

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 17 October 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.

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

Membership:

Cllr Christopher Newbury (Chairman)	Cllr 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 - 10*)

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 **(4 clear working days, e.g. Wednesday of week before a Wednesday meeting)** 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 **(2 clear working days, eg Friday of week before a Wednesday meeting)**. 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 (Pages 11 - 12)

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 8/04589/FUL - Unit 8 Atworth Business Park, Bath Road, Melksham (Pages 13 - 30)

7b 18/07478/FUL - The Clovers, Hartley Farm, Winsley, Bradford on Avon, Wiltshire, BA15 2JB (Pages 31 - 42)

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 19 SEPTEMBER 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 Tony Jackson and Cllr Graham Payne

46 Apologies

There were no apologies for absence.

47 Minutes of the Previous Meeting

The minutes of the meeting held on 27th July were discussed and Cllr Jackson queried the minute of item 17-12348-OUT - Land East of Damask Way Warminster in respect of access arrangements being delegated to officers. Cllr Davis advised the minutes were accurate, however reassured the local member that reserved matters could be dealt with by the committee if he was to call in the application.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 27th July 2018.

48 Declarations of Interest

There were no declarations of interest.

49 Chairman's Announcements

There were no Chairman's Announcements.

50 **Public Participation**

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

51 **Planning Appeals and Updates**

The Planning Appeals Update Report was attached to the agenda for members' consideration.

Resolved:

To note the Appeals update provided to the meeting.

52 **18/04602/FUL: Trowbridge Retail Park, 235 Bradley Road, Trowbridge, BA14 0RQ**

Matthew Perks, Senior Planning Officer, presented a report on a proposed coffee shop unit with external seating area and associated alternations to car parking and landscaping within an existing retail park. An outline of the site and photographs were shown alongside a site location plan, existing block plans showing parking plans, landscaping and proposed elevations. The officer advised the key issues for consideration were parking, traffic and effect on the streetscene. It was noted there would be a net reduction of 14 car parking spaces in the retail park as a result of the development. Attention was drawn to the representations that had been received in respect of the application.

Members were invited to ask technical questions, Cllr Kirk highlighted he felt traffic and parking were significant issues and presented photographs to demonstrate this, he questioned a reduction in spaces and an increased amenity in the retail park that would attract more visitors. Officers advised they considered it unlikely the coffee shop would increase footfall in the retail park as it was designed to serve customers already visiting the shops.

It was also established the retail park had provided evidence to suggest its car park was not at maximum capacity and 12 dedicated staff spaces would be provided to near to the service yard. It was confirmed the area at the rear of the retail park was not currently open the public and there was mains sewage for the retail park. Members expressed concern about the turning circle for lorries in the location where parking had been indicated, officers confirmed the turning circle was sufficient. The committee went on to question the exit route from the car park, establishing that movement from the spaces outside of the proposed unit would block the exit route from the retail park.

Members of the public were invited to speak.

Helen Keston-Sykes spoke in objection to the application.

Colin Burnett, agent, spoke in support of the application and established the net reduction in car parking spaces in the officer's report was correct.

The local member, Cllr Graham Payne spoke of the history of the site and objected to the application on traffic and parking grounds.

In response to queries, it was verified the Traffic Management Plan indicated delivery times and this information was considered by officers to be sufficient. It was also highlighted that parking spaces would need to be coned off in advance to allow for deliveries; officers advised this was not considered by the applicant to a problem due to capacity in the car park.

Cllr Fuller, as a Trowbridge councillor, spoke about the history of the site, neighbouring residential amenity and traffic/parking concerns. Members discussed the merits of a site visit.

Cllr Seed reflected on concerns raised, however highlighted evidence suggested car parking on the site was sufficient. Cllr Seed moved the officer's recommendation subject to an amendment to conditions to prevent service delivery for the coffee shop prior to 7:30 and after 18:00, in the interest of residential amenity. A friendly amendment was accepted to also apply Sunday servicing hours to Christmas Day. The motion was seconded by Cllr Carbin, who reflected on the design of the site.

Resolved:

That planning permission be granted 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 use hereby permitted shall only take place between the hours of 07:30-20:00 Monday-Saturday (including Bank Holidays) and 08:00 -18:00 on Sundays. Deliveries shall not take place between the hours of 18:00 to 07:30 Monday- Saturdays nor before 08:00 or after 18:00 on Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

3. All the landscape and tree planting, seeding and turfing comprised in the approved details of landscaping (as shown on Plan Number 14838A - L01A REV B) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All on-site construction works shall also be carried out in accordance with the

protection measures shown on the approved "Tree Protection Plan" submitted on 29 May 2018.

REASON: In the interests of visual amenity.

4. No part of the development hereby approved shall be brought into use until the parking provision shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. The parking shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

5. External plant shall not exceed the sound power levels of each of the example heat pump units evaluated in the assessment contained in the submitted document "Acoustic Impact Assessment: Trowbridge Retail Park, Bradley Road , Trowbridge (Hawkins Environmental, 9th May 2018)."

REASON: In the interests of neighbouring amenity.

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

14838A-100 B Site Location Plan Registered on 29 May 2018

14838A-101 B Existing Block Plan Registered on 29 May 2018

14838A-102 B Proposed Block Plan Registered on 29 May 2018

14838A-103 B Proposed Site Plan 1 Registered on 29 May 2018

14838A-104 B Proposed Site Plan 2 Registered on 29 May 2018

14838A-105 A Proposed GA and Roof Plans Registered on 29 May 2018

14838A-106 B Proposed Elevations 1 of 2 Registered on 29 May 2018

14838A-107 A Proposed Elevations 2 of 2 Registered on 29 May 2018

14838A -L01A REV B Proposed Landscape Plan Received on 3 September 2018

Tree protection plan Registered on 29 May 2018

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

53 National Planning Policy Framework July 2018

Members were invited to ask questions on changes to the National Planning Policy Framework. It was confirmed that, under the new guidance, contribution rates for developers would be set in advance of purchasing a site. In addition to this, members noted that viability assessments would now be in the public domain and that Wiltshire Council was confident it would pass housing delivery assessments.

Resolved:

To note the Briefing Note on the revisions to the National Planning Policy Framework.

54 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Libby Johnstone of Democratic Services, direct line 01225 718214, e-mail jessica.croman@wiltshire.gov.uk

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

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**Wiltshire Council
Western Area Planning Committee
17th October 2018**

There are no Planning Appeals Received between 07/09/2018 and 05/10/2018

Planning Appeals Decided between 07/09/2018 and 05/10/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/06080/FUL	Magdalen Farm Rowden Lane Bradford on Avon Wiltshire, BA15 2AB	BRADFORD ON AVON	Retention of temporary log cabin approved under W/11/03319/FUL as a permanent workers dwelling	DEL	Written Reps	Refuse	Allowed with Conditions	12/09/2018	None
17/07646/FUL	Land adjacent 44 High Street, Sutton Veny BA12 7AW	SUTTON VENY	Proposed dwelling with new access	DEL	Written Reps	Refuse	Allowed with Conditions	26/09/2018	None

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	17 October 2018
Application Number	18/04589/FUL
Site Address	8 Atworth Business Park, Bath Road, Atworth, SN12 8SB
Proposal	Extension to existing building (Use Class B8), extension to service road, landscaping and associated works.
Applicant	Oliveford Ltd.
Town/Parish Council	ATWORTH
Electoral Division	MELKSHAM WITHOUT NORTH – Cllr. Alford
Grid Ref	386808 165772
Type of application	Full Planning
Case Officer	Kate Sullivan

Reason for the application being considered by Committee

Cllr Alford requested that should officers be minded to support this application, it should be brought before the elected members of the planning committee to consider the following matters:

- the visual impact of the development upon the surrounding area, and
- the relationship with 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 should be approved.

2. Report Summary

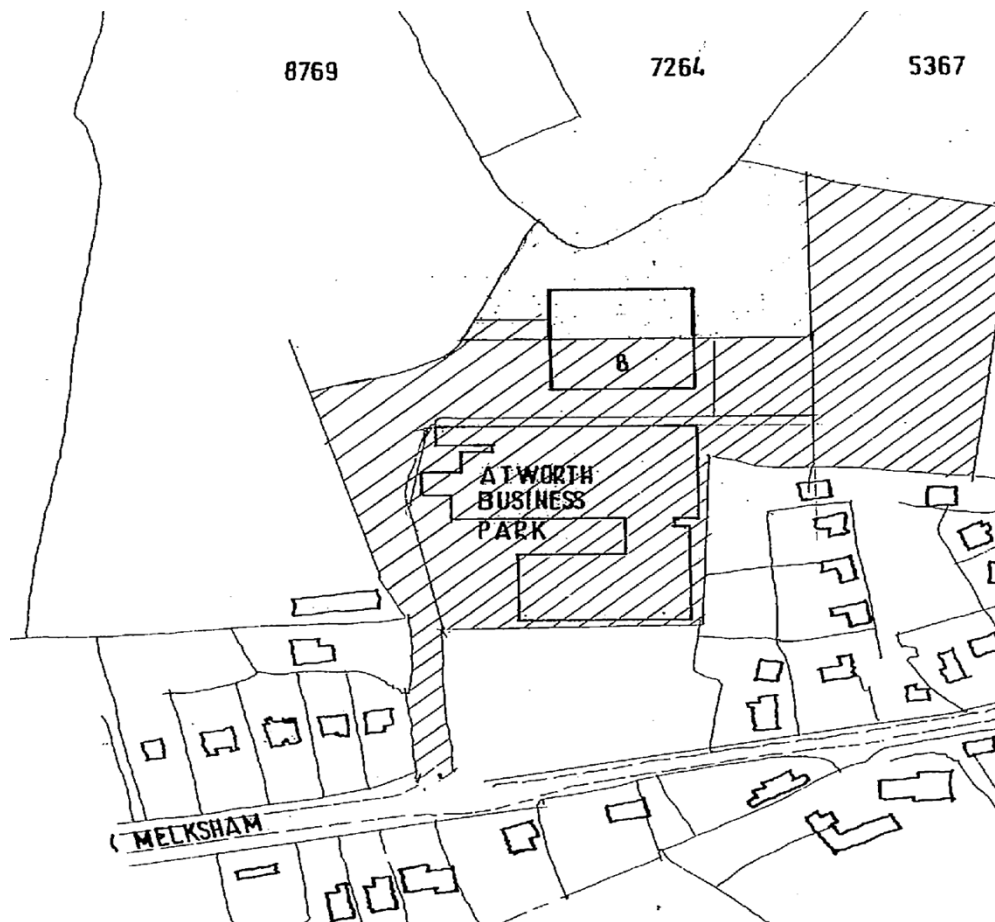
The main issues discussed in this report are the principle of development, design issues, the impact on the immediate area, impact on amenity, highway and access considerations and the section 106 agreement.

3. Site Description

The application site - developed out of the former Dowty Engineering site which had operated since the 1930's - became the Atworth Business Park in the late 1990s. Units 8 and 9 - a pair of semi-detached buildings - was granted permission in 1993 (Reference W/93/00116/OUT) with reserved matters approved in 1997 (reference W/97/01026/REM). The buildings are constructed of a brick base with coloured profile sheeting above and a grey steel profile-sheeting roof.

The current unit has a gross internal area of 1250 square metres including a mezzanine level.

Unit 9 - currently occupied by Leaffield Marine Ltd - gained planning permission in 2017 (reference 16/09685/FUL) for an extension into the former Dowty Playing fields to the rear of the site. This unit is immediately adjacent to the application site.



4. Planning History

- | | |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W/93/00116/OUT | General industrial building on land to rear, and office block to existing unit, demolition of sports pavilion – Granted permission |
| W/97/01026/REM | Erection of industrial building and associated site works - Approved |
| W/98/01498/FUL | Erection of entrance wing to existing unit and revisions to approved car parking/turning areas |
| 17/05785/FUL | Extension to B8 commercial building, service road extension, landscaping and associated drainage works – Refused on ecology grounds only for the following reason: |

There is the potential for the site and/or surrounding land to support protected wildlife species – notably great crested newts and bats.

Although the application is accompanied by an ecological report, this is deficient in terms of the scope of survey and assessment, and the recommendations put forward (including mitigation measures), to

minimise the potential for adverse impacts upon ecology as a result of the proposed works. Furthermore, there are a number of significant omissions in the report, it is not in line with industry best practice standards, and contains out of date references. Therefore, the Council has not been provided with adequate evidence and assurances that ecology has been suitably assessed through an appropriate level of survey for the purposes of formulating a robust and sufficient approach to mitigation. This is contrary to Core Policy 50 ('Biodiversity and Geodiversity') of the Wiltshire Core Strategy 2015.

The current application is, in essence, a re-submission of the proposal refused under 17/05785/FUL, but is accompanied by more evidence on ecological matters to address the reason for refusal of the earlier application.

5 The Proposal

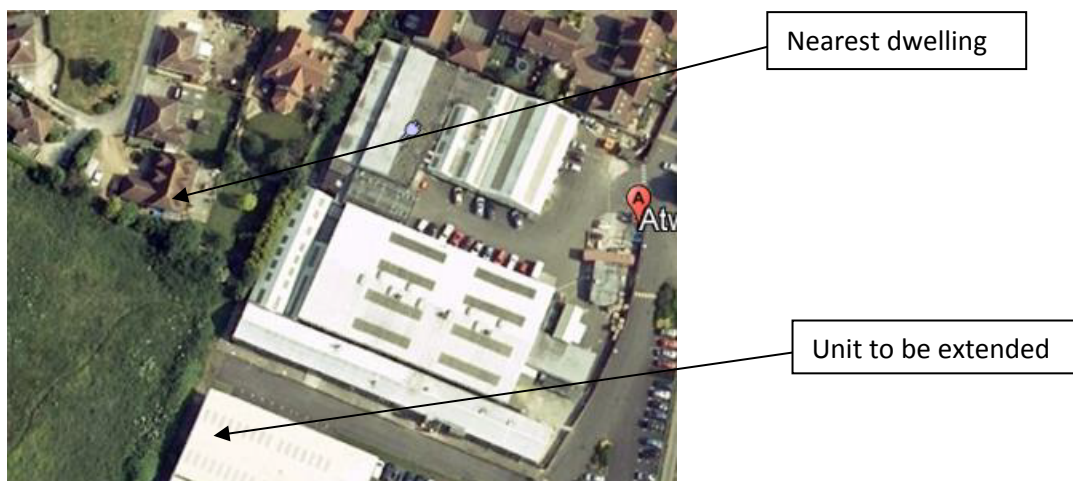
This current application is a re-submission of the refused 2017 application which has been accompanied with a full Ecology survey which is discussed below.

At the time the application was submitted, the current occupier of unit 8 was - Oliveford Ltd - "a printed word/ book company which deals in internet and mail order distribution". The business is a B8 use and there are no on-site public sales. That company is now moving out, but the owner of the unit wishes to proceed with this application as they have had significant interest from potential new tenants for the larger unit as proposed in the application.

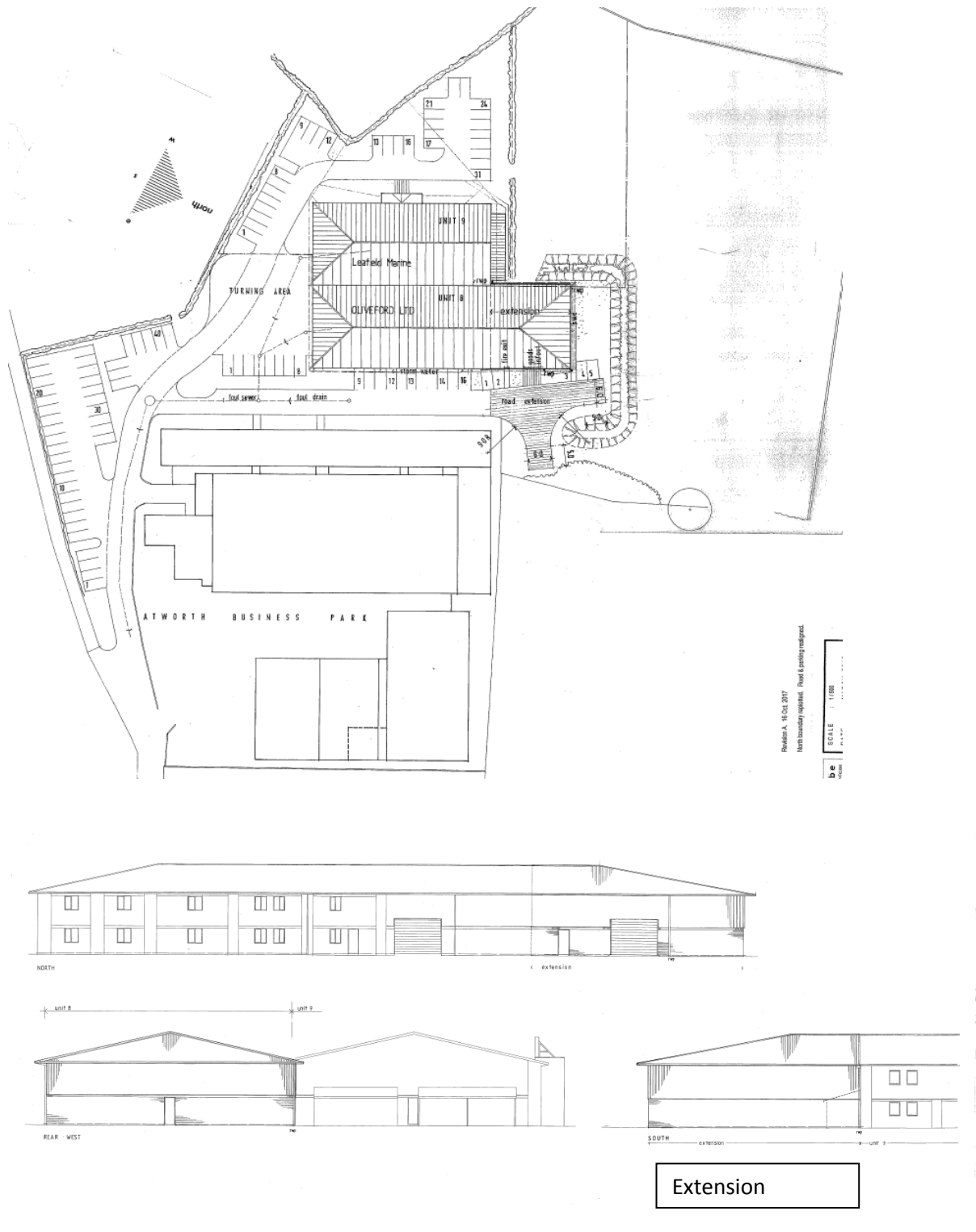
The proposal would extend the building to mirror the approved extension at the adjacent Leaffield Marine Ltd site, and also extend the service road, add car parking, provide a turning head, storm drainage and site landscaping.

The extension would elongate the existing building, maintaining the present eaves and ridge levels, and be constructed of matching materials. The new west end of the roof would be hipped to match that of Leaffield Marine Ltd building.

The space created would be used for additional storage, and would fall within the same B8 use.



Access to the site is from Bath Road via an existing mini roundabout, and the access road passes the Youth Club which is located to the east side. Public footpaths, ATWO14, 16 and 18 run along the access road or around the edge of the field close to the boundary of the site; however, the extension would not interfere with the public footpaths.



Plan of Proposed Extension

6 Planning Policy

Wiltshire Core Strategy, 2015: CP1 Settlement Strategy; CP2 Delivery Strategy; CP15 Melksham Community Area (Atworth); CP34 Additional Employment Land; CP35 Existing

Employment Sites; CP50 Biodiversity and Geodiversity; CP52 Green Infrastructure; CP57 Ensuring High Quality Design and Place Shaping; CP60 Sustainable Transport; CP61 Transport and Development; CP64 Demand Management; and CP67 Flood Risk

West Wiltshire District Plan 1st Alteration, 2004

Saved Policy U1a Foul Water Disposal; Saved policy U2 Surface Water Disposal

National Planning Policy Framework, 2018

Planning Practice Guidance

Wiltshire Car Parking Strategy

Atworth Parish Plan 2010 (updated 2015)

7 Summary of Consultation Responses

Atworth Parish Council: Support the application subject to conditions to ensure the development adequately and effectively protecting all homes from the visual impact and the noise by the alignment of the bund, and full compliance with the ecological report.

Wessex Water: No objections.

Wiltshire Council Drainage: No objections.

Wiltshire Council Ecology: No objections subject to conditions.

Wiltshire Council Highways: Given the existing permitted use of the site, the proposed extension and associated works will not have an adverse effect on the highway. No highway objection to the proposed development.

Wiltshire Council Public Protection: In terms of noise; the only specific concern relates to vehicles accessing the new delivery point impacting the nearby domestic residences and would look to restrict vehicle movement to our standard hours; 8am to 6pm Mon – Friday, 8am – 1pm Saturdays and no vehicle movements on Sundays or Bank Holidays.

Would also look to limit any construction activities to the same times, to include deliveries to the site.

Wiltshire Council Economic Development: New industrial space is needed in the north of the county. At a recent business breakfast meeting held by Business Insider focusing on Swindon and Wiltshire one of the topics brought up as a constraint on business expansion was the lack of industrial units available to rent. I am also aware of a number of companies that are looking for space in the Melksham/Chippenham area. A recent search I conducted showed only two units available at the moment, both of which according to the agent have attracted a lot of interest.

8 Publicity

Twenty people have written letters of objection regarding this case (in some cases more than one letter when additional information has come to light), which have raised the following concerns:

Principle

- Unit 8 Oliveford have applied to extend the building to accommodate their business expansion. The workforce has been issued with redundancy notices and is to close its operation on this site in September 2018. It is a speculative application on behalf of the property owner and not the tenants which is contrary to CP34.
- Against the village plan (60% against large scale development in Atworth)
- The designation of land on which units 8 and 9 are located is the former Dowty Playing field – Green Land and has never been brownfield land. It is outside the limits of development for Atworth.
- The extension is capable of being operated independently of the existing unit -only a personal door connecting the existing building and the proposed space, not an extension but an additional unit - the ground floor should be fully integrated
- Consulting Companies House shows the business performance is poor - Oliveford is in decline; not a successful business, accounts showing a net decline by £400,000 in 5 years.
- Council has not requested further information to support CP34
- DWP data shows job seeker rate as a low 0.54% (national rate at 6.8%) and therefore no need for additional employment land.
- The application is speculative to the needs of the business park, not to benefit the local community.
- CP34 supports where evidence of economic and social need is shown; no evidence has been submitted. Unemployment in Atworth is 90% lower than the national average.
- This application represents a stealthy approach to what will end up being residential homes
- Atworth designated as a large village with only little employment

Impact on Area

- Negative environmental impacts will be caused by extensive building works;
- Urbanising impact on rural area;
- High water table in the village which raises concerns that the proposed development will lead to increase flooding; no details as to how the building will mitigate for the water have been provided;
- Development will destroy the last remaining local green space which is of historical value as a playing field/ recreation facility which is to remain in perpetuity.

Impact on Ecology

- Great Crested Newts sighted contrary to CP50;
- Area designated as a SAC for Horseshoe bats;
- Land to be developed is important forging land;
- Impact on the protected wildlife are not outweighed by the economic benefit which has not been demonstrated

Design

- Resulting scale of business park is out of character with the village

Neighbouring amenity

- Turning area appears to be set up to serve the extension as a separate unit in an area that will have maximum impact on the residential amenity.
- Impact on nearby properties could be reduced by ensuring the bund shields the nearby properties
- Bund will not adequately mitigate the impact of the proposed development and will lead to unacceptable erosion of the residential amenity, generating noise, vibration, dust, fumes, traffic and heavy goods vehicle movements.

- The plans fail to show dimensions to the nearest residential property. Trespass is a serious consideration.

Highways and Access

- Access to the site is poor and is located adjacent to the youth club. There are more appropriate business parks that the site could be relocated to if they require larger premises;
- A neighbour has submitted tables and photos of the use of the car park over a number of weeks (enter dates) a maximum of 8 cars have been logged at the times of the visit during this period.
- No justification given for the increase in parking, currently 19 spaces to be increased to 24 spaces when only 30% currently utilised.
- More jobs will lead to more people travelling to Atworth, which will result in more noise, pollution and congestion contrary to CP55 which seeks to improve air quality by reducing traffic, and CP61 and CP64 which seeks to promote the use of public transport and reduce car travel.

Other

- Field only maintained twice in 8.5 years on the request of neighbour, not every year as stated;
- Bund never planted despite being a requirement of the original consent (93/0116);
- 2 gaps in bund for maintenance not required
- No accurate dimensions of the bund are given
- Questions raised over the late submission of the Ecology Report
- If development goes ahead will this mean no further sprawl in perpetuity as stated time and again by Wiltshire Council
- Inconsistencies with submitted information; states nearest residential dwelling 60 m away in one doc and 40 in another – calls into question the accuracy of the surveying of the site
- Plans were not displayed to view on the website when stated (unable to view) until 1 June, application was valid from the 11 May
- Site notice appeared after 14.15 on the 8 June or the 9th June – late notice
- The Parish Council's decision is questionable as not all members knew of the site
- Poor application drawings, leave a doorway for future expansion in years to come;
- Doric Group, the parent company of Braeman Holdings who own the site paid for the ecology survey not Oliveford.
- The owners attempted to cut the field earlier in the year until stopped; bund was damaged.
- The application seeks to have this application passed on the grounds of the adjacent site – which is spurious
- Previous letters of objection should be taken into account as only the ecology works are different
- Extension is described as modest; actually 400 sq metres is the largest development in the village for many years
- Previous letters of objection should be taken into account as only the ecology works are different
- The plans show the unit to trespass on unit 9
- 3 dimensions of sustainable development NPPF paragraph 7 2012 version.

Following the revised Design and Access Statement being submitted a further 14 day consultation was undertaken which resulted in a further 8 letters being submitted. They all objected to the proposal and raised the following concerns:

- Impact on privacy towards 29A Bath Road on the basis that the survey drawings are inaccurate, paragraph 5.3 states that the development will be 45 metres from the dwelling, this would actually be 25 metres. The lack of bund would not protect the dwelling from noise and the thicket would have to be removed to enable development and facilitate the Hibernacula required to protect the Great Crested Newts.
- Failure to meet the tests of CP34; there is a selection of units available in the area (9 properties between 1000 and 1500 ft² in the Box, Atworth, Neston, Corsham and Melksham Area).
- The Wiltshire Council Employment Land Review highlights an excess in supply over demand in the Corsham area;
- Speculative development outside the village policy limits
- Fails the sustainability test and not sustainable
- The applicant is listed as Oliveford, this is no longer the case and the application should therefore be withdrawn
- Important habitat left to re-wild, should not be harmed.
- The application is a material change in description and should be a new planning application.
- Carter Jones letter states need for a new unit adjacent to an existing unit, or 2 separate units; also a Bath based estate agent which should not be commenting on economic and social issues in Atworth.
- Clearly intending to build two units not one.
- No detail of the Hibernacula submitted
- No detail regarding lighting and the presence of bats submitted
- Actual site boundary appears to have changed which is a material amendment.

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

The site is located in 'countryside' outside of the limits of development of Atworth, which is identified as a Large Village in the Wiltshire Core Strategy. Strictly speaking, as the site is located in the countryside the proposal does not comply with Core Policy 1 of the Wiltshire Core Strategy. However, separate Core Policy 34 states the following:

“ Proposals for employment development (use classes B1, B2 or B8) ...

Outside the Principal Settlements, Market Towns and Local Service Centres, developments that:

- Are adjacent to these settlements and seek to retain or expand businesses that currently located within or adjacent to the settlements; or*
- Support sustainable farming and food production ...*
- Are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- Are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the Council:*

Will be supported where they:

- Meet sustainable objectives as set out in the policies of this Core Strategy; and*
- Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and*

- vii. Are supported by evidence that they are required to benefit the local economic and social needs; and*
- viii. Would not undermine the delivery of strategic employment allocations; and*
- ix. Are supported by adequate infrastructure.”*

The proposal is for an extension to an existing business unit within an established employment site located on the edge of a settlement defined as a Large Village in the WCS. Although the existing business occupying the unit is moving out, the owner wishes to extend the building to cater for the needs of business interested in moving in – the strategic need for suitable premises of this size is confirmed in the comments from the council’s Economic Development Team. The site is adjacent to a large village and therefore in principle is acceptable under Core Policy 34 subject to it complying with point’s v – ix above. Considering each in turn

v. The site is in a sustainable location, being an extension to an existing unit on the edge of a large village;

vi. The extension, at 18 metres in length, is proportionate in scale to the existing building (ca42 metres in length); maintains the same eaves and ridge levels as the existing building, and would mirror the development already granted permission adjacent to the site, and so would be in scale with its location. The building is physically separated from nearby residential properties, and would have a bund in between, which would ensure that there is no unacceptable impact on the amenity of nearby dwellings; and no other surrounding properties would ensure no adverse impact on residential amenity.

vii. The revised Planning Statement indicates that there is a need for the increase in floor space which is supported by Wiltshire Council’s Economic Development Team who supports the need for additional employment land.

viii. The proposed extension is of a comparatively small scale and would not impact the delivery of strategic employment allocations.

ix The application site is supported by adequate infrastructure – roads, car parking, foul sewer system and gas/water/electric.

Concerns have been raised that high employment levels in Atworth are a reason to refuse the application; however, there is a need for employment in Wiltshire and to ensure a supply of jobs for people without having to commute out of the area/county to the larger employment settlements such as Bath and Swindon. It follows that proposals such as this, which provide additional employment opportunities, should be supported for this reason in any event.

A number of representations suggest that the proposals are not about the expansion of the existing business but rather to achieve access to the land to the rear and/or expand the residential area of Atworth. Expansion of Atworth in this way is not part of this proposal. Any proposals for housing or other development of the land to the rear would require further planning applications which would themselves be subject to compliance with specified policies. Therefore, as a matter of principle, permission could not be refused on the basis of possible future proposals/intentions for the site or the wider area.

Letters of objection have raised concern that the proposed unit, which would benefit from another entrance, would be used to house another business independently of the applicant. Whilst this is not what the application is for, such a proposal would not necessarily be resisted as policy CP34 allows for new or existing rural based businesses to operate on the edge of a large village.

In principle, therefore, and subject to a detailed discussion below on the specific detailed policy constraints, the extension to the existing building is considered acceptable in terms of the CP34 criteria.

9.2 Design issues

In design terms the proposed small extension would 'sit' alongside the already permitted extension (of the semi-detached building), and match it in terms of design and materials. The elongation of the existing building and its detailed design are appropriate for an employment building in this setting.

The proposal would, therefore, comply with CP57 of the Wiltshire Core Strategy.

9.3 Impact upon the immediate area

There are a number of footpaths in the immediate area, from which this development would be visible. The bund, which is proposed to be planted with native plants, would partly screen the development from these wider views.

The proposed extension would not have a harmful impact on the immediate area in view of the appearance of the existing buildings. The extension would not harm important or significant views around the village of Atworth.

Comments have been made that the application represents an "urbanisation" of the rural environment around the village. The proposal is a small extension to an established industrial estate. There would be some encroachment beyond the limits of development of the village but this would be small scale and the majority of the infrastructure is already in place to serve the development.

9.4 Impact on amenity

The existing use on the site is within Class B8 (storage/distribution) and the proposal seeks to increase this – so, further B8 use. Smaller scale B8 uses are - subject to appropriate controls on matters such as hours of operation etc - typically compatible with residential uses. In terms of proximity to the nearest residential property, the proposed extension would be located around 30 metres from the gable end of the nearest residential property at no. 29a Bath Road. The turning area would be located closer, as it lies between the extension and the garden.

Whilst the extension would bring the building closer, the separation of c. 30m ensures that there is not an overbearing impact. There is a new 'goods-in' entrance on the elevation of the extension closest to the neighbour, but a condition to limit times for deliveries and collections would ensure amenity is safeguarded. There is also (as detailed within the Landscape and Visual Impact Assessment, Figure 3) an existing thicket of planting to be retained along the boundary with the neighbouring garden and the proposed hammerhead turning and along the boundary beyond the bund. Whilst a portion of the thicket is to be removed to accommodate the turning head, a substantial amount would remain which would help to screen the properties garden from the development. A full woodland planting schedule is also included detailing the adjacent bund planting which would enhance the outlook of the proposal from the neighbouring properties.

The Wiltshire Council Public Protection Officer has raised concerns about potential security lighting (which has also been highlighted in the letters of objection, both in terms of the ecology of the area and neighbour amenity). The plans do not indicate any new external lighting will be included in the scheme and a planning condition could control this.

The Wiltshire Council Public Protection Officer has requested a condition to manage construction noise, which given the context of the site and nearby location of housing would be reasonable to protect the amenity of those living in close proximity to the unit.

In conclusion it is considered that along with the proposed conditions regarding times of deliveries and construction works, the restriction of security additional security lighting, the plans detailing the landscaping proposed etc. the impact of the development on the neighbouring amenity would be acceptable.

9.5 Impact on Ecology

This application is supported with a full ecology report submitted by Stark Ecology Ltd. Initially the Great Crested Newt Survey, Stark Ecology, April 2018 was submitted and then in June 2018 the Extended Phase 1 Ecological Survey' Stark Ecology was received. Following the submission of this document sufficient time has been given for a re-consultation on this document.

Wiltshire Council's Ecologist has reviewed the submitted information and considers that the survey and assessment are now of suitable scope and standard to be considered as part of this application. Furthermore, no objection is raised to the proposal subject to a number of conditions.

The ecologist has made the following comments:

Bats

The surveys have found no use by roosting bats and observed Common Pipistrelle, Soprano Pipistrelle and Brown Long-eared bat foraging over the field including where the footprint of the new extension is proposed. Retention of the remaining field area with no new artificial lighting on the building or parking areas are proposed with new landscaping including native woodland planting. Bat boxes are proposed as an enhancement on the new extension.

The site falls within the consultation zone for Greater Horseshoe bats associated with the Bath & Bradford on Avon Bats SAC and sufficient information will therefore be required to demonstrate whether there is no significant effect to this site. Pre-existing records of Greater Horseshoe bat within 2km were identified. The surveys did not identify the species although the report states that their presence cannot be ruled out. Approximately 0.1ha of grassland and scrub will be lost to the proposals with enhancement to the remaining retained habitats and restriction on lighting. No significant impact is therefore considered likely.

Great Crested Newts

Detailed surveys of a range of ponds within 500m of the application site have identified a low to medium population of Great Crested Newts present in at least 4 ponds. This has been confirmed through visual recording by the surveyor and through eDNA analysis. The Extended Phase Habitat Survey report proposed detailed mitigation to include a licence to be obtained before works commence and an exclusion trapping exercise to be carried out by a licensed ecologist. Retained habitat will be enhanced through the landscape planting scheme and provision of new amphibian and reptile habitat piles or 'hibernacula'. This is a suitable mitigation strategy that should be secured by condition.

The Ecologist continues by outlining the 3 derogation tests:

3 derogation tests

The proposals within this application could potentially affect European protected species (Great Crested Newts). In light of ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017, the 3 “derogation” tests, as set out in Regulation 55 must be considered in reaching a recommendation.

The 3 tests are:

- 1. The activity ... must be for imperative reasons of overriding public interest or for public health and safety (IROPI)*
- 2. There must be no satisfactory alternative*
- 3. Favourable conservation status of the species must be maintained.*

In this case, the LPA has sufficient information to be able to consider the 3rd test and it is considered that favourable conservation status of Great Crested Newts can be maintained, subject to securing the mitigation measures within the Discussion and Conclusions section of the Extended Phase 1 Ecological Survey’ Stark Ecology, June 2018 through suitably worded condition, should the application be approved. The LPA (case officer) will also need to consider the 1st and 2nd test before determining the application.

Other Protected Species

Nesting Starlings were identified on the area of the building affected by the proposals and therefore suitable timing of works and replacement nest provision are proposed. Further precautionary measures during works to protect Badgers and reptiles are also proposed and considered suitable.

Suitable information relating to measures to be put in place during works to protect nesting birds and Badgers have been provided. Replacement nesting opportunities to include provision for Barn Swallows has been recommended.

In sum, the only protected species potentially affected by the development is the Great Crested Newt. The proposal does not destroy any breeding grounds, but would result in the loss of part of a potential foraging area. The Council has been informed through the survey and advised by its ecologist that the conservation status of the newt proposal will not be affected by the development. The construction of a building for employment purposes to meet the needs of the area is an accepted reason of public interest, and there is no other position where this extension can go. In these circumstances, the Council can reasonably expect Natural England to grant any licence required and that the proposed development is acceptable in terms of its ecological impact.

9.6 Impact on Highways

The proposals have not resulted in any objection from Wiltshire Council Highways Team. The application is only seeking to extend the existing unit and as such the increase in traffic would be minimal.

The proposal would also increase in the number of parking spaces provided for the increase in size of the unit; currently the site has 19 spaces and the proposal would increase this by 5 spaces to a total of 24 spaces. This would ensure that sufficient space is provided for users of this extension and the overall provision meets the Council’s parking standards.

9.7 Section 106 Agreement

The application site is subject to a Section 106 (S106) agreement made in 1994 restricting the use of the land to the rear of the estate (including the land proposed to be used for the erection of the extension), to sports and recreation purposes. The land was historically used

until 1992 as a private sports ground, ancillary to the use of the then adjacent works. The Section 106 agreement made no provision for public use of the site for recreational purposes. The then District Council subsequently sought to designate the land as recreation space in the West Wiltshire District Plan in 2004 but the Local Plan Inspector recommended modifying the plan by removal of the proposed designation as it served no useful purpose and there was a suitable public recreation facility close by. This was accepted by the District Council. Subsequently, the District Council produced a Leisure and Recreation Development Plan Document in 2009 that sets out existing sports and recreation facilities that should be protected. This site was neither identified nor included in that plan. There are no planning policies in the development plan that protects the site for recreation purposes.

In view of this, and because the land has now not been used for sports or recreation purposes for c. 25 years, the S106 no longer serves a useful purpose here.

10. Conclusion (The Planning Balance)

The proposal is in accordance with the Development Plan policy for the area and would provide a modest extension to a business unit of a similar size and scale to one already approved adjacent to it (Unit 9). The proposal would not have any unacceptable impacts on amenity, the environment or ecology that would justify refusal of planning permission. Accordingly, planning permission is recommended.

RECOMMENDATION: Approval, subject to the following conditions:

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

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

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

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

3. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

4. The delivery and despatch of goods to and from the site shall be limited to the hours of 8am and 6pm on Mondays to Fridays, 8am and 1pm on Saturdays, and at no time on 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.

5. The mitigation measures detailed in the approved Ecological Assessment (pages 30-33 of the Stark Ecology Report dated June 2018) shall be carried out in full prior to the first bringing into use/ occupation of the development.

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

6. The development hereby permitted shall be carried out in accordance with the approved plans.

General arrangement drg. no. 1228-01 received 11 May 2018

Porous paving drg. no. 1228-02 received 11 May 2018

Porous paving design drg. no. 1228-03 received 11 May 2018

Turning head swept path analysis drg. no. 1228-04 received 11 May 2018

Highway assessment drg. no. 1228-05 sheet 1 of 3 received 11 May 2018

Highway assessment drg. no. 1228-06 sheet 22 of 3 received 11 May 2018

Permeable area calculations drg. no. 1228-08 received 11 May 2018

Proposed elevations drg. no. VL.2017/10/07 received 11 May 2018

Proposed ground floor plan drg. no. VL.2017/10/06 received 11 May 2018

Proposed block plan drg. no. VL.2017/10/05 11 May 2018

Revised embankment drawing VL.2017/10/05. XB received 10 September 2018

Existing elevations drg. no. VL.2017/10/04 received 11 May 2018

Existing first floor plan drg. no. VL.2017/10/03 received 11 May 2018

Existing ground floor plan drg no. VL.2017/10/02 received 11 May 2018

Existing site plan and block plan drg. no. VL2017/10/01 received 11 May 2018

Drainage Strategy Rev A received 11 May 2018

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

7. No development shall commence above ground floor slab level until a scheme for the landscaping of the site, including the provision of a bund following the principles set out in the details submitted with the planning application, has been submitted to and approved in writing by the local planning authority. No part of the extension hereby permitted shall be occupied until the landscaped bund has been constructed in full accordance with the approved plans. The landscaped bund shall thereafter remain in perpetuity.

REASON: In the interest of neighbouring amenity and to protect the appearance of the area.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the extension or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting

shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

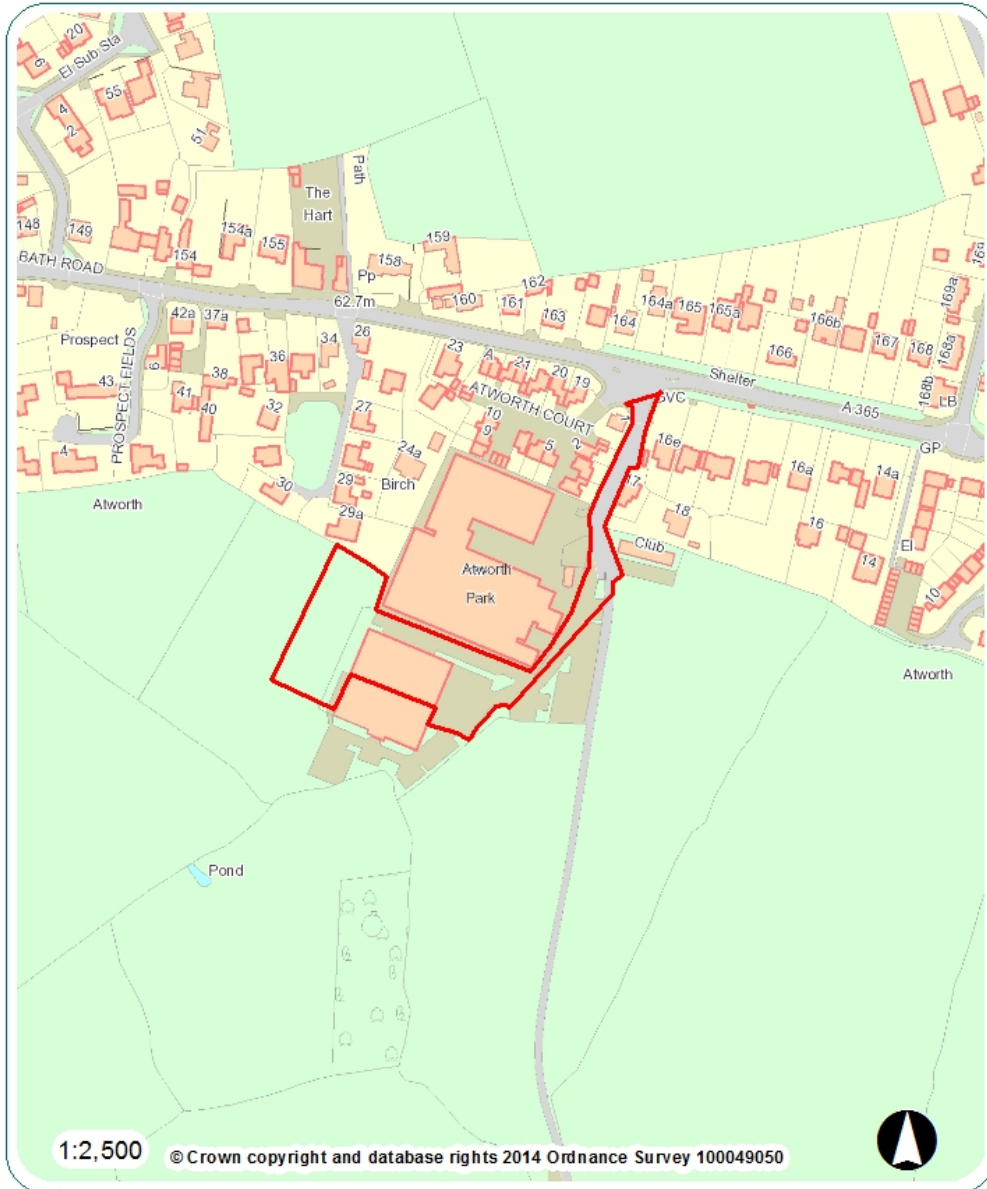
REASON: In the interest of neighbouring amenity

10. No part of the extension hereby permitted shall be occupied until the access, turning and parking arrangements have been carried out in accordance with the approved details. The said areas shall thereafter be retained for these purposes.

REASON: In the interest of Highway Safety.

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18/04589/FUL
Unit 8 Atworth Business Park
Bath Road
Melksham
SN12 8SB



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	17 October 2018
Application Number	18/07478/FUL
Site Address	The Clovers, Hartley Farm, Winsley, Bradford on Avon, Wiltshire, BA15 2JB
Proposal	Regularisation of an area of extended hardstanding and proposed change of use of agricultural land to equestrian use (for private purposes) and the 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	380698 162186
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, due to concerns over the size and bulk of the proposed building and the consequential impacts the development would have on the character and openness of the green belt.

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.

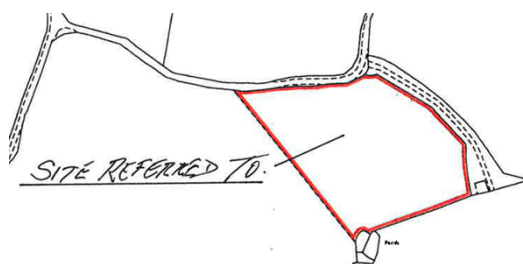
2. Report Summary:

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 approximately 0.88 hectares of agricultural land which is located about 500m north-east of the Hartley Farm. Prior to the applicant's land purchase, it was owned and controlled by Hartley Farm.

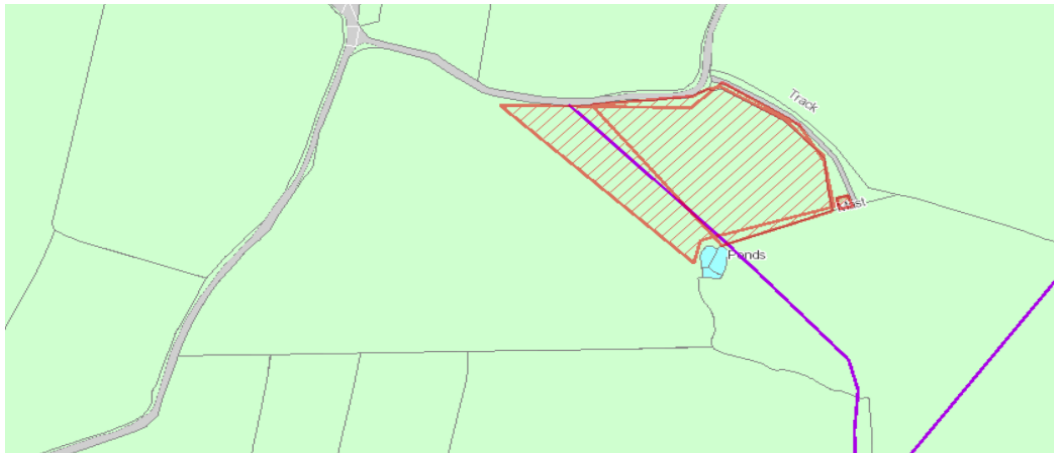


Site Location Plan



The site, access road and its immediate surroundings

The application site is bounded by a 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 on the southern fringes of The Cotswolds. It is not, however, located within the Area of Outstanding Natural Beauty – which is located about 1km away to the south and 1.5km distant in a western direction.



The application site can be seen from the unclassified lane that connects Haugh / Potticks and Little Ashley as well as from a Public Right of Way footpath (WINS38) which is notated on the insert below by a purple line which dissects the site near its western boundary. More distant views would be gained from the additional PRow footpath (WINS37) which is shown in the right hand corner of the insert produced above.



The northern site boundary viewed along the lane



The eastern site boundary viewed from the lane access

The applicant currently grazes a small flock of sheep on the site and as illustrated in the top right above, a touring caravan is positioned on the site which is used by the applicant during lambing periods. In addition to the caravan, the site has two small field shelters which are also considered to be chattels – moveable structures having no fixed foundations. The caravan is also considered to be a chattel having no fixed foundations. The caravan is positioned where the applicant proposes to erect the loose horse box building and officers have been informed by the applicant that the caravan would be removed if planning permission is granted for this application.

4. Planning History

17/00244/ENF – Enforcement investigation into the siting of a touring caravan. The site was visited on 7 March 2017 and the case was closed on 26 April after finding that there was no breach of planning control.

18/01969/FUL - Regularisation of area of hardstanding and formation of access and proposed Change of Use of agricultural land to equestrian use and erection of a timber loose box / stable building – Refused

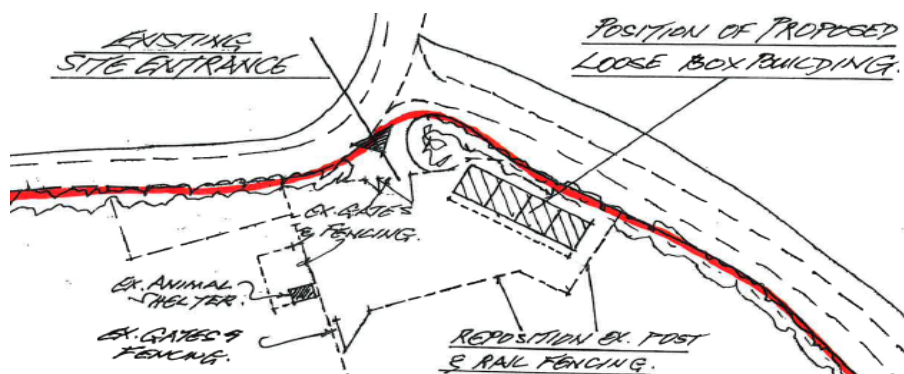
On 26 July 2018, the Western Area Planning Committee unanimously refused the aforementioned application against officer recommendation citing the following reasons:

- 1 The proposed loose box/stable by reason of its size, bulk and siting in an isolated location detached from any permanent built form of development is found to be harmful to the Green Belt which would not preserve the openness of the Green Belt contrary to Paragraphs 144 and 145(b) of the 2018 National Planning Policy Framework. Furthermore, the proposed development would have a harmful impact on the special landscape area contrary to Saved Policy C3 and CP51 of the Wiltshire Core Strategy by virtue of introducing an isolated form of equestrian development in the open countryside which would conflict with saved Policy E10 of the West Wiltshire District Plan, 1st Alteration.
- 2 The proposal, which in part, comprises an area of hardstanding extending to some 555 square metres and finished in loose stone material is considered disproportionate and unjustified for the purposes of keeping a small flock of sheep on the 0.88 hectare site and it represents harmful intentional unauthorised development which diminishes the openness of the greenbelt and falls foul of the Written Ministerial Statement released by the Government on 31 August 2015, published as a planning policy statement on green belt protection and intentional unauthorised development (thus making it a material planning consideration).

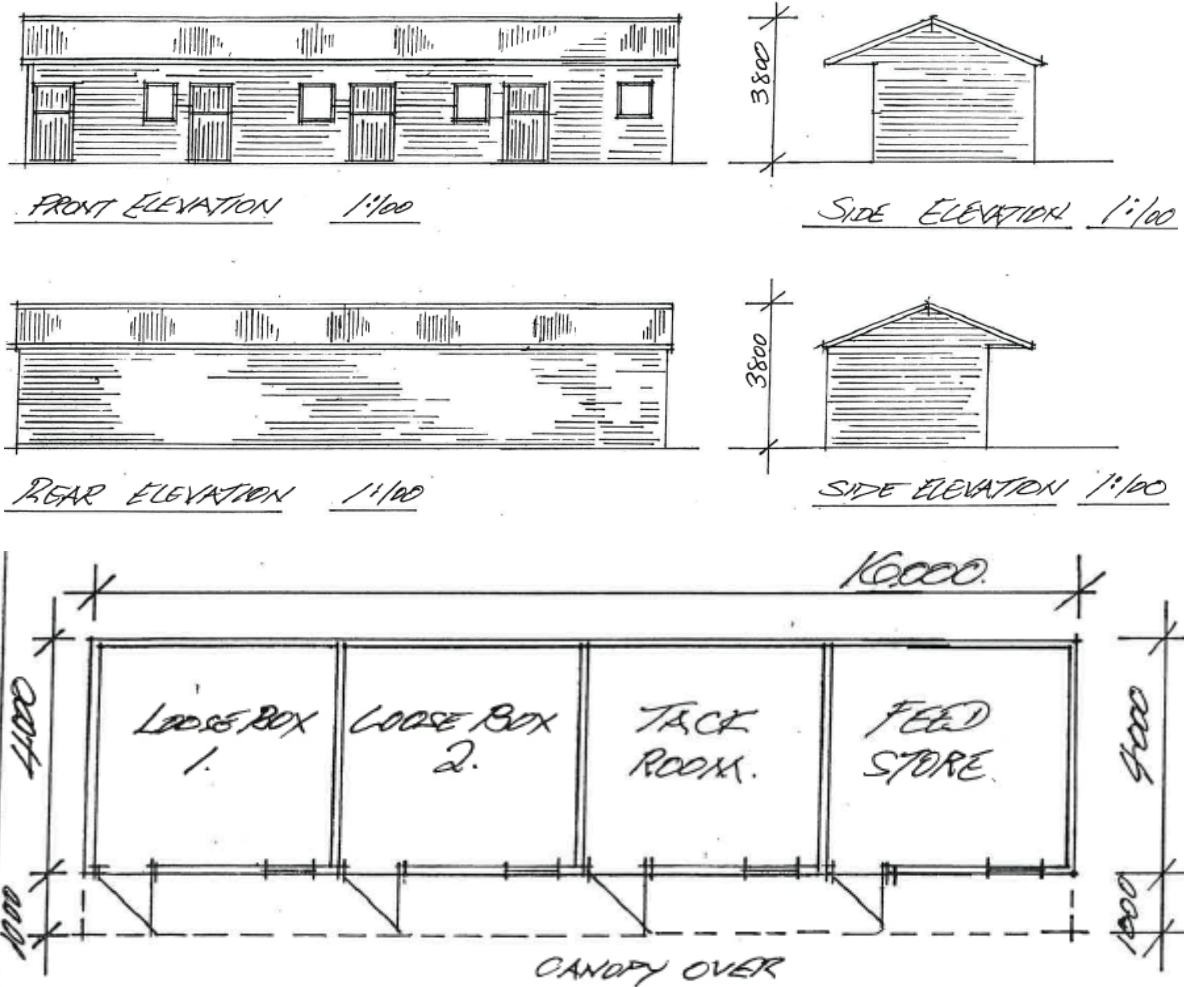
Whilst it is appreciated that the applicant has submitted a fresh application for a loose box/stable structure, it is important to note that each case must be assessed on its own merits. It is acknowledged that the applicant has scaled back the size of the proposed loose box by about 20% when compared to the above refused application and this fresh application is brought before the elected members to duly determine as officers maintain their consistent support for the application proposals.

5. The Proposal

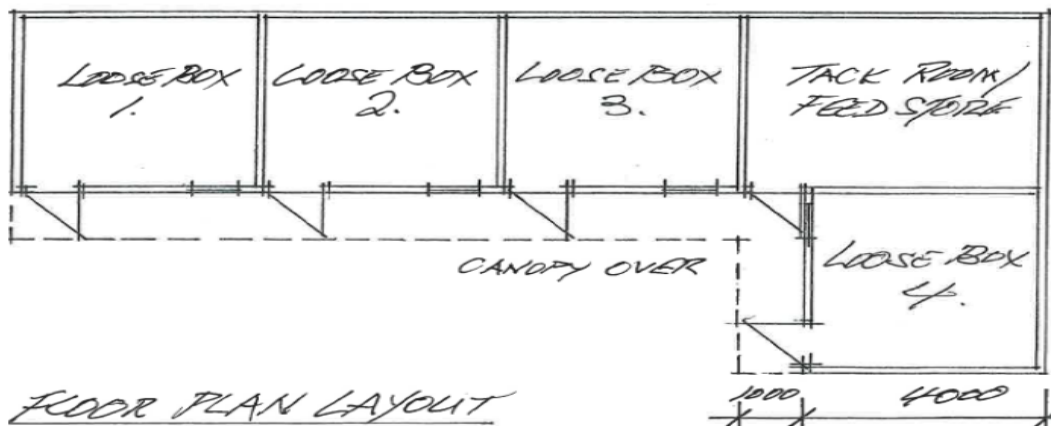
This application seeks permission to regularise a section of existing hardstanding, change the use of the agricultural paddock to equestrian use and construct a rectangular timber loose box stable to be positioned along the vegetated eastern site boundary, as shown below. The submitted plans indicate that one of the exiting two field shelters would be retained and the caravan removed.



The proposed building would measure approximately 16m in length and 3.8m in height. The loose box would comprise of 2 bays with a tack room and feed store. The stabling would be used solely for the private use of the applicant.



The proposed loose box/stable enshrined by this application represents a 20% reduction in size when compared to the refused stable submitted under application 18/01969/FUL – which is reproduced below. The reduction is created by reducing the length by 1m and removing what was shown to be 'loose box 4'.



Under this application, the loose box would have a footprint of approximately 64m² compared to the 84 square metre loose box proposed under 18/01969/FUL.

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 to this application and has asked for the Unitary Councillor to 'call in' the application. This application is similar to a previous application - 18/01969/FUL - which was objected to by Winsley Parish Council. The number of stables has been reduced from four to two but with only a 20% reduction in the size of the building footprint. It is felt that the proposed development would spoil the openness of the Green Belt. The Council remains concerned about the possible conversion of such a building into residential buildings under permitted development rights at a later date.

Wiltshire Council Public Rights of Way Officer: No comments and previously raised no objection recognising that the proposed building would not affect the footpath.

Wiltshire Council Highways: No comments – and previously raised no highway objection.

8. Publicity

The application was advertised by neighbour notification and by the display of a site notice. The following summarised concerns were raised within seven letters of representation:

- Whilst there has been a reduction in size, the proposal has not been reduced sufficiently
- Concerns raised during 18/01969/FUL still stand
- Reasons for refusal of 18/01969/FUL still relevant
- Erosion of green belt and impact on the special landscape area
- This will be the first building on the southern side of Haugh
- Proposal would still permanently harm the openness of the green belt.
- Conflict with paragraphs 133 and 145 (b) of the NPPF and the consequent conflict with the aims of the development plan
- The right of way is still not shown on the plans
- Currently the site is used for agriculture and not recreational

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 - This application seeks permission for the construction of a timber loose box stable, with the change of use of the agricultural 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.

9.1.1 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”*.



9.1.2 Officers submit that the proposed siting of the stable, against the existing vegetated eastern site boundary (illustrated above) would have a robust landscaped backdrop which would minimise its visual impact. Through recognising that the stables would be used for personal use only, officers are satisfied that the proposal should not generate significant vehicle movements and would be comparable with traffic levels to be generated if the land was to remain as an agricultural smallholding.

9.1.3 The proposed development has been scaled back to address the first reason for refusing application 18/01969/FUL. Given the substantive landscape backdrop provided by the well-established trees and hedgerow, officers are satisfied that the proposed development would accord with saved WWDP (1st Alteration) Policy E10 and would be compliant with adopted Wiltshire Core Strategy Core Policy 51.

9.1.4 Officers acknowledge and appreciate the concerns raised by local residents about a potential future conversion of the stable building to residential use. However, it is important that the LPA appraise the merits of the submitted application and not be influenced by what may be proposed in the future. If the application is approved, as recommended, the lawful use of the stable would be for equestrian purposes. The building would not benefit from permitted development provisions as set out within the Town and Country Planning General Permitted Development Order (as amended). A separate application to convert the stables to residential use would be required and it would be appropriate at such time for the Council

to assess any such proposal against the extant local and national plan policies and weigh up all the material planning considerations that apply.

9.2 Development in the Green Belt: Paragraph 143 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 144 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 resulting from the proposal, is clearly outweighed by other considerations”*.

9.2.1 Paragraph 145 of the NPPF regards the *“construction of new buildings as inappropriate in the Green Belt”* unless the development falls within the specific exceptions as set out within Paragraph 145. One such exception is the *“provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*.

9.2.2 In this case, the proposal seeks permission for the construction of what officers consider to be a modest sized stable for equestrian use to be used for the applicant’s own recreational purposes which is considered to fall within the definition of ‘outdoor recreation’ and it is therefore considered to be an exception in Green Belt policy terms and should not be considered as being ‘inappropriate development’.

9.3 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 133 of the NPPF. Paragraph 133 states that *“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”*.

9.3.1 As previously mentioned, the proposed development would be sited near a well-established landscaped backdrop that would reduce its visual impact and officers are satisfied that with the reduced size of the stable, it would not result in demonstrable harm to the openness of the green belt and, consequently, officers are satisfied that the applicant has substantively addressed the first reason of refusal of application 18/01969/FUL.

9.3.2 The second reason for refusing 18/01969/FUL concerned an extended area of hardstanding - separate to the formation of the site access (which did not require the express consent of the LPA). The area of hardstanding is illustrated on previous plan inserts and extends beyond the site access and it is where the touring caravan is sited. Since the time of the 2017 planning enforcement site investigation, the area of hardstanding near the site frontage has been extended beyond what officers consider to be ‘permitted development’ as defined by the Town and Country Planning (General Permitted Development) (England) Order (as amended) under Schedule 2 Part 2 (minor operations) Class B (means of access to a highway) and the provisions enshrined within Part 6, Class B (agricultural development on units of less than 5 hectares) of the same Order.

9.3.3 The unauthorised extended area of hardstanding laid out in hard core material amounts to not more than 100sq.m which forms part of the quoted 555sq.m extent duly referenced in the refusal decision for application 18/01969/FUL, and it is important to appreciate that it is only the referenced circa 100 square metres of hardstanding requires planning permission. Officers argue that the extended area of hardstanding would be beneficial for agricultural and proposed equestrian related vehicular movements and parking purposes and avoid the ground from being churned up. The extended area of hardstanding

is not considered to be excessive in size and it does not substantively harm the openness of the green belt.

9.4 Impact on the Special Landscape Area: Saved WWDP 1st Alteration Policy C3 seeks the landscape character 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 particular case, officer maintain the professional opinion that the proposed timber stable would be compatible with the rural site context and it would not result in harm sufficient to warrant a refusal. The proposed development has been scaled back compared to the scheme submitted under 18/01969/FUL; a scheme which officers also supported; and consequently, officers continue to be supportive of this present submission.

9.4.1 In order to conserve the character of the open countryside and special landscape area, a planning condition is considered necessary to prevent any external lighting on the site without the prior consent of the local planning authority. A planning condition is therefore recommended in the interests of conserving the appearance of the open countryside and openness of the Green Belt.

9.5 Highway Issues: The proposed stable and site would continue to be accessed via the existing vehicular access which is approximately 8.8m wide formed off the unclassified lane that serves several isolated rural properties at the Haugh /Potticks. The entry to the site is set back from the road by approximately 4m. No alterations to the existing access are proposed as part of this application; and as previously reported, officers are satisfied that the proposed development would not result in a material increase in traffic generation compared to the existing smallholding and would not lead to substantive material detriment to local highway interests.

9.5.1 The lanes that serve the site may well be narrow and there may have been damage to boundary walls created by wide vehicles, however such circumstances cannot reasonably be used to refuse this application. There is no direct correlation with what is proposed under this application. Officers are fully satisfied that the development would not conflict with local or national policy.

9.5.2 The proposed stable would be used for private purposes only which can be conditioned.

9.5.3 The Council's highway authority previously recommended the imposition of a planning condition requiring additional consolidation of the access; however, as this access does not require planning permission, it is not considered that such a condition is necessary.

9.6 Impact on the Public Right of Way: The development would not affect WINS38 or WINS37 and the proposal would not have a substantive visual harm or impact on the use the right of way.

9.7 Flood Risk: Whilst concerns have been previously raised by third parties regarding flood risk/surface water on the road, 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, Core Policy 67 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 (created by the new building) would be disposed of by a soakaway. However, no details of the soakaway have been provided with the application. Given the low risk of flooding on the site, it is considered reasonable to

request specific details by planning condition to ensure that the soakaway system is adequately sized and designed to deal with the surface water run-off.

9.8 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 of. A planning condition can however adequately cover this matter.

9.9 Other Matters: In terms of utility on-site connections, the applicant confirmed that the site benefits from an electrical hook up point, which is positioned near to where the caravan is currently sited. There are currently no on-site water supply facilities; however, it is understood that the applicant intends to install an on-site water supply if the committee resolves to approve this application. Separate consent would be required directly from Wessex Water for new water utility connections.

10. Conclusion (The Planning Balance) – The proposed change of use of the land and the construction of the stable would satisfy the requirements of the NPPF and WCS policies in terms of the principle as 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 133 and 143-145 of the NPPF, and the Wiltshire Core Strategy in particular Core Policies 51, 57 and 61, 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.

11. 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; Drawing No. KH/002/Rev B: Site Block Plan; and Drawing No. KH/004, Proposed Floor Plan and Elevations, all received on 6 August 2018

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

3. The stable hereby permitted shall be solely 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: To define the terms of this permission. Any future or subsequent additional use would require separate consent.

4. The loose box stable hereby permitted 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 the site (including the frequency) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the storage and disposal of the aforesaid material shall be maintained and completed in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area to be approved under this condition.

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

5. The loose box stable 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 maintained in perpetuity.

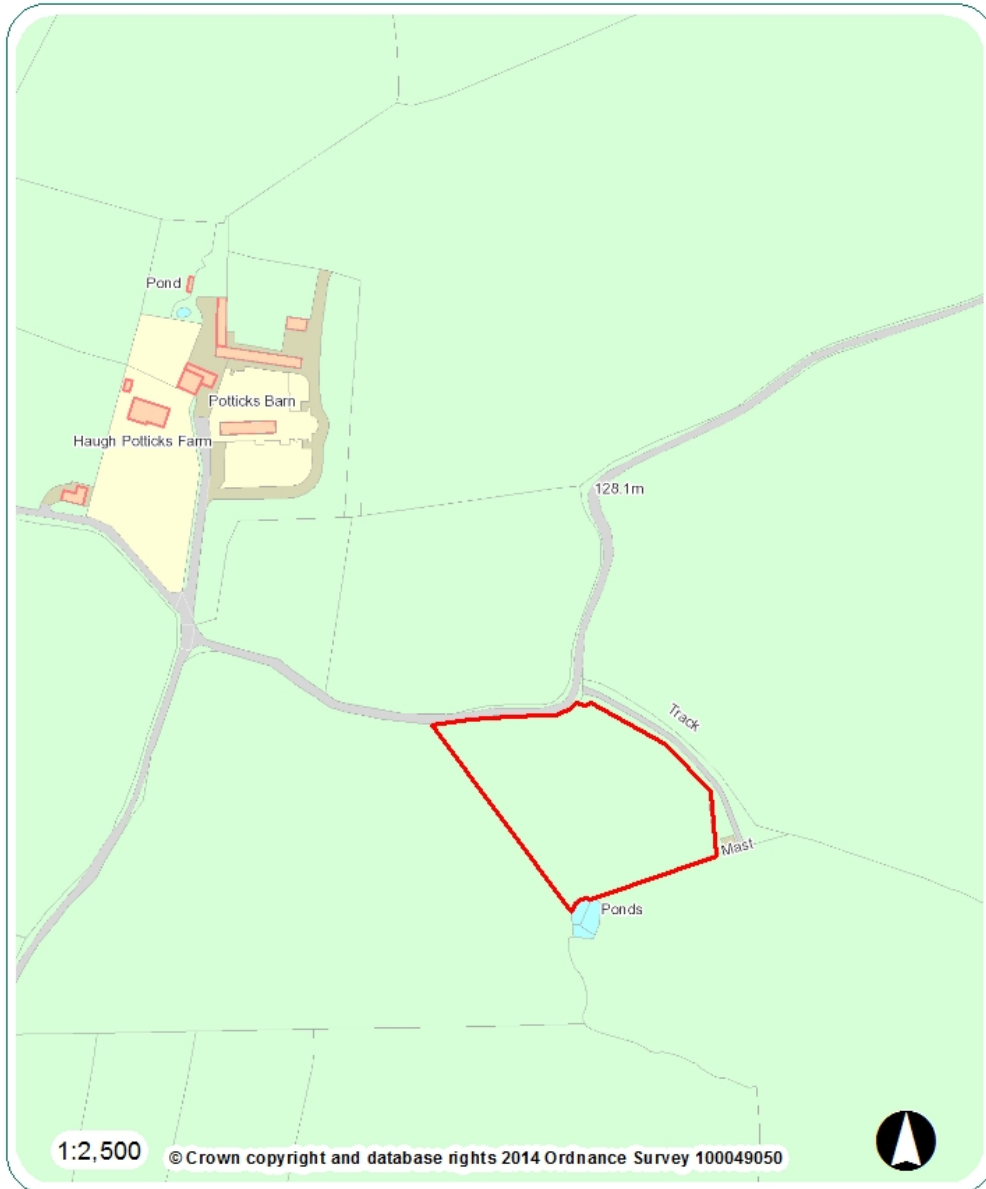
REASON: To ensure that the development can be adequately drained.

6. Within one month of bringing the loose box stable into use, the caravan shall be removed from the site.

REASON: In the interests of conserving the character and appearance of the open countryside and openness of the Green Belt.

7. No external lighting shall be installed on site unless and until a detailed submission is presented to the Council showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", and, it has been approved in writing by the Local Planning Authority. Thereafter, any external lighting shall be installed and 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.



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