

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 27 June 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. 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.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 no later than 5pm on **20 June 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **22 June 2018**. 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 and Updates**

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

- 7a **17/12348/OUT - Land east of Damask Way, and East of Upper Marsh Road and North of Smallbrook Lane, Warminster** (Pages 17 - 54)
- 7b **18/03933/FUL - Sienna Valley Farm, Huntenhall Lane, Chapmanslade** (Pages 55 - 70)
- 7c **18/02549/OUT - Land to the rear 102 High Street, Chapmanslade** (Pages 71 - 82)
- 7d **18/01969/FUL - The Clovers, Hartley Farm, Winsley, Bradford on Avon** (Pages 83 - 92)

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 30 MAY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr Horace Prickett

12 Apologies

There were no apologies.

13 Minutes of the Previous Meeting

The minutes of the meeting held on 7 March 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 7 March 2018.

14 Declarations of Interest

Councillor Ernie Clark referred to his register of interest.

15 Chairman's Announcements

There were no Chairman's Announcements.

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

16 Public Participation

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

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

17 **Planning Appeals and Updates**

The Planning Appeals Update Report for 23/02/2018 and 18/05/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 23/02/2018 and 18/05/2018

18 **Planning Applications**

The Committee considered the following applications:

19 **17/04707/FUL: Land at Whaddon Lane, Hilperton, BA14 6NR**

Public Participation

Martyn Jones spoke in support of the application.

Steve Yalland, applicant, spoke in support of the application.

Cllr Fisher of Hilperton Parish Council, spoke in objection to the application.

Steve Sims, Senior Planning Officer, introduced the report following its deferment from the December 2017 meeting, and recommended approval be granted for Siting of a temporary rural workers dwelling and access track.

Key issues included; the scale of the development, the visual impact upon the surrounding area, the design - bulk, height, general appearance, the environmental and highway impacts, the financial viability of the proposed development, that areas of the 'rented land' seem to have only informal grazing rights at limited times of the year; and the amount of land owned by the applicant was not large enough to warrant any type of agricultural dwelling.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the viability of the business, the need for accommodation year round and on which piece of land the accommodation would be located.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Ernie Clark spoke on the application noting that he supported the business however he expressed concerns about whether there was an essential need for the proposed on site accommodation.

A motion was moved to refuse the application by Councillor Ernie Clark and seconded by Councillor Andrew Davis.

A debate followed and the members were informed that officers had obtained an updated appraisal from the Council's agricultural consultant who had concluded that the on-site farming practice justified a temporary dwelling, especially in terms of the lambing husbandry responsibilities,

A vote was taken and the motion was lost.

Motion to move the officer's recommendation, with a note that the temporary accommodation would be available for three years from the date of the decision made, was moved by Councillor Jonathon Seed and seconded by Councillor Sarah Gibson.

At the end of the debate it was;

Resolved:

To approve temporary planning 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Location Plan; Site plan scale 1:500 received 19 May 2017; Proposed Layout and Elevations Plan (dwg no. 2629/02) received 19 May 2017; Septic Tank details received 19 May 2017; Attenuation treatment details received 19 May 2017; Visibility splay details received 27 July 2017.

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

3 The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4 The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 30 May 2021 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The

development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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 that the development can be adequately drained.

6 The development hereby permitted shall not be occupied until the means of foul water drainage for the temporary dwelling (i.e. the septic tank details received 19 May 2017) have been completed in accordance with the submitted details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

7 The development hereby approved shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres in both directions from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8 The development hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

10 Within 1 month of the occupation of the temporary agricultural workers dwelling hereby approved the existing unauthorised caravan shall be permanently removed from the site.

REASON: This site is 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 additional permanent residential accommodation in tandem with the approved.

INFORMATIVE TO APPLICANT:

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

20 **18/01841/FUL: Land Adjoining Hatch House, Up Street, Upton Lovell, BA12 OJP**

Public Participation

Lucy Bray spoke in objection to the application.
Lucy Street spoke in support of the application.
Mark Street spoke in support of the application.
Patricia Molyneux spoke in support of the application.
Cllr Maria Ironside, Upton Lovell Parish Council, spoke in objection to the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted subject to conditions for a change of use from agricultural land to a dog exercise area with retention of a small paddock for agricultural use.

As part of the case officer's verbal presentation, Members were informed that two 'late' written representations both in support of the application had been received. Members were also advised that the shepherds hut was no longer a constituent part of the application.

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on the visual amenity and the Area of Outstanding Natural Beauty, drainage and flood risk, highway safety and parking, impact on ecology and the impact on designated heritage assets.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the monitoring and any lodged complaints received to date from dogs barking and the disposal of dog waste.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to approve a temporary permission for two years was moved by the Chairman and seconded by Councillor Trevor Carbin

A debate followed and the key points included: that if the land was open, many dog walkers could use it, many more than proposed.

At the end of the debate it was;

Resolved:

To approve temporary permission for two years from the date of decision subject to the following conditions:

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

Design and Access Statement; Ecological Statement; Location Plan and Site Plan - all received 5 March 2018

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

- 2 The use hereby permitted shall be discontinued on or before 30 May 2020 unless an extended timeframe is approved under a separate application.**

REASON: In the interests of amenity.

- 3 The use hereby permitted shall be restricted to dog exercise and training purposes only taking place between the hours of 0900 - 1700 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.**

REASON: To define the terms of this permission and in order to protect residential and local amenities.

- 4 No more than 9 dogs shall be brought onto or be exercised at the site at any one time.**

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

- 5 Within 1 month of this decision, details of the proposed dog waste bin container and composting for the site shall be submitted and approved in writing by the local planning authority. The bin location shall be restricted to the siting as shown on the approved site plan in perpetuity for as long as the dog exercise/training land use operates.**

REASON: In the interests of protecting the nearby SSSI from contaminated waste.

- 6 No external lighting shall be installed anywhere on site.**

REASON: In the interests of preserving the scenic beauty of the Area of Outstanding Natural Beauty and to protect neighbouring amenity.

21 **18/01851/FUL: Barney Lodge Day Nursery, 5 Westbury Road, Warminster, BA12 0AN**

Public Participation

Lyn Ashton, applicant, spoke in support of the application.

Cllr Sue Fraser, Warminster Town Council, spoke in objection to the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted subject to conditions for a change of use to part of the existing building from residential to nursery uses (Part Retrospective) and Variation of Condition 3 of planning consent W/06/00806/FUL to change the permitted number of children at the nursery from 45 to 70.

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on highway safety and the impact on designated heritage assets.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: Access in and out of the setting, highways concerns and details on the lack of childcare spaces in the town.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local unitary member, Councillor Pip Ridout then spoke in relation to the application noting the excellent work provided by the nursery and expressed concern over the number of children that would be accommodated within the premises and the increased amount of traffic.

A motion was moved by the Chairman to approve temporary permission for two years which was seconded by Councillor Jonathon Seed.

A debate followed and the key points included: that the number of the childcare spaces was too high and the need to monitor the application over the two year period to assess the successfulness of the changes including changes of the staff parking being proposed by the nursery owner.

At the end of the debate it was;

Resolved:

To approve temporary permission for two years from the date of decision 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, Block Plan and Design and Access Statement - all received 8 March 2018; Consolidated Transport Statement, Children Space Requirement Statement, Noise Mitigation Statement - all received 9 April 2018; Further Children's Space Requirement and Garden Use Statement - Received 18 April 2018; Garden Zone Plan - received 8 May 2018; Proposed Plans and Elevations - received 11 May 2018

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

- 3 The use hereby permitted shall be discontinued on or before 30 May 2020 unless an extended timeframe is approved under a separate application.

REASON: In the interests of amenity.

- 4 The nursery shall not accommodate any more than 70 children at any one time.

REASON: In the interests of Highway Safety and neighbouring amenity

- 5 The extended nursery hereby permitted shall only operate between the hours of 0700 in the morning and 1800 in the evening Monday to Friday. The use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

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

- 6 The extended use of the nursery shall not commence until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include measures to be adopted pursuant to actively encouraging parents to use sustainable modes of transport when accessing and using the nursery and to reduce private car dependency levels as well as require the applicant to submit full details of the Plan's implementation and its monitoring. Thereafter, the on-site use should operate in accordance with the agreed details. Future monitoring reviews of the Travel Plan should be submitted 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.

NOTE: The applicant should make contact with the Council's green travel plan officer Ruth Durrant to assist with its preparation and to ensure best practices are employed.

- 7 The extended use of the nursery shall not commence until the 6 on-site car parking spaces and a centre line at the site's intersection with the public footpath (i.e. on the nursery site land) have been white line painted. Thereafter, all the line painting shall be maintained in perpetuity.

REASON: In the interests of road safety.

- 8 The outside play area, shown as ZONE 1 on the submitted garden plan shall only be used during the hours of 0930 to 1130 and 1430 to 1630.

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

21a 17/12066/FUL: Land to the Rear of 1 Frome Road, Trowbridge, BA14 ODB

Public Participation

Philip Bradley spoke in objection to the application.

David Pringle spoke in objection to the application.

Robert Gillespie, agent, spoke in support of the application.

Steven Vellance, Planning Officer, introduced the report which recommended approval be granted for a change of use of former car park land to a car wash facility with the erection of an enclosed sound proofed building, with new drainage and associated works (Resubmission of 17/05075/FUL).

As part of the case officer's verbal presentation, Members were advised that the references made to 'revocation' on page 85 at paragraphs 4 and paragraph 5 on page 86 should instead have read as 'nullification'

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on highway safety, impact on drainage and the impact on designated heritage assets.

At 17:20, due to unforeseen circumstances the meeting had to move to another venue, at which point, the meeting paused and resumed at 17.30 in the Kennet room.

On the resumption of the meeting, Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the proposed operating protocols; whether the doors in the new building would be shut whilst the cars were being washed; the amount of noise from the new car wash; what the proposed generators would be used for; what the temperature controls would be during the summer months; clarifying increased pollution levels from cars waiting to go into the car wash; what the land would be used for beyond the fenced off part of the site; whether the size and design of the development would fit in with the local area; and in addition, details were sought on the existing permission on the land and the system for waste water.

Officers reported that the car wash would be able to accommodate up to two cars at a time, the door would open to let the cars in and out and close during the cleaning process operations. That the noise levels would be significantly lower than the current provision as it would be enclosed compared to the existing open air facility; and would be located further from residential boundaries; and that a noise survey had been completed and based on doors being open, there would be an overall betterment compared to the existing arrangements and processes. Members were informed that the generators were required to operate the valeting equipment. No information had been received on temperature controls during the summer months, although experts had inspected the plans and were satisfied. Members were advised that the site was a former car park and is currently used for cars parked up awaiting car wash and valeting. The size and design of the proposed bespoke car wash facility building had been negotiated by officers. The height of the building would be lower than the adjacent barn on the neighbouring land and would not appear out of keeping or visually obtrusive from the public realm or nearby conservation area. The building materials were also subject to officer negotiation and the use of brick would reflect the material used for the housing nearby. Officers advised Members that the building would be sympathetic to the surroundings.

Members were also informed that in addition to the consented car wash facility, the site also benefited from two residential permissions, once comprising the conversion and adaption of the former Ship Inn public house and the construction of a block of flats at the rear of the site.

Members were informed that if this current application was to be supported it would be essential for the Council to secure the applicants/land owners agreement to surrender the extant planning permission for the open air car wash facility upon the commencement on any implemented development pursuant to this development to avoid two car wash facilities operating on the site.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local member Councillor Steven Palmen spoke on the application noting that the Town Council were concerned that the area was being over industrialised and that he had concerns about the intensification of the use of the site by virtue of the proposed extended hours of operation and having concerns about the design of the new building.

A motion was moved to refuse the application by Councillor Stewart Palmen and was seconded by Councillor Edward Kirk.

A debate followed which included a discussion about potentially amending the hours of operation.

At the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

- 1. The proposed intensification of use of the site and of the hours of operation, to include weekend working, would have an adverse impact on the amenities of nearby residents arising from the activities on site, such that they would be contrary to Core Policy 57 of the adopted Wiltshire Core Strategy."**
- 2. The proposed car wash building size, height, mass and unrelated design in a prominent location would create a visually incongruous and discordant feature that would be contrary to Core Policy 57 of the Wiltshire Core Strategy, as adopted 2015".**

21b 18/01371/FUL: Yew Tree House, Brokerswood, BA13 4EG

Public Participation

Mr Cassidy spoke in support of the application.

Kenny green, Team Leader, introduced the report which recommended refusal for an erection of a detached building.

The key issues were identified as; the principle of the development, development plan policy conflict, impact on the character of the area, impact on residential amenity, sustainability and highways matters.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on whether the site would be classed as a brownfield site and whether the site could be supported as an infill opportunity.

The Officer informed Members that the site was not part of a designated settlement and that it was classed as being located in the open countryside and in such locations; the adopted Wiltshire Core Strategy required a planning justification for new housing. Members were informed that the applicant had recently converted the former Kicking Donkey public house and had taken over its former car park and submitted this application seeking to build a new house for himself arguing in part, that the site was too large for a domestic garden. Members were informed that this was insufficient grounds to justify a grant of planning permission. Members were also advised that following the conversion of the former pub, the land which is now within residential curtilage is not considered brownfield land.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local unitary member, Councillor Horace Prickett spoke in support of the application. He gave an outline of the history of the site noting that the development would match the street scene, no consultees had rejected the plans, no one from the community area had objected to the development, that

the community had a need for new builds and the village had a desire to reasonably expand.

A motion to move the officers recommendation was moved by the Chairman and seconded by Councillor Trevor Carbin.

A debate followed whereby the adopted policies of the WCS were duly noted.

At the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

- 1. The proposed site is located in the open countryside outside any identified limits of development which has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), a Housing Site Allocations DPD or Neighbourhood Plan. The development fails to satisfy the policy based criteria which support the delivery of additional residential units in the open countryside, and in the absence of a robust planning justification, the proposal is not considered to be a sustainable form of development and is contrary to Core Policies 1, 2, 29, 60 & 61 of the Wiltshire Core Strategy.**
- 2. The proposed development would constitute as unwarranted encroachment of the open countryside, without any justification. The proposal would lead to the loss of a spatial gap between existing buildings that would introduce an urbanising effect that would harm the rural character and appearance of the area, contrary to Core Policies 1 and 51 of the Wiltshire Core Strategy and Paragraph 17 of the National Planning Policy Framework which seek to preserve the intrinsic character of the countryside.**

22 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.50 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	27 June 2018
Application Number	17/12348/OUT
Site Address	Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster, BA12 9PP
Proposal	Outline application for up to 28 dwellings on land to the east of Damask Way with all matters reserved except access (with new access proposed off Upper Marsh Road).
Applicant	Greatworth Developments Limited
Town/Parish Council	WARMINSTER
Electoral Division	WARMINSTER BROADWAY – Councillor Anthony Jackson
Grid Ref	387586 144331
Type of application	Outline Planning Application
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Anthony Jackson has requested that if officers are minded to approve this application, it should be reported to the area planning committee for members to determine principally in relation to the environmental and/or highway impacts.

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 key issues for consideration are:

- The principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbouring residents
- Highway issues
- Ecology issues
- Impact on Heritage Assets (Adjacent listed building)
- Drainage issues
- Other issues
- Planning obligations

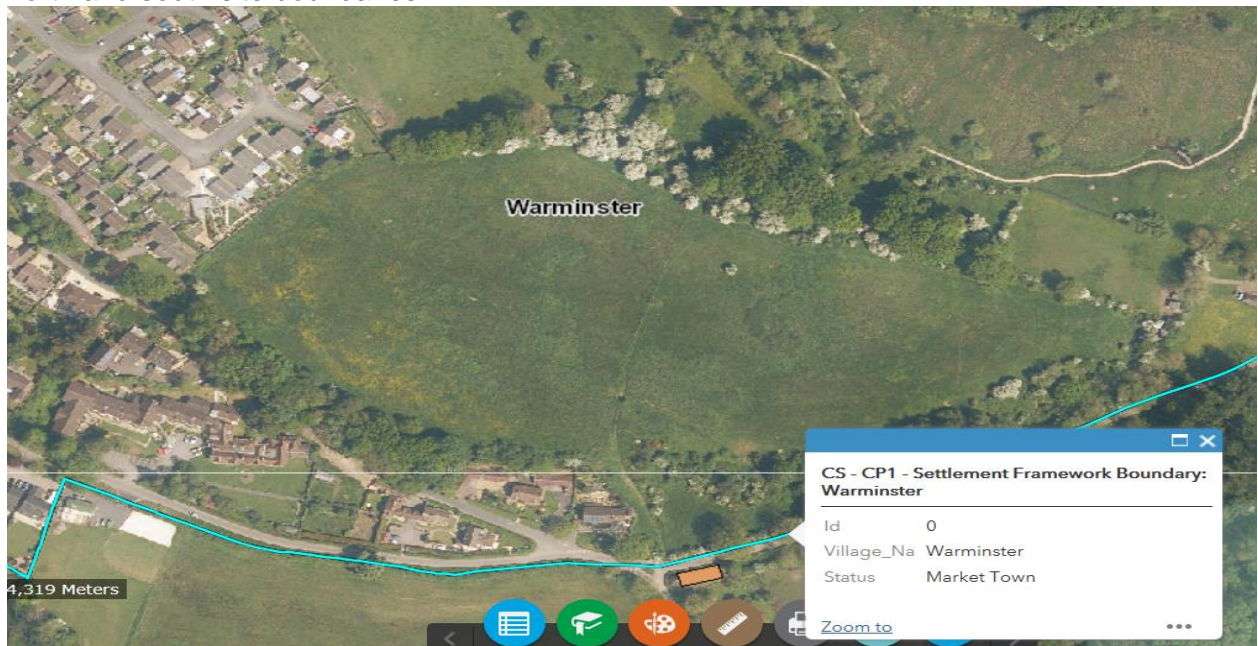
Warminster Town Council – Objects the this application for the reasons set out within section 7 of this report

231 third party/neighbour objections were received which are summarised within section 8 of this report

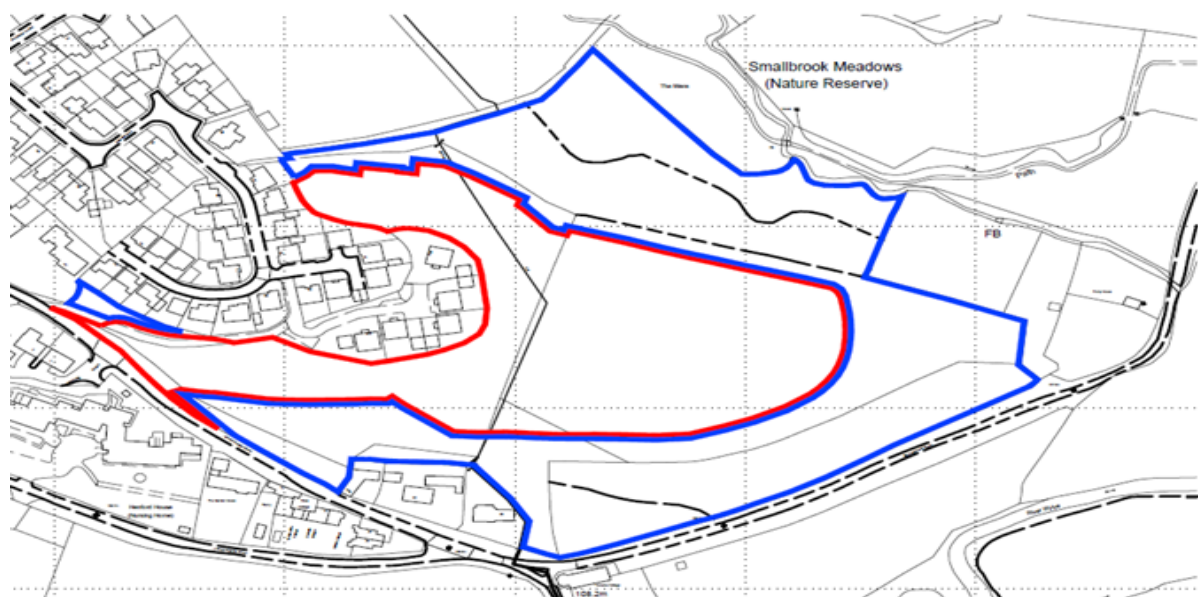
3. Site Description

The application site comprises approximately 2.23 hectares of agricultural land (which is categorised as grade 4 – which is poor quality land with severe limitations which significantly restrict the range of crops and/or level of yields located to the east of Damask Way and to the north-east of Upper Marsh Road and north of Smallbrook Lane. As the insert on the following page illustrates, the site is located within the current settlement limits of Warminster and abuts

existing residential development to the west and south with well-established trees along the north and south site boundaries.



The site forms the brow of a hill that slopes down to the north, east and west. The 20 hectare Smallbrook Meadows Local Nature Reserve is located directly to the north and comprises a mosaic of six small water meadows, wet woodland, marsh, ponds, chalk rivers, hedgerows and ditches. A public footpath (WARM53) bisects the site north to south. The Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural beauty (AONB) is located approx. 820 metres to the south. A grade II listed building, Turnpike Cottage, lies to the south of the site on the opposite side of Smallbrook Lane. The River Wylde (and River Avon System (SSSI)) is located to the south and east of the site and, at its closest, is approx. 80 metres distant. Residential development to the west off Damask Way was approved for 23 houses in 2012 under application refs. W/12/00687/OUT and reserved matters approval under 14/03655/REM). An additional 5 houses located directly to the west of the application site were approved in 2015 under application 15/01661/OUT and 15/12197/REM. These houses have been constructed.



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Site Location plan 07179 – 12 rev C

4. Planning History

13/06643/PREAPP	Erection of 23 dwellings (Reserved Matters for scale, layout, appearance and landscaping)
14/03655/REM	Reserved matters for the demolition of 66 Damask Way and erection of 23 dwellings following outline application (W/12/00687/OUT)
W/11/01173/PREAPP	Housing development
W/12/00687/OUT	Demolition of 66 Damask Way and erection of 23 dwellings (Outline application to determine access)
15/01661/OUT	Residential development of up to 5 dwellings (outline application to determine access)
15/12197/REM	Reserved Matters - appearance, landscaping, layout, scale re. planning application 15/01661/OUT (residential development of up to 5 dwellings).
16/05744/FUL	Proposed rear extension and side door to west gable.
17/08219/PREAPP	Alteration to existing access, upgrade access road and residential development of land
14/00183/ENF	Unauthorised felling of trees within a conservation area.
15/00308/ENF	Breach of condition 17 of W/12/00687/OUT
16/00948/ENF	Unauthorised groundworks
17/01134/ENF	Non implementation of Condition 4 -15/01661/OUT - Landscape and Ecology Management plan
17/01198/ENF	Duplicate case of 17/01134/ENF - all documents moved over
18/00130/ENF	Non-implementation of condition 4 Landscaping Plan - 14/03655/REM

5. The Proposal

The proposal is an outline application for the erection of 28 dwellings with all matters reserved except the means of access. Access to the site would be via Upper Marsh Road which is located to the south of the site. The areas left for future determination under a reserved matters application would include the appearance of the buildings, layout of the proposed development, scale of buildings proposed and landscaping details.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 45: Meeting Wiltshire’s Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire’s Vulnerable and Older People; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network; Core Policy 69: Protection of the River Avon SAC.

West Wiltshire District Local Plan (saved policies) - U1a Foul Water Disposal

Warminster made Neighbourhood Plan (November 2016) - L1 – Design; E2 – New leisure facilities; E5 – Surrounding environment; and GA4 – Rights of Way

Supplementary Planning Guidance

Wiltshire Local Transport Plan 2011- 2026

National Planning Policy Framework (NPPF) - 1. Building a strong, competitive economy; 4. Promoting sustainable transport; 6. Delivering a wide choice of high quality homes; 7. Requiring Good Design; 11. Conserving and Enhancing the Natural Environment; and 12. Conserving and Enhancing the Historic Environment

7. Summary of Consultation Responses

Warminster Town Council: Objects to this planning application on the grounds listed below:

1. The site was not under consideration by the Draft Wiltshire Housing Site Allocation Plan (HSAP) and Revised Settlement Boundaries which was consulted on in September 2017. The comment that had been submitted by the Council on the settlement boundary in the Damask Way area was as follows:

ITEM NO.	MAP GRID REFERENCE	PROPOSED AMENDMENT OR CORRECTION
4	J10	The newly developed extension to Damask Way should be included within the boundary.

This was a reference to the residential site which is already built, which should be included within a revised settlement boundary. The draft HSAP does not include this site with a proposed revision to the settlement boundaries and the Town Council is supportive of its exclusion, and it is argued that it would be inappropriate to include it now.

2. The access point for this site would be disastrous. This section of Upper Marsh Road is narrow with no footpath and leads on to a narrow country road that is prone to flooding and often has to be closed. Runoff water from the site would exacerbate the problem.

3. The impact on the environment would be detrimental. The site is on the cusp of the Wiltshire Wildlife Trust area.

4. There is a highways conflict with pedestrians, cyclists, horse riders and the residents of the old people's home.

Following receipt of amended plans, the Town Council confirmed the following:

Members discussed this application and wholeheartedly agreed with all the comments that residents had put forward. They all had concerns with this application. Councillor Fraser proposed that this application be refused using all the previous comments that had been sent in, and in addition the development may cause traffic problems such as traffic generation, access or safety problems. The proposed development will damage the natural environment or will result in significant loss of trees for which tree protection orders are in place and the natural habitat. Any decision about this application should be deferred until after the settlement boundaries have been decided. The motion to refuse was seconded by Cllr Nicklin, which was voted through unanimously.

Wiltshire Council Highway Authority: No objections subject to planning conditions (the officer's detailed appraisal on the highway implications is included within section 9.4 of this report).

Wiltshire Council Public Open Space Officer: The 28 dwellings would generate a requirement for 1,027.54m² of POS including 49.56m² equipped play space. If no play space is to be provided on-site, an off-site contribution of £7,235.76 would be required. The site

would also generate a requirement for an off-site sports pitch contribution of £6,608 to be secured by s106.

Wiltshire Council Drainage Engineer: Supportive subject to conditions.

Wiltshire Council New Housing Team: On site provision of 30% affordable housing would be required to be secured by s106 agreement.

Wiltshire Council Landscape & Arboricultural Officer: No objections subject to condition.

Environment Agency: No comments.

Wiltshire Council Archaeology: No objection subject to condition.

Wessex Water: No objection. Wessex Water have provided advice to the applicant in relation to sewerage infrastructure, foul water drainage, surface water drainage, phosphate loading impacts on the River Wylye and water infrastructure. Further advice should be included in the form of an Informative.

Wiltshire Council Urban Design Officer: No objections following negotiated revisions. Any outline permission should include a condition requiring subsequent REM submission to be in accordance with the principles set out within the Design and Access Statement.

Wiltshire Council Landscape & Design Officer: No objections subject to conditions

Natural England: No objection

Wiltshire Council Ecology Officer: No objection

Wiltshire Council Rights of Way Officer: No object but would want to see steps installed on either side of the hill along the legal line of the footpath and surfacing through the nature reserve to the north.

Wiltshire Council Public Protection Team: No objection subject to conditions

Wiltshire Premises Team School Buildings & Places: No objections subject to s106 contribution of £139,896 for six new secondary school places pooled towards a second phased expansion of the Kingdown Academy. There is no requirement for a developer contribution towards expanding the primary schools which can serve this development, as sufficient places are available in this particular part of Warminster.

Wiltshire Waste Management Team: Supportive subject to a s106 contribution to the provision of waste and recycling containers amounting to £2,548.

Wiltshire Spatial Planning Team: No objection. The application should be considered in the context of the Wiltshire Core Strategy (WCS), the National Planning Policy Framework (NPPF), and the saved policies of the West Wiltshire District Plan (WWDP). The NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise.

The application should be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map, the site falls within the existing settlement boundary and as such the 'principle' of development in this

location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.

It should be noted that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

Areas which have been included in the proposed revised settlement boundary:

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

Areas which have been excluded from the proposed revised settlement boundary:

- Employment development, farm buildings and farmyards, at the edge of large villages Isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is 'undeveloped' and considered to relate more to the open countryside and is therefore proposed to be excluded from the revised boundary when this comes into force. This is explained in Appendix 1 of the [Warminster Community Area Topic Paper](#), which also supports the WHSAP.

Whilst the proposals for settlement boundary amendments have been formally consulted upon, they are yet to be endorsed by Members, and have not been examined by a planning inspector and found to be sound.

In the context of paragraph 216 of the NPPF, the emerging HSAP proposed revision to the settlement boundary can only be afforded limited weight at this time. This position would need to be re-evaluated once the Housing Site Allocations Plan progresses through public examination at which point, it would merit more weight.

Wiltshire Conservation Officer: The proposed development would result in 'some harm' i.e. 'less than substantial harm' to the setting of the grade II listed building at Turnpike Cottage, 5 Henfords Marsh and this level of harm should be weighed up as part of the planning balance taking into account public benefits that would outweigh the 'harm'.

Natural England: No comments

Wiltshire Wildlife Trust (WWT): Objects on the basis of impacts of the development on the adjacent Smallbrook Meadows Nature Reserve and nearby River Avon SAC (SSSI). This nature reserve is a County Wildlife Site and is of fundamental importance to the conservation of biodiversity in Wiltshire. The River Avon is of international importance for conservation.

The proposed development is contrary to Core Policy 50 of the Wiltshire Core Strategy which states that: *“Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances...”*

Consideration needs to be given to the development in relation to Core Policy 69, para ref 6.177, which states that; *“currently phosphate concentrations exceed the appropriate targets required in the Conservation Objectives for the River Avon SAC over a number of reaches, and the Habitat Regulations Assessment of the Core Strategy has highlighted the potential for likely significant effects upon the River Avon SAC through elevated phosphate levels from additional sewage discharges in the catchment”*. The Ecological Impact Assessment is deficient in not considering the impact on the River Avon SAC.

WWT do not agree with Natural England’s assertions (letter dated 31 January 2018) that they are unable to formulate an objection to the planning proposal. This should be perfectly possible, and appropriate given the proximity of the development site to the River Avon SSSI and SAC.

“I have carried out a map check of the proposed development sites and can confirm that the nearest protected site, the River Avon System (SSSI), is 500m away. The IRZs for this SSSI indicate however, that Natural England does not need to be consulted on proposals for residential development of this size, at this distance from the SSSI, as this would not impact the interest features of the site (which include nationally rare and internationally important species of invertebrates and fish). Generally speaking, where Natural England consider there to be no impact on any designated sites in the vicinity, we are unable to formulate an objection to a planning proposal’ (Natural England 31st January 2018)

The proposed development site is in fact only 100 metres from the River Avon SAC, as identified in the Ecological Appraisal Phase 1 Survey, December 2017, accompanying the planning application. The impact on the River Avon SAC needs to be fully assessed. The current condition assessment by Natural England of the condition of the River Avon SSSI at this location is that it is in an unfavourable condition. Both of the statutory agencies, Natural England and the Environment Agency have as a fundamental part of their role to ensure the favourable condition of sites and good ecological condition of rivers under the EU Habitats Directive and the Water Framework Directive respectively.

NPPF 119 confirms that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. As far as I can tell there has been no assessment of any potential impacts on the local hydrology, and water resource impacts of this development. Such an assessment should be a fundamental consideration for a proposed development adjacent to, and in such close proximity to an important wetland nature reserve, Smallbrook Meadows Local Nature Reserve (and County Wildlife Site) which is managed by Wiltshire Wildlife Trust.

This planning application would also be very disruptive to the local ecological connectivity, particularly for bat species. Species lists provided appear to omit the fact that Greater Horseshoe bats have been recorded in the area. Wiltshire Council should be developing and

promoting ecological networks as required by the NPPF. Relevant clauses in the NPPF include.

NPPF para 109 states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

NPPF para 114 requires local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The site is not under consideration as part of the Draft Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries which were consulted on in September 2017.

This planning application does not deliver a net Biodiversity Gain. It most likely imposes an additional adverse impact through encroaching urbanization directly adjacent to an enormously important local asset, Smallbrook Meadows Nature Reserve, and the close by internationally important River system.

Campaign to Protect Rural England: Objects. CPRE Wiltshire does not believe that the access proposed by Greatworth Developments Ltd is suitable in any way; we are not objecting to the development itself as it is on land clearly marked for such in the future. However, should Wiltshire Council accept this outline proposal, we reserve the right to comment on the full application in due course; in that case we would be looking carefully at the design, the number of affordable houses and retention of wooded areas in particular to ensure that this had not been changed from the current submission. We also have significant reservations about Greatworth Developments in terms of their attitude to tree preservation.

Following receipt of amended plans CPRE further objected as follows:

'The West Wiltshire District of CPRE Wiltshire wish to raise a further objection to the revised above application having objected to the original proposal in January 2018. As this revision applies only to access we have largely restricted our comments to the changed access proposals although given that the Warminster Settlement Boundary is shortly to be revised to remove SHLAA Number 239 we also see no good reason to grant planning permission for this development.

The new proposed access has moved a few yards up the road to lie between the locked Emergency Access and the access originally proposed by the developer, all three points being within 100 yards of each other. Having looked at the revised proposal carefully on the ground it would seem impossible to join the existing access road at the point intended without breaching the maximum gradient allowed; there is a large height differential between Upper Marsh Road and the Emergency access road at this point with only a short distance in which to achieve it. Even if by some stratagem it were possible to remain within the regulations, the access proposed is at one of the narrower parts of Upper Marsh Road and the same constraints that required the Emergency Access to be locked must apply. Frankly this is an ill-thought out proposal that should be rejected out of hand as being both unsuitable and dangerous.'

Crime Prevention Officer: Gates will be required to the ecological mitigation zone to north and rear of dwellings to northwest of site.

8. Publicity

This application has been publicised via press advertisement and site notices and individual posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 231 representation letters have been received raising the following concerns:

Ecology

- Buffer should be extended along whole length off development
- Adverse impact on local wildlife including badgers
- Adverse impact on sky line
- Site is habitat for wild species such as bats, badgers, buzzards, red kites and deer
- Trees along Upper Upper Marsh Lane cut down
- Impact more cats will have on the local wildlife
- Adverse impact on Smallbrook Meadows Nature Reserve
- Environmental disaster
- Will lead to contamination/pollution of River Wyllye
- Buffer should be extended
- Destruction of hedgerows and trees
- Management plan for surrounding woodland required
- Contrary to DEFRA guidelines in terms of habitat surveys
- The development will lead to the further erosion of the wetlands

Highways

- No permission to use emergency access road
- Emergency access road and cannot be used for vehicles other than emergency vehicles
- Lack of pavements and street-lighting along Smallbrook Road
- Highway safety/pedestrian safety issues along Upper Marsh Lane and Smallbrook Road
- Significant increase in road traffic
- Proposed access onto Upper Marsh Road will create a hazardous traffic blackspot
- Increased traffic levels will harm environment
- Speed limit along Smallbrook Road should be reduced from the current 60 mph/ speeding vehicles along road
- Close Smallbrook Road to traffic at the top of the hill at the exit leading into Gypsy Lane
- Traffic count data is flawed
- Inaccurate car per household data
- Any widening, straightening of Upper Marsh road will permit vehicle speeds to increase, thereby making the road even more dangerous
- No visitor parking allocated
- Inability of refuse vehicles to pass
- Lack of road markings/pavement
- No footpath between No. 83 and 85 Damask Way

Design

- Overlooking/loss of privacy/overbearing impact to neighbouring residents
- Houses not in keeping
- Fails to 'pepper pot' affordable housing
- Fails to provide an adequate housing mix

Impact on character of the area

- The site is clearly visible from many areas of Warminster and the surrounding hills
- Loss of recreational land and green space
- Light pollution/adverse impact on 'dark skies' policy around nature reserve
- Precedence will be set for further development in the area
- Adverse impact on public right of way
- Already plenty of development in the Warminster area
- Adverse impact on Special Area of Conservation and the Site of Special Scientific Interest
- Adverse impact on setting of listed building

Other

- Town Council has objected to development
- Not within Housing Site Allocation Plan
- Breach of planning conditions on previous applications (12/0068/OUT & 15/0166/OUT)
- Increased flooding in area
- Increased pressure on local community resources such as doctors and schools
- Insufficient local employment
- Site outside settlement boundary
- Adverse impact of increased water runoff from site
- Contrary to policies within the Neighbourhood Plan
- Site falls outside red line boundary
- Damage by construction traffic
- Impact of construction works
- No assessment to the slope stability, hydrology or impact on rainwater run-off has been considered as part of the draft design
- Energy saving measures should be imposed by legal agreement
- Street lighting and security lighting should be restricted
- All gardens should have dividing mixed hedges
- All gardens should have a permanent rainwater collection tank/water butt
- All houses should be sold with food and garden waste composting bins and kitchens with a food waste caddy.
- The central communal area should have a large pond in it and be maintained for amphibians.
- There should be designated cycle routes in and out of the site.
- Residents should pay a parking permit fee for each car that they own unless it is an electric one.
- Sufficient housing in Warminster
- Application should not have been validated
- Lack of pre-application community involvement
- Lack of waste audit

9. Planning Considerations

9.1 Principle of Development

9.1.1 Principle of Development

Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

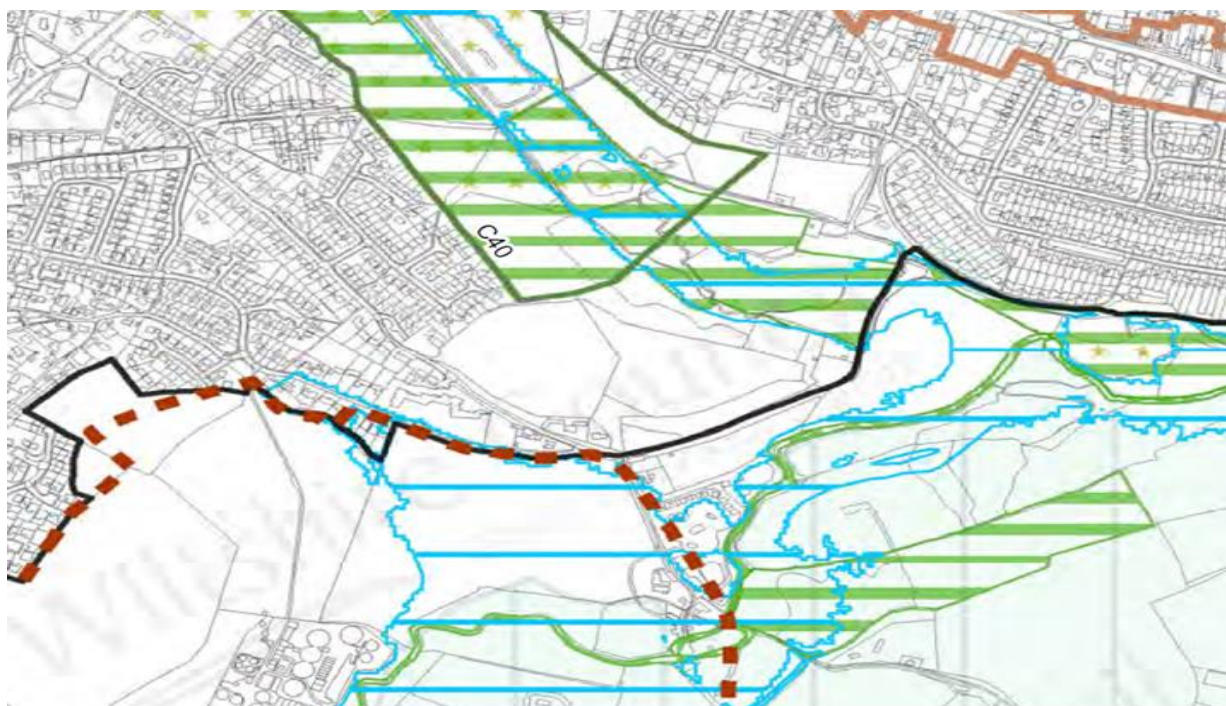
The WCS identifies Warminster in Core Policy 1 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase 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.

In order to direct development at a strategic level to the most suitable, sustainable locations and at appropriate times the area strategies contain an indicative housing requirement for each Community Area including the Principal Settlements and Market Towns (WCS, para 4.26). Core Policy 31 'Spatial Strategy for the Warminster Community Area' outlines that "over the plan period (2006 to 2026), approximately 2,060 new homes will be provided of which about 1,920 should occur at Warminster.

The site would provide for up to 28 new dwellings on a net developable area of 2.23 hectares which amounts to an average of 13 dwellings per hectare, which equates to a very low density. Amended plan drawing no: 07179-10 Rev U titled as Indicative Site Layout demonstrates how the site is capable of accommodating 28 dwellings with associated areas of open space and roads. A detailed layout would be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

9.1.2 The Emerging Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries

The application must be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map (below) the site falls within the existing settlement boundary and as such the 'principle' of development in this location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.



Current settlement boundary of Warminster 2018 south of application site

It is fully appreciated that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

Areas which have been included in the proposed revised settlement boundary:

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

Areas which have been excluded from the proposed revised settlement boundary:

- Employment development, farm buildings and farmyards, at the edge of large villages Isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is currently undeveloped and is not built upon and as such the land does not fall within the criteria for land to be included in the revised settlement boundary.

It should be noted that this assessment is one of 'current land use' and not an assessment of future land use. For example, reviewed housing allocations approved but not commenced (extant permissions) under the above methodology, would also be excluded from being included within the revised settlement boundaries, however, they could still be built if works commenced within the statutory time period.

Whilst the proposals for settlement boundary amendments have been formally consulted on, the plan is yet to be endorsed by Members, and it is yet to be examined by a planning inspector and it needs to be found sound to have full weight. In the context of paragraph 216 of the NPPF, the revised settlement boundary can only be afforded limited weight at this time.

9.1.3 Principle of Development - Conclusion

The site is located within the settlement limits of Warminster, and the revised settlement boundary can only be afforded limited weight in the determination at this time, as such the principle of development is considered acceptable and in line with the aims of WCS Core Policy 1, 2 and 31. The development does not conflict with the made Warminster Neighbourhood Plan.

9.2 Impact on the Character and Appearance of the Area

Core Policy 51 'Landscape' outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The application site covers approximately 2.23 hectares and is located on the southern fringe, and within the settlement limits of, Warminster. The site consists of agricultural fields (of poor quality graded 4) bordered by residential development off Damask Way to the west and to the south off Upper Marsh Road. Trees of varying quality provide a robust landscaped edge for the site along the north, east and south boundaries. The Smallbrook Meadows County Wildlife Site lies to the north and east of the site and consists of neutral grassland, wet and dry woodland, swamp and fen vegetation. There are no landscape designations constraining the site although it is within the Wooded Greensand Hills in the West Wiltshire Landscape Character Assessment.

The illustrative layout plan (drawing 07179-10 rev U) which is reproduced below indicates a development consisting of a band of housing located to the east of existing residential development off Damask Way. Vehicular access to the site would be off Upper Marsh Road to the south-west while pedestrian access would be achieved via Damask Way to the west. Landscape buffers of between 6 and 20 metres would be created to the north, east and south of the site while an open green space would be provided along the south and eastern reaches of the site. In addition a landscaped central space would be provided with residential rear gardens stretching north and southwards towards the landscaped edge of the site.



The proposed low density of the scheme is considered appropriate for the site and most certainly would not be considered as overdevelopment. The detailed layout would still need to

be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

In advance of such an application and to secure certain commitments from the applicants, the Council's Urban Design officer provided a series of recommendations to ensure a high quality designed scheme is submitted for consideration at the reserved matters stage. Although there would clearly be a change in the character and appearance of the area, this would be mitigated to some degree by existing trees along the boundary of the site and additional tree and other planting within the proposed buffer area around the site. The additional buffers would integrate the proposed development into the wider landscape context and protect the wider panoramas viewed from elevated countryside vantage points. In addition the development would also be viewed as a logical and sympathetic extension of the existing built up residential area to the west. Officers are satisfied that the revised illustrative layout would deliver an acceptable development of a maximum of 28 houses that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

It is acknowledged that the loss and redevelopment of the agricultural land would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using the public footpath. However the negative impacts of the development would be mitigated as far as possible and as required by policy, through the inclusion of landscape features such as the addition of buffer zones on the boundary of the site and additional landscaped open space. As such the extent of adverse visual impacts would not be widespread and there would be only limited harm to the landscape setting of the local area. This harm is not considered to be significant enough to warrant a reason for refusal.

The Cranbourne and Chase Area of Outstanding Natural Beauty (AONB) is located over approx. 820 metres to the south with the A36 situated between the application site and the AONB; and due to the separation distances involved, and the intervening features such as the A36 highway, it is considered that the development would have no adverse impact on the setting of the AONB and as such it is not considered necessary to request consultation responses from the AONB organisation.

9.3 Impact on the Amenity of Neighbouring Residents

Core Policy 57 which is titled 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Existing residential development to the west comprises a mix of properties fronting Damask Way and directly to the south off Upper Marsh Road. This application seeks outline planning permission only at this stage; however the illustrative layout plan 07179-10 rev U demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. Although the application is outline with all matters reserved except access, the indicative plan includes sufficient distance between the existing properties fronting Damask Way and Upper Marsh Road and the proposed development and officers are satisfied that the scheme as illustrated would not result in significant impacts on the living conditions of neighbouring residents in terms of loss of privacy or overlooking or loss of light and overbearing impact. For example the indicative plan shows that the separation distance between the rear elevation of No. 5 Damask Way and the front elevation the properties to the northwest corner of the proposed development would be approximately 21-23 metres and set

at an angle with an approximate separation distance of 16-17 metres to the rear boundary of No. 5. Although it is recognised the open outlook across the agricultural land would be lost for the existing housing, this cannot be used as a reason for refusal as there is no right to a view and there would be substantive harm caused to existing residents.

It is also not considered that the level of light and noise pollution associated with use of the new access road, and its impact on local residents, in particular those fronting Damask Way, would be so severe that the application could be recommended for refusal.

In light of the above, officers are satisfied that the scheme would not have a significant adverse impact on the living conditions of neighbouring residents and the proposal is considered policy compliant.

9.4 Highway Issues

9.4.1 Introduction - Highway Issues

One of the core planning principles of the NPPF is to “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*” (para 17). This core planning principle is reflected within Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and New Development’ of the WCS which seeks to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network.

The application seeks outline planning permission with detailed consideration given to the means of ‘access’. Through highway officer negotiation, it is proposed that access to the site would be achieved by creating a new vehicle access onto Upper Marsh Road. The access would consist of a standard priority junction with a 5.5m carriageway and minimum 6m radii. This includes a 2m wide footway/ service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road.

The application is supported by a detailed Transport Statement which considers the impact of the proposed development on the local highway network and shows the need to maximise opportunities for walking, cycling and public transport use to reduce reliance on the car. The statement concludes that:

‘The proposed residential development, mitigated by sustainable travel measures and improved passing facilities off-site - agreed with the LHA...for this 28-unit proposal - would not give rise to any significant adverse transport impact and therefore accords with local and national planning policy as it relates to transport.’

It is duly noted that local residents have raised a number of objections and issues in relation to highway safety pursuant to this application and proposal. These concerns are dealt with in the points below.

Although the development is outline with all matters being reserved except for the vehicular means of access, the indicative illustrative layout plan (amended plan 07179-10 rev U) indicates a proposed foot/cycle path from the new access road to Damask Way located to the south of 83A and 83B Damask Way. Concern has been raised by third parties that highway issues raised under previous applications (15/01661/OUT (pursuant to the residential development for 5 dwellings off Damask Way) are relevant to the current scheme. However it should be noted that each application must be treated on its own merits and the Council’s highway officer has no objections to the scheme.

9.4.2 Trip Generation Details

The trip generation assessment has been provided for the proposed 28 dwelling scheme and the industry standard TRICS database has been used to determine the likely amount of traffic generated by the proposed development. The Council's Highways Officer advises that the submitted TRICS data provides a robust TRICS assessment for this site. The TRICS data has derived peak trip rates of 0.508 (AM) and 0.472 (PM) which is considered comparable to other development sites within Wiltshire. This would equate to 15 two-way movements in the morning peak (8am to 9am) and 14 in the evening peak (5pm to 6pm) and a total of 122 two-way movements per 12 hour day time period to/ from the site.

The baseline traffic data collected suggests that the section of Upper Marsh Road between Damask Way and Smallbrook Road currently experiences around 59 two-way movements in the morning peak (8am to 9am) and 52 two-way movements in the evening peak (5pm to 6pm). Smallbrook Road itself currently experiences around 94 two-way movements in the morning peak and 96 two-way movements in the evening peak.

To help assess the likely distribution of these new trips generated by the development, turning count surveys at the Damask Way/Upper Marsh Road junction and local Census journey to work data has been used. This data, submitted by the applicant (Transport Statement (Post-Application Revision Volume 1), suggests that the majority of site traffic would head north on Upper Marsh Road and the applicant has assigned 87% of the predicted trips in this direction. Although this conclusion has been contested by consultees working on behalf of neighbouring residents, the Council's highway officer is satisfied that this approach is acceptable and the majority of trips would be to the north. The Council's highway officer concludes that the trip rate and trip assignment work submitted by the applicant is a reasonable attempt at predicting the likely amount of traffic generated by the development and its direction of travel. In conclusion the majority of trips generated by the development would result in traffic heading north along Upper Marsh Road rather than east along Smallbrook Road.

9.4.3 Site Access

The site access being proposed off Upper Marsh Road would be a standard priority junction, with a 5.5m carriageway and minimum 6m radii. This would include a 2m wide footway/service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road. This geometry acts effectively as a shared surface road, which would be more than appropriate for a development of this scale. Visibility splays at the access have been shown at 2.4m x 43m which satisfies the current design guidance in Manual for Streets (MfS) and is considered to be adequate at this urban location, where vehicle speeds are actually significantly lower than 30mph.

It is fully appreciated that there is a sharp topographical difference between the site and Upper Marsh Road, with the site steeply rising in a northern direction away from the highway. However a near level platform of a maximum gradient of 1 in 30 (3.33%) has been demonstrated as being achievable by the applicant through the submission of a long-section on drawing ref. 'Site Access Arrangement and Preliminary Levels' (no. IMA-17-167-006D). The Council's highways officer is satisfied that an adequate gradient of a maximum of 1 in 12.5 (8%) is achievable throughout the site, which accords with Council guidance.

The formation of the access and access road would require significant engineering works and likely retaining works, which would need to be approved in full detail by the Council and satisfy the Local Highway Authority (LHA). Having appraised the submitted plans, the Council's highways officer is satisfied that the engineering works can be suitably conditioned and no in principle objection is raised on highway safety.

It is fully acknowledged that the width of Upper Marsh Road is narrow at the proposed access location. However, under this application and through developer obligations, it would be increased to 4.8m as a result of the access works, which, according to national design guidance in MfS, is adequate for a car to pass a large service vehicle. In addition, the Council's highways officer is satisfied that the geometry at this access is adequate to enable a large refuse vehicle to make the necessary turning manoeuvres, as demonstrated on 'Plan TS-3 Large Refuse Lorry Swept Path at Proposed Site Access' (IMA-17-167-010) and access the site.

It is acknowledged that local concerns are raised by third parties about the potential for conflict at the access if a vehicle is stationary at the site access when a large vehicle wishes to turn. In response, the Council's highways officer is satisfied that these occurrences would be very irregular and the road width of 4.8m would be adequate to avoid such conflicts. The Council's highways officer submits that the proposed site access has been designed to adequately serve a development of the size proposed and there are no highway safety concerns with regards to the design and form of this proposed access.

9.4.4 Suitability of Local Roads

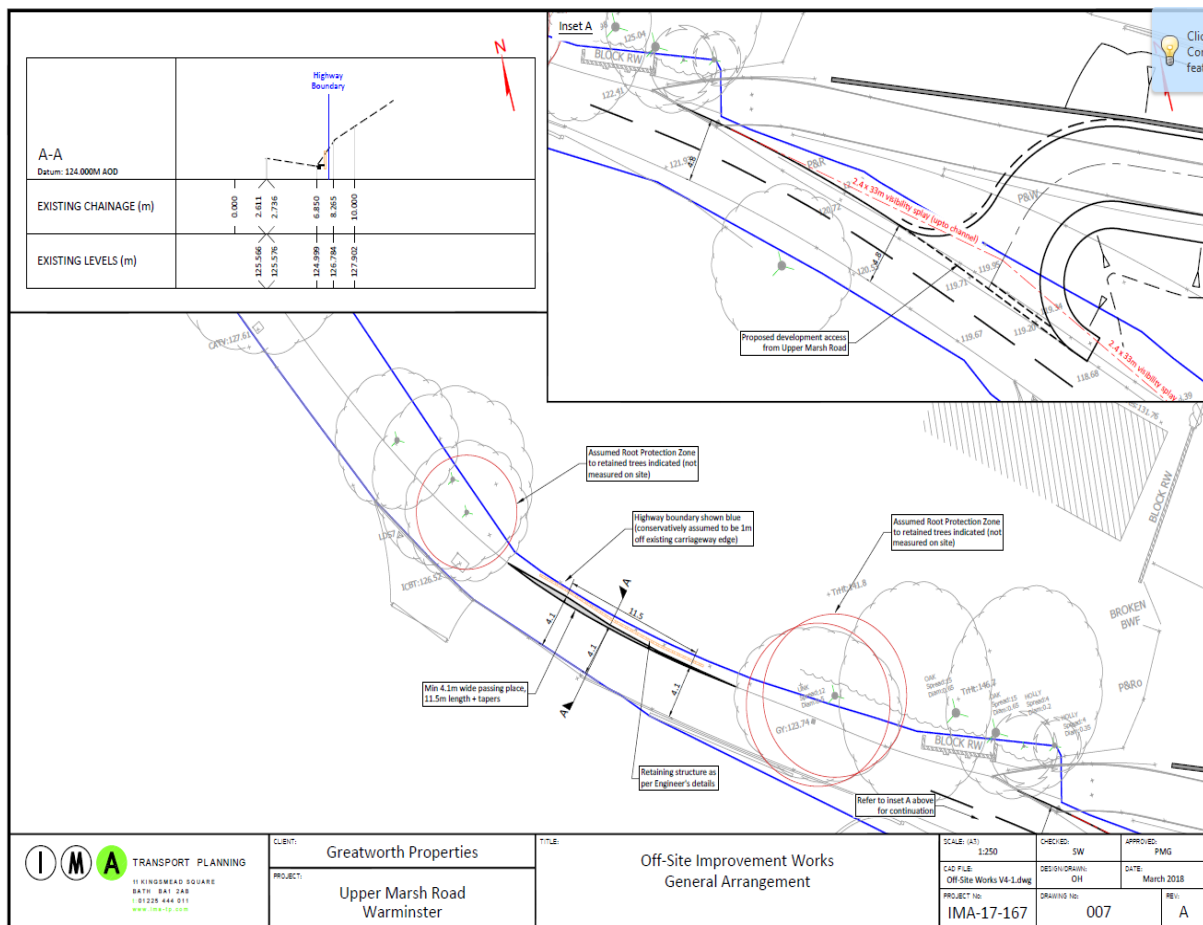
As has been acknowledged by the applicant and highlighted by much of the local representations that the roads to the south of the site are narrow in width and lack dedicated pedestrian facilities. This includes the section of Upper Marsh Road that the proposed site would access off, with average widths of less than 4m.

The roads south of the site that future residents or visitors of the proposed development could reasonably be expected to use are namely; Smallbrook Road, Gipsy Lane and Chain Lane. Gipsy Lane is generally of a better standard than Smallbrook Road and Chain Lane, with the latter two roads being of narrow width and without dedicated pedestrian facilities. The concerns raised by local representations can be summarised under two main points; 1. the risk of conflict between vehicles and 2. the risk of conflict between vehicles and pedestrians/cyclists.

As mentioned above, the trip generation and assignment work submitted by the applicant projects that the scheme would result in very few additional vehicle movements to the south of the site, using the roads named above. The trip assignment work suggests that 2 vehicles would leave the site/ approach the site to/ from the south in the peak periods and whilst this could be an underestimation, the number of vehicles to be generated would not be significant. This level of additional traffic is minor and unlikely to be perceivable as a direct result of the development; and on this basis, the Council's highways officer concludes that the impact of the development on the roads to the south of the site would not represent a severe impact or highway safety concern.

Additional concern has been raised by local residents about the narrow width of a section of Upper Marsh Road north of the proposed site access. In order to overcome this issue the applicant proposes some localised road widening to address the narrow width of this section of road. The proposed access position means that vehicles must travel along approximately 100m section of Upper Marsh Road that is of single width, however, the applicant has offered some localised road widening along this section to mitigate any conflict caused by the development. The proposed widening shown on the 'Off-Site Improvement Works General Arrangement' plan (IMA-17-167-007-A) would secure provide a 4.8m carriageway width, which MfS states as being adequate to allow a large service vehicle and car to pass each other. Where 4.8m is not achievable, 4.1m width would be maintained, which MfS states is adequate to allow two cars to pass. This proposed widening would result in an approx. 35 metre section of road that is of single width, however, it would still deliver some betterment and the Council's highways officer is satisfied that forward visibility is adequate so that

vehicles would be able to see each other at the wider sections of road, thus mitigating the likelihood of any future conflict between vehicles.



Proposed Off-Site Improvement Works General Arrangement' Plan (IMA-17-167-007-A)

In response to the concerns raised about conflicts between vehicles and pedestrians on Upper Marsh Road, due to the lack of footways/ pedestrian facilities, it is important to appreciate that existing pedestrians continue to use this route, and the main pedestrian and cycle route from the development would be via a new footway/cycle path onto the upper section of the existing emergency access and onto Damask Way. It is therefore not anticipated that a significant increase in pedestrian activity would be generated on Upper Marsh Road, as the gradients along Damask Way are for more attractive. Details submitted by local residents would seem to indicate that conflict with pedestrians is an existing issue on Upper Marsh Road, but it is not considered to be substantively dangerous given the respective low traffic speeds, which as previously reported, are generally lower than 30mph.

The Council's highway officer does not consider that the proposed development would result in a significant increase in pedestrian activity along Upper Marsh Road as a result of the development. There is no record of any accidents in the last 5 years on the roads in the vicinity of the site and whilst it is accepted that this does not necessarily mean there is not a hazard, the proposed development with its projected modest traffic generation would not present a significant danger compared to the existing situation, to justify a refusal. Officers submit that the development would not result in significant increased harm to pedestrian safety in the immediate area, and in particular along Upper Marsh Road, as a result of the development. The proposed road widening would deliver adequate mitigation for the scale of the development in this location.

9.4.5 The Existing Damask Way Emergency Access

The site access is proposed at a point where it would require the removal/alteration of part of the existing emergency access for Damask Way and the scheme would involve the regrading of the existing emergency access to integrate the access into the new proposed access to the service the development. It is appreciated that the regrading works would involve a significant level of engineering. However, because the application is outline with all matters reserved, these works would form part of a reserved matters application. The Council's highways officer is however satisfied that the a safe and suitable access and road is achievable in engineering terms and that any subsequent REM application would need to confirm the full engineering details including retaining works, construction formation and drainage.

The proposed alterations to this emergency link has been highlighted as a concern within local representations on the basis that the planning approval for the previous development off of Damask Way included a condition that this emergency access should be maintained in perpetuity. The proposed amendments to this emergency access would materially alter the emergency access, but the Council's highway officer highlights no in principle opposition to such works, subject to conditions. The emergency access would still be maintained for Damask Way in perpetuity.

Concerns have also been raised by third parties that the developer has no right of access across the existing emergency access. However the applicant has served notice on the landowner of the emergency access and officers have not been informed of any in principle objection to what is being proposed and following the submission of a revised location plan (07179 - 12 rev C) to capture the off-site works on land not within the applicants control or ownership, no objection was raised by the Council's highways officer.

9.4.6 Parking/On-Site Provisions

Whilst this application seeks outline consent with all matters reserved except access, the submitted documentation and the applicants have committed themselves to satisfying Wiltshire's Council's Car Parking Standards for the development, including provision of unallocated visitor parking spaces.

In terms of proposed cycle parking, details would be submitted as part of a reserved matters application and through the discharge of planning conditions. Officers are satisfied that the development would comply with current Council cycle parking standards.

A condition can also be imposed on any approval requiring the submission of a Travel Plan Statement, in order to encourage the use of non-motorised modes of travel to and from the site.

9.4.7 Highways Issues - Conclusion

The site is considered to be a sustainable location within reasonable walking distance of the town centre, local shops and Warminster Railway Station. There are bus stops approximately 500 metres from the site on Avon Road off Upper Marsh Road that link the site to the town centre; and public footpaths run through the site and nearby providing people with options to walk.

Through the proposed road widening along the narrower sections of Upper Marsh Road and the modest projected increase in traffic numbers generated by the development, officers submit that the proposed scheme would not have an adverse impact on highway safety in the immediate area, and in particular along Upper Marsh Road. In addition the proposed site access and access road proposals would satisfy with current national guidance and is

considerate adequate for the proposed development of 28 dwellings. Pedestrian safety in the immediate area would not be substantively harmed or at elevated risk to justify a refusal.

Following a detailed and lengthy appraisal of the application, the Council's highways officer has no objection to the scheme, subject to conditions.

9.5 Ecology Issues

9.5.1 Introduction – Ecology Issues

WCS Core Policy 50 'Biodiversity & Geodiversity' requires that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application site is surrounded by species rich habitats, including scrub, woodland, wetlands, road verges, mature trees, grazed pastures and regenerating woodland habitats. Together they form a matrix which is likely to support high levels of biodiversity. The field itself supports a wide range of grass species as well as large swathes of sheep's sorrel and field woodrush indicating the site is has not been subject to reseeding and fertilizer treatment. The invertebrate abundance and biodiversity associated with such vegetation can be expected to be high especially with light levels of sheep grazing and this will contribute to the numbers and range of birds, mammals, amphibians and reptiles in the local area.

9.5.2 River Avon Special Area of Conservation (SAC)

The Council has been advised that all development individually or in combination within the River Avon catchment has the potential to give rise to adverse effects on the River Avon SAC, and in order for planning permission to be granted, all residential development should demonstrate that would be 'phosphate neutral'. As this site would be connected to the Warminster sewage treatment works it would need to comply with this requirement.

To secure a common approach to assessing the effects of development in the River Avon Special Area of Conservation (SAC) as well as having consistent approach to achieving the Nutrient Management Plan (NMP) ambition targets and identifying appropriate and proportionate mitigation measures, a Memorandum of Understanding has been agreed with Natural England, Wessex Water, the Environment Agency, Wiltshire Council and our neighbouring authorities of New Forest District Council and Christchurch and East Dorset Council.

The Council was advised by the Environment Agency (EA) and Natural England on 9 March 2018 that it cannot rely on the River Avon Special Area of Conservation Nutrient Management Plan (NMP) to demonstrate that impacts from new development would be offset and thus not lead to significant effects. A joint statement advised:

"Evidence suggests that the targets in the Hampshire Avon nutrient management plan are unlikely to be delivered by 2021. We are modelling what this means for the Nutrient Management Plan, and will be providing recommendations in March 2019. We know that there will be new development and we advise that the new development within the catchment of the Hampshire Avon needs to be "phosphate neutral". We will work with you to help you

demonstrate how that can be best achieved.” (Source: 9 March 2018 email from EA to Wiltshire Council, New Forest District Council and East Dorset/Christchurch Council).

The aim of the NMP is to bring phosphate concentrations in the River Avon SAC down to the conservation targets set by Natural England in order to bring the river system into a favourable condition. This is a requirement of the Habitats Regulations. The underlying premise of the Plan is that increases in sewage derived phosphate would be more than offset by reductions from Defra’s catchment sensitive farming (CSF) initiatives. However, by early 2018, Natural England and the EA reported that CSF has been much less effective than that which was projected by the NMP modelling and is unlikely to offset the increased level of phosphates from new development.

Where CSF cannot be relied upon, the NMP requires reductions to be made at point sources (i.e. sewage treatment works) if development is to be allowed to proceed. However until the EA’s modelling has been completed, it is unclear how much phosphate would need to be offset to ensure the conservation targets are met. As an interim measure therefore, EA and NE have agreed that development would not lead to significant effects if it can be demonstrated it would be phosphate neutral. This applies to all development in the River Avon SAC catchment; and the availability of permit headroom in some sub-catchments does not set aside this requirement.

Consequently the local authorities in the catchment together with the EA, NE and Wessex Water worked together to prepare and sign up to a Memorandum of Understanding (MoU) to demonstrate how phosphate neutral development would be achieved until permanent reductions can be accommodated through the water company’s asset management plan or other means such as reducing agricultural runoff.

The MoU commits the parties to deliver phosphate neutral development by:

- Imposing a planning condition on all planning permissions for new dwellings requiring their construction to adhere to the Building Regulations optional requirement of capped maximum water usage level of 110 litres per person per day;
- To have a draft Annex detailing appropriate offsetting measures within three months of the MoU being signed; and,
- To use appropriate developer CIL contributions to secure measures identified in the Annex sufficient to ensure that all development permitted up to 2025 is phosphate neutral.

The Wiltshire Council CIL Regulation 123 list includes provision to support the ‘Nutrient Management Plan (NMP) – to address the level of phosphate in the River Avon.’ Annex 4 to the NMP already provides some estimates of costs for off-setting measures and it is clear that together local planning authorities in the catchment are capable of funding off-setting measures for as long as they are needed to breach the gap when permanent measures to reduce phosphate are introduced. The MoU lists the measures currently under consideration which will be developed further and the approach in the MoU will be reviewed regularly with the first review planned for March 2019. In signing up to the MoU all the signatories agree that as a result of offsetting proposed in the Annex, development authorised between 9 March 2018 and the end of March 2025 is unlikely to lead to significant effects on the River Avon SAC. Consequently, permission for the current development can now be issued lawfully provided a condition is included requiring dwellings to be constructed to achieve the higher water efficiency standards of 110 litres per person per day.

9.5.3 Salisbury Plain Special Protection Area (SPA)

The ‘HRA and Mitigation Strategy for Salisbury Plain SPA’ has recently been reviewed with the consequence that the radius for visitor impacts has been revised to 6.4 km from the

boundary of the SPA. This application site lies well within this limit but as contributions to avoid and offset the impacts to Salisbury Plain SPA are included in CIL payments, there is no likelihood for significant impacts to this European site.

9.5.4 Badgers

The Council's ecologist states there are no badger setts on the application site but the density of setts in the local area could be high. The application site is traversed by badgers and it undoubtedly forms part of their foraging territory. Legislation protects badger welfare only rather than foraging ground; and this species is not of conservation concern. However the reduction in greenfield land could potentially lead to a reduction in the population of badgers in the long term but it would be insufficient to lead to any significant loss and badgers would continue to be present in good numbers in the area. The development is located sufficiently far away from setts to ensure that disturbance during construction can be kept to a minimum. If Members are minded to approve the application a condition requiring a Construction Method Statement would be necessary to secure details of the storage of plant and materials for the construction phase of the development and measures to be adopted for the protection of the natural environment before works on site commence.

9.5.5 Bats

The Council's ecologist considers the site to hold good potential for foraging bats and this is enhanced by low level sheep grazing. The application site lies outside the consultation areas for Annex II bats (such as Lesser and Greater Horseshoe bats and Bechstein's bats) but lies on high ground overlooking the River Wylye, a potential flight route between the Bath and Bradford on Avon Bats SAC and the Chilmark Quarries Bats SAC. The low number of roost records in the general area does not discount the possibility of older farm buildings supporting Annex II roosts especially as the habitat conditions are ideal for greater and lesser horseshoe bats. If these bats are roosting locally, then there is a good chance that the application site forms part of their foraging range.

It is noted that no bat survey has been undertaken by the applicant; and in response to this, the Council's ecologist accepts that no bat survey is required because; i) a bat survey would be unlikely to establish a connection with the Bat Special Area of Conservation even if horseshoe bats (i.e. SAC bat species) were identified using the site; ii) the application is unlikely to trigger a HRA in respect of Chilmark Quarries SAC and Bath and Bradford on Avon Bats SAC because it would be difficult to make a connection between the application site and any of the European sites which specifically protect Annex II bats; iii) the scale of the development is relatively small and iv) the amount of land set aside for mitigation is relatively high.

The Council's ecologist concludes that although lack of bat survey means the site cannot be assessed as to whether there would be a net gain in biodiversity, due to the creation of the proposed mitigation buffer zones to the north, east and south of the site (which would need to be conditioned and available before works commence), the development would not result in any net loss of biodiversity.

9.5.6 Other Species

The site conditions are not suitable for dormice. While woodland adjacent to the site is not ideal for this species, the large amounts of woodland locally increase the chance that habitats adjacent to the application site could be used by dormice. A small population of dormice may be present in the adjacent woodlands on a permanent or periodic basis, however the impacts on this species would mostly occur indirectly as a result of predation by domestic cats or increased use of the woodlands north and south by walkers and dogs. The effect may be to

reduce their dependence on the area around the application site which would ultimately reduce the local population size. However due to the small population size it is not considered that the impact of the development on any dormice population would be severe and it certainly would not be substantive grounds to justify a refusal.

In terms of birds, Smallbrook Meadows is likely to support a wide range of birds, some of which will likely use the application site for feeding. It is unlikely any species would nest on the site given its management and small size. As such no loss of bird species would be expected due to the development and habitats in the proposed buffer may be expected to offset foraging habitat and create new nesting opportunities.

As far as reptiles are concerned, conditions are not conducive to supporting large populations. However the Council's ecologist concludes that populations of slow worm, common lizard and grass snake may remain neutral as the effects of increased disturbance and predation may be offset by increased unmanaged habitat in the buffer areas.

9.5.7 Proposed Mitigation

In order to overcome issues raised above and to comply with Core Policy 50 in terms of providing a development that would maintain ecological value, the development would include a buffer zone to the north, east and south of the site of between 6 and 20 metres. Conditions should be imposed for any approval requiring that these buffer zones are be planted before works on the development commences in order to ensure sufficient advanced mitigation is provided.

The amended Indicative Site Layout drawing Rev U demonstrates that at the northwest end of the site, the buffer would be 6 metres whilst along the northern site extent the buffer to offsite woodland would be 10 metres wide. At the eastern end there would be a large area of open space on a steep slope which is to be left undeveloped and to the south the buffer to the woodland would 20 metres wide. The Landscape Strategy Rev B demonstrates how these areas would be planted up, which is acceptable and would ensure that adjacent habitats are not affected by light spill from the development and provide a suitable amount of land in which to offset habitat loss. In terms of the 6 metre buffer, in order for this to be effective at reducing light spill effects from bedrooms and exterior lighting, it would be necessary to provide significant dense and mature planting in the buffer area to provide a suitable screen. Details of landscaping would form part of any subsequent reserved matters submission, but officers are supportive of the principles and on site capabilities to secure biodiversity safeguards and mitigation. Robust planning conditions are necessary however.

In addition the woodland surrounding the site to the north and south and within the ownership of the applicant is covered by a Tree Preservation Order (TPO) which should provide a degree of security for important wildlife species and habitat.

9.5.8 Impact of the development on the Smallbrook Meadows County Wildlife Site (CWS)

It is recognised that the development would result in some additional visitor pressure on the CWS from the development. However the Council's ecologist considers that the scale of recreational impacts from the scheme is unlikely to cause significant damage to the more vulnerable wetland features and impacts can be expected to be minor overall. In addition the scheme would include a buffer area of between 6 and 20 metres between the rear of proposed residential gardens and the edge of the woodland to the south of the CWS. As such it is considered the proposed development would have no adverse impact on the setting or character of the CWS.

9.5.9 Conclusion – Ecology Issues

Although the applicant cannot achieve a net gain in biodiversity terms, the Council's ecologist concludes that the development, subject to the creation of the ecological buffer zones, would result in no net loss. Appropriate management of the mitigation areas as well as other habitats to be retained and created on the site would be included within a LEMP. Management of the open spaces and mitigation buffer areas would be the subject of a legal agreement, and on this basis no ecology based objection is raised.

9.6 Impact on Heritage Assets (Adjacent Listed Building)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Paragraph 132 of the NPPF states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*" Paragraph 134 of the NPPF states where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Turnpike Cottage, a grade II listed building, lies to the south of the site on the opposite side of Smallbrook Lane and approximately 60 metres distant from the southern boundary for the site. The Council's conservation officer submits that the proposed development would lead to 'some harm' i.e. 'less than substantial harm' to the setting of the aforesaid grade II listed building because the ridge line of the proposed development would be partially visible when the listed building is viewed from Smallbrook Lane to the south and the views of the building from the PROW would be partially obscured by the proposed development.

In accordance with paragraph 134 of the NPPF this harm needs to be offset by a public benefit.

In this case the proposed development would result in the construction of 8 affordable homes as well as deliver 20 open market houses, which would help boost local housing supply and in addition, the development would secure improvements to the local highway through the localise road widening proposals. As such it is considered that the proposed development harm to the wider setting of the local heritage asset would be substantively outweighed by these public benefits and in the opinion of officers, the development would comply with the NPPF.

9.7 Drainage Issues

Wessex Water has not objected to the scheme. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 – land that has the lowest probability of flooding and there are no known land drainage constraints which cannot be addressed.

The applicant proposes to deal with foul water drainage by connecting to the existing public foul water sewer within the immediate vicinity of the site. In addition a condition is recommended, if the scheme should be approved, requiring details of surface water drainage – which should be submitted before works on site commence. Issues of water runoff and its impact on the River Avon SAC are dealt with above under point 9.5.1.

9.8 Public Rights of Way (PROW)

Public right of way WARM53 bisects the site north to south and the submitted indicative site layout (amended plan 07179-10 rev U) illustrates how the public footpath would be incorporated into the site. The Council's public rights of way officer has no objection to the scheme and has requested steps to be installed along the path to the north and south where the land slopes and surfacing through the nature reserve to the north to provide some local enhancement. In addition the Council's highways team have requested the surface of the right of way be metalled. The submission of details pursuant to the surfacing of the PROW would form part of any reserved matters application and be subject to planning conditions. Officers submit that the proposed development would not adversely impact the public right of way.

9.9 Other Issues

Other issues have been raised by third parties relative to concerns over damage made by construction traffic. This is more of a civil matter rather than a material planning consideration and it cannot reasonably influence the determination of the application.

In terms of energy saving measures, the development would need to comply with building regulations; and officers, in line with ecology NMP / phosphate reduction requirements, recommend a planning condition restricting flushed water levels entering the sewerage system and impose water efficiency requirements.

Concern has been raised by third parties that the developer did not engage in community involvement. Whilst officers encourage developers to positively engage with local communities prior to a formal planning submission, it cannot be forced upon a developer.

Some third parties submit that the application should not have been registered in the first place due to a lack of information and poorly drawn plans. However, officers consider the submitted details to be sufficient to illustrate what is being proposed and the application is supported by sufficient evidence and supporting material to enable the Council to reach a decision.

Additional concern is raised about notifications to local residents when amended details were submitted. In response to this criticism, it should be noted that addresses of all residents who commented on the application are recorded on the Council's planning system and officers submit that sufficient notification to the local community was carried out as set out within section 8 of this report.

Third parties also criticise that lack of a waste audit undertaken by the developer. However it is considered that such details and a Residential Waste Minimisation and Waste Management Plan can be conditioned.

Enforcement Issues have also been raised by third parties in relation to the cutting down of existing trees on site and the failure of the land owner to comply with conditions imposed on previous approvals on and adjacent to the site. In terms of removal of the trees, the affected trees were not protected under a Tree Preservation Order (TPO) and the site is not a conservation area therefore there was no breach in planning control when the trees were removed. In terms of the landowner's failure to comply with conditions on previous approvals, in particular reference to landscape conditions imposed on application 12/0068/OUT and 15/0166/OUT, the matter has been investigated by the Council's enforcement team and this is a separate matter which is ongoing. Although the enforcement team quite correctly await the outcome of this application determination before taking any further steps.

In term of the likely affordable housing mix, 8 dwellings would be provided on site and that is as much information the Council needs to confirm at this stage. Any subsequent approved REM submission would confirm the type and siting of the affordable units that would need to respond to housing need at the time of its submission – which could be in several years' time..

Third parties have also reference the refusal of application W/07/01209/FUL for one dwelling at land adjacent to No. 2 Henford Close (located approx. 20 metres to the west of the proposed new access to the application site) and its impact on the current scheme. Of the four refusal reasons, the highway related refusal stated that:

The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays, which are essential in the interests of highway safety.

In this particular case for 28 dwellings, the highways officer is satisfied the applicant can provide a suitable and safe access that would satisfy with current national guidance and Council policy. It must also be remembered that every application should be assessed on its own merits taking into account individual site circumstances and any mitigation being proposed by an applicant.

Additional concern has been raised by third parties that the submitted landscape appraisal fails to fully assess the impact of the development on issues in terms of light pollution during the houses of darkness. In response, a planning can be imposed to secure a sensitive lighting strategy and scheme for the site. It is also important to appreciate that the application site is located within the limits of development of Warminster and the built area of Warminster is spread out to the west, north and east of the site with more dispersed residential development to the south. Subject to a sensitive lighting scheme, the 28 additional dwellings would not significantly harm local amenities and the AONB objectives.

10. S106 Developer Contributions

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided in an integrated manner as agreed at the reserved matters stage. The type and tenancy mix shall be negotiated with the Council's housing officers to ensure a 'best fit' for local housing needs applicable at the time of the agreement.

Under WCS Core Policy 3, the proposal generates a requirement for the provision of on-site public open space proportionate to the final housing mix. The development would generate a modest increased population in this part of Warminster, placing additional demands on local primary and the secondary education provision, although the school's education head of commissioning reports that there is no requirement for a developer contribution for primary school places given the existence of some local capacity.

The summary heads of terms for the s106 for this application are as follows:

- On site affordable housing of 30%
- Onsite open space totalling 1,027.54m², including 49.56m² of equipped play space. If no play space is to be provided on-site we would look for an off-site contribution of £7,235.76. The site would also generate a requirement for an off-site sports pitch contribution of £6,608.
- Secondary education contribution of £139,896 (subject to indexation)
- Waste and recycling facilities for the site charged at £91 per residential unit
- The creation of a management company

Separate to the s106 obligations listed above, the future reserved matters submission would be CiL liable. It is not possible to confirm the exact CiL amount at this stage, however based on the Council's current charging schedule and an estimated projected average house size, the level of CiL payment is likely to extend to circa £100,000.

In the context of this application, CiL payments could contribute towards leisure service infrastructure improvements, improvements to be made at Warminster's Fire Station or its relocation costs, the Wessex Stone Curlew Project, delivering off-site air quality infrastructure improvements, supporting early years education provision; off-site PRow upgrades; improvements at the Smallbrook Meadows, and potentially the expansion of the Warminster cemetery, although it must be stressed that the allocation of CiL receipts from this development is not a matter for consideration by the committee.

In recognition of the made status of the Warminster Neighbourhood Plan, based on the above estimated CiL receipt level, Warminster Town Council would secure 25% of the CiL receipts.

11. Conclusion (The Planning Balance)

The application site is located within the settlement limits of Warminster and is considered to be a sustainable location on land located to the east of Damask Way and northeast of Upper Marsh Road and north of Smallbrook Lane. The site measures approximately 2.23ha in size and consists of a plot of agricultural land located on the southern boundary of the built up area of Warminster. The emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. However as detailed above the revised settlement boundary can only be afforded limited weight in the determination at this time. As such the principle of development is considered acceptable and in line with the aim of Core Policy 31.

In terms of neutral impacts, the supporting information demonstrates that the proposed residential development would be a sufficient distance from neighbouring residential properties and officers are satisfied that the site can accommodate 28 dwellings without adversely impacting on the living conditions and amenities of the occupants. The density of the scheme is considered appropriate for the site the revised illustrative layout suggests that the level of development proposed (maximum 28 houses) could be satisfactorily accommodated on site in terms of landscape, character and visual impacts. It is recognised that the development would cause less than substantial harm to the setting of the listed building at Turnpike Cottage, however this harm would be offset by public benefits such as the provision of affordable homes, the delivery of open market housing and improvements to the local highway. Although it cannot be concluded that the proposed development would achieve a net gain in ecology terms, the Council's ecologist has concluded that the development, subject to the creation of the ecological buffer zones, would result in no net loss. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with.

In terms of the negative impacts of the development, it is recognised that there would be some impact through the loss of the agricultural land and openness of the field. However the site is located within the settlement limits of Warminster whereby the established policies support the principle of windfall residential development on agricultural land subject to the impacts being acceptable. In this case, the applicants would provide additional screening and tree planting and creation of buffers between new housing and the site boundaries. It is accepted that the new development would result in the loss of outlook for some existing residential properties, however there is no right to a view in planning terms and whilst new housing may introduce some overlooking (where none exists at present), the illustrative site layout demonstrates that the scheme can be planned to avoid harmful overlooking and maintain sufficient separation distances between existing and proposed new housing.

In terms of positive aspects, the development would provide up to 8 affordable dwellings and 20 open market new homes and the scheme would result in highway improvements along Upper Marsh Road. These can be given moderate weight. There would also be some short

terms benefits during the construction phase of the development through direct and indirect job creation which can be given some weight as part of the planning balance determination.

The site has good transport links, and is able to be accessed via a variety of sustainable transport methods. It is therefore considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development is considered acceptable.

RECOMMENDATION: That the committee delegates authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990

1. The development hereby permitted shall be begun either before the expiration of five 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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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:

- Site Location Plan scale 1:2500 dwg no. 07179 – 12 rev C
- Indicative Site Layout scale 1:500 dwg no. 07179 – 10 rev U
- Site Access Arrangement and Preliminary Levels scale 1:200 dwg no. 006 rev D
- Off-Site Improvement Works scale 1:250 dwg no. 007 rev A
- Proposed Site Access and Off-Site Improvement Works scale 1:500 dwg no. 009

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

5. No development shall commence on site until a scheme for the discharge of surface

water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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 that the development can be adequately drained.

6. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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 that the development can be adequately drained.

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

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

8. No development shall commence on site until full details of the access, including drainage and retaining works, have been submitted to and approved in writing by the local planning authority. The junction shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

9. No development shall commence on site until full engineering details of the proposed highway works, forming mainly of carriageway widening and retaining works, all as generally identified on drawing No. IMA-17-167-007-A (Off-Site Improvement Works), have been submitted to and approved by the Local Planning Authority. No development shall commence on site until the highway works have been constructed in full accordance with the approved details.

REASON: In the interests of highway safety.

10. No development shall commence on site until full details of the tie-in between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

11. No development shall commence on site until full details of the proposed pedestrian/cycle link between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure that an adequate pedestrian/ cycle route is provided, in the interests of highway safety.

12. No development shall commence on site until full details of the upgrading of footpath WARM53 has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling.

REASON: To ensure that an adequate pedestrian/cycle route is provided and in the interests of highway safety.

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

REASON: In the interests of highway safety

14. The gradient of the access shall not at any point be steeper than 1 in 30 (3.33%) for a distance of 9m metres from its junction with Upper Marsh Road and 1 in 12.5 (8%) throughout the site thereafter.

REASON: In the interests of highway safety.

15. No development shall commence on site until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. 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. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- Means of access for construction vehicles;
- Number and frequency of construction vehicles;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The location and use of generators and temporary site accommodation;
- Pile driving (if it is to be within 200m of residential properties);
- Months and hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

17. No dwelling shall first be occupied until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

REASON: In the interests of sustainable development.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- b) Description and evaluation of features to be managed; including location(s) shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period) detailing when planting will occur;
- h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;
- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan;
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management

body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

19. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

20. The dwellings shall not be occupied until the Building Regulations Optional Requirement of a maximum water use of 110 litres per person per day has been complied with. Within 3 months of each phase being first occupied or brought into use, a post construction stage certificate certifying that this standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

REASON: To ensure that the development does not contribute to the unfavourable condition of the River Avon SAC due to excessive discharge of phosphates from sewage treatment plants.

21. No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

22. No part of the residential development hereby approved shall commence beyond stab level (following approval of the subsequent reserved matters) until detailed plans showing

the type of external light appliances, the height and position of the fittings, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where development potentially affects green corridors and wildlife habitat, lux plots shall be submitted for the Council's written approval. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.

INFORMATIVES

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [to be inserted]

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.

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; highwaysandstreetscene@wiltshire.gov.uk

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land

forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

It will be necessary for the applicant to enter into a Mini Section 278 / Section 278 Agreement with the Local Highway Authority to ensure that the works within the existing public highway can be completed to the full approval of the Highway Authority. This will include a Bond, Supervision Fee and Commuted sums for these highway works.

Sewerage Infrastructure:

The site is crossed by a 150mm public foul sewer. There must be no building within 3m either side of this sewer, no tree planting within 6m and ground levels along the line of the sewer shall be maintained.

The proposed site layout appears to conflict with the sewer easement. The developer should accurately plot the line of the sewer on site and on deposited plans and ensure that the easement zone for this sewer is observed and does not fall within private enclosed gardens. Soakaways must not be sited within the statutory easement.

The developer should contact the Wessex Water to agree procedures for working in proximity of the public sewers. It may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and applications should be made as early as possible to our local development engineers development.north@wessexwater.co.uk. Please refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.

Foul Drainage:

The site shall be served by separate systems of drainage constructed to adoptable standards. A connection to the public foul network can be agreed in consultation with Wessex Water.

Where proposed site levels indicate that a gravity connection may not be possible, the applicant shall make provision within the development layout for a foul pumping station (SPS) with appropriate access arrangements and 15m buffer zone to nearest dwelling. Wessex Water will adopt sewers under a S104 agreement subject to technical review of satisfactory engineering proposals. The developer should contact our local development engineer, development.north@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

Surface Water Drainage:

The FRA & Drainage Strategy (IMA March 2018) proposes Surface water discharge to be managed by SuDS with disposal utilising infiltration drainage. This will be subject to approval by the Lead Local Flood Authority with flood risk measures. A robust strategy for surface water disposal will be expected. Surface water connections to the foul sewer will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Phosphate Loading Impacts on The River Wylde:

We are aware that there are concerns regarding the increase in phosphate loadings from new development and the impact upon the receiving watercourse. We can advise that there are proposals to review sewage treatment consent limits, which will reduce phosphate levels with improvements programmed for 2021/22. Further measures are planned by the Wiltshire Council/Environment Agency/Natural England for Nutrient Management Plans that will address phosphate levels within the catchment.

Water Infrastructure:

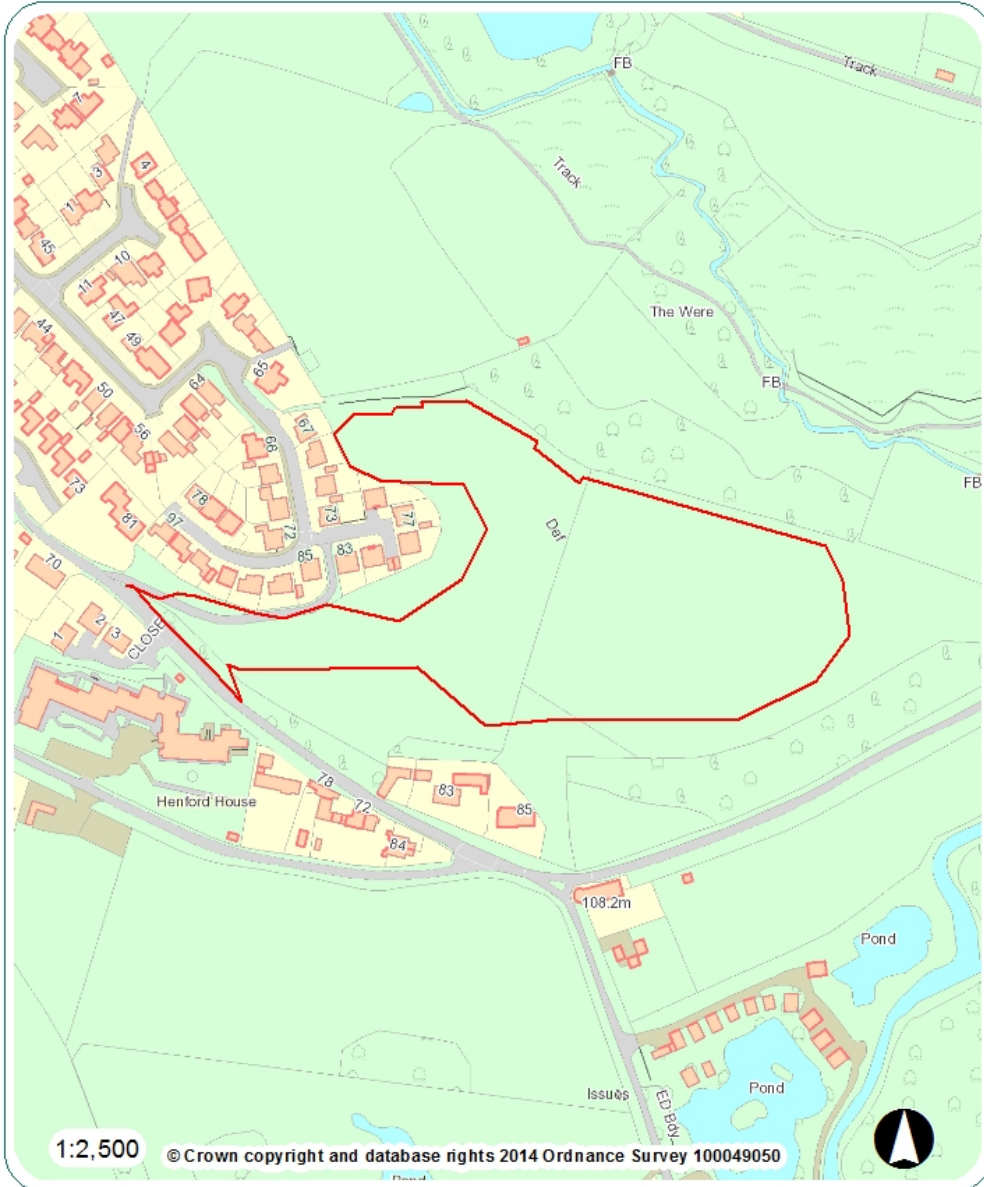
A water supply can be made available from the local network with new water mains installed under a requisition arrangement. Point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information.
www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the Council's PROW officer for further information and advice.

In terms of waste collection the applicant is advised the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

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17/12348/OUT
Land East of Damask Way and
East of Upper Marsh Road and
North of Smallbrook Lane
Warminster
BA12 9PP



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	27 June 2018
Application Number	18/03933/FUL
Site Address	Sienna Valley Farm, Huntenhall Lane, Chapmanslade BA13 4AS
Proposal	Temporary rural workers dwelling.
Applicant	Miss S Snook
Town/Parish Council	CHAPMANSLADE
Electoral Division	WARMINSTER WITHOUT – Councillor Fleur de-Rhe-Philippe
Grid Ref	382559 147589
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Fleur de Rhe-Philippe has requested that this application be called-in for the elected members to determine should officers be minded to grant permission and for members to appraise the following key matters:

The design – bulk, height, general appearance
 The visual impact upon the surrounding area; and
 The relationship to adjoining 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

This report assesses the proposal in the light of the principle of the development, the impact upon the character and appearance of the area and potential neighbouring amenity impacts, as well access and highway matters and recommends that planning permission should be granted.

Chapmanslade Parish Council – objects to this application for the reasons set out within section 7 of this report.

The application has resulted in 39 letters of representation, 20 in opposition and 11 supportive and 8 neutral representations neither supporting nor objecting.

3. Site Description

The site is located within the Corsley Heath to Chapmanslade Greensand Ridge Special Landscape Area. The site lies immediately North West of Huntenall Lane and approximately quarter of a mile south west of Chapmanslade. The site is in a valley, within the open countryside. There are a group of existing residential dwellings located to the south west of

the site which the following site location plan illustrates.



4 Planning History.

16//08350/FUL – Temporary rural workers dwelling and alterations to access (resubmission of 14/09500/FUL) – The Local Planning Authority exercised its power under section 70A of the Town and Country Planning Act to decline to determine the application as it was similar to an application that within the last two years had been dismissed by the Secretary of State on appeal (14/09500/FUL was dismissed on 6 April 2016).

14/00852/ENF – An enforcement notice was issued on 10 July 2015. The breach of control comprised:

Without planning permission, the material change of use of land from agriculture to a mixed use of agriculture and use as a residential caravan site for the stationing and residential occupation of a mobile home, the stationing and storage of a touring caravan and; operational development comprising the excavation and re-profiling of the land on which to station the mobile home, together with the installation of a septic tank, construction of decking, construction of a base for an extension to the mobile home, erection of timber fencing and external lighting and supporting pole, all being integral to the material change of use.

This notice was upheld on appeal other than the compliance period to remove all the aforesaid structures from the land being changed from 6 months to 12 months.

14/09500/FUL – Siting of a mobile home for use as a rural workers dwelling and alterations to access – Refused 10 June 2015 for the following reason:

The site is located in the open countryside, outside the limits of development for Chapmanslade as defined in the Wiltshire Core Strategy. Residential development in this location is restricted by policy CP48 to that required to meet the needs of employment essential to the countryside. The Council consider that the functional need for accommodation to oversee any birthing/sick animals could be met through permitted development rights to be on hand during such events and does not justify a year round presence. The applicant has failed to submit robust financial information to support such a dwelling and no evidence has been submitted demonstrating that the appellants could not provide sufficient oversight of the

holding from a dwelling in a nearby settlement. Furthermore, the siting of the temporary dwelling harms the character and appearance of the Special Landscape Area. The proposal fails to comply with Core Policies 48, 51 and 57 of the Wiltshire Core Strategy and Saved Policy C3 of the West Wiltshire District Local Plan and the NPPF, namely paragraph 17 and 55.

The appeal was dismissed on 6 April 2016 due to the impact upon the Special Landscape Area.

14/03770/FUL – Extension to Barn– Refused 11 June 2014 for the following reason:

The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C31a of the West Wiltshire District Local Plan (Adopted 2004)

The above refusal reason was upheld on appeal on 30 April 2015

14/00987/FUL – Erection of a Barn – Approved with conditions 31 March 2014

13/06809/FUL – Extension to Barn – Withdrawn 29 January 2014

12/02185/FUL - Agricultural Barn and retrospective hardstanding – Approved with conditions 24 January 2013

W/12/01833/FUL – Erection of an agricultural barn – Refused 06 November 2012 for the following reason:

The proposed development, by reason of its siting and size in this location would be visually intrusive and would cause unacceptable harm to the character and appearance of the landscape in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the National Planning Policy Framework.

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01 May 2012 with the following reason:

A Prior Approval application will be required to determine the siting, design and external appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03 August 2011 for the following reasons:

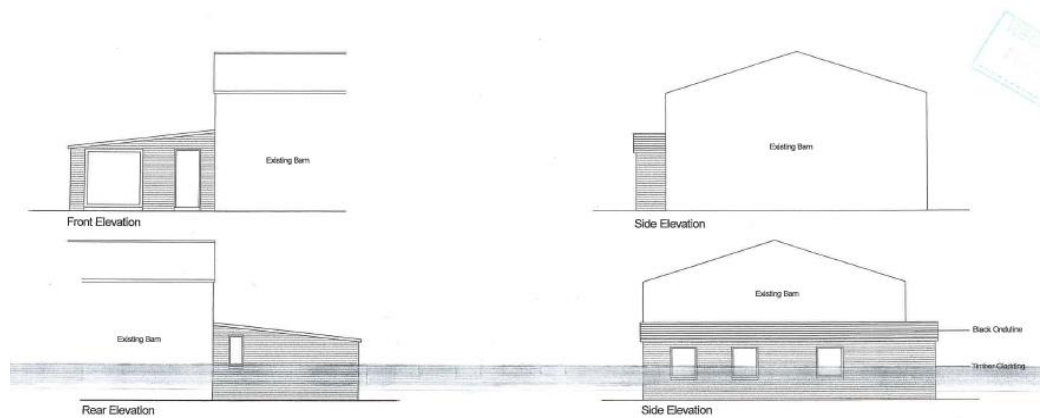
The proposed development, which is not justified by the agricultural needs of the land, would be contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

The proposed development, by reason of the size, scale, form and siting of the building, would be visually intrusive in the open landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

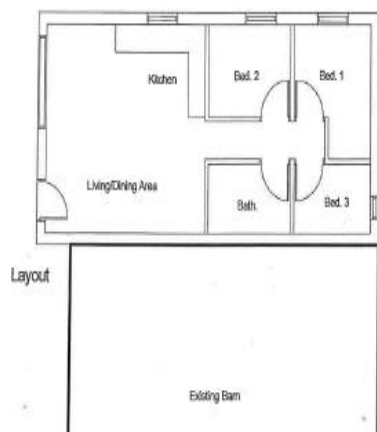
5. The Proposal

The proposal is for a temporary rural workers timber clad dwelling to be located adjacent to

the existing barn. This application differs from the previously refused application which saw the retrospective siting of a mobile home in a different location. The proposed temporary dwelling would measure approximately 5 metres in width and 10 metres in length and is illustrated in the plans below.



The proposed temporary dwelling would have 3 bedrooms, a living/kitchen area and a bathroom:



The applicant's freehold farm holding at Sienna Valley Farm extends to approximately 4.7 hectares (11.6 acres) of pasture and was purchased by the applicant in 2009 and intends to develop a viable agricultural holding. The applicant also has 0.75 hectares of land five miles away which is held under a farm business tenancy.

The applicant's proposal at Sienna Valley Farm comprises the establishment of a specialist alpaca breeding and rearing unit. At present there are 21 breeding females at the holding (plus 2 stud males and 6 other alpacas) and over the next three years, the applicant plans to increase the herd to approximately 30 breeding females with breeding stock, fleeces and wool would be sold. A poultry enterprise is also proposed with the keeping of chickens, quail and ducks for egg production which is planned for Year 3. Two Kunekune sows are presently on site and weaners would be sold. The farming labour would be provided by the applicant with assistance from friends and family as required.

The Sienna Valley Farm has a three bay shed, constructed with a steel portal frame, profile sheet cladding to the upper elevations with the lower elevations open. The overall dimensions of the building are approximately 9m x 12m with 4.2m eaves; and two mobile timber field shelters.

The applicant and her family live in a dwelling in Frome. There is no dwelling on the farm holding at Sienna Valley.

The planning statement submitted with the application argues that in order to run this farming enterprise properly, the applicant is required to live on site. It also states the following:

- There is a clear intention to develop the agricultural business (the applicant has done so over the last 5 years through securing stock, land clearance, shown alpacas and won prizes, The applicant has had training in the management and keeping of alpacas and has been looking after the stock in their care for the last 2-3 years);
- There is functional need for a full time worker (it is generally accepted that in order to farm alpacas properly, at a commercial scale, it is necessary to live close to the animals to ensure their wellbeing. Specific day-day management requirements comprise being responsive to mating, abortions and still births, births, rearing, and more general animal husbandry responsibilities.

6. Planning Policy

Wiltshire Core Strategy - CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP31 – Spatial Strategy Warminster Community Area, CP48 – Supporting Rural Life, CP51 – Landscape, CP57 – Ensuring High Quality Design and Place Shaping, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management

Saved Policies for the West Wiltshire District Local Plan (1st Alteration) - C3 - Special Landscape Area, U1a - Foul Water Disposal, U2 - Surface Water Disposal

National Planning Policy Framework 2012 (NPPF) and the National Planning Practice Guidance (PPG) are also relevant to this application.

7. Consultations

Chapmanslade Parish Council: Objects. The application is not considered as justified development within the Special Landscape Area. The application documents do not identify a significant change from the previous appeal. The financial plan is not considered robust and lacks clarity. The plans are not drawn to scale and concerns are raised about a potential fire hazard due to the house being proposed next to a hay barn. The 3 year business plan would not start until the application is approved and this is not clearly detailed within the application. The business plan is not robust. It states that the applicant has been actively developing the business over the previous 5+ years but this is not correct. There is insufficient new evidence to support the need for a new dwelling – especially one with 3 bedrooms. Alpacas have remained onsite since the previous dismissed appeal with no workers living on site.

The Parish Council maintains the view that it is not essential for a worker to live on site. In responding to this application, the Parish Council attached their response to the previous application.

The Council's Agricultural Consultant: Supportive. The proposed business will generate a labour requirement of just over one and a half full time units of labour and generates an essential requirement for a presence on site. The business plan appears sound and the agricultural business should attain viability.

Wessex Water: No objections

8. Publicity

The application was advertised by a site notice and individual neighbour notification letters. The deadline for public representation was 6 June 2018.

Following the above notifications, 20 letters of objection were received making the following comments:

- The current application is basically the same as previous requests which have been turned down by Wiltshire Council and by the Planning Inspectorate
- The area is a Special Landscape Area, the workers dwelling along with its domestic paraphernalia would cause harm to this special area
- Since the removal of the mobile home last year, the applicant has been able to continue her business rearing alpacas without the need for someone to be on site some 2.9 miles away
- The applicant and agent still tended their animals during the red weather warning in March 2017 – proving that they can travel and tend to their animals welfare
- There are always properties for sale or to rent in Chapmanslade which are in close proximity to the site – indeed there are currently 2 properties for sale that overlook the site and one for rent and there have been many more over the last two years
- The applicant just wants a permanent home on the site
- Noise from people living on site will be detriment to our amenity
- An application to extend the existing barn was refused in 2014
- There is no evidence of the Farm Tenancy Agreement on some agricultural land in Frome
- There is no functional need for someone to live on site
- No financial details have been provided and therefore the proposal fails the financial test
- The size of the proposed dwelling is directly comparable with the mobile home for which planning has been refused
- Attaching a timber framed and timber clad dwelling to a hay barn would cause a fire risk – against DEFRA and Fire and Rescue Service guidance
- The plans are poor and not drawn to scale – the proposed dwelling would be considerably closer to the boundary than shown and as such would be highly visible from Hunten hall Lane.
- The proposed excavation would cause significant noise disturbance to neighbours
- The people supporting this application do not even live in the village and are not affected by the proposal.
- Under the terms of the Agricultural Wages (England And Wales) Order 2012, the smallholding business would have to generate £38,126.40 to pay 2 x full time workers -. This is ridiculous when compared to the acreage of the small holding. If the business plan does not factor for the generation of this level of wage bill then the small holding business is clearly uneconomic and should not be allowed to justify the development, temporary or permanent.
- The proposal clearly fails to comply with all the criteria in CP44 and CP48.

The application also received 11 letters of support (1 of them being from the agent) raising the following comments:

- Alpacas need someone in attendance during pregnancy and birthing as they are adept at concealing any problems
- Hard working farmers need support and the Council has a duty to support them
- A house will be made available for someone to live in when the country is crying out for housing
- The applicant has overcome previous reason for refusal
- The wooden dwelling is almost invisible
- 2 agricultural dwellings have been approved since the last application in the SLA

- The applicant went to the Royal Bath and West show and won rosettes and champion sashes
- The alpacas are a welcome addition to Chapmanslade which is a bland countryside lacking animals
- The Planning Inspectorate agreed the financial/functional test and there is no material change to that
- The plans have been beautifully drawn with all the detail you need.

In addition to the above, 8 representations were received which are considered neutral neither supporting nor objecting raising the following comments:

- With Wiltshire Council not meeting its legal obligation for travellers sites – a traveller site would be perfect here
- The Council does not have a 5 year housing supply
- Inward investment into Chapmanslade should be supported
- The farmer has suspended her breeding programme as she does not live on site.

9. Planning Considerations

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.

9.1 Principle of Development

9.1.1 Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF advises that ‘*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside*’ (Note – the emphasis has been added by officers).

9.1.2 Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development should take place. Core Policy 2 addresses the issue of development outside of settlement boundaries and states that, other than in circumstances permitted by other policies within the plan (including supporting rural life), residential development will not be permitted outside the limits of development (unless it has been identified within the subsequent Site Allocations Development Plan Document and Neighbourhood Plan).

9.1.3 Core Policy 48 deals with dwellings required to meet the employment needs of rural areas and an application for a dwelling at a rural site should comply with it. The policy states:

“Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence”.

9.1.4 The Council’s agricultural consultant has assessed the need for an agricultural workers dwelling at this site based upon the current farm practices and the proposed business plan to expand the farming enterprise. As reported within section 7 of this report, the Council’s

agricultural consultant concludes that there is an essential need for a farm worker to be resident on the site arguing that whilst general animal husbandry duties can be performed without a dwellinghouse being on the site, there are exceptional justification for alpaca breeding enterprises. Cria, when first born are weak and require very close attention to ensure they receive colostrum, to spray their navels with antibacterial/antiseptic spray to prevent infection.

9.1.5 The care of sick animals and during calving times also justifies an essential need for a house on the site. It is accepted that animals which are sick or close to, during or immediately after calving often require essential care at short notice. Alpaca calving dates vary for two key reasons: firstly the females run with the stud and are not artificially inseminated; secondly the gestation period of the individual female can vary very significantly with the animal showing few external signs of prior to giving birth.

9.1.6 The Council's agricultural consultant furthermore submits that in his experience through planning appeals, in applying the functional test planning inspectors have paid close attention to the variability of calving dates and the need for quick intervention at calving times and this has often lead to the functional test being passed by enterprises of an equivalent size to that set out by the applicant at Sienna Valley Farm.

The Functional Need

9.1.7 It is worth recording that as part of the previous appeal, the planning inspector concluded that there was a functional need for a temporary farm workers dwelling at the applicant's enterprise and that it was policy compliant with Core Policy 48 and Paragraph 55 of the NPPF. The following summarised evidence and arguments remain relevant to this present case:

- Alpacas usually give birth to one Cria a year and mate naturally without artificial insemination although it can take several matings to achieve a pregnancy
- The gestation period of alpacas can be almost a year plus or minus 30 days
- Abortions are not unusual – and can be as much as 50%
- It is difficult to tell when a pregnant female is likely to give birth but they are induced to do so in daylight so nearly always give birth in the morning. 97.6% of live births are without complications
- Advice from the British Alpaca Society (BAS) states that breeding females require a much higher level of supervision than the normal recommended checks of twice a day
- A single loss of an alpaca can be financially troublesome
- There is highly contradictory evidence with regards to the keeping of alpacas
- CCTV was considered not to be an appropriate solution
- Under the previous appeal, the Inspector argued that:

“The maximum number of breeding females is intended to be 32. Given the uncertainty over the conception and delays caused by that process, the high number of likely abortions and the length of gestation, at nearly a year, in any 12 month period there are unlikely to be anywhere near 32 live births. If the 50% abortion rate is accurate there will be less than 16 live births in any 12 months. The question is then how many of those are likely to be at anti-social hours and how many of that smaller subset are likely to have serious complications. Despite the appellants rather unfortunate experience the answers seem to be not many and even less. Even if all 32 females gave birth to a Cria in one year, it would still seem to be unlikely there would be more than one incident a month that would need out of hours on-site supervision. However, the inherent unpredictability of that event is an issue and I accept that there does seem to be a more regular problem in the early days where the Cria have difficulty feeding”.

The Financial Test:

9.1.8 The previous appeal also confirmed that despite the wording of Core Policy 48, paragraph 55 of the NPPF does not require a financial case in the same way that Annex A to Planning Policy Statement 7 previously required. However, officers and the Council's agricultural consultant maintain the argument that is important for any farm enterprise to demonstrate there is a sound business plan in place which does bear on the 'essential need' test. As the previous inspector argued, *"if a business has no chance of succeeding then the need is lessened. The appellant pointed out the whole point of the 3 year trial run was to see if the enterprise could be made profitable. If not then there would be no case for a permanent dwelling. In my view the business plan is sufficiently robust to suggest there is a reasonable chance the business could succeed. The proposal is not contrary to Core Strategy policy 48"*.

9.1.9 The functional and financial tests have not changed since the previous appeal and officers submit that there is a functional and essential need for a dwelling to be on site; and the Council's agricultural consultant argues the business plan is sound and the enterprise could well be viable within the testing period of three years to which this application relates.

9.2 The Impact upon the character and appearance of the area

9.2.1 The site lies within the Chapmanslade Greensand Ridge Special Landscape Area. West Wiltshire District Plan – 1st Alteration saved policy C3 seeks to conserve and enhance the landscape character of Special Landscape Areas *"and development will not be permitted which is considered to be detrimental to the high quality of these landscapes"*. Furthermore, Core Policy 51 seeks to *"protect, conserve and where possible enhance landscape character"* and within paragraph 109 of the NPPF the need for *"protecting and enhancing valued landscapes"* is identified. In the most recent appeal the Planning Inspectorate considered the Special Landscape Area as a *"valued landscape"*.

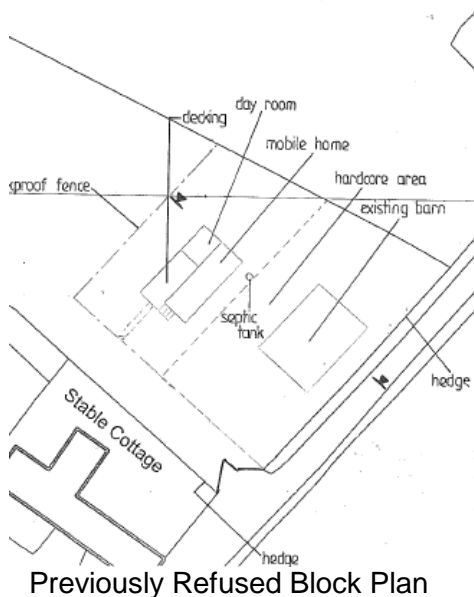
9.2.2 As part of the previous appeal, the inspector confirmed that *"although the site is in the countryside it is not isolated. Immediately to the south is a cluster of farm buildings converted into dwellings, where several of the local objectors lived. From within the site a housing estate was visible across the road to the east and to the north the roofs of a trading estate were also visible. Nevertheless, this is still an attractive part of the countryside. The appellant's land curves around behind the converted farm buildings, following the contours of the land and forming a small valley that runs down from a public footpath across the top of the site to the road. There are attractive views across towards the countryside beyond. The West Wiltshire District Landscape Character Assessment summarises Chapmanslade as being on top of a hill overlooking the greensand terraces below. The countryside is made up of farmland with small fields and many intact hedgerows, creating a strong sense of tranquillity and enclosure"*.

9.2.3 In considering the qualities of the countryside, the previous appeal inspector found it to be *an attractive area of countryside with an undulating landscape and relatively intimate views of surrounding land. At present the valley is filled with the pens associated with the farm, for the alpacas, pigs, chickens, ducks and geese as well as several large field shelters, and a miscellany of sheds. At the bottom of the site by the road is the barn and the mobile home with its decking, hot tub and fencing, surrounded by a large area of hardstanding on which is stored a touring caravan and various vehicles including a digger"*.

9.2.4 With respect to the previous dismissed appeal, *"the mobile home and the surrounding domestic paraphernalia were considered to be highly visible and intrusive. Although their bulk was much smaller than that of the proposed extended barn, they spread development across the site in a manner which is also incongruous and which dominates views across the*

site... [which was found to be] significantly harmful and contrary to policies 51 and C3 and to paragraph 109 of the NPPF. The appellant made it clear that the farming business cannot be sustained without a place to live on site and so it is reasonable to assume that if the appeal is dismissed many, if not all, of the structures associated with the intensive use of the site for animal rearing and egg production will go. The original intention was to use the land for hay production, hence the need for the barn, which does not require any of the other structures to be on the site. At the very least there is a strong likelihood that without the mobile home the land would be used less intensively”.

9.2.5 In full appreciation of the above appraisal and reasons behind refusing and dismissing the applicant’s previous application proposal, it is important to note that this present application is materially different to the previous refused application. Instead of proposing a standalone residential unit on the site, the applicant proposes to extend the existing barn to accommodate the residential accommodation.



9.2.6 The applicant submits that the proposed temporary dwelling would be sited approximately 1.5 metres below the land level of the previous mobile home and would as a consequence, be less visible in the wider landscape. Moreover, the elevational treatment would be materially different. Instead of the stark white coloured façade of the previous caravan, the applicant proposes a timber structure which would assimilate better with the immediate surroundings.

9.2.7 As part of the previous (refused) application there was an unauthorised decking area, hot tub, fencing, and children’s play equipment which all added to the Inspectors concerns when assessing the impact upon the Special Landscape Area. Should members be minded to approve this application, the fixed site parameters would limit the amount of land that could have a washing line, children’s play equipment and other domestic paraphernalia.

9.2.8 From the case officer’s site visit, it was observed that the varying land levels on the site would enable the proposed farm workers dwelling to be constructed as an extension to the barn on lower ground than the previously refused caravan. Some site excavation work would be required, but it would not be excessive. During the case officer’s site visit, she traversed the public footpaths that are located near to the site (namely CHAP34, CHAP10, CHAP11, CHAP8) and it was observed that some limited views of the barn roof were visible.



9.2.9 Taking the above into account, officers argue that the proposed temporary dwelling would not be substantively visible from these public rights of way and there would therefore be no harm caused. Any consequential residential paraphernalia would be located and restricted to the west and south west of the existing barn which was not visible from the Public Rights of Way due to well established intervening vegetation and boundary treatments. The proposed temporary rural dwelling would also not be visible from Huntenhall Lane due to the dense tree/hedge boundaries

9.2.10 Officers are satisfied that the revised proposal addresses and overcomes the previous reason(s) for refusal and responds to the conclusions reached by the planning inspectors. The proposal is therefore considered to comply with CP51, Saved Policy C3 and Paragraph 109 of the NPPF.

9.3 The Impact upon neighbouring amenity

9.3.1 Through the siting of the proposed temporary rural workers dwelling on the north east elevation of the existing barn, officers submit that there would be no substantive impact upon neighbouring amenity in terms of overlooking, overshadowing or overbearing as it would be located away from neighbouring boundaries. The proposal is therefore considered to comply with the relevant criteria of Core Policy 57.

9.3.2 Concerns have been raised regarding noise impact from the site excavation that would need to take place to site the mobile home. As this would only be temporary this would not be sufficient to warrant a refusal reason. Third party concerns have also been raised regarding the increase in noise from a new residential dwelling being located on the site. There is however, no substantiated reason why the proposed dwelling would introduce harmful noise levels and such a concern does not justify a reason for refusal.

9.4 Highway Impacts

9.4.1 The proposed development would utilise an existing access and the parking arrangements are considered to comply with CP60, CP61 and CP64 and there would be no NPPF conflict in terms of highway safety impacts.

9.5 Other Matters

9.5.1 It is fully appreciated that some third party concerns have been raised regarding the location of the temporary rural workers dwelling adjacent to a hay barn. Following receipt of these concerns, the case officer approached the Council's Building Control team and asked about the perceived fire hazard concern and was advised that a dwelling can be constructed

in such a manner and there is no in principle opposition to such a proposal under building regulations. The applicant would need to satisfy the regulations but this is not a reason to refuse the application at the planning stage.

9.5.2 Additional objections argue that the applicant has continued to run her business without the need for someone to live on site. The applicant has confirmed that although there have been alpaca on the site, she has not been able to increase her herd because nobody has been living on site and confirmed that the business expansion plan would only start following the grant of planning permission. The applicant also confirmed that although there are properties to rent and buy in Chapmanslade (including one that is close to the site) these are not considered to be appropriate because they do not overlook the entire site which is required.

9.5.3 Concerns have also been raised that if this application were to be approved, the applicant would apply for a permanent dwelling after 3 years. In response, it has to be said that providing the business is viable, after three years, the Council should expect the applicant to plan for a permanent solution. A temporary dwelling is granted for 3 years to allow a business to develop and then if it was profitable then a permanent dwelling could be applied for. Any application for a permanent dwelling would however need to provide business accounts to prove that the business had been profitable and it would need to be assessed against the relevant policy criteria at the time of submission. It is important to note that should the applicant seek to extend the temporary time period, special justification would be required. If the local planning authority is not suitably convinced it would be within the LPAs reasonable authority to refuse such an application and seek the removal of the temporary accommodation invoking the recommended planning condition listed at the end of this report. It would be for the applicant to prove that a permanent dwelling meets the required tests within the next three years. It is also important to note that temporary dwellings do not have permitted development rights and therefore the applicant would not be able to extend the development subject of this proposal.

9.5.4 As part of the public participation, it is duly noted that third parties claim the LPA cannot demonstrate a 5 year housing land supply which is not the case as the March 2018 published Housing Land Supply Statement confirms.

9.5.5 Additional representations set out an argument that the site would be suitable for travellers. This is not relevant to the consideration of this application since it must be determined on its own merits.

9.5.6 Another third party representation raised an objection citing that the application was contrary to Core Policy 44 which refers to Rural Exceptions Sites. This application is for an agricultural workers dwelling and as such does not need to comply with CP44.

10. Conclusion

The proposal complies with the relevant policies of the Local Plan and officers submit that the application addresses and overcomes the previous reason for refusal and the dismissed appeal and as such, it is recommended for approval.

RECOMMENDATION: Approve temporary planning 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 occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for residential accommodation in this location having been demonstrated.

3. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 27 June 2021 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

4. The development hereby approved shall not be brought into use until the proposed septic tank and soakaway details incorporating sustainable drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage works shall be completed in accordance with the submitted details prior to the dwelling being occupied.

REASON: The application contains 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 that the development can be adequately drained.

5. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 1 - Layout and Elevations; Drawing No 2 - Location and Site Plan - both registered on 9th May 2018

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

INFORMATIVE TO APPLICANT:

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

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	27 June 2018
Application Number	18/02549/OUT
Site Address	Land to the rear 102 High Street, Chapmanslade BA13 4AW
Proposal	Outline application for the erection of a single storey dwelling with all matters reserved except for access
Applicant	Estates Department
Town/Parish Council	CHAPMANSLADE
Electoral Division	WARMINSTER WITHOUT – Cllr Fleur de Rhé-Philippe
Grid Ref	382252 147855
Type of application	Outline Planning Application
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This report is brought to committee for the elected members to determine since it is an application lodged by Wiltshire Council and third party objections have been received. This is in accordance with the adopted Scheme of Delegation relative to planning which states that:

“Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations”. The decision making authority must therefore rest with the elected members of the area planning committee.

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

This report assesses the proposal in the light of the principle of the development and the potential neighbouring amenity impacts, and recommends that planning permission should be granted.

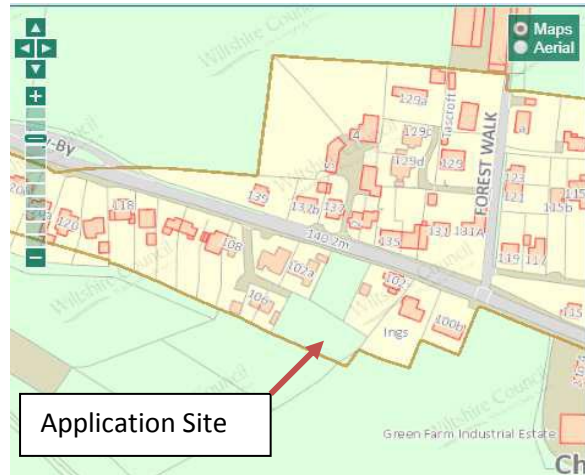
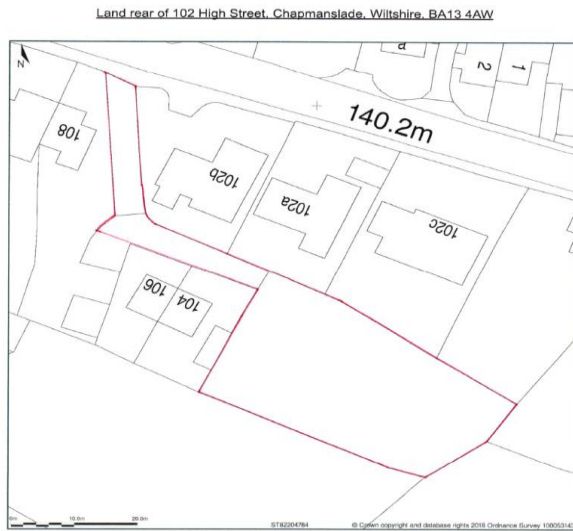
Chapmanslade Parish Council objects to the proposal on the grounds of inadequacy of access and exit to A3098 and possible future use of the site.

10 third party/neighbour objections were also received.

3. Site Description

The application site is an irregular shaped parcel of land of approximately 0.12 ha in extent located within the designated Chapmanslade large village settlement limits as defined within the Wiltshire Core Strategy. The land is understood to have been previously used as a small-scale sewage treatment works serving two properties, but this use has long since ceased and the land is currently left as rough pasture situated to the south of the High Street to the rear of residential development fronting the highway. Access would be via an existing single track leading off the

road between No.102b and No.108 and would turn at right angles in front of No.104 and No.106. The brown coloured line illustrated below right represents to the defined settlement limits.

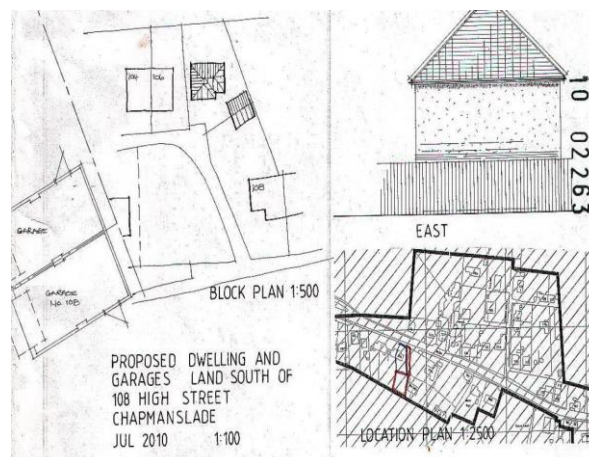


4. Relevant Planning History

W/03/02147/OUT: Residential Development of the Former Sewage Treatment Works site: Refused 02.02.2004 for the following reasons:

1. Any increased use made of the existing sub-standard access generated by the proposed development would be prejudice (sic) to road safety and as such the proposals are contrary to policies H5 of the West Wiltshire District Plan and H17 of the West Wiltshire District Plan 1st Alteration (including modifications);
2. The increased use of the single track access road would be likely to result in loss of amenity, by reason of nuisance from noise and fumes as a result of an increased vehicular use of the access. This would result in additional vehicles entering and leaving the site and manoeuvring on the access track. As such the proposals would be contrary to policies H7 of the West Wiltshire District Plan and H17 of the West Wiltshire District Plan – 1st Alteration (including proposed modifications).

W/10/02263/FUL: Construction of a detached house on land to south of No.108 High Street is also considered relevant pursuant to this current application since consented W/10/02263/FUL was granted taking access from the same track and link to High Street that would serve the current application. The site was however not developed and an original garage remains on site.



5. The Proposal

Outline permission is sought to establish the principle of erecting one detached single storey dwellinghouse with garden and vehicular access onto the existing track. Detailed matters relating to appearance, landscaping, layout and scale are all 'reserved' with the only matter for detailed consideration at this time relating to the means of access to the site.



6. Planning Policy

Wiltshire Core Strategy - Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy
Core Policy 30 – Warminster Community Area Strategy; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport; and Core Policy 61 – Transport and New Development

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

Chapmanslade Parish Council - The Parish Council objects on the following grounds:

The access is very narrow and the visibility splay onto the very busy A3098 is very poor.

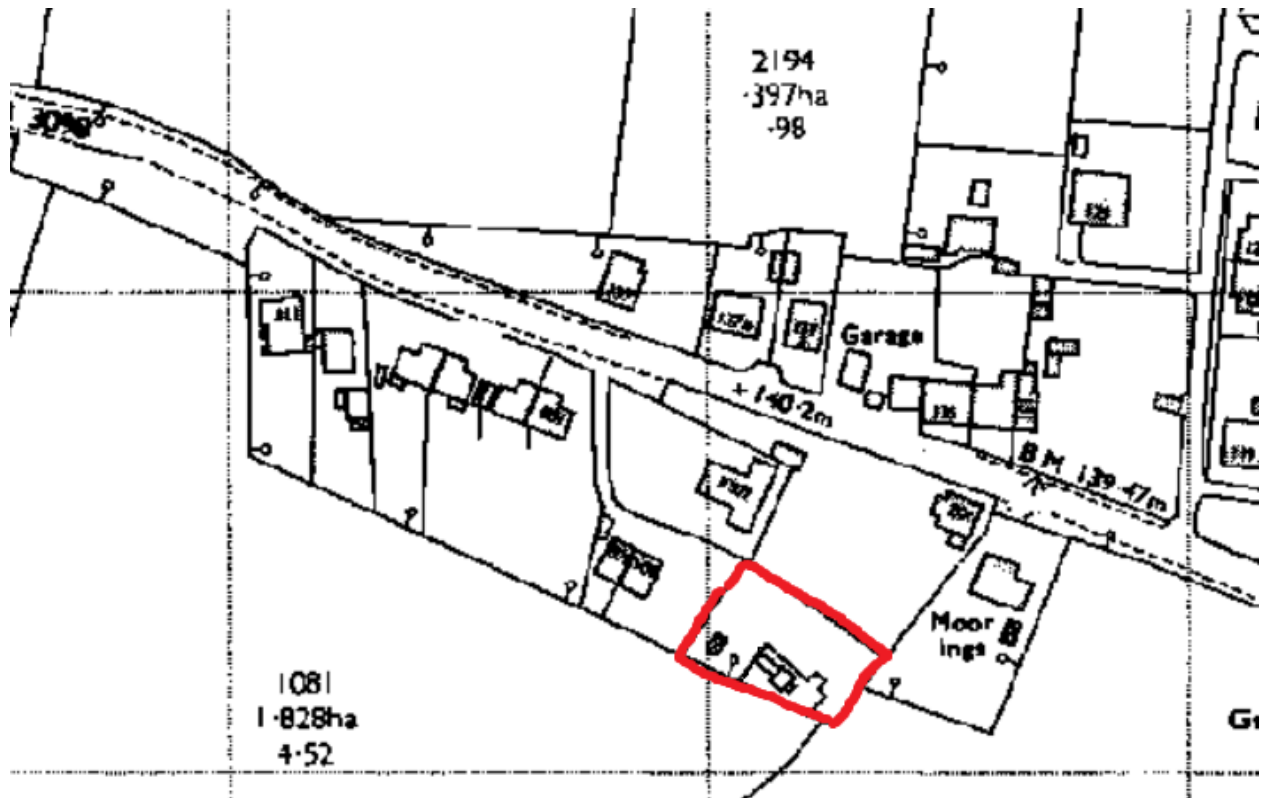
This was raised by the Council in 2004 and 2010, in relation to previous applications and with the ever increasing traffic, parking surrounding the access and concerns related to traffic within the village, this continues to be a major issue for access to and from this site.

Concerns were also raised regarding the proposal for 1 dwelling on this large site and possible intentions for increasing the number of dwellings in due course.

Wiltshire Council Highways Officer - The existing single width access road currently serves Nos.104, 106 and 108 High Street. Whilst the officer does have some concerns regarding the increased use of the existing access due to vehicles not being able to pass at the junction, the officer is of the view that one additional dwelling would not lead to a severe highway safety impact or harm to justify a highway based objection. The highway officer is aware of the consented W/10/02263/FUL application for a single dwelling which is served off the existing access road. It was noted during the site visit that the dwelling was not developed and W/10/02263/FUL has therefore expired. However, the principle of an additional dwelling served by the lane is established and, since 2010, the NPPF has been published (in 2012), and paragraph 32 states *that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

The officer argues the development would not result in severe harm and no highway objection is raised subject to adequate car parking and turning being provided within the curtilage of the site.

Wiltshire Council's Environmental Health Officer - The historic mapping record for the site (see below) which dates back to 1952 appears to show some buildings and infrastructure in the south eastern part of the site which could well illustrate the siting of the old sewerage works however no record exists on the public protection records. The officer raises no objection to the principle of the one residential property being constructed on the site, but recommends a condition is imposed to deal with the potential land contamination and remediation. Conditions relating to the construction phase are also recommended.



Historic Mapping Record Dating from circa 1952

Wiltshire Council's Ecologist - No objection, subject to planning informatives relating to potential presence of species are recommended.

8. Publicity

Ten Letters of objection were received, raising the following issues:

- inadequate visibility at the access, which will be worsened with the erection of a wall
- the access is unsafe
- motorists speed along the section of the public road;
- highway danger to future occupants as well as other drivers;
- there would be a danger to schoolchildren walking to the bus stop;
- the traffic situation is worse since the previous application was refused in 2004;
- the access is too narrow for emergency vehicles and construction traffic;
- concern raised about the previous septic tank on the site;
- there are badger setts on site;
- potential overlooking, overshadowing and drainage issues because of topography of the land;
- concern about the potential loss of privacy;
- there are inaccuracies within the application form;
- the Council should reconsider the offer by neighbours to purchase the land
- the conditions on the previous approval have not been met;

9. Planning Considerations

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.

9.1 The Principle of Development – Under this application, the Council as landowner seeks outline planning permission for one detached single storey dwelling on what is currently vacant rough pasture land located within the established Chapmanslade settlement limits as defined within the Wiltshire Core Strategy. WCS Core Policy 1 seeks to focus development at Principal Settlements, Market Towns, Local Service Centres and Large Villages and sets out a general presumption against unwarranted/unjustified development outside the defined settlement limits. This hierarchical settlement strategy is aimed at achieving sustainable development by locating housing growth at appropriate locations accessible to most services and facilities, whilst protecting the open countryside.

9.1.2 Core Policy 1 also advises that development at large and small villages should be limited to dedicated schemes that meet the housing needs of settlements and to improve employment opportunities, services and facilities. However, it is essential that all such development should be carefully managed; and in the pursuit of delivering sustainable development, decision makers should be fully mindful of the objectives and direction set out by Core Policy 1 and other relevant policies in the Core Strategy.

9.1.3 Chapmanslade is a “Large Village” within the Council’s adopted plan settlement hierarchy; and in terms of planning principle, the site is considered to be a sustainable location for the proposed additional dwelling, being within designated settlement limits for the village.

9.2 Highways considerations - A key consideration for this application relates to the access to the site. This is also a key area of concern amongst local residents / neighbours. The track which serves the site is one-vehicle width, which includes the junction width at its connection with the High Street. The Council’s highway officer comments recognises the limitations of the access but advises that the delivery of one additional dwelling would not give rise to severe highway harm or impacts and no highway based objection is raised.

9.2.2 In terms of the site’s planning history, the historic refusal related to an unspecified quantum of residential development on a site of circa 1200m² in extent. Had the former District Council approved application W/03/02147/OUT several new dwellings could have been developed on site under a Reserved Matters application. This aspect was discussed in the officer report at the time and formed part of the reasoning for the February 2004 refusal.

9.2.3 Since issuing that refusal, under application w/10/02263/FUL, detailed planning permission was granted for a single two-storey dwelling served off the same single width (constrained) access. As noted above this consent was not implemented and has now expired. It is also noteworthy to appreciate that these historic applications were considered in the pre-NPPF policy environment and several years prior to the adoption of the Wiltshire Core Strategy.

9.2.4 A key consideration for this application concerns the interpretation and application of paragraph 32 of the NPPF, which states that: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* Whilst this paragraph does not override all highway safety considerations, Members are advised that one additional dwelling using the access would not result in a “severe” impact and the development is not considered to conflict with the NPPF or the Adopted WCS. The Council’s highway officer is satisfied that the current access point onto High Street is acceptable for this one additional dwelling and overgrown boundary treatment can be dealt with.



View towards east



View down track from High Street



A motorist's view looking west along the High Street and a view of the site from the track



Panorama of street scene at access

9.3 Impacts on Neighbouring Amenity - The site extent is of relatively large for a single residential plot measuring approximately 44m x 33m and officers submit that through appropriate siting and design, one single storey dwelling, neighbouring impacts should be properly mitigated at REM stage. Officers fully appreciate the raised concerns by third parties and in respect of potential loss of privacy and overshadowing, officers submit that any REM submission would need to evidence that such concerns would not be manifested. The site dimensions should be able to accommodate a single storey dwelling and achieve suitable separation distances to neighbouring properties and habitable windows.

9.3.2 It should be noted that the design and siting of any such building to be approved would be fully detailed as part of a follow-up reserved matters submission, which would go through its own process to include public notification and consultation. It is however open to the planning authority at this outline stage to define the parameters of any such development, which can include limiting any such dwelling to be single storey, by way of a bespoke planning condition.

9.3.3 Third parties/neighbours have also highlighted a concern relative to the increased use of the access and disturbance during the construction phase given the restricted nature of the access. In response, officers submit that a suspensive planning condition requiring the submission of a construction method statement would be necessary to secure inter alia the details pertaining to site compound location, hours of operation, delivery timescales, noise, dust and wheel washing controls are all properly considered

9.3.4 Additional concerns have been raised that an outline approval could lead to further dwellings on the site. However, if this application is granted it would only relate to one dwelling and any future applications, including any subsequent REM submission would need to be tested on their own merits.

9.4 Land Contamination - It is understood that the historic sewage treatment works on the site related to septic tanks which served two properties and the septic tanks and the below ground sewage infrastructure has been redundant for many years. The Council's public protection officer raises no objections but recommends the imposition of a planning condition relative to land contamination investigation and any necessary remediation which is considered to be a reasonable and appropriated approach in this case.

9.5 Ecology – The Council's ecologist was consulted in respect of adopted WCS Core Policy 50 requirements and raises no objections. A planning informative is recommended.

9.6 Other Matters – The only matter of detail submitted for approval at this outline stage, relates to the vehicular means of access to the site. All other matters would be 'reserved' for sue consideration at the reserved matters stage. It is considered that planning conditions in relation to design, landscaping, location and materials are reasonable in addition to those recommended above.

9.6.2 The proposed development would likely represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. Whilst a separate Community Infrastructure Levy Liability Notice would be issued by Council, an informative in this regard should be included in any approval notice.

10. Conclusion (The Planning Balance)

The proposal accords with the Development Plan and would deliver a new dwelling within the established development limits of the designated large village of Chapmanslade. Officers submit that any outline approval should be subject to suspensive planning conditions to ensure the final design accords with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

RECOMMENDATION: Permission subject to the following conditions:

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. The landscaping plan shall include provision for parking and turning areas on site. These areas shall be laid out and constructed prior to the first occupation of the dwelling hereby approved and shall be retained without obstruction thereafter.

REASON: In the interests of highway safety

4. The dwelling hereby permitted in outline form shall be single storey only.

REASON: To define the terms of this outline permission and to protect the amenity of the adjacent properties.

5. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in

accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. There shall be no burning of materials on site during the development works and no construction shall be carried out between the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 1300 on Saturdays. No working shall be permitted on Sundays or Bank Holidays.

REASON: In the interests of neighbouring amenity.

7. Prior to the commencement of the development, a construction management statement will be submitted to and approved in writing by the Local Planning Authority. The statement will include details in regards to types of vehicles, construction staff parking requirements, management of debris/mud from the site and a program of works.

REASON: In the interests of highway safety and neighbouring amenity.

8. The development shall be carried out in accordance with the following approved plans:

Location Plan registered on 26 March 2018; and Site Plan registered on 26 March 2018

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

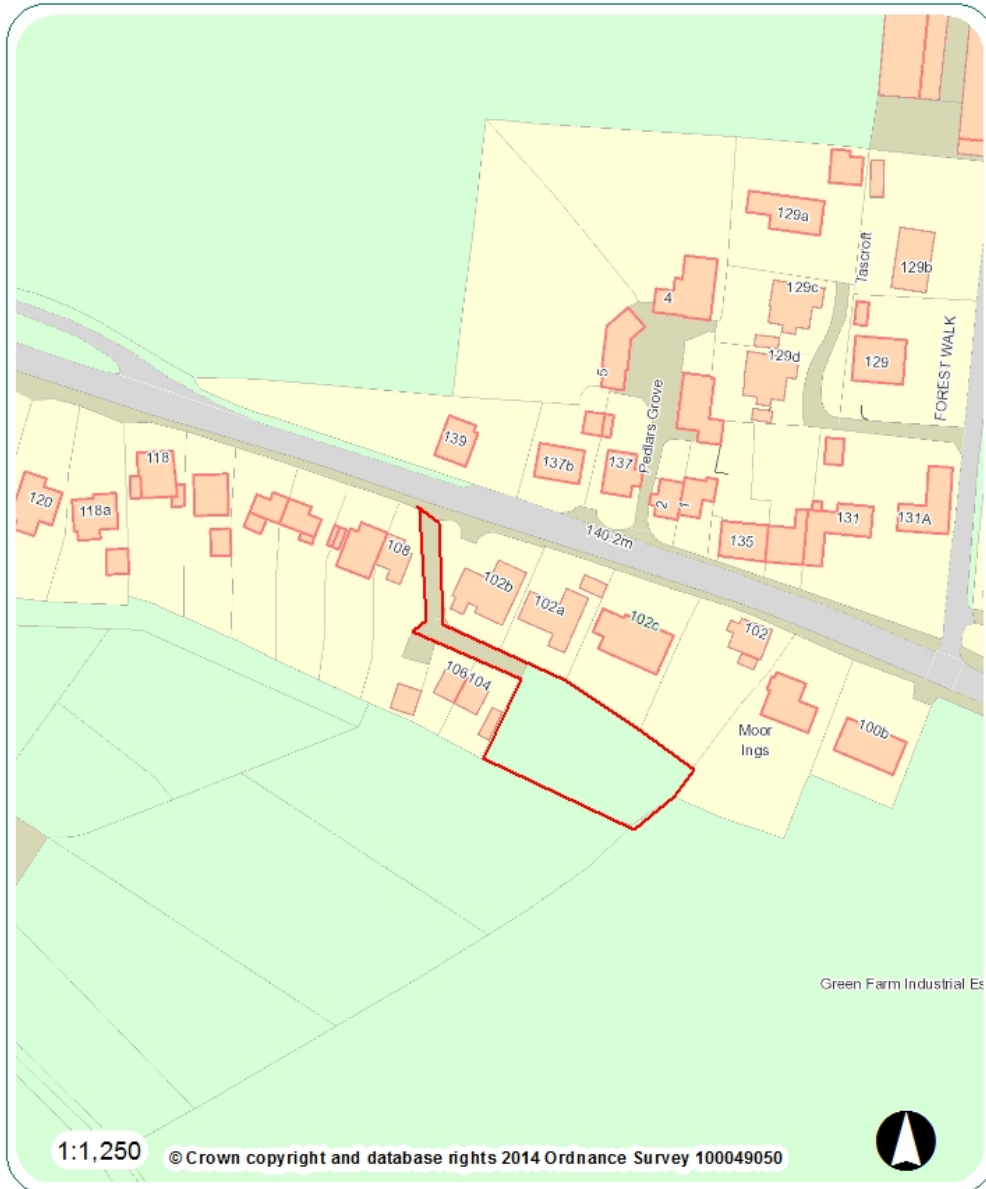
INFORMATIVES:

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>

There is a low risk that reptiles could occur on the application site. 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.

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.

18/02549/OUT
Land to Rear 102 High Street
Chapmanslade
BA13 4AW



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	27 June 2018
Application Number	18/01969/FUL
Site Address	The Clovers, Hartley Farm, Winsley, Bradford on Avon BA15 2JB
Proposal	Change of use of agricultural land to equestrian use and proposed erection of a timber loose box / stable building
Applicant	Mr Keith Harper
Town/Parish Council	WINSLEY
Electoral Division	WINSLEY AND WESTWOOD – Cllr Johnny Kidney
Grid Ref	380141 161820
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: Cllr Kidney has requested that this application be called-in for the elected members to determine should officers be minded to grant permission and for members to appraise the impact of the development on the green belt, the scale and visual appearance of the development, the impact of additional traffic using narrow roads and to note that other similar developments have been converted to residential use utilised permitted development rights.

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

This report appraises the principle of development, the impact on the Green Belt and special landscape area as well as the impacts on neighbouring amenity, flood risk and highway safety.

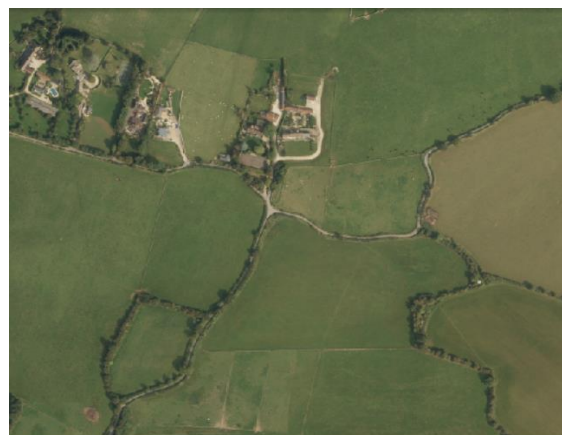
Winsley Parish Council object to the application for the reasons cited in section 7 of this report; and following the public notification exercise, seven third parties raised concerns/objections which are also summarised in section 8.

3. Site Description

The application site, which is illustrated in the insert plan below, relates to an approx. 0.88 hectare parcel of land which is located about 500m north-east of the Hartley Farm and prior to the applicant's purchase, it was owned and controlled by Hartley Farm.



Site Location Plan



2014 Aerial Photograph of the site and its immediate surroundings

The application site is bounded by a low hedgerow along its northern boundary, with a vegetated boundary to the east, which contains a number of mature trees. This rural site is located within the West Wiltshire Green Belt and Special Landscape Area for the southern fringes of The Cotswolds that are not covered by the Area of Outstanding Natural Beauty. There is a Public Right of Way (WINS38) which crosses the site to the west of the proposed siting of the loose box.



Northern boundary



Proposed site and eastern boundary

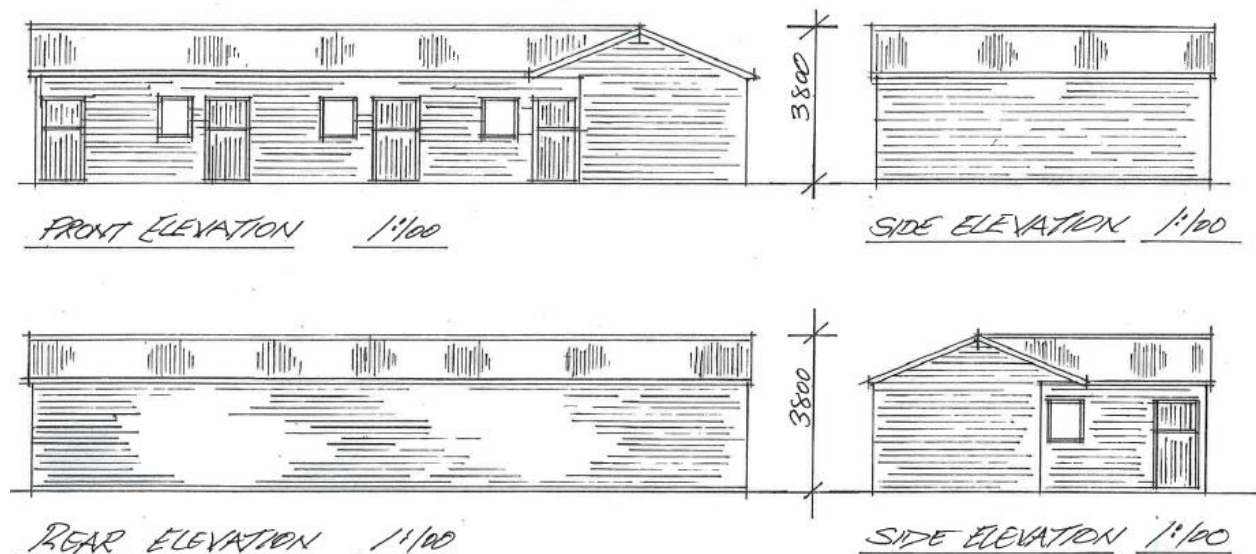
The applicant is currently grazing a small flock of sheep on the site and has sited a caravan for use during lambing periods. The caravan is considered to be a chattel with no fixed foundations and officers have been informed by the applicant that the caravan would be removed if planning permission is granted for the loose box.

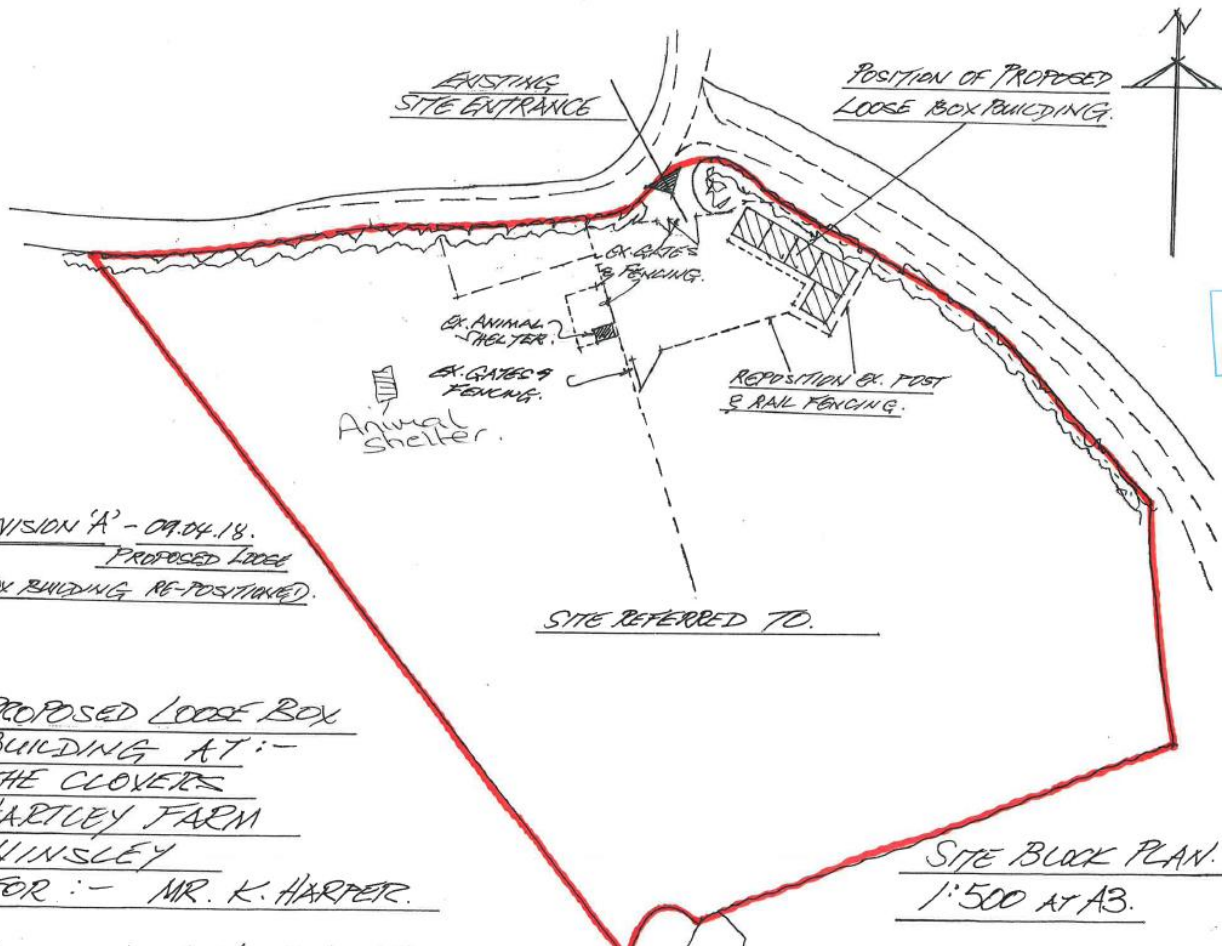
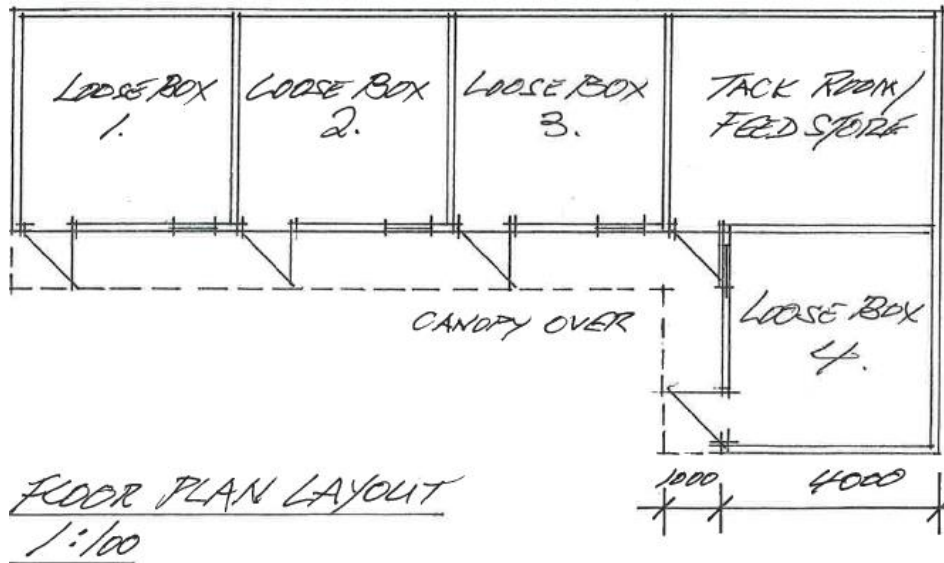
4. Planning History

There is no planning history pursuant to this site.

5. The Proposal

This application seeks permission to construct an 'L' shaped timber loose box stabling with associated post and rail fencing. The proposed building would measure approximately 17m in length and 3.8m in height. The loose box would comprise 4 bays with a tack room and feed store (as illustrated below). The stabling would be used solely for the private use of the applicant.





The application also seeks permission to change the use of the agricultural paddock to equestrian use. During the course of the application, revised plans were submitted repositioning the proposed stable against the existing eastern field boundary. The revised site block plan drawing also illustrates the presence of two existing animal shelters which had been originally omitted from the drawings.

6. Planning Policy

Wiltshire Core Strategy (WCS) - Core Policies: CP1 - Settlement Strategy, CP2 - Delivery Strategy, CP48 - Supporting Rural Life, CP51 – Landscape; CP57 - Ensuring High Quality Design and Place Shaping, CP61 - Transport and New Development; and, CP64 - Demand Management

The following saved policies from the West Wiltshire District Plan – 1st Alteration are also relevant C3 (Special Landscape Areas) and E10 (Horse Related Development).

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant

National Planning Policy: National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of material relevance to this application.

7. Summary of Consultation Responses

Winsley Parish Council: Objects: Although Winsley Parish Council accepts Wiltshire Council's obligation to plan positively to enhance the beneficial use of the Green Belt by provision of opportunities for outdoor sport and recreation, it does not regard this proposed development as appropriate within the bounds of the NPPF. The position of the proposed development in open fields rather than adjacent to any form of settlement, plus the size and extent of the development, would erode the openness of the Green Belt.

The Council also notes that the drawings presented with this application are inaccurate and do not show several features. In particular, they do not show the presence of a mobile home that has been parked on this land for some time. The Council recognises that 'parking' a caravan/mobile home within the curtilage of a garden is deemed to be permitted development, but is so for this agricultural site? Its presence blights the open countryside.

The Council noted that the application indicated maintenance of the level of parking for six vehicles on site which appears to be at odds with the proposal to erect stabling for four loose boxes. The site is accessed via very narrow lanes, which do not have the capacity to take an increase in traffic. It has been highlighted that both the lanes and the site itself flood regularly (there are ponds at the southern corner of the site). Consequently, it was felt that any building on this field would increase the frequency and impact of flooding in the area.

The Parish Council is also concerned about the possible conversion of stable buildings into residential buildings under permitted development rights at a later date, which has happened in other cases in the area. If the authority is minded to approve this application a precondition should be set that precludes further development of the loose boxes to residences of any form.

Rights of Way Officer: No objection: There is a public footpath (WINS38) which runs to the west of the site. However the proposed building does not affect this footpath.

Wiltshire Council Highways: No highway objection, subject to conditions

8. Publicity

The application was advertised by neighbour notification and by the display of a site notice. Third parties were also consulted for 14 days on receipt of the revised drawings in early May; and although the local ward Cllr noted the changes made, the committee call-in request was not retracted. The following summarised concerns were raised within the received letters of objections:

- Highway concerns raised about the site being accessed off a narrow road, with limited passing spaces

- Harm to the green belt and erosion of the open countryside
- Overdevelopment
- Scale of the development
- Flooding concerns
- Lack of information as to how horse manure would be managed on site
- Concerns about stables being converted into residential properties in the future
- The public right of way is not identified.

9. Planning Considerations

9.1 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.

9.2 Principle of Development - This application is seeking permission for the construction of a timber stable and to change the use of paddock to equestrian use. There is no in principle or policy objection to the proposed change of use of the small field to a private equestrian use and the proposed stable is considered to be policy compliant in terms of the WCS and NPPF.

9.2.1 Saved WWDP 1st Alteration Policy E10 states that “*proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. All such building proposals should have special regard to siting, design materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment*”.



9.2.2 Officers report that the proposed revised position of the stable would have a minimal impact on the overall appearance of the countryside and since the stables would be used for personal use only and not likely generate significant vehicle movements. The building would be positioned with the backdrop of the trees and hedgerow seen in the photograph above and would be well screened from the lane. As a consequence, the proposed development would satisfy saved policy E10 and would be compliant with WCS CP51.

9.2.3 Officers appreciate the concerns raised about a potential future conversion of the stable building if it is approved, however the LPA must appraise the merits of the submitted application. It is also worth noting that if this application is approved, the lawful use would be for equestrian use and not agricultural purposes. A separate change of use would be required to convert the proposed building into agricultural, commercial or residential use.

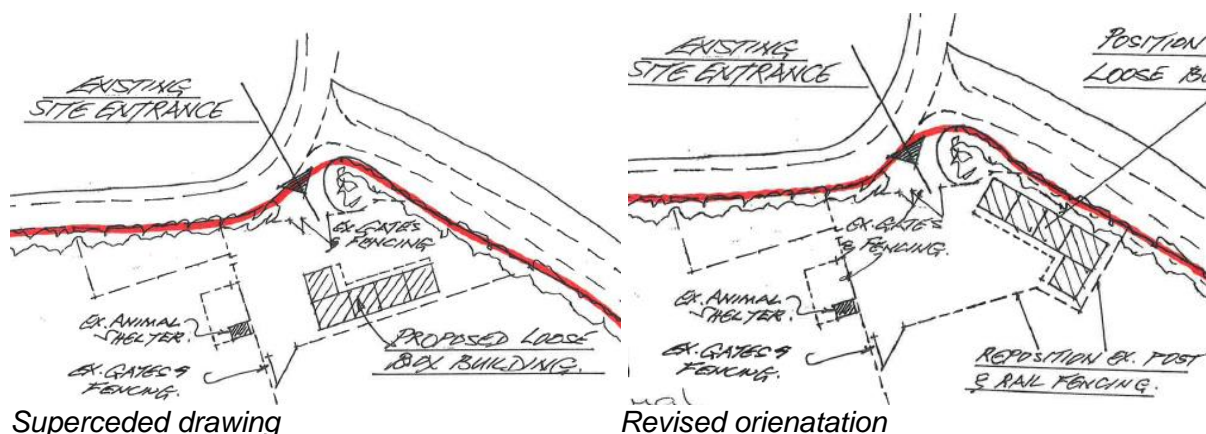
9.3 Principle of development in the Green Belt: Paragraph 87 of the NPPF states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 88 leads on to state that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

9.3.1 Paragraph 89 of the NPPF regards “*the construction of new buildings as inappropriate in Green Belt*” unless the proposal falls within the specific exceptions set out in Paragraph 89. One such exception is the “*provision of appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”.

9.3.2 In this case, the proposal seeks permission for the construction of a modest sized stable for equestrian use to be used for the applicant’s recreational purposes which is considered to fall within the definition of ‘outdoor recreation’ and is considered to be an exception in Green Belt policy terms.

9.4 Impact on the openness of the Green Belt: The second Green Belt test relates to appraising the impact of the proposed development on the openness of the green belt as set out in Paragraph 79 of the NPPF. Paragraph 79 states that “*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”.

9.4.1 As previously reported and as illustrated by the two insert plans below, the proposed development has been amended by repositioning the proposed stable to a position with a well-established landscaped backdrop that would reduce its visual impact in this rural setting and officers are satisfied that this would not result in demonstrable harm to the openness of the green belt.



9.5 Highway Issues: The proposed stable and site would be accessed via an existing vehicular access which is approximately 8.8m wide which connects with the lane that serves several isolated rural properties. The existing access is set back from the road by approximately 4m and the Council’s highway officer reports no objection.

9.5.1 The proposed stable would be used for private use only which can be conditioned and highway and planning officers report that the proposed use would not generate a significant increase in traffic. Whilst it is appreciated that the submitted application form states that the site has 6 existing on-site car parking spaces, this figure is based on the size of existing gravelled area to the front of the paddock. It does not necessarily mean that there would or need to be six cars parked on the site at the same time.

9.6 Impact on the Special Landscape Area: Saved WWDP 1st Alteration policy C3 seeks the landscape character of such areas to be “*conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes*”. In this instance the modest timber stable is not considered to be incompatible with the rural site context and nor would it be harmful for the reasons set out above.

9.7 Impact on the Public Right of Way: The development would not affect WINS38 and the proposal would not have a substantive visual harm or impact on the use the right of way. Moreover, no objection has been raised by the Council’s Rights of Way Officer.

9.8 Flood Risk: Whilst the concerns raised by third parties regarding flood risk/surface water on the road are duly noted, the site is located within Flood Zone 1 (having the lowest probability of flood risk) and it is not within an area susceptible to high surface water. That said CP67 of the adopted WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground, unless site or environmental conditions make these measures unsuitable. The completed application form states that the surface water would be disposed of by a soakaway; however, no details have been provided with the application. As such, it is considered reasonable to request specific details by planning condition to ensure that the soakaway system is of a design to adequately deal with the surface water run-off from the site.

9.9 Impact on Neighbouring Amenity: The proposed development would not cause detriment to neighbouring amenities or privacy. It is acknowledged that the application does not contain any details of how manure would be managed or disposed. A planning condition can adequately cover this matter.

10 Conclusion (The Planning Balance) – The proposed change of use of the land and the construction of the stable would satisfy NPPF and WCS policies in terms of the principle and well as the impacts on the on the Green Belt, open countryside, special landscape area and highway safety interests. The proposed development is considered to comply with the requirements of Paragraphs 87-89 of the NPPF, and the Wiltshire Core Strategy in particular CP51, CP57 and CP61, and saved policies C3 and E10 of the West Wiltshire District Plan 1st Alteration. As such, it is considered 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: Drawing No. KH/003: Site Location Plan, as received on 26 February 2018; Drawing No. KH/001: Floor Plan and Elevations, as received on 26 February 2018; and Drawing No. KH/002/Rev A: Site Block Plan, as received on 3 May 2018.

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

3. Notwithstanding the provisions of Class Q pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification) the stable hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed; and at no time shall the site be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: the proposed use is acceptable by the local planning authority would wish to consider any future proposal for a change of use having regard to the circumstances of the case

4. The development hereby approved shall not be brought into use until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including the frequency) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

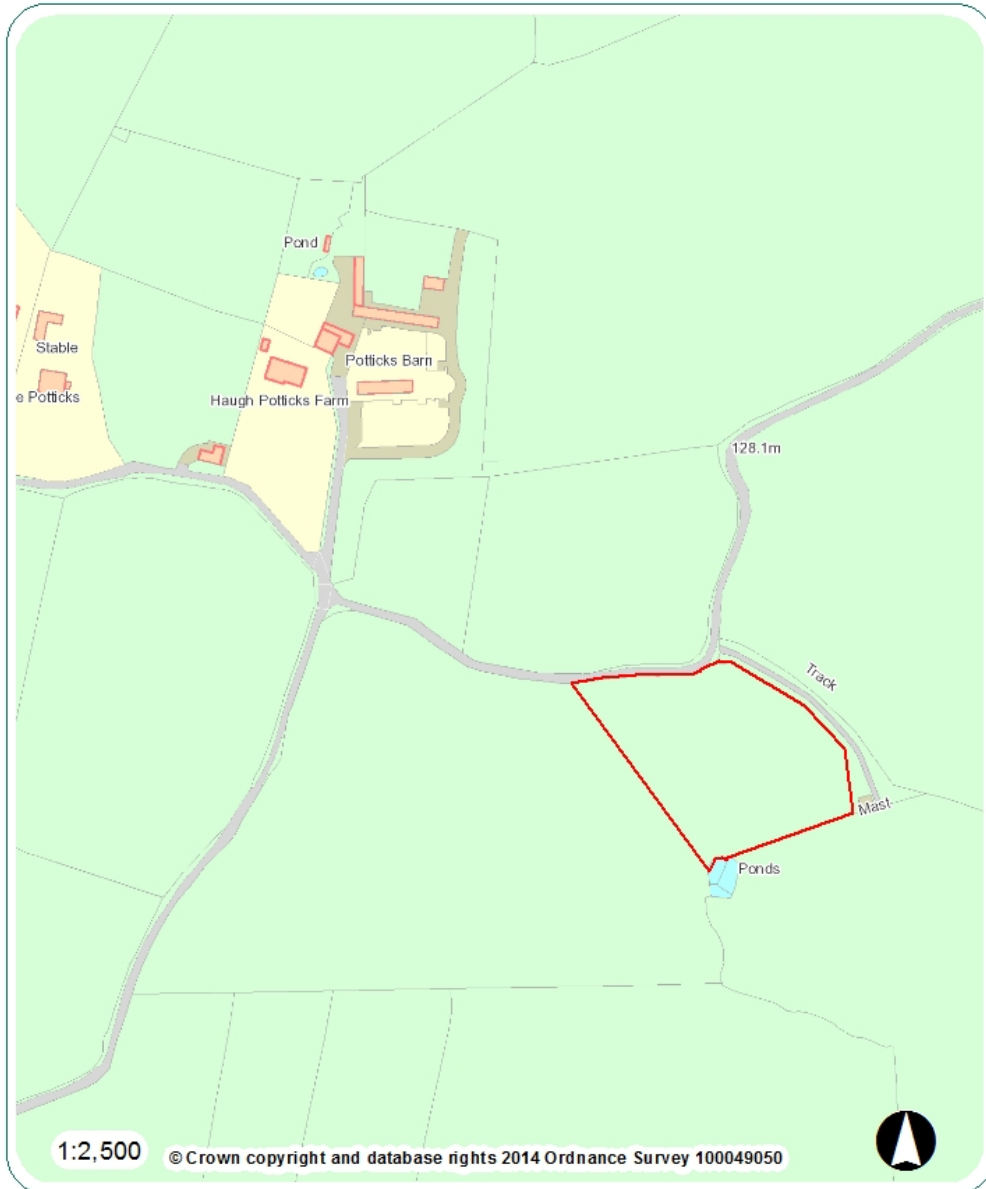
REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution

5. The development hereby permitted shall not be brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

6. The development hereby permitted shall not be brought into use until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be completed prior to the use being enacted.

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



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