

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - Wiltshire Council Offices, County Hall, Trowbridge
Date: Wednesday 5 December 2018
Time: 2.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@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 Fleur de Rhé-Philippe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr James Sheppard
Cllr Andrew Davis	Cllr Tony Trotman
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Sarah Gibson	

Substitutes:

Cllr Ian Blair-Pilling	Cllr Ruth Hopkinson
Cllr Clare Cape	Cllr Chris Hurst
Cllr Matthew Dean	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Graham Wright
Cllr Russell Hawker	

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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 7 November 2018. (Copy attached)

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 10.20am 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 **Wednesday 28 November 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 **Friday 30 November 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 **18/04644/REM - Land East of Spa Road, Melksham, Wiltshire - Approval of Reserved Matters in Respect of Landscaping, Appearance, Layout and Scale for the Erection of 447 Dwellings, Car Parking Including Garages, Internal Access Roads, Public Open Space and Associated Infrastructure and Engineering Works Following Outline Permission 14/10461/OUT**
(Pages 11 - 40)

A report by the Case Officer is attached.

- 7 **18/09609/VAR: Trickys Paddock, Brickworth Road, Whiteparish, SP5 2QG - Variation/removal of Conditions 1 & 2 of permission S/2012/1307/S73**
(Pages 41 - 56)

A report by the Case Officer is attached.

- 8 **Date of Next Meeting**

To note that the next meeting of this Committee is due to be held on Wednesday 23 January 2019 at County Hall, Trowbridge, starting a 10.30am.

- 9 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 7 NOVEMBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr James Sheppard, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr Ian Blair-Pilling (Substitute)

58 Apologies

Apologies for absence were received from Cllr Christopher Newbury, who was substituted by Cllr Ian Blair-Pilling and Cllr David Jenkins.

59 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 15 August 2018 as a correct record.

60 Declarations of Interest

There were no declarations of interest made at the meeting.

61 Chairman's Announcements

There were no Chairman's announcements.

62 Public Participation

There were no questions or statements submitted.

63 Planning Appeals and Updates

An update on planning appeals and decisions was received.

Resolved:

To note the contents of the update.

64 **18/02671/FUL: Sunnyside Yarnbrook Road West Ashton BA14 6AR - The addition of two extra traveller pitches, two day rooms and associated ancillary development.**

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The purpose of the report was to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be granted subject to conditions.

Members then had the opportunity to ask technical questions after which they heard a statement from Mr Tony Phillips, the applicant's agent in support of the proposal.

During discussion, Members drew attention to Condition 7 which stated that the foul drainage system should be connected to the main sewer and obtained assurances from the officers that this condition had been agreed by the applicant and would be enforced.

On the proposal of Cllr Tony Trotman, which was seconded by Cllr Fred Westmoreland,

Resolved:

To grant 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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites published August 2015.

REASON: Planning permission has only been granted on the basis of the provision of accommodation for gypsies and travellers and it is necessary to keep the site available to meet that need.

3. No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than four shall be static caravans) shall be stationed on the site at any time.

REASON: To control the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

4. No commercial activities shall take place on the land, including the storage of materials used in connection with any business operated by the occupiers of the site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site.

5. No vehicle over 3.5 tonnes 'gross unladen' weight shall be stationed, parked or stored on this site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site.

6. No commercial use of the stables hereby permitted shall take place on the land; they shall only be used as shelter for the appellant's own horses and/or ponies.

REASON: In the interests of highway safety.

7. There shall be no occupation of the pitches hereby approved prior to the connection of the foul drainage system to the main sewer as shown on the drawing indicating the drainage run, received on 6 July 2018.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

8. 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 (at the location of the proposed soakaways), has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

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

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

10. All soft landscaping comprised in the approved details as shown on hereby approved drawing MM1 Rev 1 shall be carried out in the first planting and seeding season following the first occupation of the new. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of new pitches 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 wildlife habitat.

11. Prior to the installation of any new external artificial lighting a lighting plan shall be submitted to Wiltshire Council for approval in writing. The lighting plan shall illustrate the location of proposed external lighting and shall specify the type, height and position of luminaire(s) and other fixtures/fittings such as cowls, louvres or baffles; and shall demonstrate that the proposed lighting will not illuminate the hedgerows and tree-lines along the site boundaries through provision of a lux plot/lighting contour plan. All existing perimeter lighting shall be removed prior to the occupation of any new pitch.

REASON: To minimise light spillage and to maintain dark foraging and commuting corridors for bats.

12. Before commencement of development, details of six trees to be planted within hedgerows within the development including their location, species and size of stock, shall be submitted and approved by the Local Planning Authority. The trees will be planted in accordance with the approved details in the first planting season following first occupation and maintained and replaced as necessary for the first five years and thereafter retained.

REASON: To ensure the protection of important wildlife habitat features.

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

**Site Location Plan registered on 23 March 2018;
Day Room / Amenity Block registered on 23 March 2018;
Stable Block registered on 23 March 2018;
Revised Layout Plan MM1 Rev 1 received on 05 September 2018; and
Plan showing drainage run received on 6 July 2018**

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

65 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of this Committee was due to be held on Wednesday 5 December 2018 at County Hall, Trowbridge, starting at 2.00pm.

66 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30am - 10.50 am)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	5 th December 2018
Application Number	18/04644/REM
Site Address	Land East of Spa Road, Melksham, Wiltshire
Proposal	Approval of Reserved Matters in Respect of Landscaping, Appearance, Layout and Scale for the Erection of 447 Dwellings, Car Parking Including Garages, Internal Access Roads, Public Open Space and Associated Infrastructure and Engineering Works Following Outline Permission 14/10461/OUT
Applicant	Hallam Land Management and Bloor Homes
Town/Parish Council	MELKSHAM (TOWN) & MELKSHAM WITHOUT SOUTH
Electoral Division	Councillor Jon Hubbard & Councillor Roy While
Grid Ref	391595 163167
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Hubbard has requested that the application be considered by the Planning Committee for the following reasons:

- Scale of Development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Car Parking
- Impact of the proposed apartment block on the Grade II Listed Buildings

1. Purpose of Report

To consider the application and recommend approval. The application is before the Strategic Committee due to the fact that the original outline permission was approved by this committee. This application is for the subsequent approval of the details of the reserved matters, as the principle of planning permission has already been granted.

2. Report Summary

The main issues to consider are the acceptability of the details of the development and their impact on the following matters:

- the character and appearance of the area
- their impact upon neighbouring amenity
- Access and highways
- Other

3. Site Description

The site is known as Land East of Spa Road, Melksham. The site is approximately 20 hectares in size and forms a parcel of agricultural land to the east of Snowberry Lane. It lies between the new East Melksham Clackers Brook development, Melksham Oak Secondary School and Melksham Football & Rugby Club.

The site is relatively flat and comprises agricultural land of pasture and semi improved grassland used for cattle grazing. The fields are defined by existing hedgerows and there are few mature trees. The largest part of the site is within Melksham Without parish.

A public right of way runs through the site (MELW18) which provides a link from Bowerhill to Melksham via The Spa and the Clackers Brook development.

4. Planning History

14/10461/OUT – Outline application for up to 450 dwellings including access – Approved at Strategic Planning Committee on 10th February 2016 and decision issued on 22nd September 2016 following the agreement of a S106.

17/09248/VAR – Variation of Condition 32 of 14/10461/OUT relating to site access – Approved 09/08/2018

18/02128/FUL – Surface water drainage detention basin, associated works including associated access, groundworks and landscaping – Approved 15/08/2018

5. The Proposal

This reserved matters application seeks approval for the appearance, landscaping, layout and scale of the larger part of the site outlined in the above outline planning application. The area included within this application is all of the proposed housing (447 dwellings). The area not

included in this application is for the community facility.

6. Planning Policy

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

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

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

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

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

Other

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2018 (NPPF)
- Planning Practice Guidance
- Wiltshire Car Parking Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Planning (Listed Buildings and Conservation Areas) Act 1990

- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement 2015

7. Consultations

Melksham Without Parish Council – Amended Plans - Welcome the wealth of detail in the plans and the genuine attempt to address the consultee's concerns. However, they have serious concerns with regard to the design and bulk of the proposed apartment block in the north west corner of the site and the detrimental effect this will have on the setting of the listed buildings to the south.

The previous concerns raised by Melksham Without Parish Council on the original submission were as follows:

- There is a lack of green space in such a large application
- More walking routes from the site into Melksham are required
- There are no pedestrian crossings linking the site up to existing PROWS
- The development should provide a pedestrian crossing to Melksham Oak which should be lit.
- The Council would like to encourage the developers to bring forward the construction of the road to alleviate construction traffic on Snowberry Lane.
- Some parking spaces are located some distance from properties
- The heavily planted buffer to screen the historic spa buildings is now just a landscaped space and not a bund as previously assured.
- The tree avenues should be mature native species and not saplings.
- The trees abutting Farmhouse Court should be protected as well as the farmhouse itself. There should also be no 3-storey properties along this boundary.
- We request that the community hall building is built by the developer and is bigger than previously proposed to accommodate the needs of the future users.
- The Council is disappointed that the Applicant did not have a pre-application meeting with them especially as the Parish Council would like to take on the LEAP and any maintenance contribution.

Melksham Town Council – Amended plans - Object for the following reasons:

- The original access to the construction site was going to be via the extension to the distributor road, to not impact residents and this is now no longer the case
- The location of the 3-storey flats – given their design, bulk will have a detrimental

impact with regards to overlooking of dwellings in Farmhouse Court – they should be re-located

- Express concern with the amount of amended plans submitted

The following concerns were raised on the original submission by Melksham Town Council:

No objection but have the following concerns:

- Landscape buffer near Farmhouse Court is not wide enough and the listed wall should not be put at risk.
- Assurances were previously given that the dwellings near Farmhouse Court would be no higher than 2 storeys – there are three storeys proposed
- Disappointed that the community hall has not been included within the application and no consultation took place with local residents.
- Wants to see trees and hedgerows especially on the Western boundary retained
- It is unclear how students coming through town would be accommodated.
- No elevations have been provided.
- Assurances were given that a footpath would be provided linking the site to Melksham Oak – this has not been provided.

Wiltshire Council Urban Design – Support

Wiltshire Council Drainage Officer – No objection to the drainage proposals for the north part of the site, which is the first to be developed. Currently checking details for the southern part of the site.

Wiltshire Council Highways – No objection

Wiltshire Council Archaeology – No objection

Wiltshire Council Arboricultural Officer – No objection

Wiltshire Council Rights of Way – No objection

Wiltshire Council Public Open Space Officer – No objection

Wiltshire Council Affordable Housing Officer – No objection

Wiltshire Council Ecology – No objection

Wiltshire Council Conservation – No objection

Wiltshire Council Public Protection – No comment

Wiltshire Council Leisure – No objection

Natural England – No comment

Historic England – No comment but seek your specialist conservation advice and adhere to our letter on the outline application.

Environment Agency – No objection

8. Publicity

The application was advertised by a site notice and neighbour notification letters. An additional consultation period was also carried out following the receipt of amended plans. The deadline for any correspondence was 3rd October 2018.

21 Letters of objection have been received which make the following comments (summarised) – no letters of objection have been received to date on the amended plans:

Principle

- Why do we need all these houses – where will people work?
- What is the area quota for new homes in the district or Wiltshire and has it been reached

Impact upon the area

- Potential flooding – the field to the south of the site is often waterlogged
- What assurances are given to ensure that the development will not impact the spring and boreholes which The Spa were based.
- The distance previously agreed between the development and Farmhouse Court has not been adhered to.
- There are three storey houses adjacent to Farmhouse Court – these should be the same height as Farmhouse Court
- The ecology report is out of date – the pond has not been surveyed and there are known newts on the development site. The survey needs to be revisited.
- Have the archaeological investigations been completed – will building take place on the archaeological site?
- The design of the dwellings does not take into account the setting of the listed buildings.
- The row of trees at the southern boundary of Bowerhill Lodge Farmhouse should be

protected and it is inappropriate to build adjacent to the root protection areas and to get the crowns cut. They will cause overshadowing to the proposed gardens

- Trees planted to the rear of 8 Rosebrook Gardens should be protected as they help to reduce noise. The owner should be informed if they need to be removed – they do not belong to the Council.
- The dwellings now proposed do not concur with the indicative design layout of the outline application. The indicative drawing indicated 16 houses in the NW corner and there are now 28 which will mean more noise. Also more roads are now proposed.
- No details have been submitted of how the listed wall around Farmhouse Court will be protected during the development. It has no foundations and there is a large expanse of concrete that will need to be broken up that lies immediately adjacent to the wall.
- Concerned that our trees and hedges that form the boundary of our property will be damaged as there are no root protection zones indicated around our plants.
- We are concerned that people might illegally access our property via the buffer zone and also damage the listed wall.
- Proposed planting near the Listed Wall are also not deemed appropriate due to their lateral roots.
- 3 storey apartment block is in appropriate to the area and will impact upon the historic area and would not respect the setting of the listed buildings and walls
- The materials used near the listed building are not appropriate.

Amenity

- Our home is only 1.5 storeys and the proposed 2.5 storey dwellings will overlook our gardens
- New dwellings will look into our garden resulting in loss of privacy despite being reduced to 2 storey.
- The 3 storey apartment block will also overlook our garden and house

Highways

- There should be footpath for students to Melksham Oak
- Traffic relating to construction will use Snowberry Lane which is already congested
- Where will the main access to the site be?
- Another proposed roundabout will only cause more problems with congestion.

Other

- School places are already difficult to get and there are no plans to expand or create

new schools

- Facilities in Melksham are strained – dentist, doctors, parking, supermarkets, recycling centres. Current waiting time for an appointment with the doctor is 3 -4 weeks
- The developer did not conduct any further consultation with the occupants of Farmhouse Court as previously promised
- At the Strategic Planning Committee, the developer promised a local neighbourhood liaison group meeting before detailed plans were submitted. This did not happen.
- We would like the developer to peg the boundary of the site with us

9. Planning Considerations

9.1 Principle

The principle of development in this location, including the access arrangements into the site, has already been approved under the outline planning permission for up to 450 dwellings and therefore it is not possible for the Local Planning Authority to raise concerns with the principle of development.

9.2 Impact upon the character and appearance of the area

This application demonstrates a density of 38 dwelling per hectare which is considered appropriate when assessed against its immediate vicinity.



The proposal sees a mix of 2, 2 ½ and three storey dwellings to be built with 2 different types

of brick (buff/brown and multi red, reconstituted stone and ivory render under either a slate or tile roof (burnt red or light brown colours). All front doors and rainwater goods will be black, windows and fascias are proposed to be white. The relevant porch and bay windows will match the roof material on the same plot. The proposed materials are considered to be appropriate to their setting due to the newly built housing development to the North of the site. The following picture gives examples of 4 street scenes within the proposed development:



The main spine road through the development site has a tree lined route with 2 metre wide footpaths. Secondary streets are defined with a slightly narrower carriageway (4.8 metres). Shared surfaces are proposed in areas serving less than 25 dwellings. This gives a clear hierarchy and will help people negotiate through the site. There are areas of open space and trees have been added to these landscape strips to soften the impact of the proposed development.

The existing trees on the southern boundary of Bowerhill lodge farmhouse are to be protected by a Tree Preservation Order and as such need to be protected from the development. Amended plans have been submitted moving the proposed dwellings away from these trees and the Agent has confirmed that the foundations for the proposed dwellings nearest the trees will be appropriate for the soil type and trees recorded here. The development of these houses is also required to be built in accordance with NHBC Building near trees Section 4.2. The Applicant has confirmed that details of the Tree Preservation Orders will be given to all new residents. The Wiltshire Council Arboriculturalist is therefore satisfied that the proposal is acceptable.

The Drainage Officer has no objections to the proposals for the northern part of the site and

an additional review is currently being undertaken by Atkins on behalf of Wiltshire Council for the southern part of the site which could impact upon the size of the drainage ponds. Therefore an update regarding the Southern part of the site will be given at Committee. Furthermore, Conditions 14, 15 and 16 of the outline consent regarding drainage, foul drainage and surface water drainage are yet to be discharged and therefore the Council is still able to ensure that the drainage elements of the proposal are appropriate through the discharge of conditions process.

The Archaeologist, Ecologist, Environment Agency, Historic England, Open Space Officer and Landscape Officer have all raised no objections to the reserved matters application. These areas were assessed in the approved outline application and appropriate conditions were added on the decision notice.

Concerns have been raised by the general public regarding the protection of trees at Rosebrook Gardens- this concern relates to the construction of the roundabout which is not within this current application – however if the trees are owned by the occupiers of this street, then the applicant would need to gain approval to remove them. A concern regarding the revised housing layout not concurring with the indicative layout has been received. However, the layout in the outline application was purely an indicative plan to help demonstrate the capacity of the site. The final details of the layout were reserved for this detailed submission.

9.3 Impact on the setting of the Listed Building

Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the “*desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” (s66).

Paragraph 193 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. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 194 of the NPPF states that “*Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification.*”

Paragraph 196 of the NPPF states that “*Where a development proposal will 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...*”

Core Policy 57 of the Wiltshire Core Strategy states: *“A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”*

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The following points are taken from the Historic England document *“The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3”* (HE GPA3) that are considered to be particularly relevant:

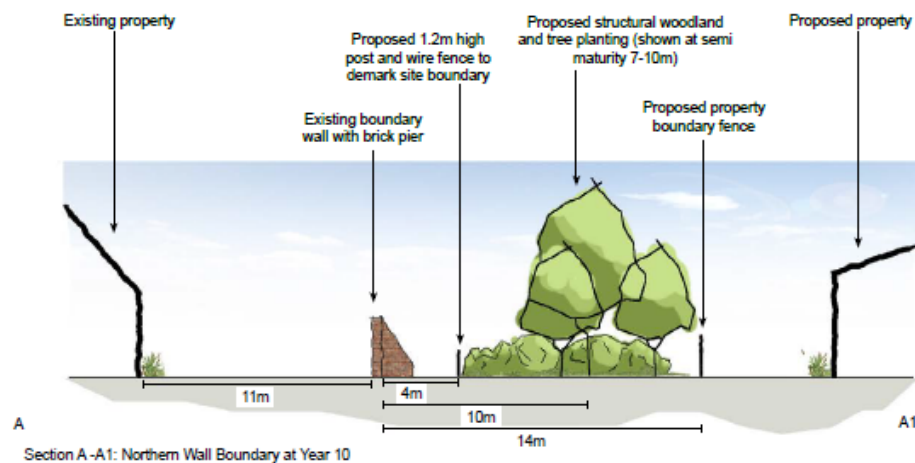
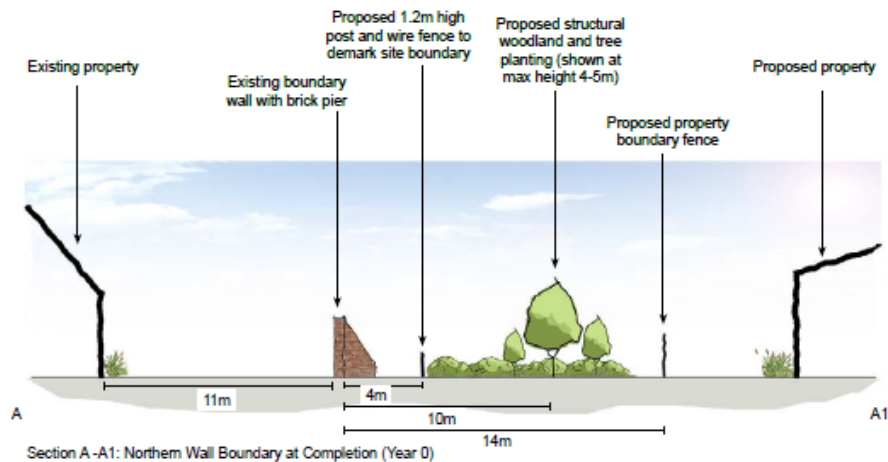
HE GPA3 Part 1:

“The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.” *“The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part...”* *“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time.”*

The listed building in question is Berkeley House et al, originally listed as Bowerhill Lodge Farmhouse that was split into four dwellings. In addition, to the north of this listed building is an inverted U shape stable block that is considered to be a curtilage listed building to the main farmhouse and has been considered as such when the stable block was split into five dwellings.

The application is in line with the previous Conservation Officers comments whereby the proposed dwellings facing the Listed Buildings are all two storey and there is a vegetation buffer between the two that separates the site from the historic fabric. The buffer between the proposed development and the boundary of the listed building was agreed to be between 10 metres and 12.75 metres wide in the approved outline application. The revised plans adhere to this previous agreement. Furthermore, this landscape buffer will not be able to be accessed by the general public. The following diagram indicates the distances involved

between the existing and proposed dwellings with the proposed landscape buffer in-between..



Melksham Without Parish Council and Melksham Council alongside residents of Farmhouse Court have particularly raised concern regarding Bowerhill Lodge and the impact the proposed three-storey apartment block would have on this designated heritage asset which is located approximately 53 metres from the curtilage of the listed buildings and approximately 115 metres to the main listed buildings. This apartment block is located in the North West corner of the site. The Conservation Officer has assessed this part of the proposal and due to the proposed vegetation boundary, the proposed row of two-storey dwellings and a proposed road that would be between the two areas of concern alongside the distance involved, it is considered that the proposed apartment block would have a negligible impact on the setting of the listed building. As such the proposal is considered to result in no harm to the setting of the listed building and complies with the relevant policies

and legislation.

Concerns have been raised by the general public about an area of tarmac adjacent to the listed wall and what will happen to the wall when the tarmac is removed. The Applicant has confirmed that they will ensure that *“all proper and necessary precautions will be taken through the construction process to ensure the structural integrity of this feature”*.

A further concern relates to the proposed use of materials in the row adjacent to the Listed Building. These proposed properties are to be built with the mixture of materials detailed above but are predominantly brick under a tile roof. However due to their distance away from the listed building together with the planted buffer, it is considered that the proposed materials would result in no harm to the setting of the historic environment.

9.4 Impact upon neighbouring amenity

All of the proposed dwellings that are located near to the boundary of the site are two-storeys high and as such alongside the distance between the existing and proposed dwellings it is considered that there are no concerns raised regarding impact on neighbouring amenity in terms of overlooking, overshadowing or being overbearing. It is also considered that there are no concerns regarding neighbouring amenity within the proposed site for future occupiers.

Particular concerns have been raised regarding the overlooking of dwellings and their gardens to the West of the site (Bowerhill Lodge). The generally applied standard is that there should be a minimum garden depth of 10.5 metres to allow adequate privacy between neighbouring houses and their gardens. The proposed buffer is approximately 10 metres wide at its narrowest point which together with the proposed gardens which face onto this boundary would result in a distance much larger than the 10.5 metres required. Concerns have also been raised regarding overlooking from the three storey apartment block. As stated above, the apartment block is located approximately 53 metres from the residential curtilage and as such no issues of overlooking can be demonstrated that would warrant a refusal reason.

9.5 Highway Impact

The parking schedule indicates that the proposed dwellings comply with the Wiltshire Car Parking Strategy (1 bedroom requires 1 space, 2-3 bedrooms require 2 spaces and 4+ bedrooms require 3 spaces) and the proposed garages all meet the necessary internal dimensions required to be counted as a car park space. Due to the parking spaces including garages, it is considered appropriate to add a condition to any approval ensuring that they

are not able to be converted into habitable accommodation without further planning permission. There is also additional visitor parking around the site.

There are public footpaths around the site which are to receive money towards their upgrading. This is detailed in the Section 106 on the outline permission (and also summarised in the Section 106 Section of this report below). However MELK24 runs through the north west corner of the proposed site and it is proposed to divert this PROW along a green verge which in principle is considered to be appropriate by the Public Right of Way Officer but this process will require a footpath diversion order which is separate to this application.

Concerns have been raised regarding the location of the access points of the site, the roundabout, an increase in traffic and the phasing of the new roads. However all of these issues were looked at and assessed under the previously approved applications and are not a matter for discussion under the current application.

9.6 Other

Concerns have been raised by the general public regarding school places and general infrastructure needs. Some of these areas were covered in the outline application and form part of the Section 106 Legal Agreement which is detailed in the section below. A concern such as consultation outside of the planning process is not a matter that can be taken into consideration when making a decision on this application.

Concerns were also raised regarding the lack of detail regarding the community hall on this current application. The site location plan for this application does not include the land allocated for community purposes and as such would come forward as a separate application. However the Section 106 Legal Agreement on the outline application does require a reserved matters application for the community area no later than 6 months from the commencement of development.

Section 106 Legal Agreement

There was a S106 Legal Agreement approved under the previously approved outline planning application. For reference, the S106 included the following items:

- 30% Affordable Housing
- contribution to the primary and secondary school
- An off-site ecology area
- Open space to be included within the development including equipped play

provision

- A travel plan
- Refuse contribution to provide the new properties with waste and recycling bins
- Various contributions towards public rights of way:
 1. A link from the site and surfacing of MELK102 to provide a route into Melksham for future residents
 2. £4,100 for 11 kissing gates on nearby footpaths MELW23, MELW24 and MELW36.
 3. £1,700 for improvements to MELW19 including replacing 2 stiles with kissing gates and improving the surface
 4. MELW18 through the site to be upgraded to a cycle track to adoptable standards
 5. Extension and upgrading of MELW19 to a cycle track with lighting to adoptable standards to allow access to Melksham Oak Secondary School

Officers from Affordable Housing, Right of Way, Highways, Play and Open Space have raised no objections to this reserved matters application.

10. Conclusion

The proposal is in line with the terms of the outline planning permission and this reserved matters submission complies with the requirements of the relevant Development Plan policies. Accordingly, it is recommended for Approval. There are few conditions to be attached as the conditions applied at the outline permission govern the principles of the development.

RECOMMENDATION: Approve with the following conditions. (Appended to this report is a copy of the outline planning permission decision notice setting out the conditions applied at that stage)

- 1 No development shall commence on site until a Construction Environmental Management Plan (CEMP), incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

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, in the interests of preventing pollution of the water environment

- 2 No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have

been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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, in the interests of visual amenity and the character and appearance of the area

- 3 Notwithstanding the provisions of 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 garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

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

Received by the Local Planning Authority on 21st November 2018

27846 HT Garages: HT-GAR-01.1, HT-GAR-02.1, HT-GAR-03.1, HT-GAR-04.1, HT-CSTR-01.1

Received by the Local Planning Authority on 20th November 2018

10484-500: 111_D, 112_D, 113_D, 114_D (Adoption Plan Sheets 1-4)

Received by the Local Planning Authority on 15th November 2018

27846: EXT-01a (external works), PL-01 (site location plan), PL-03.3h (planning layout), PL-03.4h (planning layout), SS-01c (street scenes), HT-HL-AF3-01B (apartment block)

27846-HT (affordable housetypes Rev C): HLA1-02B, HLA2-01B, HLA3-01A, HLA4-01A

27846-OM (housetypes Rev C): HT-HL1-01B, HT-HL2-01A, HT-HL2-02B, HT-HL3-01A, HT-HL3-02A, HT-HL3-03A, HT-HL4-01A, HT-HL4-02C, HT-HL5-01B, HT-HL5-02A, HT-HL6-01A, HT-HL6-02A, HT-HL6-03A, HT-HL7-01A, HT-HL7-02B, HT-HL8-01B, HT-HL8-02B

28125 AH Housetypes Rev B: HT-1BF-01A, HT-1BF-02B, HT-1BF-03B, HT-SHELL-01B, HT-SHELL-02B, HT-SINC-01A, HT-SINC-02A, HT-SINC-03B, HT-SINC-04B, HT-SORL-01A, HT-SORL-02A, HT-SORL-SIN-01A, HT-SORL-SIN-02A, HT-SORL-SIN-03A, HT-STRAND-01A, HT-STRAND-02A,

28125 OM Housetypes Rev D: HT-CHES-01A, HT-CHES-02A, HT-CHES-03A, HT-CHES-04A, HT-CHES-05A, HT-BYRON-01A, HT-LYTT-01A, HT-LYTT-02A,

HT-LYTT-03A, HT-HEYW-01A, HT-HEYW-02A, HT-MARL-01A, HT-MARL-02A, HT-MARL-03A, HT-MARL-04A, HT-MEDI-01, HT-MEDI-02, HT-HALL-01C, HT-HALL-02B, HT-BROO-01B, HT-WYATT-01B, HT-WYATT-02B, HT-MORR-01B, HT-MORR-02B, HT-HARW-01C, HT-HARW-02B, HT-DARL-01A, HT-DARL-02A, HT-MIDDLE-01, HT-MIDDLE-02, HT-LYBY-01A, HT-LYBY-02A, HT-LYBY-03A, HT-BCCB-01A, HT-BCCB-02A, HT-BM-01, HT-BM-02

28125 HT-HOG-01, 28125 PL-03.1j (planning layout), 28125 PL-03.2j (planning layout), 28125 SW109-SL-002M (material layout)

4769-L: 212L (on plot strategic softworks),

4769-L: 223J, 224J (hard landscape proposals)

Received by the Local Planning Authority on 27th September 2018

10484-500-701_A (highway construction), 4769-L: 209F, 210H, 211F (on plot strategic softworks), 213D (on plot typical planting)

4769-L: 214D, 215D, 216D, 217D, 218D, 220D (structural landscape proposals)

4769-L: 221D, 222D (hard landscape proposals)

Received by the Local Planning Authority on 17th September 2018

10484-500-506E (eastern detention basin), 1-484-500-507A (western detention basin), 10484-500-513B (drainage catchment), 10484-500-539 (existing watercourse), 10484-500-541A (drainage standard details), 10484-500-551 (western basin control manhole details), 10484-500-522A (eastern basin control manhole details), 10484-500-561 (western basin inlet headwall details), 10484-500-562 (western basin outlet headwall details), 10484-500-563 (western basin headwall details - outfall), 10484-500-564 (eastern basin headwall), 10484-500-565 (eastern basin headwall), 10484-500-566 (eastern basin outfall headwall), 10484-500-571A (western basin sections), 10484-500-572A (eastern basin sections), 10484-500-580 (rising main washout chamber)

10484-500: 101C, 102C, 103C, 104C (highway layout sheet)

10484-500: 201C, 202C, 203C, 204C (finished floor levels)

10484-500: 302C, 303C, 304C (vehicle swept path analysis)

10484-500: 501D, 502D, 503D, 504D, 505D (drainage layout sheet)

10484-500: 511B, 512B, 513B, 514B, 515B, 516B, 517B, 518B, 519B, 520B, 521B, 522B, 523B, 524B (drainage long section)

10484-500: 532B, 533B, 534B, 535B, 536B (exceedance plan sheet)

10484-500:537A, 538A, 540A (land drainage works)

10484-500: 581C, 582C, 583B (foul water pumping station)

Received by the Local Planning Authority 12th September 2018

28125 Bin Store Details: HT-BIN-01, 27846 Parking Schedule, 27846 SE-01b (site sections), 4769-L-219D (structural landscape proposals NW boundary), 4769-L-225D (NW boundary planting offset details), 4769-L-226-227A (NW boundary illustrative sections)

28125 Gar-01 Garage Details Rev A: HT-GAR-01A, HT-GAR-02A

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

1 INFORMATIVE TO APPLICANT:

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Town & Country Planning Act 1990

Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission

Application Reference Number: 17/09248/VAR

<p>Agent Brookbanks Consulting Ltd 6150 Knights Court Solihull Parkway Birmingham B37 7WY</p>	<p>Applicant Mr Andy Birch Unit 3 Apex Court Woodlands Bristol BS32 4JT</p>
<p>Particulars of Development: Variation of Condition 32 of 14/10461/OUT relating to site access.</p>	
<p>At: Land East of Spa Road, Melksham, Wiltshire ,</p>	

In pursuance of their powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with any condition(s) specified hereunder:-

- 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 phase as referred to in Condition 5, of the development hereby permitted shall commence, other than the site access until details of the following matters for that phase (hereinafter called "the reserved matters" 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;
 - (e) The internal access arrangements

(f) The mix and type of housing

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 Applications for the approval of reserved matters for a minimum of 300 dwellings shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Applications for the approval of the reserved matters for the residual amount of dwellings (any additional dwellings in excess of 300 units) shall be made to the Local Planning Authority before the expiration of five 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 Development shall not be commenced on site until a supplemental planning obligation has been completed by the Council and the freehold owner of the land comprised in title number WT72400

REASON: To ensure the land is bound by the relevant covenants in the Section 106 Legal Agreement related to this permission

- 5 The development shall be carried out in accordance with the Phasing Plan 10483-PP-10-Rev C, as approved on 5 June 2018.

REASON: To ensure the satisfactory delivery of the development and facilitate the proper planning of the area.

- 6 No development shall commence on each relevant phase (as referred to in Condition 5) until a scheme of hard and soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

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

- * retained historic landscape features and proposed restoration, where relevant.
- * arboricultural method statement

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

- 7 All soft landscaping comprised in the approved details of landscaping for each relevant phase (as referred to in Condition 5) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development within that phase 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 in the relevant phase 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.

- 8 No development shall commence on each relevant phase (as referred to in Condition 5) until details of the estate roads, footways, footpaths, cycle tracks, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture within that phase and a timetable for implementation and provision of such works has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 9 No development shall commence on site until details of how and when an access will be provided to the offsite ecology area and how the proposed development hereby approved including the construction period will ensure that the adjacent sports field access (to Melksham Rugby and Football Club) remains unobstructed. The development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development

commences.

- 10 No development shall commence on 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. The approved programme of archaeological work shall then be carried out in accordance with the approved details.

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

- 11 The development shall be carried out in strict accordance with the submitted Construction Traffic Management Plan (CTMP) as approved on 29 May 2018.

REASON: That the development is undertaken in an acceptable manner and to ensure that the amenity of the local highway network is adequately protected.

- 12 The development shall be carried out in accordance with the details within the Dust Suppression Scheme as approved on 29 May 2018.

REASON: To ensure that the development is undertaken in an acceptable manner.

- 13 All phases of the development shall be carried out in accordance with the approved details within the Noise Impact Assessment as approved on 29 May 2018.

REASON: In order that the development is undertaken in an acceptable manner, to protect the amenity of future residents.

- 14 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a foul drainage disposal scheme to serve the development within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building within the relevant phase.

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.

- 15 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a storm drainage disposal scheme to serve the development within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building within the relevant phase.

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.

- 16 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a surface water management scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all surface water drainage works serving the development within that phase. The scheme shall subsequently be implemented in accordance with the approved details.

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

- 17 The development shall be carried out in full accordance with the submitted and approved details of the Water Efficiency Report as approved on 29 May 2018

REASON: To maximise water efficiency on the development.

- 18 The development shall be constructed, completed and maintained as such at all times thereafter, in full accordance with the details submitted within the FPCR Landscape and Environment Management Plan (LMP), as approved on 29 May 2018.

REASON: To ensure the proper management of the landscaped areas in the interest of visual amenity and protection of adjacent listed buildings.

- 19 The development shall be constructed, completed and maintained as such at all times thereafter, in full accordance with the details submitted within the FPCR Landscape and Ecological Management Plan (LEMP), as approved on 29 May 2018.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

- 20 The development shall be carried out in strict accordance with the approved terms and recommendations in the FPCR Landscape and Ecological Management Plan as discharged on 29 May 2018.

REASON: In the interests of protected species and landscaping.

- 21 No development shall commence on the relief road until details of how the relief road will be designed to avoid impact on amphibians have been submitted to and approved in writing by the Local Planning Authority. The relief road shall then be constructed in accordance with the approved details.

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

- 22 The construction of dwellings within each relevant phase (as referred to in Condition 5) shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials to serve dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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

- 23 The development shall be constructed and completed in accordance with the submitted waste audit details as approved on 29 May 2018.

REASON: In the interests of minimising waste from the construction development.

- 24 No external lighting shall be installed within each relevant phase (as referred to in Condition 5) until plans showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage of external lighting within that phase designed 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, 2011)" and areas to be maintained as dark corridors (including the green corridor along the relief road around the southern and eastern sides of the site) 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 including towards designated and non designated heritage assets and to protected ecological species.

- 25 Prior to the occupation of each dwelling, the roads including footpaths and turning spaces serving that dwelling shall be constructed with a properly consolidated and surfaced to at least binder course level between the dwelling and the existing adopted highway.

REASON: To ensure that the development is served by an adequate means of access

- 26 Prior to the occupation of the first dwelling hereby permitted, the highway infrastructure identified as Phase 1 on drawing number 10154-PP-01 Rev C shall be constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

- 27 No more than 250 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 2 on drawing number 10154-PP-01 Rev C has been constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

- 28 No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 on drawing number 10154-PP-01 Rev C has been constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

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

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

- 30 Demolition or construction works on the site hereby approved shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:00 hours to 12:30 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

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

Site Location Plan 4769-L-03-D - received 22 September 2017; Transport Statement, Phasing Plan -10154-PP-01-REV C, Eastern Relief Road Sheet 1 10154-HL-03-Rev D, Eastern Relief Road Sheet 2 10154-HL-04-Rev E, Eastern Relief Road Sheet 3 10154-HL-05-Rev D, Eastern Relief Road Sheet 4 10154-HL-07-Rev F, Indicative Landscaping Plan 4769-L-05-REV G, Northern Access Plan 10484-SK-03-Rev C, Indicative Planting Scheme 4769-L-04-Rev K, Parameters Plan 4769-L-06-Rev J, Green Infrastructure 4769-L08-Rev F and Accessible Open Space 4769-L-08-Rev H - all received on 21 December 2017

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

INFORMATIVE: This permission shall be read in conjunction with the Agreements made under Section 106 of the Town and Country Planning Act, 1990 and dated 22nd September 2016 and supplemental dated 7th August 2018.

INFORMATIVE: In order to discharge the surface water management scheme the Environment Agency would expect to see the inclusion of the following:

- o A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
- o A manhole schedule;
- o Model runs to demonstrate that the critical storm duration is being used;
- o Confirmation of the appropriate discharge rates and volumes, with any flow control devices indicated on the plan with the rate of discharge stated; It is noted that discharge is to be to a single ditch. This ditch must currently receive flows from this site and the post development discharge rate and volume into that ditch must not exceed the existing rate and volume of discharge into the ditch. A 'site-wide' catchment analysis will be required to verify how much of the site currently flows into the ditch and hence to determine the acceptable flows.
- o Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event;
- o Exceedance flow can occur during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion would flow downslope possibly onto land under other ownership. For surcharge / flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained within the site and must not reach unsafe depths on site;
- o A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25;
- o Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- o Specification of how the scheme will be maintained and managed after completion.

INFORMATIVE: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to ensure no harm is raised to the significance of the existing built historic environment.

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

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water

interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: It is important for the applicant to note that the reserved matters application(s) should respect the setting of the listed buildings and listed walls and should include details of how they will be protected.

INFORMATIVE: The Strategic Planning Committee welcomes the fact that the Developer has agreed to form a Neighbourhood Liaison Group

Signed



Tim Martienssen
Director
Economic Development and Planning

Dated: 09 August 2018

NOTES

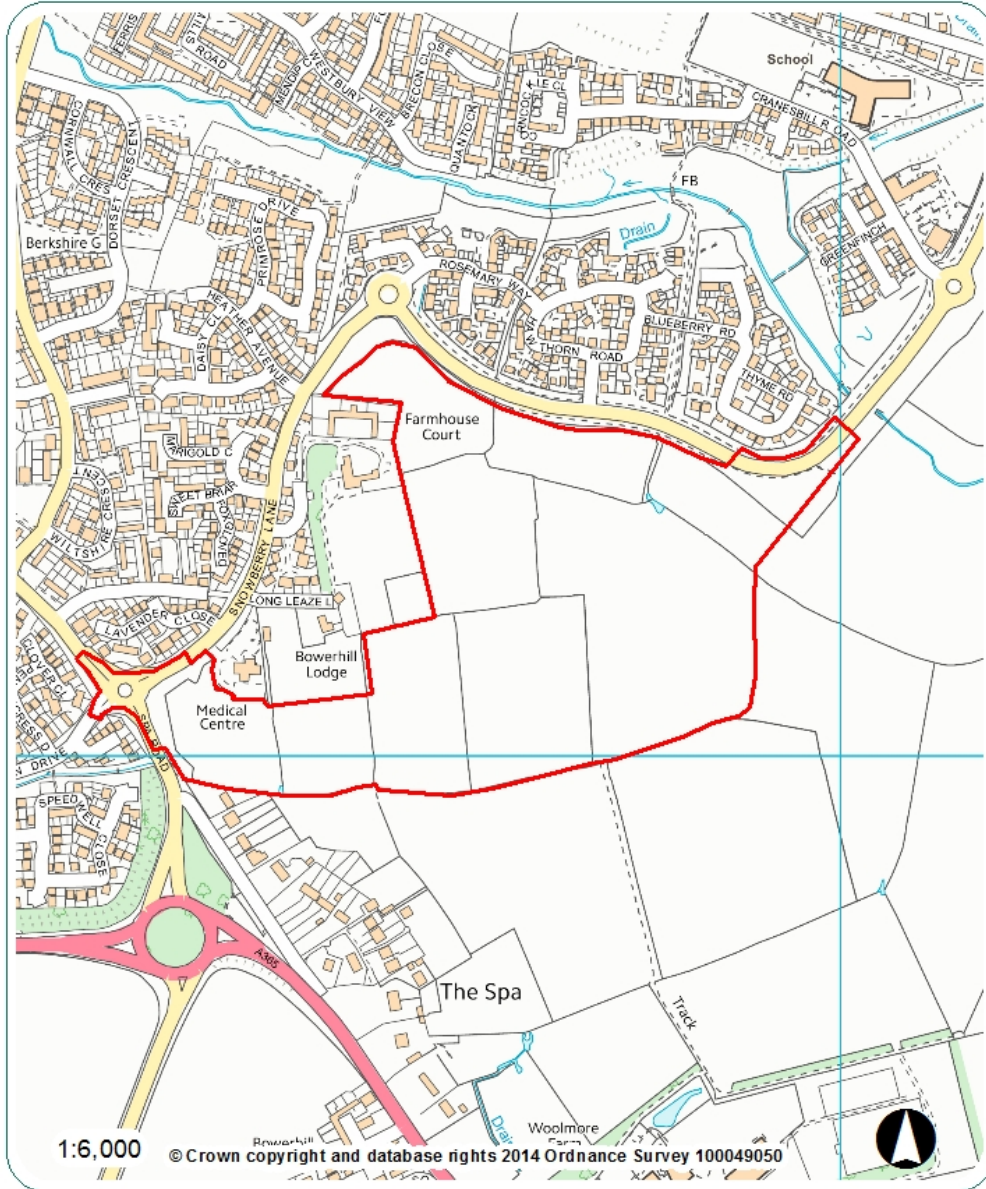
1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge)
 - 1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal – www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.
 3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
 4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
 5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	05 December 2018
Application Number	18/09609/VAR
Site Address	Trickys Paddock Brickworth Road Whiteparish SP5 2QG
Proposal	Variation/removal of Conditions 1 & 2 of permission S/2012/1307/S73
Applicant	Mr Jimmy Gammell
Town/Parish Council	WHITEPARISH
Electoral Division	Cllr Richard Britton
Grid Ref	423136 123533
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application has been called-in to Committee by Cllr Richard Britton on the grounds that the permission was originally granted only because of the family circumstances of the then applicant. The permission was granted solely for the personal use of the applicant and was to be returned to agricultural use when that occupation finished.

Council protocol dictates that called-in applications relating to gypsy and traveller accommodation are considered by the Strategic Planning Committee (rather than the local area committees) where officer recommendation is for approval.

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, subject to the Conditions set out at the conclusion of this report.

2. Report Summary

The issues relevant to the consideration of this application include:

1. Principle
2. Impact on amenity
3. Impact on the character of the surrounding landscape

4. Highway safety

Twenty four representations were received from third parties. All were objecting to the proposal on grounds including being contrary to the previous planning Inspectors decision, adverse impact on the surrounding landscape, contrary to the policies of the Wiltshire Core Strategy, adverse impact on the character of the village, strain on the facilities and amenities in the area and adverse impact on Highway safety.

Whiteparish Parish Council recommends refusal for the following reasons:

- The situation is not as before
- Original conditions should be enacted
- How can you have a variation on a condition that no longer stands as permitted occupant has left - the permission has expired
- Family circumstances that applied to Mr Clarke cannot apply to the current applicant
- Development outside of the Housing Settlement Boundary, close to SSSI

3. Site Description

The application site is located on the south side of the A27 Brickworth Road, to the east of the settlement of Whiteparish.



Submitted Location Plan (left) Google aerial image (right)

The site is not within the defined limits of development for the settlement. The site is within the countryside and the designated Special Landscape Area (saved local plan policy C6 refers).

The site has a vehicular access to the A27 Brickworth Road and the living accommodation (being a static mobile home) is located approximately 75 metres to the south of the road with access being provided via an unmade track.

4. Planning History

S/2008/0708	CHANGE OF USE OF LAND TO SITE A MOBILE HOME FOR USE BY A GYPSY FAMILY
S/2009/0892	CHANGE OF USE OF LAND FOR USE AS A GYPSY SITE FOR ONE SMALL FAMILY TO SITE ONE MOBILE HOME AND PROVISION OF

	DRIVE, PARKING AND TURNING AREAS AND LANDSCAPING
S/2004/1256	ROOF ON EXISTING WALLS FOR TRACTOR SHED, EXTENSION TO TRACTOR SHED / STORE : STABLES
S/1998/2057	PROPOSED STABLE BLOCK, TRACTOR, STORAGE AND USE OF LAND FOR EQUESTRIAN
S/2012/1307/S73	Vary condition 1 & 3 and remove condition 2 of permission S/2008/708 to allow permanent occupation of the site, to remove the personal occupation restriction, and to allow an additional touring caravan on site
14/01571/VAR	Remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction
14/11305/VAR	Remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction
15/10533/PDENQ	Agricultural timber frame barn for storage
16/03775/APD	Proposed construction of timber framed barn for agricultural machinery storage
17/03871/FUL	Construction of timber framed barn

5. The Proposal

The application seeks the removal or variation of Conditions 1 & 2 of planning permission S/2012/1307/S73 to remove the personal and temporary restrictions on the use/provision of the site as a gypsy pitch.

6. Local Planning Policy

Wiltshire Core Strategy Core Policies CP1, CP2, CP23, CP47, CP50, CP51, CP57 & CP64

Saved SDLP policy C6

Wiltshire Gypsy and Traveller Accommodation Assessment (GTAA) published Dec. 2014

Planning Policy for Traveller Sites (PPTS) published March 2012, updated August 2015

NPPF & NPPG

7. Summary of consultation responses

WC Highways – No Highway objection

Southern Water – No comments

Public Protection – No observations

Environment Agency – No response received

Landscape officer – No response received

Spatial Planning – Comments in respect of planning history, accommodation need, site location and policy considerations of which landscape impact is a key consideration

Whiteparish parish council – Are not aware of any changes in the personal circumstances of the named occupants of the site and therefore recommends refusal of the application

8. Publicity

The application was publicised by sites notice(s) and neighbour notification letters.

Twenty four representations were received from third parties. All were objecting to the proposal on grounds including being contrary to the previous planning Inspectors decision, adverse impact on the surrounding landscape, contrary to the policies of the Wiltshire Core Strategy, adverse impact on the character of the village, strain on the facilities and amenities in the area and adverse impact on Highway safety.

9. Planning Considerations

The application seeks the removal or variation of Conditions 1 & 2 of planning permission S/2012/1307/S73 to remove the personal and temporary restrictions on the use/provision of the site as a gypsy pitch.

9.1 Planning history

Planning application S/2012/1307 was allowed on appeal under Appeal Decision APP/Y3940/A/12/2188911 dated 6 September 2013. The appeal gave consent for the continued occupation of the site as a gypsy site by the named applicants and their resident dependants (Condition 1), and required that when the land ceased to be occupied by those named in Condition 1, the use shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place (Condition 2).

A previous Inspector (appeal relating to S/2008/0708) concluded that the use of the site as a gypsy site caused harm to the character and appearance of the surrounding countryside, however in the more recent appeal decision (S/2012/1307 dated 6 September 2013), the Inspector was of the opinion that the harm to the landscape had been significantly mitigated by landscaping measures already put in place by the applicant (mixed hedgerows which are now quite dense and of significant height have been planted around the mobile home and parking area), resulting in considerable screening of the development from public vantage points which, if retained and supplemented is likely to increase the existing level of mitigation. The most recent Inspector took account of the above factors, together with the willingness of the applicant to carry out further landscaping if necessary, and concluded the level of harm to the character and appearance of the countryside had been reduced since the last appeal (S/2008/0708).

However, in reaching his conclusion and decision in respect of the determination of the most recent appeal, the Inspector considered (and discounted) the proposal to remove the Conditions of the previous planning approval relating to the personal nature of the approval (planning reference S/2008/0708 – also granted on appeal under appeal ref: APP/T3915/A/09/2096174 dated 14 September 2009). His reasoning for not removing the personal nature of the planning consent was set out in detail within the Appeal Decision, as follows:

Paragraph 34 of the appeal decision details how the applicant would not wish to go to one of the lawful public gypsy sites in the area as there are feuds between him and some of his cousins who reside there.

Paragraph 42 of the appeal decision details how the personal circumstances of the appellant, in particular his mental health, add weight in favour of allowing the family to reside together on the application site as a family unit.

Paragraph 45 of the appeal statement states:

'On the matter of whether the personal restriction should be maintained I consider that in this particular instance there are good reasons for doing so. The personal circumstances of the appellant and his family are factors which have had a bearing on reaching the conclusions to grant planning permission. He has taken particular steps to try to reduce the impact of the mobile home and has given his support to further mitigation measures. I have taken account of the overall need for gypsy sites but find that in this case, given the location of the site, this is an insufficient reason to allow for the lifting of the personal restriction. The retention of the personal condition would enable the Council to have control over the subsequent use of the land should Mr Clarke and his family vacate.'

For the reasons detailed above, Conditions 1 and 2 of planning approval S/2008/0708 were retained by the appeal Inspector and were re-imposed on the approval of planning application S/2012/1307.

On the basis of the recent and rigorous consideration of the above matters by the Planning Inspectorate in the appeal decision dated 6 September 2013, it was clear that the use of the application site for residential occupation as a gypsy site was found to be acceptable at that time only on the basis of the personal circumstances and the demonstrated good custodianship of the applicant (Mr Clarke) and it can be surmised that the application would otherwise have been refused had Conditions 1 and 2 of planning approval S/2012/1307 not been imposed.

Subsequently, planning application 14/11305/VAR (which sought to remove conditions 1 & 2 of permission S/2012/1307 to remove the personal occupation restriction) was refused on 31st July 2015 under delegated powers for the following reasons:

The application site is located with a sensitive and relatively open area of countryside which forms part of the designated Special Landscape Area, whereby the provision of a pitch for persons of gypsy and traveller status continues to provide the risk of significant harm visually and in terms of its effect on the character of the surrounding landscape.

The personal circumstances of the applicant and his family are factors which have previously had a significant bearing on reaching the conclusions to grant planning permission. The named occupier has previously taken particular steps to reduce the impact of the mobile home and has given his support to further mitigation measures. A Planning Inspector (in previously assessing the need for a Condition to restrict the occupation of the site to named person(s)) has taken account of the overall need (i.e. under provision) for gypsy sites in South Wiltshire, but found that given the sensitive location of the application site, this is an insufficient reason to allow for the lifting of the personal restriction. The continued retention

of the personal Condition(s) would enable the Council to retain control over the subsequent use of the land should the named occupier and his family vacate.

Therefore it is considered the removal of the personal occupancy restriction and unrestricted use sought through the submission of the current application, in the absence of the balancing mitigation of the personal needs, circumstances and proven good custodianship of the site by the applicant and his family, is unacceptable in policy terms and would be likely to result in undue detrimental impacts to the character and appearance of the surrounding countryside and designated Special Landscape Area.

In these respects the application is considered discordant with the policies of the adopted Wiltshire Core Strategy, and in particular Core Policies CP47 (Meeting the Needs of Gypsies and Travellers), CP51 (Landscape) and saved local plan policy C6 (Landscape Conservation), and taking into consideration other local and national planning policy guidance, the proposal to remove Conditions 1 and 2 of S/2012/1307 is considered discordant with the guidance contained within the government's National Planning Policy Framework, National Planning Practice Guidance and DCLG publication 'Planning policy for traveller sites'.

9.2 The current application

The current situation on the site is that the previously named occupiers (Mr Clarke and family) have moved away and no longer reside at the site. The site is now occupied by the applicant for the current application Mr Jimmy Gammell and his wife and dependents.

Whilst the Council is satisfied that Mr Gammell is a recognised person of gypsy and traveller status, he is not the authorised/named occupier of the and his occupation of the site is in breach of Condition 1 (and consequently Condition 2) of the planning consent granted at appeal under planning reference S/2012/1307/S73.

The current application has as its primary intent the removal of Conditions 1 and 2 of S/2012/1307/S73 which would in its effect result in a permanent single gypsy pitch which could be occupied by any person(s) of gypsy and traveller status, subject to the other relevant Conditions of the existing consent which include:

- 3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 6) No commercial activities shall take place on the land, including the storage of materials.

- 7) No structure or erection or planting exceeding one metre in height shall be placed between the A27 carriageway and the 122m by 2.4m visibility splay measured in a westerly direction from the centreline of the access point onto the public highway.
- 8) The parking and turning areas arrangements that are approved as part of the site development scheme in condition 4) shall be retained thereafter for as long as the use permitted subsists and shall not be used for any other purposes other than the parking and turning of vehicles.

The covering statement submitted with the application does however state that:

“...should the Council take a contrary view and consider the application to be contrary to policy, the applicant would be prepared to accept the permission being personal to himself, his wife and any dependent relative. That said, the Council are reminded that justification would need to be provided and evidence included within their reasoning, that any condition imposed is both necessary and reasonable.”

9.3 Consideration

The Council's Spatial Planning (policy) officer has provided the following advice:

‘Planning law requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The application is for removal of condition that limits occupation to the previous occupant. It is understood that the condition requires the site to be put back into its original use. The question in this case is if removal of the condition would be acceptable in planning terms so that the site can continue to be used as a traveller site.

Need

The adopted Wiltshire Core Strategy is the starting point as per Section 38(6) of the Planning Act. As of November 2018, there remains an outstanding need for 18 pitches in the Southern Housing Market Area (HMA) against the 2016-21 requirement in Core Policy 47 (requirement = 19, with 1 pitch granted since 2016). The proposal is for a site which currently has permission and contributes to meeting need in this HMA.

Locational criteria

Wiltshire Core Strategy Core Policy 47 contains the relevant criteria.

CP47 i): There are no hazardous land uses at this site or in the vicinity which would impact on the development or residents. The site is located predominantly in Flood Zone 1. The Environment Agency's Flood Map shows that the access to the site from Brickworth Road falls within Flood Zone 2 and 3. However it is noted that the previous decisions dealt with flood risk and permission was granted in each case.

CP47 ii): It is noted that highway colleagues have not objected to this application.

CP47 iii): The council's drainage engineers will be able to advise as to whether any installed solutions currently on site are acceptable.

CP47 iv): It is assumed that the parking and turning arrangements as per previous planning permissions were approved by the council.

CP47 v): The site lies approximately 1,500m away from the centre of Whiteparish. The Council's Rural Facilities Survey 2012 confirms that the village has a pre-school, primary

school and a surgery. It also has a food store, recreational and leisure facilities, a pub, a village hall, and a church. Given the number of facilities at Whiteparish, and public transport links being available to higher order settlements the location is considered sustainable. The site is located near to an existing settlement within reasonable distance of a range of local services and community facilities.

CP47 vi): The site falls into the Special Landscape Area. The landscape officer should be consulted and establish if the development is causing harm to the local landscape; and if additional mitigation measures are required. Core Policy 51 is also relevant.

CP47 vii) There is no evidence to suggest that the site does not provide adequate levels of privacy.

CP47 viii) The site is detached from the village and inter-visibility with surrounding receptors should be assessed during a site visit, ideally in conjunction with assessing impacts on the local landscape. Appropriate screening and good quality site design can prevent harmful impacts. It is understood that the previous occupant has screened the site through planting of trees.

Traveller sites in the countryside can be acceptable where they do not dominate the nearest settled community as per PPTS. It is noted that local farms lie within the vicinity. Some of these have large structures, and residential dwellings, so the area appears to be partially developed. From a spatial planning perspective the site is not in an unacceptable location when specifically considered against PPTS, again, subject to confirmation by the landscape officer.

CP47 ix) The site is not covered by a national or international environmental designation.

Other material considerations

The Council published a Gypsy and Traveller Accommodation Assessment in 2014. The GTAA forms part of the evidence for the emerging Site Allocations Development Plan Document and provides new pitch requirements for 2014-29 for Wiltshire and its constituent housing market areas. For 2014-2019 the study identifies a need for 1 pitch, which has been met.

While the GTAA has not yet been tested through the plan preparation process it does not note an additional need at the application site (para. 5.54). However as the site is now occupied by a different household.

Conclusion

The site is in a sustainable location but given its history the landscape officer's view should be obtained to establish if the development poses harm to the local landscape; and if mitigation measures are required to alleviate any impacts.

Otherwise no objection is raised to this application from a spatial planning perspective.'

The use and occupation of the site as a single gypsy pitch has been ongoing for approximately 18 years, according to Council records.

The need for the provision of gypsy and traveller pitches across Wiltshire is made clear by the Spatial Planning officer's response above, with all other considerations aside it is a material consideration that the current occupation of the site by the applicant contributes towards achieving that need.

There has been much consideration and examination of the impacts of the use and occupation of the site over the course of its history. Most notably both the appeal decision in 2009 and the appeal decision in 2013 identified that the impact of the development on the character of the surrounding landscape was the primary consideration in each case.

The 2013 appeal Inspector noted the main issues in respect of the appeal were:

Main issues

9. I consider these to be:

- a) The impact on the character and appearance of the surrounding countryside, having regard to its status as a Special Landscape Area;
- b) Should harm be identified in respect of issue a), whether this harm is outweighed by other material considerations which include the need for and supply of gypsy sites both in general and in terms of the appellant family's particular needs and their personal circumstances.

The 2013 appeal Inspector noted there had been significant changes in the visual impact of the site insofar as mixed hedgerows of significant height and density had been established around the mobile home and parking area. At paragraph 20 he noted *"the planting that has taken place provides considerable screening of the development from public vantage points and if retained and supplemented is likely to increase the level of mitigation"*. The Inspector concluded the level of harm to the character and appearance of the countryside had been reduced since the previous appeal was considered.

Since 2013 the planting and natural screening around the site has continued to establish and mature and in the opinion of officers, the site is now very well screened and consequently difficult to distinguish within the surrounding landscape.

The Inspector's decision on the above appeal states at paragraph 45 that *"On the matter of whether the personal restriction should be maintained I consider that in this particular instance there are good reasons for doing so. The personal circumstances of the appellant and his family are factors which have had a bearing on reaching the conclusions to grant planning permission. He has taken particular steps to try to reduce the impact of the mobile home and has given his support to further mitigation measures. I have taken account of the overall need for gypsy sites but find that in this case, given the location of the site, this is an insufficient reason to allow for the lifting of the personal restriction. The retention of the personal condition would enable the Council to have control over the subsequent use of the land should Mr Clarke and his family vacate."*

The planning appeal decision was issued in September 2013. As noted above, the main matter in relation to the site location was whether it caused harm to the character and appearance of the countryside. At the time of the appeal it was noted that the development would cause limited harm to the character and appearance of the countryside (paragraph 25), and therefore be in conflict with policies G1 and C2 in the Salisbury District Local Plan; and the fourth requirement of Policy CP4 in the South Wiltshire Core Strategy. The emerging Wiltshire Core Strategy was considered to have only limited material weight (paragraph 13).

However, the above Salisbury Local Plan policies and South Wiltshire Core Strategy CP4 are now defunct, and were superseded by the Wiltshire Core Strategy which was adopted in January 2015. Appendix D in the Wiltshire Core Strategy confirms this.

Consequently the current application has to be determined afresh against the current development plan and other material considerations as per Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

It needs to be ascertained if the development would be acceptable in planning terms which could warrant removal of the conditions 1 and 2 in the appeal decision.

The main policy which applies in this case is therefore Core Policy 47 (Meeting the needs of Gypsies and Travellers) which has superseded South Wiltshire Core Policy CP4. Other Wiltshire Core Strategy policies may be relevant in connection with this as a plan always has to be read as a whole. With respect to landscape matters specifically, Core Policy 51 is relevant and this policy has also replaced Salisbury District Local Plan Policy G1. Policy C2 in the Salisbury District Local Plan has now been replaced by Core Policy 48 (Supporting Rural Life).

9.4 Consideration of WCS Core Policy 47

CP47 i): There are no hazardous land uses at this site or in the vicinity which would impact on the development or residents. The site is located predominantly in Flood Zone 1. The Environment Agency's Flood Map shows that the access to the site from Brickworth Road falls within Flood Zones 2 and 3. However it is noted that the previous appeal decisions dealt with flood risk and permission was granted in each case. It is also noted that the mobile home is on an elevated position of the site within Flood Zone 1 so it would not be exposed to flood risk.

CP47 ii): It is noted the Highways officer has not objected to this application.

CP47 iii): The site has been in existence for approximately 18 years and in its current configuration since at least 2008 – there is no evidence to suggest the site has not been and cannot continue to be satisfactorily drained.

CP47 iv): It is assumed that the parking and turning arrangements as per previous planning permissions were approved by the council. For information, DLCC guidance on traveller site design (2008) states that access roads and the site design itself should be capable of providing sufficient space for the manoeuvrability of average size trailers of up to 15 metres in length, with capacity for larger mobile homes on a limited number of pitches where accessibility can be properly addressed in the light of the land available.

CP47 v): The site lies approximately 1,500m away from the centre of Whiteparish and the facilities and amenities available within the village include a pre-school, primary school and a surgery. It also has a food store, recreational and leisure facilities, a pub, a village hall, and a church. There are bus links to Southampton and Salisbury from the bus stop near the site, at the A27/A36 junction. Given the availability and range of facilities at Whiteparish, and public transport links being available to higher order settlements the location of the site is considered sustainable. The site is located near to an existing settlement within reasonable distance of a range of local services and community facilities.

CP47 vi): The site is located within the designated Special Landscape Area. The Special Landscape Area designation remains as a saved policy (policy C6) as saved within appendix D of the adopted WCS. Core Policy 51 is also relevant. By reason of the significant mitigating effect of landscaping measures already put in place by the applicant (mixed hedgerows which are now quite dense and of significant height have been planted around the mobile home and parking area), has resulted in considerable screening of the development from public vantage points. In these respect it is considered the development no longer has an undue adverse impact on the character of the surrounding Special Landscape Area.

The proposed retention of the site/use as a single gypsy pitch is considered accordant with core policy CP47 of the adopted WCS, national planning guidance contained within the PPTS and the aims and objectives of the NPPF & NPPG.

9.5 Restriction to personal permission

In reaching his conclusion and decision in respect of the determination of the most recent appeal, the Inspector considered (and discounted) the proposal to remove the Conditions of the previous planning approval relating to the personal nature of the approval (planning reference S/2008/0708. His reasoning for not removing the personal nature of the planning consent was set out in detail within the Appeal Decision, as follows:

Paragraph 45 of the appeal statement states:

'On the matter of whether the personal restriction should be maintained I consider that in this particular instance there are good reasons for doing so. The personal circumstances of the appellant and his family are factors which have had a bearing on reaching the conclusions to grant planning permission. He has taken particular steps to try to reduce the impact of the mobile home and has given his support to further mitigation measures. I have taken account of the overall need for gypsy sites but find that in this case, given the location of the site, this is an insufficient reason to allow for the lifting of the personal restriction. The retention of the personal condition would enable the Council to have control over the subsequent use of the land should Mr Clarke and his family vacate.'

For the reasons detailed above, Conditions 1 and 2 of planning approval S/2008/0708 were retained by the appeal Inspector and were re-imposed on the approval of planning application S/2012/1307.

Mr Clarke and his family have now moved on and the applicant, Mr Gammell and his family are residing on the site. Since considering the 2013 appeal, the circumstances on the site have materially changed in that the planting and screening mitigation is complete and has matured successfully, substantially reducing the visual impact of the site within the surrounding landscape. In these respects it is concluded by officers that the 'work' of the previous Condition in tying the consent to Mr Clarke to ensure he undertakes the mitigation measures required has effectively been accomplished.

Therefore it is considered the original harm to the surrounding landscape (which was previously outweighed in part by the personal circumstances of Mr Clarke at the time) has

since been mitigated to a significant extent so that the impact of the use of the site no longer results in an undue adverse impact on the surrounding landscape such as would otherwise justify the refusal of the development.

However, it is considered the retention of the personal condition (amended to reflect the current occupiers) would still be a reasonable and necessary measure to enable the Council to have control over the subsequent use of the land should Mr Gammell and his family vacate.

9.6 Amenity considerations

The application site, being surrounded by agricultural/open land on all sides and being set back approximately 75 metres from the road with substantial natural screening is relatively distant and well separated from the closest residential uses. The site has been occupied as a single gypsy pitch for approximately 18 years. The Council's Public Protection officer has confirmed that no complaints in respect of noise or activity from the site have been made to her department as far back as she was able to check (from 2007).

It is concluded the retention of the existing use would not result in undue impacts on the amenity of nearby occupiers or uses.

9.7 Highways considerations

The Highways officer raises no Highway objection to the proposal.

10. S106 contributions

None relevant

11. Conclusion

It is considered the original harm to the surrounding landscape (which was previously outweighed in part by the personal circumstances of former occupier Mr Clarke at the time) has since been mitigated to a significant extent so that the impact of the use of the site no longer results in an undue adverse impact on the surrounding landscape such as would otherwise justify the refusal of the development.

However, it is considered the retention of the personal condition (amended to reflect the current occupiers) would still be a reasonable and necessary measure to enable the Council to have control over the subsequent use of the land should Mr Gammell and his family vacate.

RECOMMENDATION

Approve, subject to the following Conditions:

1. The use and occupation of the land hereby permitted shall be carried on only by Mr Jimmy Gammell, his wife and their resident dependants.

Reason: To define the scope of the consent and to enable the local planning authority to maintain control over the occupation of the site.

2. When the land ceases to be occupied by those named in condition 1) above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To ensure the restoration of the site upon the cessation of the use hereby authorised.

3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.

Reason: In the interests of amenity and the character of the surrounding landscape.

4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reason: In the interests of amenity and the character of the surrounding landscape.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: In the interests of amenity and the character of the surrounding landscape.

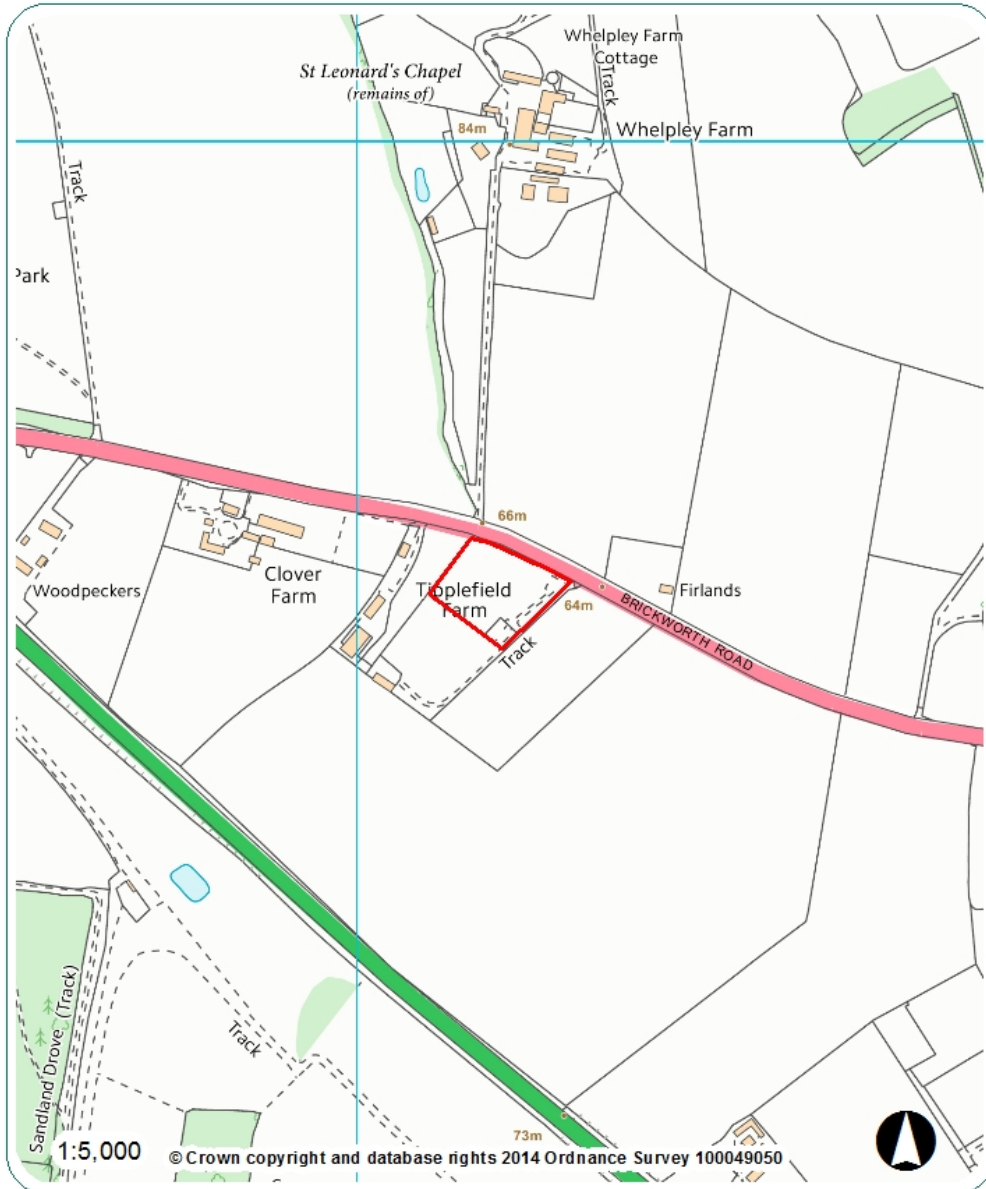
6. No structure or erection or planting exceeding one metre in height shall be placed between the A27 carriageway and the 122m by 2.4m visibility splay measured in a westerly direction from the centreline of the access point onto the public highway.

Reason: In the interests of amenity and Highway safety.

7. The existing parking and turning areas within the site shall be retained thereafter for as long as the use permitted subsists and shall not be used for any other purposes other than the parking and turning of vehicles.

Reason: In the interests of amenity and Highway safety.

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