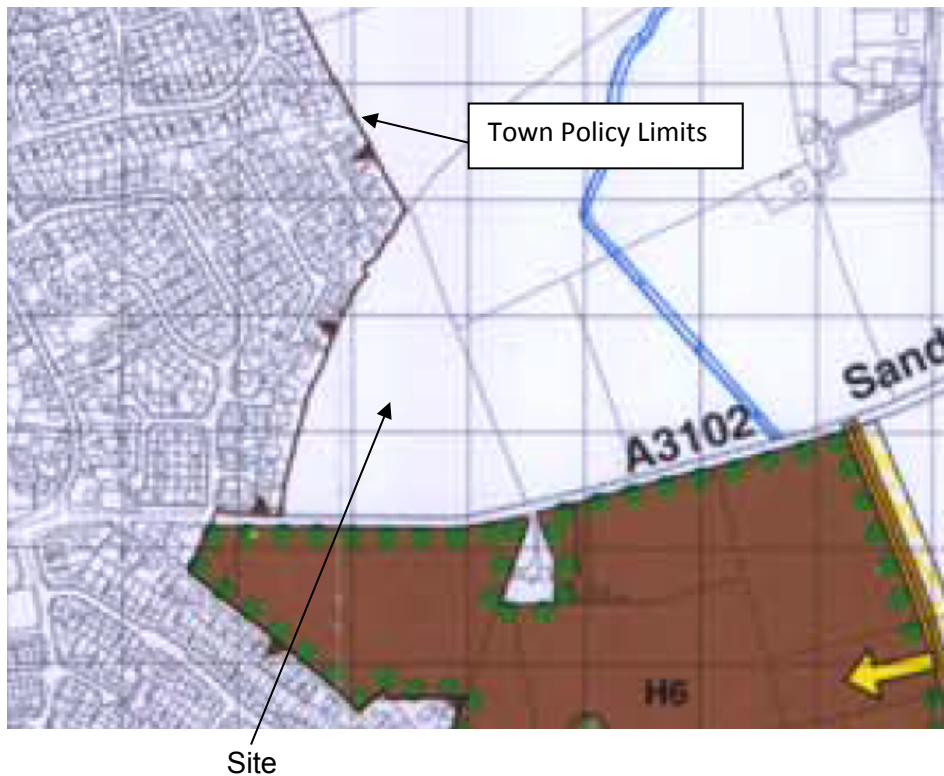
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Melksham.

Wiltshire Core Strategy – Core policy (CP1) identifies Melksham as a market town with the potential for significant development for jobs and homes. Market Towns are defined as settlements that have: *“the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.”*

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at Market Towns. It supports a plan-led approach to development outside of the limits of development of existing settlements, stating that such development will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Melksham and has yet to be identified for development through either the Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan, and the proposal does not meet any of the exceptional circumstances in paragraph 4.25. The proposal is therefore in conflict with this aspect of the development plan.



Core Policy 15 (CP15) sets out the strategy for Melksham and its community area and identifies an indicative requirement of approximately 2370 new dwellings for the Melksham community area of which about 2240 should occur at Melksham. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most recent published Housing Land Supply Statement 2015 identifies a requirement for a further 664 dwellings in the Melksham Community Area over the plan period due to completions and previous permissions. It is noted that Strategic Planning committee recently (February 2016) resolved to grant planning permission (14/10461/OUT) for up to 450 dwellings at Land East of Spa Road, Melksham. (These would count towards the 664 total).

Core Policy 15 (CP15) makes explicit reference to paragraph 5.83 which acknowledges a number of issues and considerations for Melksham that are relevant to this application. These include the opportunity for new growth to contribute towards regeneration of the town centre and the importance of any new development having strong walking and cycling linkages to the town centre.

The emerging Wiltshire Housing Site Allocations Plan is considering a number of site options around the town. In this context, the proposal site is considered to be relatively well related to the town. It forms a logical area for expansion, in effect, 'rounding off' a triangular shaped field to the east of the town that abuts residential development on two sides.

Material Considerations relevant to the principle of development - The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing Land Supply has to be regularly assessed. The Council's April 2015 Housing Land Supply Statement, published in September 2015, indicated that there was a 5.6 years land supply available in the north and west housing market area. However, this included some sites identified for housing in the draft Chippenham Site Allocation Plan. The Examination of this plan was suspended by the Inspector late last year to allow the Council to undertake further work to address concerns raised by him regarding the site selection procedure, sustainability appraisal and deliverability of the proposed allocations in the plan (policy CH1 South West Chippenham; CH2 Rawlings Green and Policy CH3 East Chippenham).

Following the suspension of the Examination, another planning inspector in December 2015 considered a proposal for a development of up to 28 houses on a site at Arms Farm, Sutton Benger, also within the north and west housing market area. The Council's position for the purposes of the appeal was, following the suspension of the examination into the Chippenham Site Allocations DPD, that the Council could not demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the Framework is clear that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. As CP2 seeks to constrain development within defined limits, the Inspector concluded that CP2 is a relevant policy for the supply of housing. As such, he did not consider that it can be regarded as up-to-date, which, in his view, reduced the weight to be afforded to the constraints that it imposes and, thus, to a scheme's conflict with them. However, the Planning Inspector did conclude that irrespective of the Council's ability to demonstrate a 5 year supply of housing sites CP1 was up to date.

Since the Inspector's decision (December 2015) and conclusions referenced above the Council has not yet been able to update its position on 5 year housing land supply. Following on from the Arms Farm appeal, the Council lost an appeal at Bradford on Avon, where the Inspector gave significant weight to the lack of a five year housing land supply. In these circumstances this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits.

It is noted that the Council's spatial planning officers acknowledge this context and therefore on balance raise no objection to the principle of development.

In the context of an acknowledged need to deliver more than 600 houses at Melksham (subject to the completion of a legal agreement in connection to land east of The Spar – this number would still remain at circa 200 dwellings) to meet the requirements of the Core Strategy, and given the fact that the Sites Development Document is still emerging, the conclusion that can be drawn from this analysis is that the principle of the development of this site for up to 100 dwellings must be considered acceptable at present unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, (such as have been identified in the refusal of the application for 263 houses on land opposite Shurnhold, a decision that has gone to appeal). The remainder of the report addresses the relevant issues relating to this proposal.

9.2 Land Quality

9.2.1 Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted with the application. The FRA identifies that the site is within Flood Zone 1, which is the lowest risk area where residential uses are considered to be appropriate in terms of minimising flooding risks.

The site proposes a 'Suds' (sustainable urban drainage strategy) which includes a range of features to deal with surface water flows and the urbanisation of the application site. This includes a detention basin (balancing pond), storage tanks, filter trenches, permeable surfaces and water butts. The final design of a scheme will depend on the final development. It is proposed to discharge surface waters in a restricted manner to the east of the site. Separate land drainage consent would be required and final details can be controlled by conditions based on the expert advice received.

The proposal includes a plan to connect into the existing Wessex Water foul sewer system. It has been questioned as to whether there is capacity within the system to take additional

flows, however it is noted that Wessex Water raises no objection and indicates there is capacity within their systems.

The proposal is therefore considered to comply with CP67 and Saved Policy U1a.

9.2.2 Agricultural Land Quality

The site is located on grade 3 agricultural land. It is not clear whether it is grade 3a or 3b or a mixture of the two. The NPPF states that Local Planning Authorities should protect the best and most versatile agricultural land (best is Grades 1, 2 and 3a). Without further information to clarify the issue, a precautionary approach would be to assess it as the loss of an area of the lowest ranking of best and most versatile agricultural land. Paragraph 112 of the NPPF states that *“planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”* With this in mind it is noted that the site involves the loss of a small field enclosed on two sides by housing and that on the western peripheries of the town the agricultural grade is higher. As such it is assessed that whilst the loss weighs against the proposals, on balance, given the location; the fact that at best, it is only the lowest of the three grades; that the size here is not significant, and that higher grade agricultural land could potentially be protected by approving the development in this location, then this is considered to be acceptable.

9.2.3 Land Contamination

The Wiltshire Council Public Protection Officer has noted from a desk-based study that there are potentially contaminative land uses to the northern and western periphery of the site and as a precaution they recommend a planning condition for further exploration and remediation if necessary. Such an approach is in accordance with CP56 of the development plan.

9.2.4 Archaeology

An archaeological evaluation has been submitted and summarises that a “historic field boundary that was removed in the latter half of the 20th century, and limited survival of post-medieval ridge and furrow.” The site lay within the medieval Royal Forest of Melksham, and it is suggested that the land was wooded until disafforestation in the 17th century for agricultural purposes, therefore precluding any earlier settlement activity.

The Council's archaeology officer has accepted the findings and wishes to make no further recommendations and therefore the proposals are acceptable under CP58 of the development plan.

9.3 Impact upon the character and appearance of the area

Although this current application is in outline stage it is anticipated that the reserved matters will see a mix of housing. It is indicated that this will include at the southern frontage a predominance of 2 storey development with occasional 3 storey focal points. To the south west edge the development would be reduced to 1.5 storey development. The majority of the site though would be 2-storey development with occasional 2.5 storey focal points. The density of the development will be 39 dwellings per hectare (net) but there will be variations to reflect the existing urban edges and the new urban edges to be created to the east.

The illustrative layout shows the built form set back from Sandridge Common so that there would be a discernible buffer between the highway and the built environment; and therefore a sense of spaciousness on this arterial approach to Melksham would be generated.

The Council's urban design officer has considered the application and noted that "*given the recent development to the south, development of this parcel of land would form a natural extension to the existing development boundary*". It is noted that they raise no objection at this stage and await further information at reserved matters stage.

It is undeniable that the character and appearance of the application site would be altered from a field to built development; however there is some context to this with a similar form and density of development having recently been constructed immediately to the south side of Sandridge Common very much akin to the current proposals and the proposal is situated on a site that is not subject to any landscape designations.

9.4 Heritage Assets

The application has been submitted with a heritage assessment that has identified no designated heritage assets and no non designated heritage assets that would be affected by the proposals.

The findings of the heritage assessment are accepted and it is considered that the proposals would not affect any designated heritage assets, with no listed buildings, scheduled monuments or conservation areas within the vicinity. Further it is agreed that there are no non-designated heritage assets that would be affected, with the built form within the locality

being of 20th and 21st century in origin; and as set out above, no archaeological potential of note.

9.5 Ecology and Landscape

A Phase 1 Habitat survey and a specific survey for badgers have been carried out and reported within the submission. This concludes that there are not considered to be any significant adverse effects on any statutory or non-statutory sites of nature conservation interest from the development; no evidence of Badgers was recorded within the site; and no trees within the site were recorded as having developed features suitable to support roosting bats. The report goes on to make recommendations in relation to ecological and landscape protection and enhancement.

The Council's ecologist has considered the proposals and noted that the southern boundary hedge is considered to be a UK BAP priority habitat due to the species that make up the hedge. However they acknowledge that this is an outline application with no firm details of landscaping and note the indicative details of a replacement hedge. On the basis that ecological interests can be mitigated for and enhanced by the appropriate use of conditions they raise no objection.

The Council's landscape officer identifies that the site is not subject to any special designations and the Special Landscape Area of county-wide significance lies to the east. At this stage and based on the information provided they are content to raise no objection and await further details within any reserved matters application.

The proposal, subject to additional information which can be sought via conditions is considered to comply with CP50 and CP51.

9.6 Sustainable Construction

CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure all new homes to reach an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

9.7 Impact upon neighbouring amenity

Due to the application being in outline, the detailed impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, it is clear that the development of this site can take place without any unacceptable impacts upon the amenity of neighbouring properties. The detailed layout to ensure privacy is adequately protected will be subject to approval at reserved matters stage.

9.8 Highway Impact

The access arrangements remain a reserved matter at this stage. However, the application has clearly been submitted on the basis of access from Sandridge Common as there is no reasonable alternative. Further the indicative information sets out provision of a right hand turn lane from the east.

A Transport Assessment has been submitted with the application alongside a Travel Plan. The Transport Assessment states that the site is well located to give future residents the option of sustainable travel choices; and following a capacity analysis the impact on the existing highway would be small from a proposal for up to 100 dwellings.

The Travel Plan details measures to promote sustainable travel choices including a Travel Information Pack for new residents, provision of reasonable facilities for pedestrian and cyclists to make these more attractive and convenient options for shorter journeys and a Travel Plan co-ordinator to promote sustainable travel choices through promotional offers and promotional events.

The Highways Officer has raised no objections to the proposal as it would not result in a significant residual cumulative impact on the highway network. This recommendation is subject to conditions and separate legal agreements in respect of the proposed access arrangements to serve the site. This includes provision for a right turn lane, alterations to the speed restrictions in the vicinity, improvements to street lighting, pedestrian facilities and provision of visibility splays along Sandridge Common, updated Travel Plan and its implementation, and permeability through the provision of connections into the 20th century development to the west. Subject to these provisions the proposal is therefore considered to comply with CP60, 61 and 62.

The amount of parking would be assessed in the detailed reserved matters application.

There is an adopted pedestrian access from the 20th century development to the west of the application site. This has proven to be a point of contention for local residents who do not wish to have such connection and permeability. It has been confirmed through the course of the application that the Council has ownership of this access point and your highway, urban design and landscape officers wish to see use of this access to encourage permeability and connections. This can be secured through reserved matters/conditions.

9.9 Other

The Public Art Officer has stated that they would expect the applicant to integrate public art into the site which would be in line with Policy I2 of the WWDLP and is also referenced in CP3 and CP57 and as such a contribution of £30,000 was requested. However it is considered that this request does not comply with the Community Infrastructure Levy Regulations 2010 and therefore a condition requiring the Applicant to submit a public art plan as part of the reserved matters application would be appropriate.

The environmental protection officer has highlighted that the site is not within an air quality area, but nonetheless they request a contribution to air quality improvements at £566. However it is considered that this request does not comply with the Community Infrastructure Levy Regulations 2010 and air quality objectives can be best addressed through encouragement of sustainable travel choices as part of the development.

The Council's leisure officer has sought an obligation of some £26,300. However it is considered that this request does not comply with the Community Infrastructure Levy Regulations 2010.

The Council's early learning officer has sought an obligation of £98,496 towards future childcare provision. They state that the *"planned increase in housing will increase the demand from parents requiring more affordable childcare/early years education in Melksham. The section S106 money would not only provide money to help ensure that there is sufficient childcare/early years education in Melksham to meet the local community's needs, it would also help ensure that parents can access the free entitlement grant which is a statutory function of the Local Authority to provide sufficient places."* However there is not specific project to which such monies would be directed at this time and as such this is not considered to be a justified request.

9.10 Section 106/S38 Legal Agreements

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'*. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework.

The affordable housing and the infrastructure items listed below are those that are relevant to the application site, are directly related to and are required in order to mitigate the impact of the proposed scheme. At the time of writing the Applicant has agreed to provide all the following requests save for Secondary Education. In regard to this matter they continue to consider their position and your officers continue to insist on this being a reasonable and necessary obligation:

Affordable Housing

CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. 30% of 100 would equate to 30 affordable dwellings being required on this site. Based on current housing need figures for Melksham these should be a mix of 1, 2, 3 and 4 bed dwellings and should also not normally be in groups exceeding 12-15 dwellings.

Education

The allocated schools for this development are the new Forest and Sandridge Primary School and Melksham Oak Senior School which are both full. Therefore a contribution would be required to both primary and secondary school provision for specific expansion projects that have to date received 5 or fewer contributions. The contributions are therefore site specific.

Using the recently adopted 2016/17 capital cost multipliers, the sums required from this development are:

28 x £18,064 (£505,792) for primary school education and 20 x £23,940 (£478,800) for secondary school education.

This will be controlled through the detailed S106 Legal Agreement.

Open Space and Play Provision

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106.

The proposal requires a public open space requirement of 3670m² of which 177m² is to be equipped play provision all of which should be secured in perpetuity. The Council's public open space officer raises no concern regarding the equipped space; but the wider space raises some concern to them as it appears to be largely orientated to drainage provision. The provision can be secured through a legal agreement and the detail of the open space (which will inevitably be multi-functional to a greater or lesser degree) needs to be agreed through the reserved matters application.

Highways

The highway officer has identified the need for planning obligations to secure the following:

- Provision of the access right turning lane, pedestrian refuge, adjusted 30/40 speed limit gateway and approach markings, and resurfacing of the A3102 Sandridge Road over the extent of the new right turning lane works.
- Altered and new street lighting over the A3102 site frontage to bring the A3102 frontage street lighting into accordance with BS5489-1;2013 BS EN123201-2 2003.

Refuse

A contribution of circa £9,100 would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

The development would be liable for CiL contributions (although affordable housing could expect to be exempted) and further financial benefit to the Council would result from the New Homes Bonus.

10. Conclusion (The Planning Balance)

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development of Melksham and Bowerhill, and has not been brought forward through the plan led process outlined in policy CP2. However, this has to be set against other

material considerations that are relevant at this point in time. In this regard, Melksham is a market town identified for sustainable growth in the Core Strategy where more than 600 houses are required to be built to meet the town's housing needs. Whilst the location for such a level of development would normally be identified through a plan-led process, the Wiltshire Sites Allocation Plan is under preparation and has not yet reached an advanced stage. Even acknowledging the recent strategic committee decision in relation to land east of Spa Road there remains a need to provide additional land for housing to meet the targets set in the Core Strategy.

More pertinently, the Inspector decisions in December on the Arms Farm appeal and in March at Bradford on Avon concluded that for the reasons set out above, CP2 could not be relied upon by itself as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Melksham. As this report demonstrates, unlike Arms Farm and the Shurnhold applications, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development can offer in this location, which forms a logical extension to the town. Melksham is regarded as a sustainable settlement in the Wiltshire Core Strategy and is identified for sustainable growth – including affordable housing, providing increased housing supply, infrastructure improvements and the financial benefits of the community infrastructure levy. Furthermore there is general support for this application from the Parish Council. It is therefore considered in this case that the application should be approved.

RECOMMENDATION

It is recommended that the grant of planning permission be deferred and delegated to the Area Development Manager, subject to the prior completion of a legal agreement, within the next 6 months, to cover the matters identified in section 9.10 above, and subject to the conditions set out below.

1.The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

- 1578-01 received on 16th December 2015;
- 302.P.1 received on 16th December 2015;
- 302.P.3 Rev A received on 16th December 2015; and
- 302.E.5.3 Rev B received on 16th December 2015.

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

5. No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission.

6. No development above ground level shall commence on site until the details of the materials to be used for the external walls and roofs (including samples) 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

7. 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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. 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.

9. Before development takes place, a Landscape and Ecology Management Plan shall be prepared and submitted to the local planning authority for approval, including the provision of integral boxes for nesting birds and roosting bats within dwellings adjacent to the eastern and western boundaries, and around the SUDS area. The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the appropriate management of priority habitats and mitigation for protected species.

10. No development shall commence on site until details of a foul drainage disposal scheme has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

11. No development shall commence on site until details of a storm drainage disposal scheme has been submitted to and approved in writing by the local planning authority. The

scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

12. No development shall commence on site until details of a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

13. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

14. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

15. The Residential Travel Plan dated December 2015 shall be implemented in accordance with the measures set out within the hereby agreed document. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

16. Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east and 90 metres to the west.

REASON: In the interests of highway safety.

17. Prior to first occupation 2 metre wide pedestrian footways shall have been provided on the northern side of the A3102 as detailed on plan number 301/E/5/3/B. The footways so provided shall thereafter remain permanently available for use by pedestrians.

REASON: in the interests of pedestrian accessibility.

18. Prior to first occupation the vehicular access to the development including a right turning lane, pedestrian refuge and street lighting on the A3102 shall have been provided.

REASON: In the interests of safe and convenient access to the development.

19. Details of improvements to the existing highway footway link to Lansdowne Close shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a specification for the construction of a tarmacadam footway for the first five metres beyond the western site boundary and resurfacing of the remainder of the footway.

The works, insofar as can be carried out within the extent of the existing public highway, shall be carried out in accordance with the approved details prior to the occupation of the 50th dwelling.

Any application for reserved matters approval shall include a pedestrian link within the development to the offsite link to Lansdowne Close.

REASON: In the interests of pedestrian accessibility.

20. Notwithstanding the details submitted, no development shall commence on each phase of the 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. No part of development shall be first 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 that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: In the interests of highway safety.

21. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: In the interests of highway safety.

22. Before any development takes place, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval. The Plan shall provide details of the measures that will be implemented during the site clearance and construction phases to prevent any harm or injury to protected species (specifically including badger, hedgehog, reptiles, amphibians and nesting birds), hedgerows and trees. The CEMP shall include details for dust suppression. Development shall be carried out in full accordance with the approved plan.

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats; and in the interests of the amenities of the area.

23. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

24. The construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner for the interests of public health and safety

25. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. No external lighting shall be installed on the site until plans showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of

Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" have been submitted to and approved in writing by the Local Planning Authority.

The details shall:

- a) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb foraging/commuting bats using the boundary hedgerows), including security lighting and lighting of footpaths (if necessary); and
- b) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

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, to minimise unnecessary light spillage above and outside the development site and to protect wildlife interests.

27. Demolition or construction works on the site and vehicle deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

28. No dwelling hereby approved shall be occupied until a public art scheme for the site and a timetable for installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies.

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE: The submitted Utilities Statement says at 6.1 that permeable paving will be used within the development. The applicants should be advised that permeable paving will not be accepted for the adoptable highway areas.

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to reflect the adjacent development to the west and the fringe of town location.

INFORMATIVE: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

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

INFORMATIVE: 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 visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE: Bird nesting or bat roosting opportunities in new buildings, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habitat (<http://www.habibat.co.uk/>) are integral and can be fitted into the walls of buildings. They do not interfere with the human inhabitants and require no maintenance. Woodcrete products are longer-lived than traditional timber-made boxes, and there are many different products available from a range of suppliers. These types of enhancements can be generic or aimed at specific species. Nest boxes are available from a range of different suppliers; the following is a small selection to demonstrate how these boxes can be incorporated into the fabric of buildings and for more information for the applicant in some cases. Enhancements can also be provided for other species such as amphibians and reptiles, hedgehogs and invertebrates. Further information can be found at:

<http://www.ecosurv.co.uk/product/bird-box-range>

<http://www.habibat.co.uk/bird-boxes/>

<http://www.birdbrickhouses.co.uk/page53.html>

<http://www.nhbs.com/title/188492/habi-sabi-starling-box>

<http://www.nhbs.com/title/184737/starling-box-smooth-brick>

<http://www.nhbs.com/title/184740/starling-box-custom-brick-facing>

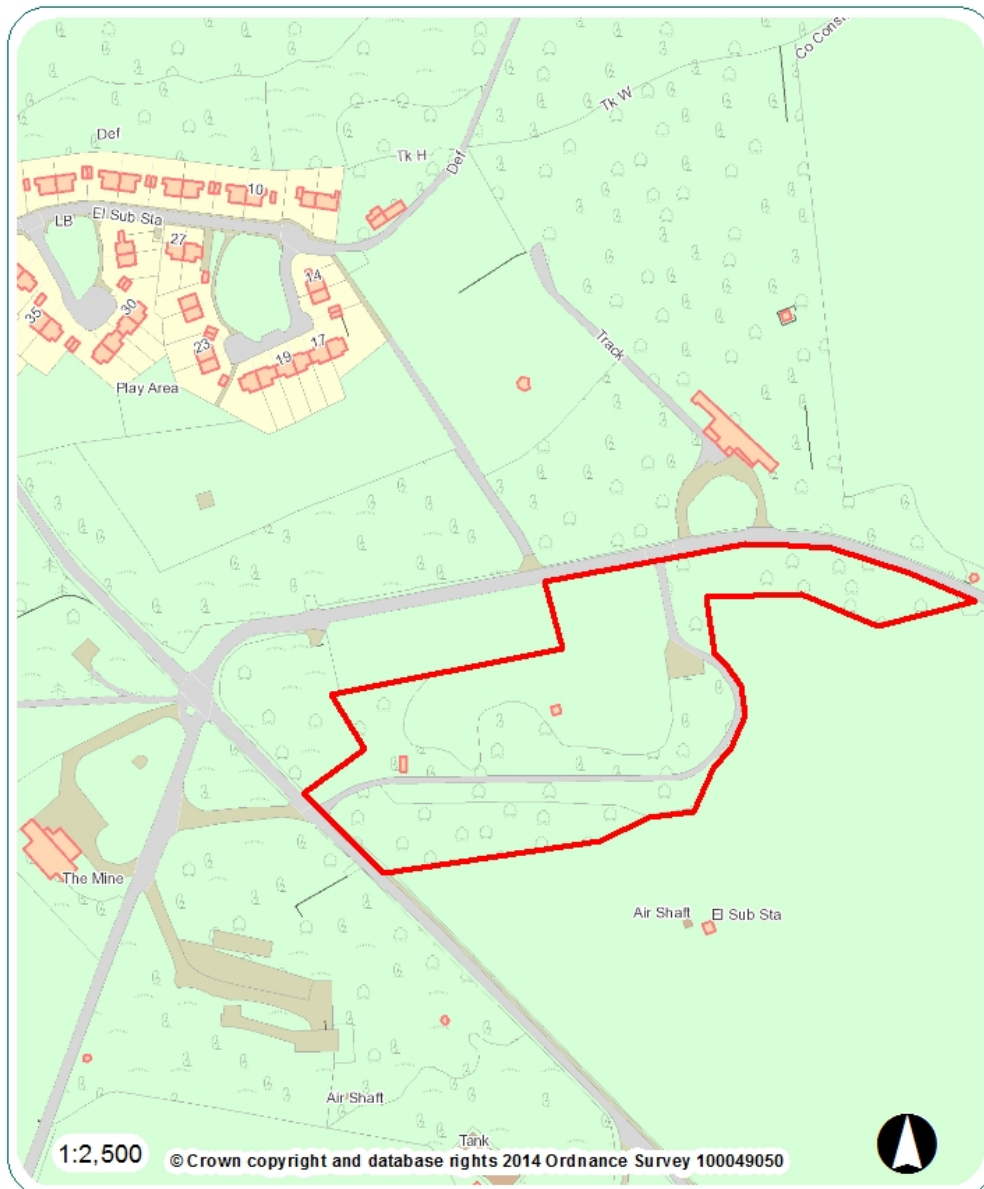
http://swift-conservation.org/swift_bricks.htm

<http://www.ibstock.com/sustainability-ecozone.asp>

http://www.ciria.com/buildinggreener/complementary_features.htm

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>

INFORMATIVE: Proposals show intention to form a new outfall and discharge to an ordinary watercourse – this including discharge rates will require a separate Land Drainage Consent application and approval. This is a separate legislation requirement and granting of planning permission does not give automatic LDC – in fact gaining LDC may require alteration of any planning application/approval documentation.



This page is intentionally left blank

Date of Meeting	27 April 2016
Application Number	16/01161/FUL
Site Address	Blackberries Camping Park, Farleigh Rise, Monkton Farleigh Wiltshire, BA15 2DY
Proposal	Additional 5 pitches at Blackberries Camping Park; new reception building; small disabled toilet/shower attached to existing facilities.
Applicant	Mr Adrian Orchard
Town/Parish Council	MONKTON FARLEIGH
Electoral Division	HOLT AND STAVERTON – Cllr Trevor Carbin
Grid Ref	380101 166093
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

Cllr Trevor Carbin has called this application to planning committee if officers are minded to grant planning approval in light of the relationship to other properties.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider with this application are:

- Principle of development;
- Green Belt;
- Cotswolds AONB;
- Impact on neighbour amenity; and
- Highways.

3. Site Description

The application site is an established small scale camp site that is limited to 10 pitches. A pitch is defined as a timber pod, tent or caravan. Ancillary to the site there are a number of small buildings including toilet, washing up and shelter facilities; an area for storage of ancillary materials and reception.

The eastern part of the site is a private equestrian development.

The application area is a former MoD site and has areas of hard standing throughout. It has soft landscaping throughout with a central clear area that is the focus of the lawful camping activity. Now that the site has an active economic use there is clear evidence of management, which was notably absent at site inspections in 2012/2013 when the original application was being assessed.

The application site is located with the designated Green Belt and an Area of Outstanding Natural Beauty. Access to the site is existing. The application site is located to the south of a number of residential properties but separated by over 100 metres in an open countryside location. It lies adjacent to a number of employment operations between Monkton Farleigh and Bathford villages.

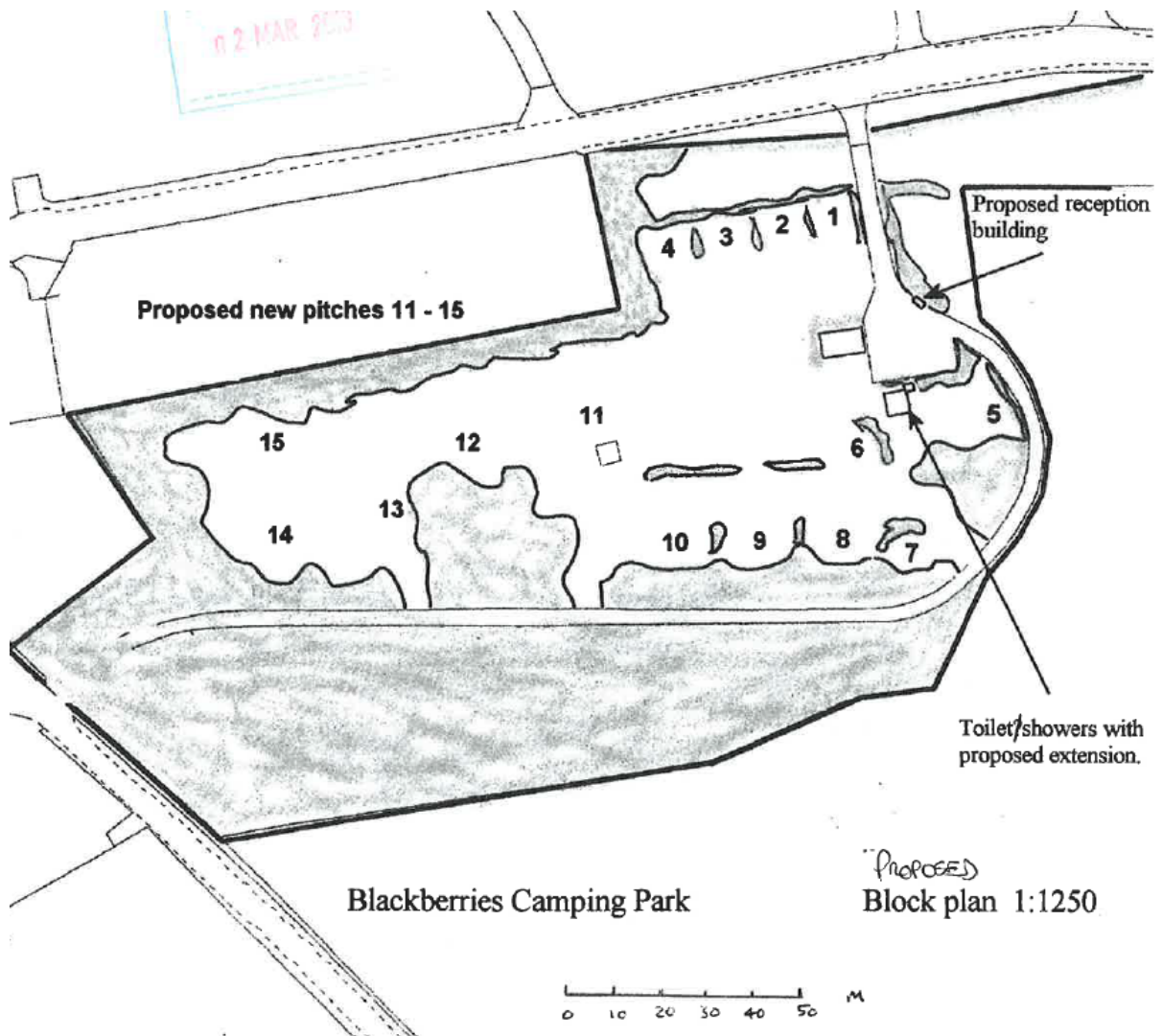
4. Planning History

W/13/00050/FUL - Change of use to small camping facility, conversion of existing building to toilet/shower facilities and erection of stable block and associated works

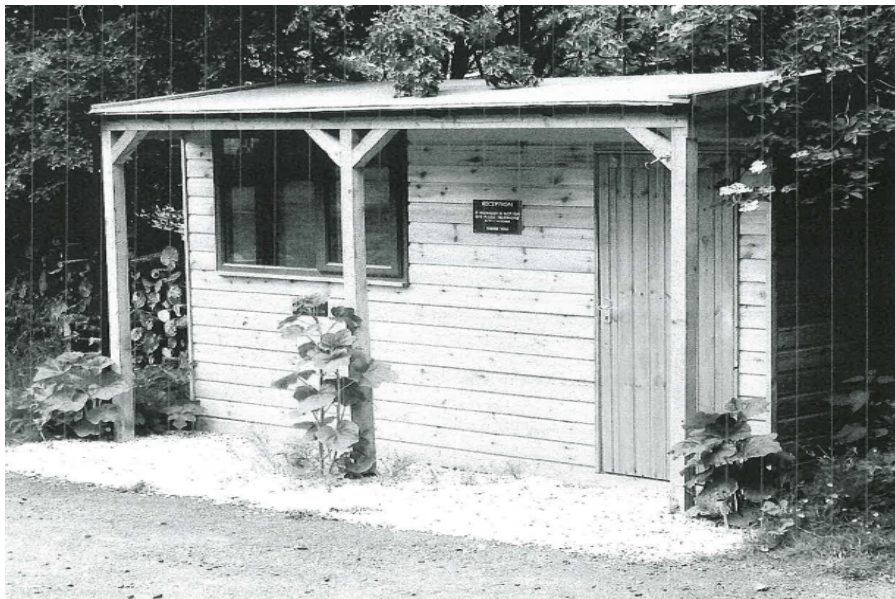
5. The Proposal

This is a proposal for the provision of 5 additional pitches over and above the cap of 10 pitches that was imposed on the original planning permission to allow the site to be used as a camping site in 2013.

In addition the proposal includes a new reception building. This is a retrospective element to the application. The building has a footprint of 3.5 metres by 2.5 metres and is single storey. It is constructed with timber to the walls and felt to the roof. It is also proposed to make a modest extension to the existing toilet block to provide disabled facilities. This is a single storey addition utilising matching materials to the existing block.



Proposed site Plan, showing pitches, reception building and toilet block



The Reception Building

6. Planning Policy

Wiltshire Core Strategy (development plan)

CP1, CP2, CP3, CP7, CP39, CP41, CP48, CP50, CP51, CP57, CP60, CP61, CP62, CP64, CP67, and appendix D's 'saved' policy U1a of the West Wiltshire District Plan 1st Alteration (2004)

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) – policy PS4.

National Context:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

7. Consultations

Monkton Farleigh Parish Council: Object.

“There are concerns about an increase of traffic to the area. Last year there were complaints about noise and numbers of people at the campsite so some residents are worried that this will be worse if there are more pitches.”

Wiltshire Council Ecology officer: No objection.

Wiltshire Council Highways: No objection.

8. Publicity

Public consultation consisted of letters to neighbours and interested parties on earlier applications and the erection of a site notice. Four letters of objection have been received which in summary raise the following issues:

- No objections to the operational development i.e. reception building and toilet facilities;
- Flouting of planning conditions historically with the 10 pitch threshold being exceeded;
- Farleigh Rise to the south is a quiet cul-de-sac with retirement bungalows and campers cause a harmful impact on the amenities of occupiers through noise and traffic movements;
- Smoke pollution from fire pits at the campsite / fire hazard; and
- Further spoil the landscape.

9. Planning Considerations

9.1 Principle of development:

Since the grant of planning permission in 2013 the camping park has now become established and is proving to be a successful and popular site where demand is outstripping supply. The period since the permission was granted has allowed the impacts of the development in terms of highway safety and the landscape to become better understood. The reason for originally restricting the scale of the camp site to 10 pitches was on the basis of landscape and highway safety concerns.

Since the grant of planning permission in 2013 there have been changes to the development plan with the adoption of the Wiltshire Core Strategy in 2015. The relevant principle policy in this matter is now CP39. This states:

“Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria....

iii. The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.

iv. The building is served by adequate access and infrastructure.

v. The site has reasonable access to local services and a local employment base.”

In this context it is considered that the provision of more pitches and the provision of ancillary facilities are acceptable subject to detailed considerations.

9.2 Green Belt:

There is no local plan policy on Green Belt and therefore it is necessary to have regard to the policies set out within the NPPF. This is clear that ‘inappropriate’ development within the Green Belt is by definition harmful (paragraph 87). However, the NPPF also makes it clear that there are some developments that are not considered ‘inappropriate’. The list of these includes ‘*provision of appropriate facilities for outdoor recreation...as long as it preserves the openness of the green belt*’ (paragraph 89). Paragraph 81 encourages local planning authorities to ‘*plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.*’

This is a proposal that would provide seasonal accommodation for those seeking to access the Green Belt for outdoor recreation on a former military site that has some ecological value. Without such a use the site would have a poorer visual impact with associated implications for the nationally important landscape and would not be improved derelict land and would not be managed for ecological benefit.

The increase in the number of pitches may result in some nominal impact in terms of openness, however the nature of the impact and the scale of the impact are considered to be so modest as not to result in any demonstrable harm in terms of openness.

The extension to the existing toilet and shower block would largely be obscured from or viewed against the existing building and so it would have no impact on the openness of the Green Belt.

The new reception building is considered to be an appropriate facility for the recreation use of the land and as such it is not considered to be inappropriate development. It has been constructed from timber and dark colour felt to the roof and sited and of a form so as to minimise its impact visually and have a nominal impact on the openness at this point.

9.3 Cotswolds AONB:

The proposed buildings and the increase in the number of pitches are considered, in light of the existing activity, to have no demonstrable impact on this nationally important landscape. The existing site landscaping would mitigate any visual impact – which it must be acknowledged is largely seasonal.

It is considered that without the active management of the site – which this viable economic use facilitates - then it would return to its former and recent unkempt appearance to the overall detriment of this nationally important landscape.

9.4 Parking/highways:

The proposed buildings would have no highway impact.

The access to the site is existing and has been provided in accordance with the conditions imposed on the 2013 planning approval. The access is onto a relatively straight stretch of road and has good visibility in both directions.

Whilst it is acknowledged that the local public highway network is quite rural, the general width of roads and visibility at junctions is considered to be good and far less narrow and restricted than in many other rural locations. In terms of the highway to Monkton Farleigh and to the east there are no highway concerns whatsoever. It is acknowledged that the gradient of the public highway to Bathford is very steep but that of itself is not a significant concern, it is public highway and open to use by all road users.

The proposal would, in these circumstances, not result in any demonstrable highway safety issue.

9.5 Ecology:

The site has previously had acknowledged ecological interests and part of the redevelopment of this site from its previous condition (it was vacant former MOD land for many years) was motivated by the provision of enhanced ecological potential. From site inspection it is clear that these management responsibilities have been embraced by the current developers.

The area into which it is proposed to allow a further 5 pitches has no evident ecological value being grassed areas. One pitch is located adjacent to a former pill box which is a known roost and so the ecology advice is to be cautious on matters of external lighting. There is no reason to consider that any harm to ecological interests would occur from the additional pitches and the increased activity. As a precaution it is reasonable and necessary to ensure external lighting controls previously agreed remain in place. Allowing the additional pitches will help make the business continue to be viable and in turn allow the active management of the site for the benefit of ecology given that the overall intensity of the development would remain modest given the overall area of the site.

9.6 Impact on neighbour amenity

The proposal is located over a hundred metres from the nearest residential property, which is at Farleigh Rise to the south. Four objections have been received from the circa 40 properties that make up this isolated cul-de sac between Monkton Farleigh and Bathford. They highlight that campers have caused loss of amenity through noise, traffic movements and use of fire pits; and assert that any increased use could intensify the issues that they have experienced.

It is not considered that these impacts are so substantial that permission should be refused.

There are statutory protections against issues from noise and smoke and such protections under other legislation can help to control any significant issues. It is not considered that additional pitches would cause any significant or demonstrable harm to the residential amenities of property located over 100 metres from the application site. However on balance, and having had regard to the local concerns raised to date, a condition to require the submission of a management plan is considered to be reasonable. Such a management plan should provide details of how the site operator is seeking to control and have regard to concerns over issues such as noise and traffic associated with guests.

9.7 Other material considerations:

Part of this proposal is retrospective. It is known and accepted in the submissions that there have been breaches in the number of pitches operated in the past and indeed the new reception building has been erected already. The retrospective nature of proposals is now a material consideration and must weigh against any scheme in the overall balance. However having had regard to the nature of the proposals, despite the Green Belt and AONB location of the development, the weight that can be attributed to this material consideration is considered to be slight, especially given the small size of the structure.

There are no other evident material considerations in relation to this proposal. Issues of visibility, waste storage, drainage and landscaping etc are all addressed through the original application. The condition that has limited the amount of pitches to 10 previously should be re-imposed with a revised figure of 15 to reflect this approval and avoid any ambiguity. Indeed for the avoidance of any doubt the previous conditions imposed in 2013 should be reviewed and reworded/re-imposed/deleted as appropriate to reflect the current situation which is a fresh planning application for the camp site use to intensify to 15 pitches and some minor operational development which is partly retrospective.

10. Conclusion (The Planning Balance)

The proposals would not cause any significant demonstrable harm to any acknowledged planning interests. The development is an expansion of a successful economic activity that attracts visitors into the area and which will make use of local facilities that help to support the rural community. Further the economic viable use of this former military site allows for it to be managed to the benefit of the landscape and ecology interests. On the basis of the above then it is assessed that planning permission should be granted subject to conditions.

RECOMMENDATION

Approve 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received on 5 February 2016; 'Proposed block plan' received on 5 February 2016; 'Proposed reception building' – north and east elevations and floor plan received on 5 February 2016; 'Proposed reception building' – south and west elevations and roof plan received on 5 February 2016; 'Proposed new toilet and shower facility' – south and west elevations received on 5 February 2016; 'Proposed new toilet and shower facility' – north and east elevations received on 5 February 2016; 'Proposed new toilet and shower facility' – floor plan received on 5 February 2016

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

3. In accordance with the details submitted and assessed under this application no more than 15 pitches (either tents or pods or caravans) shall be sited and in use on the land at any time.

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

4. Any gates shall be set back 10 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: For the sake of consistency, the avoidance of any doubt and highway safety.

5. The existing visibility splays between the edge of the carriageway and a line extending back to a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 90 metres towards the east and north-western corner of the site frontage towards the west shall be permanently kept free of obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: For the sake of consistency, the avoidance of any doubt and highway safety.

6. The approved details of refuse storage and external lighting under planning permission W/13/00050/FUL shall be maintained in accordance with those details in perpetuity. There shall be no additional external lighting.

REASON: For the sake of consistency, the avoidance of any doubt and protecting the rural amenities.

7. All shrubs, trees and hedge planting as approved under planning permission W/13/00050/FUL 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: For the sake of consistency, the avoidance of any doubt and protecting the rural amenities.

8. There shall be no further use of pitches 11-15 until a management plan for the operation of the site has been submitted to and approved in writing by the local planning authority. The management plan shall be submitted within 1 month of the planning permission hereby granted. The management plan shall include details such as the reception hours, measures to control noise generation and guest arrival times. The site management shall be carried out in accordance with the approved details thereafter.

REASON: In the interests of the amenities of the area.

1. INFORMATIVE: Please note that this consent does not override the statutory protection afforded to any protected species. 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. 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 visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2. INFORMATIVE: The applicant is advised that all British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. Please note that this consent does not override the statutory protection afforded to any such species. If bats or evidence of bats is found at any stage of development, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

3. INFORMATIVE: The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

4. INFORMATIVE: All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of 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 until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

5. INFORMATIVE: Under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Woodland, hedgerows, scrub and individual trees are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.