

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 7 December 2022

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Ben Fielding of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line: 01225 718656 or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)  
Cllr Howard Greenman (Vice-Chairman)  
Cllr Chuck Berry  
Cllr David Bowler  
Cllr Steve Bucknell  
Cllr Gavin Grant

Cllr Jacqui Lay  
Cllr Dr Brian Mathew  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall

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## Substitutes:

Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr Peter Hutton  
Cllr Bob Jones MBE

Cllr Dr Nick Murry  
Cllr Ashley O'Neill  
Cllr Tom Rounds

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## **Recording and Broadcasting Information**

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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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 20*)

To approve as a true and correct record the minutes of the previous meeting held on 12 October 2022.

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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 30 November 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 2 December 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** *(Pages 21 - 22)*

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PI/2021/11198 Christian Farm, Foxham Road, Foxham, SN15 4NE**  
*(Pages 23 - 36)*

Variation of condition 11 (vehicle routing movements) on 18/00523/FUL.

7b **PL/2021/06167 Plough Lane Caravan Site, Plough Lane, Kington Langley, SN15 5PS** *(Pages 37 - 56)*

Use of site for stationing of 44 static for holiday purposes.

8 **Urgent Items**

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

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 12 OCTOBER 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr David Bowler, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Elizabeth Threlfall, Cllr Ruth Hopkinson (Substitute) and Cllr Peter Hutton (Substitute)

#### **Also Present:**

Cllr Helen Belcher

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#### 53 **Apologies**

Apologies for absence were received from Councillors Nic Puntis, Steve Bucknell and Martin Smith.

It was noted that Councillor Nic Puntis had arranged for Councillor Peter Hutton to attend the meeting in his absence. In addition, Councillor Martin Smith had arranged for Councillor Ruth Hopkinson to attend the meeting in his absence.

#### 54 **Minutes of the Previous Meeting**

Councillor Gavin Grant thanked Development Management Team Leader, Lee Burman for his helpful discussions that had taken place with Bloor Homes since the previous Committee meeting.

The minutes of the meeting held on 3 August 2022 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 3 August 2022.**

#### 55 **Declarations of Interest**

There were no declarations of disclosable pecuniary interest.

#### 56 **Chairman's Announcements**

The Chairman informed those in attendance of the procedures in place if there was to be a fire alarm.

57 **Public Participation**

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

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

58 **Planning Appeals and Updates**

Councillor Elizabeth Threlfall moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Gavin Grant.

**Resolved:**

**To note the Planning Appeals Update Report for 17 October 2022.**

59 **Planning Applications**

The Committee considered and determined the following planning applications:

60 **PL/2022/00072 & PL/2022/02619 Mermaid Inn, Main Road, Christian Malford, Chippenham, Wilts, SN15 4BE**

**Public Participation**

Cllr Kevin Assinder spoke on behalf of Christian Malford Parish Council.

Development Management Team Leader, Lee Burman presented a report which outlined the proposed change of use from Café/Wine Bar (sui generis) to a dwelling (Class C3) and associated works.

Details were provided of the site and issues raised by the proposals, including the principle of development; loss of community asset; impact on the character, appearance, visual amenity of the locality; impact on the character and appearance of the Grade II Listed Building. In addition, the impact on residential amenity; access and parking; drainage.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on, but not limited to whether any conditions had been placed in relation to the use of the area at the front of the building for storage. It was clarified that PD removal would not be necessary give the proposals and site constraints and that previous interest in the property had been withdrawn by a party once they had been provided with estimated costs for refurbishment. It was also clarified that the property had not been specifically marked for community use and that it had been vacant for 11 years with no expressions of community interest or proposals tabled.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member, Councillor Howard Greenman then spoke regarding the application. Cllr Greenman raised the following points, including that the application had been called in to Committee due to being a loss of community asset and that the application was in conflict with the Christian Malford Neighbourhood Plan. Cllr Greenman stressed the importance of Neighbourhood Plans and the use of the building being consistent with it in order to maintain and manage the size of the community.

At the start of the debate a motion to accept both of the officer's recommendations for planning permission and listed building consent was moved by Councillor Peter Hutton and seconded by Councillor Tony Trotman.

During the debate, issues were raised, but not limited to that it was a shame that the building had not been registered as a community asset as it could have provided such a function as a community café or community fridge considering the current economic situation. Reference was drawn to the minor variations that had taken place over the course of the planning history of the building since 2011 and whether these had been applied for with reason. In addition, it was stated that the application was an opportunity to improve the current condition of the building and that from a licensing perspective prior to Covid many venues and pubs had been struggling.

Further issues that were debated included that though neighbourhood planning has importance the building had been vacant for years and might not have been an integral part of revisions of the Neighbourhood Plan. The importance of preserving the building was stated and that in the images provided, the listed image of the building would be maintained having previously been a farmhouse. In addition, reference was made to how there had not been an attempt to register the building as a community asset, with other derelict buildings that had been improved referenced such as in Malmesbury. The comments of the Estates and Developments team were noted, with it suggested that the weaknesses and deficiencies of the marketing report would not be sufficient grounds to reject the application.

At the conclusion of the debate, it was,

**Resolved:**

**For PLANNING PERMISSION (PL/2022/00072)**

**That Planning Permission be APPROVED with the following conditions:**

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

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

**2. The development hereby permitted shall be carried out in accordance with the following approved plans submitted to the Local Planning Authority on the 30 March 2022:**

**Drg. no. 2244-001 – Site Location Plan**

**Drg. no. 2244-100 – Existing Site Plan**

**Drg. no. 2244-120 – Proposed Site Plan**

**Drg. no. 2244-125 – Proposed Ground & First Floor Plan**

**Drg. no. 2244-126 – Proposed Second Floor & Roof Plan**

**Drg. no. 2244-127 – Proposed Elevations**

**Drg. no. 2244-128 – Proposed Sections**

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

**3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions or external alterations to any building forming part of the development hereby permitted.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

**4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans shall be inserted in the roof slope(s) of the development hereby permitted.**

**REASON:** In the interests of residential amenity and privacy.

**5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.**

**REASON:** To safeguard the character and appearance of the area

**6. All soft landscaping comprised in the approved details of landscaping**



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

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

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety

8. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

**REASON:** In the interests of highway safety.

9. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

**REASON:** To ensure that the highway is not inundated with private water.

10. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.

9. hours of construction, including deliveries;
10. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

#### **INFORMATIVE TO APPLICANT**

As the development access road is not intended to be adopted, the developer/applicant will be expected to enter into a S278 Agreement with the Highway Authority before the commencement of the access and footway works hereby approved. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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.

**FOR LISTED BUILDING CONSENT (PL/2022/02619)**

**That Listed Building Consent be GRANTED with the following conditions:**

**1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans submitted to the Local Planning Authority on the 30 March 2022:**

**Drg. no. 2244-001 – Site Location Plan**

**Drg. no. 2244-100 – Existing Site Plan**

**Drg. no. 2244-120 – Proposed Site Plan**

**Drg. no. 2244-125 – Proposed Ground & First Floor Plan**

**Drg. no. 2244-126 – Proposed Second Floor & Roof Plan**

**Drg. no. 2244-127 – Proposed Elevations**

**Drg. no. 2244-128 – Proposed Sections**

**3. No works shall commence on site until details of all new or replacement internal joinery, including doors, door linings, architraves, beading, skirtings and staircases (including balusters, newel posts and handrails), have been submitted to and approved in writing by the Local Planning Authority. The works 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 Listed Building Consent 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 preserving the character and appearance of the listed building and its setting.**

**4. No works shall commence on site until a full schedule and specification of the internal works has been submitted to and approved in writing by the Local Planning Authority. The works 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 Listed Building Consent 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 preserving the character and appearance of the listed building and its setting.**

Public Participation

John Cull spoke in objection to the application.

Charlotte Watkins spoke in support of the application.

Tom Newman spoke in support of the application.

Cllr Stuart Suter spoke on behalf of Lea and Cleverton Parish Council.

Development Management Team Leader, Lee Burman presented a report which responded to the Committee's previous deferral and information sought.

Details were provided that the application had been reported to the 3rd of August 2022 committee meeting following call in by Councillor Elizabeth Threlfall to consider the proposal's visual impact upon the surrounding area & environmental/highway impacts in particular drainage. Following the conclusion of the discussion by members at the committee meeting, the application had been deferred to enable the applicant to provide additional information in respect of drainage matters.

Development Management Team Leader, Lee Burman drew attention to the report, which covered the technical competencies of the Flood Risk Assessment (FRA) report authors, apparent discrepancy between the site survey and FRA report topographical survey, proposed finished floor levels and overall height of the dwelling as well as consultation with Wessex Water in respect of the drainage strategy including presentation and consideration by them of representations and flooding evidence by interested parties and Parish Council comments.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified on, but not limited to that permitted development rights had been removed and that a condition had been placed in regard to hard and soft landscaping. It was also clarified that within the previous report the Environment Agency had been consulted and no objections had been raised.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member, Councillor Elizabeth Threlfall then spoke regarding the application. Cllr Threlfall raised the following points including that the main issue for consideration had been drainage and that the Committee had been right to previously defer deciding as Wessex Water had since suggested additional conditions which the application had agreed with. Cllr Threlfall recognised the problem faced by the Committee, that experts from statutory consultees had provided an analysis however this was contrast to views of other experts who were non-statutory consultees. Reference was drawn to how the pluvial flooding from the fields combines with the sewage from Lea north sewage station however it would not be the place of the Committee to improve a pre-existing problem. In addition, Cllr Threlfall stated that she saw both the

concern of residents in relation to flooding but also the benefit to the applicant who could provide a home for a family.

At the start of the debate a motion to accept the officer's recommendation was moved by Councillor Peter Hutton and seconded by Councillor Tony Trotman.

During the debate, issues were raised, but not limited to that the Committee now had the answers which it requested at the previous meeting and that it would not be recommended to go against Wessex Water as they are experts. It was stressed that Wessex Water should have a duty to ensure that no children in the adjacent school are exposed to raw sewage caused by overflows. In addition, reference was drawn to previous planning appeals where though there was anecdotal evidence, the appeals were lost as the inspector found that the professionals stated flood risk issues could be mitigated. It was further suggested that there should be a level of liability attached to the statements provided by Wessex Water should they be incorrect and that it would be positive within planning applications to show potential concerns of flooding so that those applying would have full awareness.

Further issues that were debated included that it was suggested that the application could be in conflict with Wiltshire Core Strategy Core Policy 2.(ii) due to being in breach of elongating the village of Lea if the housing development was considered to stop short of the plot of land with reference drawn to the adjacent school being on the boundary of the village.

At the conclusion of the debate, it was,

**Resolved by Chairman's Casting Vote:**

**That Planning Permission be APPROVED with conditions:**

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

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

**2. The development hereby permitted shall be carried out in accordance with the following approved plans: dwg no.969:001 (location plan), dwg no.969:P:02 & dwg no.969:P:03 (proposed ground/first floor plan), dwg no.969:P:04 (proposed elevations) [Received by the LPA on the 16th of November 2021] & dwg no.969-P-05A (proposed street elevation) & dwg no.969:P:01A (proposed site plan) [Received by the LPA on the 8th of August 2022].**

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

**3. No development above ground floor slab level shall commence on site**

until details and samples of the materials to be used for the external walls and roofs of the new dwellings 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

**4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**

- all hard and soft surfacing materials;
- 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;

**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.

**5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

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

**6. No development shall commence on site (including any works of**

demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) measures for the protection of the natural environment; and
  - g) hours of construction, including deliveries;
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall always be maintained free of obstruction thereafter.

**REASON:** In the interests of highway safety.

8. No development shall commence on site until full details of the scheme for the discharge of foul water from the site, including the finished floor levels, foul manhole cover levels and invert levels set at a level to avoid the risk of foul sewer flooding and mitigate restricted toilet use in accordance with the approved drainage strategy (CTP- 21-0414 C001 REV D) and FRA (CTP-21-0414-FRA REV 05), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure the risk of foul sewer flooding has been mitigated and that the development can be adequately drained.

9. 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

**10. 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), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.**

**REASON:** To safeguard the character and appearance of the area.

**11. INFORMATIVE TO APPLICANT:**

**Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**

**12. INFORMATIVE TO APPLICANT:**

**The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**

**13. INFORMATIVE TO APPLICANT:**

**The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

**14. INFORMATIVE TO APPLICANT:**

**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.**



## **15. INFORMATIVE TO APPLICANT:**

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

*The meeting was adjourned at 3:19pm and continued at 3:28pm.*

### **62 Conservation Area Statements**

The Committee received the following Conservation Area Statement:

### **63 Consultation Statement on the Pickwick Conservation Area**

The Northern Area Planning Committee received a presentation from Tony Clark on the Pickwick Conservation Area. The presentation covered the reasoning why the Pickwick Association had gone ahead with an appraisal, with it stated that such a plan would allow greater protection of the Pickwick Conservation Area. It was outlined that the Association had looked at the geographical and physical setting of Pickwick, identified each listed building as well as suggested a detailed management plan as an annex. The work described how the Pickwick Conservation Area aligned with the Corsham Conservation area as well as identifying three important character areas (the area round Middlewick Lane/A4 Junction, Pickwick Manor and its neighbours, Beechfield). The association also made a number of suggestions as to how the Conservation Area should be managed in the future, which would be matters for Wiltshire Council to consider. It was concluded that the existing Conservation Area is fit for purpose, with positive feedback having been received.

Following the presentation, there was an opportunity for the Committee to raise any questions or statements. The following points were raised including that it would be positive for the document to be shared with Chippenham Town Council, with Cepen Park South being the nearest community to Pickwick. The Pickwick Association was praised for its work, with it acknowledged that though on the Conservation Areas Page on the Wiltshire Council website there are a

number of management plans and appraisals completed from 2005-2019, only a few of the areas have got up to date plans. The importance of planning committees knowing the criteria for Conservation Areas was stressed in order to gain value from the time and effort invested into producing appraisals and plans.

Other areas for discussion included that Conservation Management Plans and Neighbourhood Plans have an important inter-relationship, however sometimes the focus on Neighbourhood plans can lead to Conservation Plans being given less attention. It was asked who would own the management plan, which would be a responsibility of Corsham Town Council, Wiltshire Council as well as the trustees. In addition the examples of Neighbourhood Plans and Conservation Plans were cited, where in the case of dry-stone walls Parish Councils had requested that residents repair them.

Development Management Team Leader, Simon Smith congratulated the Pickwick Association as well as Councillor Belcher and Councillor Hopkinson for their work. Simon outlined that the document would not be part of a development plan but would rather fit into the category of being a material consideration, which would be considered when determining a planning application.

The Local Unitary Member, Councillor Helen Belcher then spoke regarding the presentation. Cllr Belcher thanked the Committee as well as Tony Clark for his presentation. Cllr Belcher stated that the document had been produced by a learned community group with expertise and that over past decades Corsham had been subject to development, almost doubling the size of the town, with boundaries going beyond Pickwick which was separate. So far the document has been useful in supporting the Neighbourhood Plan as well as used to help fight off two inappropriate developments, with it stressed that the Association does not oppose development but supports development that is appropriate.

Former Local Unitary Member, Councillor Ruth Hopkinson then spoke regarding the presentation. Cllr Hopkinson raised the following points that over time Local Neighbourhood Plans become less effective in appeals, with the same potentially true about Conservation Areas. Cllr Hopkinson raised that previously such appraisal was conducted with planning officers however with them no longer having the capacity this is a method of overcoming the problem through local people taking responsibility for their areas. In addition, this document could be used as a blue print throughout the county to bolster the position of Wiltshire Council.

Cllr Gavin Grant moved a motion to state that the Northern Area Planning Committee acknowledged and commended the Pickwick Conservation Area Appraisal as a material consideration, this was seconded by Councillor Jacqui Lay.

**Following the vote it was resolved:**

**That the Northern Area Planning Committee acknowledged and commended the Pickwick Conservation Area Appraisal as a material consideration.**

64 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00pm – 4.10pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail [Benjamin.Fielding@wiltshire.gov.uk](mailto:Benjamin.Fielding@wiltshire.gov.uk)

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**7<sup>th</sup> December 2022**

There are no Planning Appeals Received between 30/09/2022 and 25/11/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overtturn at Cttee
19/12002/FUL	Land Off Common Road, Corston, Wiltshire	St. Paul Malmesbury Without	Erection of 4 dwellings	NAPC	Written Representations	Approve with Conditions	03/10/2022	Yes
ENF/2021/00926	Euridge Manor, Euridge, Colerne, Chippenham, SN14 8BJ	Colerne	Unauthorised use of land and buildings for wedding events (PL/2021/07966)	DEL	Inquiry	-	03/10/2022	No
PL/2021/08215	Barn at Pool Farm, The Green, Biddestone, SN14 7DG	Biddestone	Reinstate and Convert Barn for Use as Holiday Let and Extensions to the Side and Rear	DEL	Written Representations	Refuse	22/11/2022	No
PL/2021/08751	Barn at Pool Farm, The Green, Biddestone, SN14 7DG	Biddestone	Reinstate and Convert Barn for Use as Holiday Let and Extensions to the Side and Rear	DEL	Written Representations	Refuse	22/11/2022	No
PL/2022/00300	126 Oaklands, Chippenham, SN15 1RJ	Chippenham	Form dropped kerb to the roadway to provide vehicular access	DEL	Written Representations	Refuse	11/10/2022	No
PL/2022/01090	Barn House, Main Road, Christian Malford, Chippenham, SN15 4BS	Christian Malford	Extension to existing living room	DEL	Householder Appeal	Refuse	12/10/2022	No
PL/2022/01195	Land at Kington Lane, Stanton St Quintin, Chippenham, SN14 6DF	Stanton St. Quintin	Erection of up to 17 dwellings (including 7 affordable units) and associated infrastructure, including full details of access and public amenity space.	DEL	Written Representations	Refuse	11/10/2022	No
PL/2022/02136	Rectory Cottage, Church Road, Biddestone, Chippenham, SN14 7DP	Biddestone	Roof extension to existing outbuilding and infilling of west elevation (revised scheme)	DEL	Householder Appeal	Refuse	13/10/2022	No
PL/2022/03438	11 Quemerford, Calne, SN11 0AR	Calne	The erection of a new dwellinghouse	DEL	Written Representations	Refuse	24/10/2022	No
PL/2022/04681	Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham	Langley Burrell Without	Residential development (up to 230 dwellings), a local centre (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 675 sq m of which no more than 200 sq m (GIA) shall be used for retail (Class E(a)) drinking establishment and hot food takeaway (Sui Generis)), associated works and infrastructure, ancillary facilities, open space, landscaping with vehicular access from the B4069.	DEL	Inquiry	Refuse	14/11/2022	No

Planning Appeals Decided between 30/09/2022 and 25/11/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/03412	Unit 10, 11 & 12 Callow Park, Callow Hill, Brinkworth, SN15 5FD	Brinkworth	Change of use of B1(a), B1(b) areas to sui generis use of, online car auction storage facility with guest area and reception. (B8 use class to remain) Including extensions and alterations to the units.	NAPC	Written Reps	Approve with Conditions	Allowed with Conditions & Varied	19/10/2022	Appellant applied for Costs - <b>ALLOWED</b>
PL/2021/04439	38 Stone Lane Lydiard Millicent Swindon, SN5 3LD	Lydiard Millicent	Part retrospective change of use of section of agricultural land to residential	NAPC	Written Reps	Approve with Conditions	Dismissed	15/11/2022	Appellant applied for Costs - <b>REFUSED</b>
PL/2021/06688	Land to the rear of Devizes Road, Box, Wilts	Box	Erection of a single self-build dwelling, resurfacing of Pye Lane and associated works.	DEL	Written Reps	Refuse	Dismissed	12/10/2022	None
PL/2021/06729	Westcross, Henley Lane, Box, Corsham, SN13 8DB	Box	Erection of a two-storey side extension, replacement of existing windows and over cladding the rear of the existing property.	DEL	Householder Appeal	Refuse	Dismissed	04/10/2022	None
PL/2021/08158	Applegarth 6 Castlefields, Calne SN11 0EA	Calne	Erection of 2-bedroom bungalow.	DEL	Written Reps	Refuse	Dismissed	10/11/2022	None
PL/2021/08453	Land to the north of Whychurch Farm and to the south of Filands, Malmesbury.	Malmesbury	Outline planning application (all matters reserved except means of access) for residential development, including the construction of dwellings, the creation of a new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, allotments, landscape planting, surface water attenuation and associated infrastructure	DEL	Hearing	Refuse	Allowed with Conditions	31/10/2022	Appellant applied for Costs - <b>REFUSED</b>
PL/2021/09418	13 The Beeches, Lydiard Millicent, Swindon, SN5 3LT	Lydiard Millicent	Erection of single storey front, rear and first floor extensions and replacement roofs with roof lights	NAPC	Householder Appeal	Approve with Conditions	Dismissed	03/11/2022	Appellant applied for Costs - <b>REFUSED</b>
PL/2021/10907	Agricultural Building, Bybrook Meadows, Ashley, Box, SN13 8AN	Box	Change of use and conversion of of agricultural building to a single dwelling with associated development, including installation of a septic tank	DEL	Written Reps	Refuse	Dismissed	06/10/2022	Appellant applied for Costs - <b>REFUSED</b>

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	7 <sup>th</sup> December 2022
<b>Application Number</b>	PI/2021/11198
<b>Site Address</b>	Christian Farm, Foxham Road, Foxham, SN15 4NE
<b>Proposal</b>	Variation of condition 11 (vehicle routing movements) on 18/00523/FUL
<b>Applicant</b>	P D Hook (Breeders) Ltd
<b>Town/Parish Council</b>	Christian Malford & Bremhill
<b>Electoral Division</b>	
<b>Grid Ref</b>	
<b>Type of application</b>	Removal/variation of conditions
<b>Case Officer</b>	Victoria Davis

### Reason for the application being considered by Committee

Cllr Ashley O'Neill has requested that the proposal be put before committee citing concern in relation to highway impacts.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below.

#### 2. Report Summary

The key issues in considering the application are as follows;

- Principle of Development
- Highways Safety

Bremhill Parish Council object to the proposal.

Wiltshire Council Highways raise no objection to the proposal.

There are 24 letters of objection to the proposal from local residents.

### 3. Site Description

The proposal site known as Christian Farm is situated in the open countryside to the North East of Chippenham, the South West of Royal Wootton Bassett and to the North of Calne. To the south east of the farm is the small hamlet of Foxham and to the north the small village of Christian Malford both of which are reached via the Foxham Road. To the immediate east of the site is a watercourse running adjacent to the highway, with the site entrance running over the top. The site has undergone recent redevelopment as an intensive poultry unit, producing fertilised eggs for use in the production of broiler chickens under planning consent 18/00523/FUL. There is also an agriculturally tied dwelling at the site.

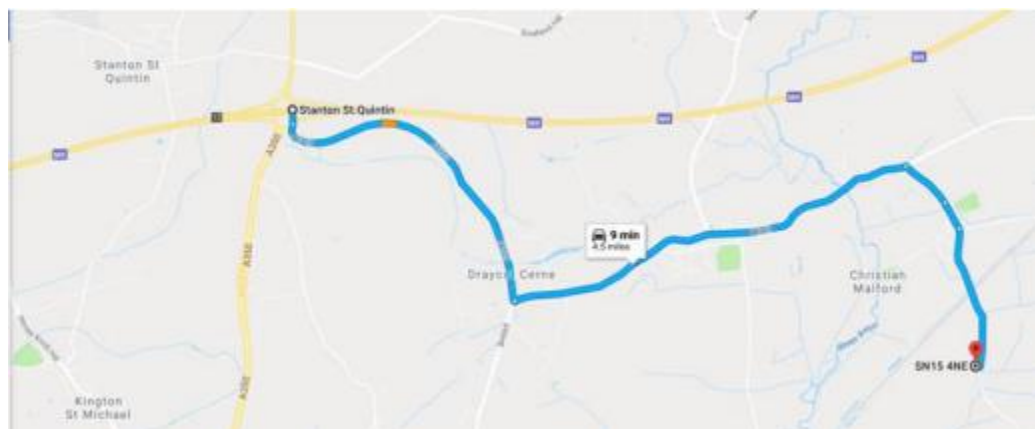
### 4. Proposal

This application seeks to vary the details approved under Condition 11 of the 2018 permission which reads as follows:

*11 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall provide details of HGV routeing arrangements to and from the site; the timings and frequency of HGV arrivals and departures; and the method and destination for waste disposal.*

*REASON: To ensure the safe operation of the highway, and the provision of adequate parking on the site.*

Following agreement with the Council's Highway Engineer, that condition was discharged by the Council on 10<sup>th</sup> September 2018, with a routing via Station Road at Christian Malford, the B4069, through Sutton Benger and finally B4122 to junction 17 of the M4 (the extract below taken from the applicant's 2018 submission):





Within this application to vary condition 11, the applicant describes a change in the company's vehicle fleet makes the previously agreed HGV route unworkable due to the height restricted railway bridge at Station Road (12ft 3in / 3.73m). The application claims that lorries now used by the business can no longer access the site via the agreed route (via Christian Malford Village) since they are some 12ft / 3.91m in height, and therefore exceed the maximum clearance of the Station Road bridge. Image of the bridge below:



It is therefore proposed that the agreed routing of HGVs is changed to Foxham Road to the A3012 at Catcombe and travel to the M4 at J16 Royal Wootton Bassett via Lyneham Poultry Farm as necessary. Below is an extract from the applicant's new submission showing the proposed routing:



## 5. Local Planning Policy

### Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 10: Spatial Strategy for Chippenham Community Area

Core Policy 34: Additional Employment Land

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

## 6. National Planning Policy

### National Planning Policy Framework 2021 (NPPF)

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

## 7. Summary of Consultee Responses

Bremhill Parish Council: Object on the grounds of safety and that the proposal fails to meet the aims of the neighbourhood plan in relation to traffic management, in particular in relation to HGV/LGS traffic. An extract of the comments are below – full comments available online.

*The safety of our residents and other road users is paramount. This application will increase the risk of a critical or life changing accident. This route is arduous and challenging for any HGV driver, particularly anyone not familiar with this road, and there are long stretches where it is impossible for pedestrians, cyclists, and horse riders to get off the single lane to allow a lorry to pass.*

*With an exponentially increased volume of “rat run” traffic, often driving at speed through the lanes, the state of the road has reached an all time low. Run offs, pull-ins and road edges are in desperate need of repair. On the basis that Wiltshire Council has insufficient resources to sort out these issues, the Parish Council is using the Precept, where possible, to carry out repairs.*

Highways: No objection following review of Technical Statement

## 8. Publicity

The application has been advertised by site notice and direct neighbour letter.

24 letters of objection have been received. The key concerns raised have been summarised below -

- Road network is not suitable for the additional traffic
- The lanes are simply not designed for HGVs.
- The majority of the route is narrow and is suitable for only one vehicle in either direction. The route is tortuous, there are no formal passing places just field entrances to pull into, there are two very sharp bends and a completely blind uphill section of approx 80 metres.
- Permitting the use of this route as proposed by the chicken farm would:
  - Disrupt current use by local traffic, private, commercial and agricultural;

Impose an excessive and unacceptable nuisance on the local community;

Damage soft verges, gateways and property entrances as large vehicles attempt to pass each other; and most importantly

Increase the hazards for and dangers to more vulnerable road users including: the young, the elderly, pedestrians, cyclists and riders.

- Large lorries travelling on this proposed route will damage the roads and verges and make the highway unsafe. The roads are narrow, twisting with blind corners. Lorries will get stuck and will cause damage. There will be accidents as it is single track with high banks in some places which will lead to head on collisions
- Christian Farm's management have been well aware, from the outset, that their logistic support would be subject to restrictions. Nothing has changed. There should be no easement of the route restrictions. Christian Farm should remain restricted to using vehicles that can use the 12ft 3 bridge.
- All alternative routes are not only unsuitable, but dangerous.
- In the Highway Development Control Consultation Response to a planning application for Christian Farm, Foxham (for the Demolition of Existing Poultry Buildings and Replacement with 4 New Poultry Buildings and Associated Infrastructure) dated the 12th April 2018 it says: "C118 and C111 roads leading from the site south and east to the A3102, by reason of their restricted width, poor alignment and junctions are considered unsuitable to serve as a means of access to the proposed development".
- This new application claims that fewer journeys will be more efficient. However, any journeys on that route are more than is allowed by the planning consent. There should be zero. The route is still hazardous at any time of day or however many journeys are made along it.
- The route is not fit for large HGVs and especially the larger HGVs stated in the application. The covering letter submitted as part of the application also states that "the overall impact on the local road network is considered to be low," and that, "As previously noted, the deliveries are well planned and anticipated with the driver dialling in to site prior to visit to confirm estimated time of arrival". This is purely an administrative advantage for the applicants and does not help local users of the roads when they come across a huge vehicle filling them, nor the residents.
- The height of the railway bridge was clear to see before any chicken farm was put on the site and so any vehicles visiting the site should be of an appropriate size to go under the bridge.
- The road through the village is much too narrow and totally unsuitable for such large vehicles making it more dangerous for the residents, horses, and pedestrians.
- The Highways Officer on the original planning application stated that routing along the Foxham Road was considered to be tortuous and to have limitations in terms of width and alignment to accommodate the type and level of traffic proposed.
- The lane is rarely repaired and the verges , especially in West End, are constantly damaged as large vehicles try to pass one another.
- Christian Farm by purchasing vehicles knowing that they will not go under the bridge, therefore not even pretending to be complying with the Planning Regulations, is presuming that Wiltshire Council will override objections made against this violation. Wiltshire Council by not notifying the residents of West End, Foxham Village or Bremhill Parish Council, who are primarily affected by this change, has compounded the issue.
- Being involved in transport and HGV vehicles you buy your fleet (size, weight, height) according to where you have to travel, deliver and maintain a safe passage. This company had just ignored this and done the complete opposite.

- Vehicles need to be changed to use the bridge and use the restricted weight limit on the Lyneham Road which again needs to be addressed quickly. It might be less travelling with larger vehicles but so much more dangerous to livestock and the drivers.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

The site benefits from planning permission for the poultry farm development which is unaltered. The application is submitted under s73 of The Act, this application seeks only a change to the nature of vehicle movements associated with the business. Consideration of the proposal should therefore be appropriately confined to the acceptability of the change proposed for the routing of HGV traffic to the site. In this respect, the Council's Highway Engineer has been consulted.

In response to the initial submission, the Council Highway Engineer confirms that the imposition of the condition in the first place was required to establish a route that was most suitable for HGV traffic associated with the development. They went on to observe that the route agreed under the 2018 application provided the most direct link to the more major highway network and the now proposed alternative route was already considered at that time to utilise access roads that were considered to be *"tortuous and has limitations in terms of width and alignment to accommodate the type and level of traffic proposed as a result."*

For that reason, in their initial comment, the Council Highway Engineer advised that in their view the proposed new route would pose limitations in terms of width and alignment to accommodate the type and level of traffic proposed and was not considered to be appropriate for HGV use. They went on to confirm that in their view the applicant had not substantiated claims that the alternative vehicle fleet offered greater capacity and efficiency.

In response to the objection from Council Highway Engineer, the applicant provided a Technical Note which states that the larger fleet generates 111 trips (10-month period) compared to the smaller fleet which generated 185 in the same period. Timings and frequency of HGV arrivals and departures are set out in the table below. Dimensions of the larger vehicles were also provided on request. It was also explained that the revised route would allow drivers to stop at Lyneham Poultry Farm which is part of the same business.

## 2 Timings and Frequency of HGV arrivals and departures

Below summarises the frequency of vehicle movements for the approved development based on a monthly breakdown and a 10 month stock lifecycle as detailed in the Highways Technical Note.

Type	Delivery/Collection	Month										Total
		1	2	3	4	5	6	7	8	9	10	
Feed	Delivery	4	4	4	4	4	4	4	4	4	4	36
Birds	Delivery	3										3
Eggs	Collection				8	8	8	8	8	8	8	56
Litter	Delivery	3										3
Litter	Collection										4	4
Birds	Collection										4	4
Dirty Water	Collection										5	5
Total/Month		10	4	4	12	12	12	12	12	12	21	111

Source – Highways Technical Note – Bellamy Transport Consultancy Ltd

It should be noted that the previous planning application was considered on the basis of 106 trips and so the actual number of trips with the smaller vehicles seems to have exceeded the limits previously agreed. Whilst this is not a position supported by the LPA, consideration of this application must be limited to the details relevant to the current proposal.

In response, on 19<sup>th</sup> October the Highways Engineer provided final comment, which is reproduced below in full:

*I refer to the additional information submitted in regard to the above planning application, in relation to the proposed variation of condition 11 imposed on the permission for 18/00523/FUL.*

*The condition 11 stated “Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall provide details of HGV routing arrangements to and from the site; the timings and frequency of HGV arrivals and departures; and the method and destination for waste disposal.”*

*It is understood that the updated fleet of vehicles provide greater capacity and result in fewer trips to and from the site, but due to their increased height they are unable to negotiate the bridge located to the north of the site.*

*The alternative route via Foxham Road to the A3102 to the east has therefore been utilised, despite originally being considered by the Highway Development Team as “tortuous and has limitations in terms of width and alignment to accommodate the type and level of traffic proposed as a result.”*

*The applicant’s consultants have provided updated details of the number of HGV vehicle movements associated with the poultry houses advising that “The use of the newer HGVs results in some 75 fewer trips (150 two-way movements) on the local and wider road network over the 10 month cycle, equivalent to a 40% reduction in vehicle numbers.”*

*There has also been traffic count data provided to establish the level of use of these lanes by buses and HGVs, and it has been found that over a three-day period, at two locations, there was an average of 156 HGV/bus movements (52 x 3 = 156) and 105 HGV/bus movements respectively.*

*The additional HGVs generated by the poultry house use over a three-day period is advised to be two movements (one inbound and one outbound), which is a marginal increase of just 1.3% and 1.9% respectively at each of the traffic count locations.*

*I also understand that additional traffic has been found to use these lanes as an alternative to the B4069 to the north, as a result of the land slip at Dauntsey, however, there have been no reports to the Area Office of problems in the use of this part of the highway network as a result, and no complaints with the use of this part of the network by the poultry house vehicles.*

*Having regard to the above, where the poultry houses have been operating using the highway network to the east of the site without issues, and where the level of HGV movements have been reduced due to the new fleet of vehicles, I do not feel that a highway objection can be maintained and would therefore accept the routing of vehicles associated with the poultry house use to the east to the A3102.*

A number of residents have expressed concern that the operator has intentionally disregarded the requirements of the original planning condition. Quite understandably, residents have suggested that the applicant should not have changed their vehicle fleet knowing the bridge limitation and subsequently operated in breach of the planning condition. Whilst it is unfortunate that the business has operated in this manner, these actions, and the retrospective nature of the proposal, do not affect determination of the application which must be based on the material factors and detail submitted within the application. The LPA must also rely on the assessment by Wiltshire Council Highways Engineers in respects of highway safety.

In light of the lack of objection of the Wiltshire Council Highways it is concluded that there are no grounds to refuse the application, particularly in light of the requirements of paragraph 111 to the NPPF, which states:

*“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*

Of course, it is acknowledged that road maintenance and HGV traffic in this area is a key concern for local residents and officers agree that any additional traffic on the constrained network should be avoided where possible. However, it must be accepted that this is a rural based farming business operating from a well-established agricultural site.

In their comments, the Parish Council describes HGV traffic and the country lanes being used as a ‘rat run’ is an ongoing issue. This situation is further exacerbated by the landslip at Dauntsey/Lyneham banks closing the B4069 to Lyneham. The Parish Council consider that the proposal fails to comply

with the aims of the Neighbourhood Plan which seeks to improve traffic management in the area, ideally by reducing HGV/LGV traffic through the parish. The Bremhill Neighbourhood Plan also recognises that the area is a farming community and the developing farming practices will inevitably involve larger vehicle traffic. The LPA is wholly sympathetic to the concerns of residents and the Parish Council in this respect. However, it must be acknowledged that the operator of Christian Farm cannot be held responsible for this existing and ongoing situation. Where Wiltshire Council Highways Engineers do not consider that the additional traffic movements associated with the proposal will result in an unacceptable impact on highways safety, it would be unreasonable to impose restrictions on this farming business that other farms and rural businesses in the area are not subject to.

The LPA is supportive of farming businesses seeking to adapt to modern agricultural practices in accordance with Core Policy 34 of the WCS and as is advocated in Section 6 of the NPPF. It is recognised that facilities such as Christian Lyneham Farms which are involved in the supply of broiler chicks are a key component contributing to food security generally as well as contributing to the local economy. The traffic associated with the farming operation at Christian Farm would not be dissimilar to other HGV movements in the area, including tractors and trailers and feed deliveries associated with other farm businesses and to that extent, there is no evidence to suggest that the rerouting would cause any additional unacceptable impacts upon the amenity or living conditions of residents along the new route.

## **10. Conclusion**

In light of the position as set out by the Wiltshire Council Highways and the public benefits associated with supporting the ongoing operation of an established agricultural business, it is concluded that there are no grounds for the application to be refused. The applicant is agreeable to a reworded condition that refers to the revised Operational Statement to ensure clarify the new agreed vehicle route, vehicle movements and waste arrangements remain secured through the planning permission. All other relevant conditions from the original permission should also be reapplied.

Subject to the imposition of those conditions, the proposed re routing of the HGV traffic is considered to meet with the requirements of policies CP34, CP57, CP60, and CP61 to the Wiltshire Core Strategy, policies as well as the Bremhill and Christian Malford Neighbourhood Plans and sections 6 and 9 to the NPPF.

## **11. Recommendation**

**That Planning Permission is GRANTED subject to the following conditions:**

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

Site Location Plan received 16.01.18 Proposed Block Plan CHRIS-PDH-01 Rev 4  
received 19.04.18 Proposed Layout Plan CHRIS-PDH-02 Rev 3 received 16.01.18  
Proposed Elevation CHRIS-PDH--03 Rev 2 received 16.01.18 Proposed Roof Plan

CHRIS-PDH-06 received 16.01.18 Proposed Gatehouse Plans PDH-LF-PLAN-05 received 19.04.18

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

2 The development shall not be carried out otherwise than in accordance with the approved Landscaping Plan ref: 200-01 & Parking and Turning Plan ref: 200-02, submitted under the discharge of condition application relating to condition 3 of 18/00523/FUL approved on 10 September 2018.

REASON: 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.

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

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

4 The development shall not be carried out otherwise than in accordance with the approved Acoustic Assessment by MATRIX ref: M1822/R01, including plant specification and noise data, submitted under the discharge of conditions application relating to condition 5 of 18/00523/FUL approved on 10 September 2018.

A post installation noise assessment shall be carried out by the applicant where required, to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary.

REASON: In the interests of residential amenity.

5 The development shall not be carried out otherwise than in accordance with the approved Odour Impact Study by AS Modelling & Data Ltd., submitted under the



discharge of conditions application relating to condition 6 of 18/00523/FUL approved on 10 September 2018.

The details as approved shall be implemented prior to commencement of the development and thereafter be permanently retained.

REASON: In the interests of residential amenity.

6 The development shall not be carried out otherwise than in accordance with the approved Lighting Plan ref: CHRIS-PDH-05, submitted under the discharge of conditions application relating to condition 7 of 18/00523/FUL approved on 10 September 2018.

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

7 The development shall not be carried out otherwise than in accordance with the approved drainage strategy by Acorus dated May 2018, submitted under the discharge of conditions application relating to condition 8 of 18/00523/FUL approved on 10 September 2018.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8 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

9 The development hereby permitted is to be carried out in accordance with the recommendations for ecological precaution and enhancement in Section 7 of the submitted Eco-Check Consultancy Survey (February 2018)

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

10 The development shall not be carried out otherwise than in accordance with the approved Operational Statement (received 24 October 2022).

REASON: To ensure the safe operation of the highway, and the provision of adequate parking on the site.

11 The development shall not be carried out otherwise than in accordance with the approved Parking and Turning Area Plan ref: 200-02, submitted under the discharge of conditions application relating to condition 12 of 18/00523/FUL approved on 10 September 2018.

REASON: In the interests of highway safety.

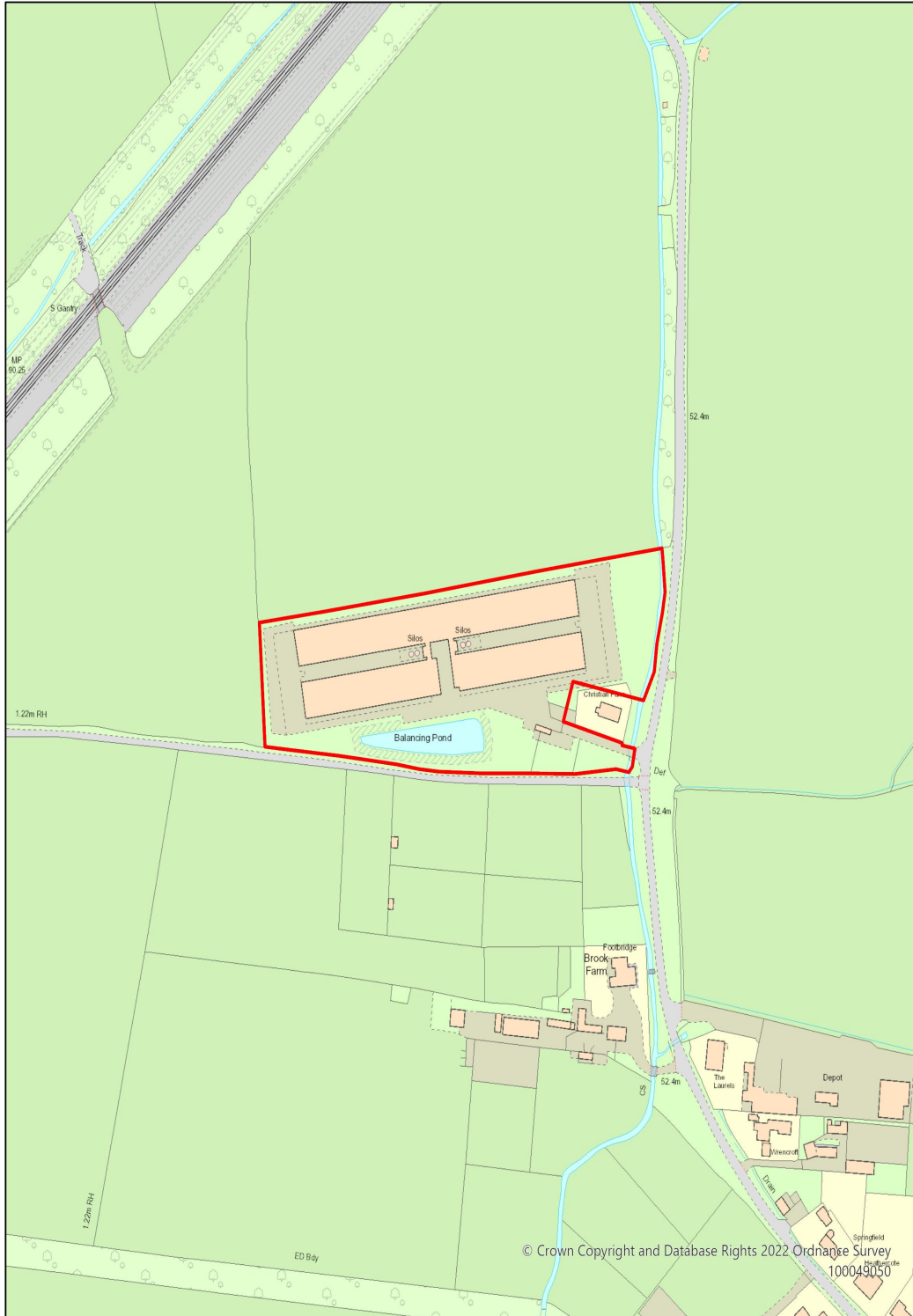
**Informatives:**

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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.



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	7 <sup>th</sup> December 2022
<b>Application Number</b>	PL/2021/06167
<b>Site Address</b>	Plough Lane Caravan Site, Plough Lane, Kington Langley, SN15 5PS
<b>Proposal</b>	Use of site for stationing of 44 static for holiday purposes
<b>Applicant</b>	Trimagger Ltd
<b>Town/Parish Council</b>	Kington Langley
<b>Electoral Division</b>	Kington Langley
<b>Grid Ref</b>	
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Thomas Bostock

### Reason for the application being considered by Committee

Cllr Howard Greenman has requested the proposal be put before committee citing the following objections;

- Scale of development
- Highways issues
- Material change of use

### 1. Purpose of Report

The purpose of this 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 authority is delegated to the Head of Development Management to **APPROVE** planning permission.

### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Design, appearance and landscape impact
- Impact on the amenity of surrounding occupiers
- Highways
- Drainage
- Occupancy restrictions

- Other matters

Kington Langley Parish Council objected to the proposed development.

Ninety-one (91) representations objecting to the application have been received, a summary of the relevant issues raised set out below.

### **3. Site Description**

The Plough Lane Caravan Site is located to the west of the village of Kington Langley, located in open countryside and outside of a defined settlement boundary. The site is bounded by residential development to the north and the A350 highway to the west, whilst the surrounding land to the east and south consists of open fields. The site is located in a discrete position, set back from Plough Lane and accessed via an approximately 100m long driveway. The existing touring caravan site provides approximately 50 hardstanding pitches, set within landscaped grounds. A centrally located building provides facilities for the site users.

The application site is not within any heritage, landscape or ecological designations.

It is noted that the application site has been the subject of an earlier planning application for a similar scope of development (20/08525/FUL – use of site for siting of 60 touring caravans), however this was withdrawn.

### **4. The Proposal**

The applicant seeks permission for the siting of 44no static caravan units to be used as holiday accommodation. Following requests, and after the initial submission, the applicant has clarified that the caravans are to be used for holiday accommodation but will under the ownership of individuals and not that of the park owner. Within that information, the applicant has also claimed that they intend that the caravans would be sold with age restrictions that would be enforced through the “park rules” ensuring that the existing ‘adult only’ set up of the site would continue.

During the life of the application, revised plans were submitted by the applicant on the 4<sup>th</sup> May 2022 which included a reduction in the number of static caravan units. The description of development was also revised to reflect this change. Following the submission of these details, and change to the description of development, a revised consultation was issued to consultees and members of the public on the 5<sup>th</sup> May 2022.

### **5. Planning Policy**

- National Planning Policy Framework: Section 4 (Decision-making)
- National Planning Policy Framework: Section 9 (Promoting sustainable transport)
- National Planning Policy Framework: Section 12 (Achieving well designed places)

- National Planning Policy Framework: Section 15 (Conserving and enhancing the natural environment)
- Wiltshire Core Strategy Policies: CP1 (Settlement Strategy)
- Wiltshire Core Strategy Policies: CP2 (Delivery Strategy)
- Wiltshire Core Strategy Policies: CP10 (Spatial Strategy Chippenham Community Area)
- Wiltshire Core Strategy Policies: CP39 (Tourist Development)
- Wiltshire Core Strategy Policies: CP51 (Landscape)
- Wiltshire Core Strategy Policies: CP57 (Ensuring high quality design and place shaping)
- Wiltshire Core Strategy Policies: CP60 (Sustainable Transport)
- Wiltshire Core Strategy Policies: CP61 (Transport and Development)
- Wiltshire Core Strategy Policies: CP67 (Flood Risk)

## 6. Relevant Site History

- N/00/00148/FUL – Use of land for the siting of up to 60 touring caravans for 11 months of the year, plus storage of up to 20 touring caravans (approved)
- N/11/00295/FUL – Stationing of 8 static units for holiday purposes (approved)
- N/13/03723/FUL – Stationing of three static units for holiday purposes (approved)
- 20/08525/FUL – Use of site for siting of 60 touring caravans for 12 months of the year (withdrawn)

## 7. Summary of consultation responses

The following responses relate to the revised consultation issued on the 5<sup>th</sup> May 2022.

Kington Langley Parish Council: Objection. Full comments appended to this report. (received 15/06/2022)

Wiltshire Council Highway Officer:

*"I refer to the revised plans received on 5th May 2022 in respect of the above planning application.*

*The revised site plan now indicates 44 static caravans on site, as a reduction from the originally proposed 52. There is, however, no supporting statement with the revised application to inform of the type of accommodation within the caravans, or otherwise confirmation that the type is as previously proposed.*

*As previously advised in the highway consultation response dated 4th August 2021, the proposed change in the type of caravans on the site would result in less movements of towing vehicles during the operational stage, which would be beneficial in highway safety and traffic generation terms.*

*The original application form indicated the number of employees on the site as remaining as existing with just 2 full-time members of staff, but with no details of the intended parking for these members of staff. Clarification of this still being the case is required.*

*However, I note that in correspondence from the Agent in August 2021, it was advised that the proposed lodges “would be owned by individuals”, and that they “would be sold to the owners on the basis that they could only be used for holiday use”. It is further understood that the existing toilet block would be removed.*

*The revised submission includes a Construction Management Plan which indicates the route for delivery drivers as the A350 and M4, with HGVs delivering to site being 7.5T rigid Lorries, 15T 4-wheel Lorries or 20T 6-wheel lorries. Wheel washing facilities are proposed within the site, but no details have been provided on a plan of the location of such facility.*

*It is understood that the construction programme intends that all works are carried out in a single phase, with the internal roads and drainage being installed; the concrete rafts to support each lodge; and the removal of the existing toilet block. The lodges will then be brought to the site, but it is not clear if they are to all be transported and in situ prior to the first operation of the site.*

*A full Construction Management/Method Statement would still be required as a condition of any permission, in order to provide greater detail of the construction programme, details of parking for construction vehicles and staff etc.*

*Having regard to the above and subject to confirmation of the type of accommodation in the lodges and the staffing requirements, I would raise no highway objections to the proposals subject to the following conditions being attached to any permission granted:-*

*No development hereby approved shall be commenced until details have been submitted to and approved by the Local Planning Authority to demonstrate the provision of parking and turning for a minimum of 46 vehicles for the lodge residents and site staff. Such spaces shall not be used other than for the parking of vehicles in connection with the approved use.*

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

*The approved Static caravans shall not be used as permanent residential accommodation at any time.*

*REASON: In the interests of residential amenity and sustainable development.*

*No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT and METHOD Statement, together with a site plan, which shall include the following:*

- 1. the parking of vehicles of site operatives and visitors;*
- 2. Routing plan for the delivery of the static caravan units;*
- 3. Number, frequency and size of delivery vehicles/ construction vehicles*
- 4. loading and unloading of plant and materials;*
- 5. storage of plant and materials used in constructing the development;*
- 6. wheel washing facilities;*
- 7. measures to control the emission of dust and dirt during construction;*
- 8. a scheme for recycling/disposing of waste resulting from demolition and construction works;*
- 9. measures for the protection of the natural environment.*



10. hours of construction, including deliveries;
11. Construction programme for the static caravan pitches; and
12. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion;

has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period/set up period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

*Pre-condition Survey*

*A photographic pre-condition highway survey to be carried out on the local roads leading to the site and copies of pre and post condition survey to be supplied to WC. The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act..”*

(received 14/06/2022)

NOTE: since some of the wording and trigger points suggested by the Council’s Highway Engineer would lead to a non-compliant or unenforceable condition, the recommended conditions below have been suitably altered.

Wiltshire Council Public Protection – No objection subject to conditions:

*“I have reviewed PL/2021/06167 and have the following comments from public protection:*

*Construction*

*The submitted Construction Method Statement has been read and findings noted. Additional information regarding the below is requested to be added;*

- Telephone number to be displayed on notice board should people have complaints
- The loading and unloading of equipment and materials on site
- Location and use of generators and temporary site accommodation if required

*With any permission granted, the following condition is recommended in respect to construction hours:*

*No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.*

*Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*

*Light*

*Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is erected.*

*Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.”*

(received 31/05/2022)

**Council Drainage Engineer – Objection:**

*“We object to the proposed application as submitted. The Qbar has been calculated as  $Q_{bar}=0.35l/s$  however the developer is proposing to discharge at  $5l/s/ha$  calling it a betterment? Wiltshire Council would accept a discharge rate of Qbar in line with our betterment policy. The proposed  $5l/s/ha$  is a significant increase on discharge rates and it is against the policy. The proposed discharge rates from the site are not acceptable to us and are against the policy.*

*The proposed surface water system has not been tested for 1 in1, 1in10, 1in 30, 1in 100 and 1in 100+CC events, it is impossible to establish if the site will result in flooding.*

*Soakaways are proposed for road drainage, any soakaway for highway drainage must be located 5m away from any structures or buildings.*

*A plan showing location of trail pits required.*

*Maintenance and Operation plan is also required.”*

(Received 31/05/22)

## **8. Publicity**

Some ninety-one (91) representations in objecting to the proposal have been received across both publicity windows. Those representations included letters from the same household and multiple letters from the same objectors. The main issues raised being:

- Overdevelopment of the site
- Puts additional stress on the surrounding infrastructure
- Remote setting is detached from surrounding services
- Static caravans would encourage permanent occupancy
- Increase in vehicle and traffic movements
- Detrimental to the appearance of the setting
- Increased noise and light pollution

## **9. Planning Considerations**

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

considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

### Principle of Development

The applicant proposes the siting of 44 static caravan units at the Plough Lane Caravan Park instead of the current 60no. hardstanding pitches for touring caravans. The static caravans are to be made available for holiday occupancy for 12 months of the year. The static caravans are to be under the ownership of individuals in contrast to the current arrangement of renting a touring pitch.

It is anticipated that the holiday use of the site would continue much as at present, except for the additional use throughout the quieter winter months when touring caravans are less likely.

The site lies within the open countryside where development should be strictly controlled. However, CP39 of the WCS states that '*outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings*'. The site lies on the western periphery of Kington Langley, defined as a Small Village within CP10 of the WCS. Furthermore, the application site is located in close proximity to the junction with the A350 (the main link road between the M4 and Chippenham), and is located approximately 600m from the northern boundary of the Chippenham Settlement Boundary, a 'principle settlement' that provides a wide variety of services and facilities.

CP39 states that:

*'any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction*'. Furthermore, CPP39 states that '*Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v*'.

It is evident that the existing site is well established and provides pitches for touring caravans and motorhomes throughout the year. The site is in a secluded location, set back from Plough Lane, where it is encompassed by mature planting and hedging which limits views from the surrounding residential development to the north.

The proposed development is located entirely within the confines of the established touring caravan site, where the existing holiday use is materially similar to that which is proposed within this application. Whilst the siting of the static caravans would result in an increase in units on site (where it is expected at present that fewer touring units would be in situ through the winter months), the design, appearance and limited height is not considered to result in a

level of development that causes harm to the character and appearance of the landscape. Whilst the proposed static holiday units are visually different from touring caravans and motorhomes, these are often both provided within the context of the same site. Indeed, it is acknowledged that the applicant already has been granted permission for the siting of static units within earlier applications N/13/03723/FUL (3 units) and N/11/00295/FUL (8 units), although the latter would be superseded by the development included within this current application.

In conclusion, it is considered that the proposed use of the site is materially similar to that of the existing tourism business. The proposed siting of the static units is likely to result in an increase in visitors through the winter months, although the total number of let units at any one time would be lower than the existing facility provides. Furthermore, the secluded position away from Plough Lane, detached positioning from Kington Langley, established planting and low-level built form are all factors which ensure that the landscape character is protected. As such, the proposed development is considered to comply with the requirements of CP39 of the WCS.

#### *Proposed use and occupancy restrictions*

A large number of received representations to the application raise concerns that the static caravans will in reality be used for permanent places of residence. To that extent, it cannot be denied that such caravans/parks are sometimes used in such a manner, even when they are restricted to holiday accommodation only, with the Council's enforcement service often needing to take action to rectify. A proposal for permanent residential accommodation on this site and in the number proposed would indeed likely to be resisted as being contrary to the settlement strategy set out within the Wiltshire Core Strategy.

However, it remains the case that this application seeks permission to use the static caravans to be occupied as holiday accommodation only and in no way seeks to allow them to be used or occupied as permanent or primary places of residents. There is no reason to take issue with the nature of the occupation for which permission is sought and, accordingly, the application can only be taken at face value.

Further, in principle, the occupation of caravans (and indeed dwellings of any sort) has the ability to be adequately controlled through the imposition of suitably worded planning conditions – usually in the form of prohibiting occupation as sole or main place of residence and to compel the owners of the wider site to maintain an up-to-date register of names of all owners. It is precisely those types of conditions which have been applied on all three of the substantive planning permissions previously granted for touring caravan pitches at the Plough Lane site:

- Condition 03 to permission 00/00148/FUL:

*The use hereby permitted shall be for the purposes of stationing touring units as holiday accommodation and for no other purpose except caravan storage as defined in condition 7 below. A touring unit is defined as a touring caravan, a motor caravan, trailer tent or tent.*

- Conditions 02 and 03 to permission N/11/00295/FUL:

*The caravans hereby permitted shall not be occupied as a persons' sole or main place or residence.*

*The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

- Conditions 03 and 04 to permission 13/03723/FUL:

*The caravans hereby permitted shall not be occupied as a persons' sole or main place of residence.*

*The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

There is no reason why similarly worded conditions would not adequately control the future occupation of the static caravans now being proposed, and in the context of the salient differences between development plan policies controlling permanent dwellings and holiday accommodation, it is recommended that such conditions are indeed imposed to render the principle of development acceptable in planning terms.

A separate planning permission would be required to occupy or use the caravans as permanent residential dwellings.

#### Design, appearance and landscape impact

The applicant proposes to site up to 44 static caravan units within the application site. The submitted plans indicate that these will each be approximately 15.2m by 6.1m in plan, with a total height of approximately 4.0m. The appearance of these units is fairly typical of static holiday units, consisting of a simple pitched roof form, finished in timber cladding with UPVC windows. Each unit contains two bedrooms, associated living areas, as well as an external seating area within the overall footprint. Limited information is provided in relation to the details of the external material finish, and as such it is considered appropriate to impose a condition on any planning permission which compels the submission of a suitable range of finishes, which will ensure a degree of consistency across the site and to ensure sympathy with the wider locality.

The single storey nature of the proposed static units ensures that the overall scale of the development is similar to that of the touring caravans and motorhomes, most of which reach a height of approximately 3.0m. Similarly, whilst the proposed layout of the site differs from the existing arrangement, the proposed setting is generally as expected with sites of this nature. The overall number of units has been reduced (from the originally proposed 52,

down to 44), which provides better spacing and areas of open landscaping across the site. This landscaping, as well as improving the visual appearance from within the site, helps to retain a natural buffer along the boundary which in turns protects any views of the site from the surrounding setting. In order to ensure this appropriate landscaping is retained, it is considered appropriate to request further information by way of suitable condition in relation to the layout and maintenance of the landscaping within the site.

The application site is not located within any heritage, landscape or ecological designations, however its position within the open countryside means that *'development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures'*, as per CP51 of the WCS.

As described above, the limited harm to the landscape character as a result of the permanence of the static units would largely be mitigated through the retention or implementation of appropriate landscaping. The site is in a sheltered location, detached from the nearby residential development, where there are very limited views of the site from within the wider setting. As such, the proposed development is not considered to result in an unacceptable level of harm to the landscape character.

#### Impact on the amenity of surrounding occupiers

Residential amenity can be significantly affected by changes to the built environment, therefore applicants should ensure that proposals are not detrimental to privacy, outlook and amenity of adjacent properties.

The proposed development is in a detached location where it is not considered to result in harm by way of overbearing or loss of light to any surrounding properties, nor would it lead to an unacceptable level of loss of light or overshadowing.

It is noted that some concerns have been raised by the local residents that the proposed development would result in increased levels of noise. It is noted that the existing site operates on an 'adult only' basis, where the level of noise generated by visitors is considered to be relatively low. However, there is no planning condition relating to this restriction, as it is rather a policy that the site operators have chosen to enact. As discussed above, the proposed siting of the 44 static units constitutes a small reduction in the total number of pitches available, whereby the number of visitors during the busier summer months would possibly be reduced. Whilst it is acknowledged that the static units are likely to be used throughout a larger portion of the year, the use of the site is materially similar and levels of noise are not expected to rise to an unacceptable level purely due to the siting of the static units instead of the touring caravans and motorhomes. Furthermore, the application site is detached from the surrounding residential development and is sited in close proximity to the A350 where background noise levels could be expected above average.

Finally, Wiltshire Councils Public Protection Officer has been consulted as part of this application and no objection has been raised. However, to ensure the amenity of the surrounding area is protected during the construction stages, the Officer has requested the inclusion of suitable conditions relating the restriction of construction hours.

Whilst the submitted plans do not suggest the installation of any additional external lighting, since such caravan parks do have the propensity to install lighting points, it is considered reasonable to make use of a planning condition which will prohibit such features unless otherwise agreed in the form of a separate planning permission in that regard.

In conclusion, the proposed development is not considered to result in an unacceptable impact upon the amenities of surrounding residential occupiers and would therefore accord with Policy CP57 of the Wiltshire Core Strategy.

### Highways

The proposed development utilises the existing access, which includes direct vehicle access onto Plough Lane. A large number of public objections have been received which raise concern about the increased traffic generation and highway safety along Plough Lane.

Wiltshire Councils Highways Engineer has been consulted as part of this application, and states that *'the proposed change in the type of units on the site would result in less movements of towing vehicles during the operational stage, which would be beneficial in highway safety and traffic generation terms'*. Whilst the delivery of the proposed static units would involve large vehicles transiting to and from the site via Plough Lane, vehicles associated with the operation of the holiday units would be expected to be limited to those of single cars. The current use of the site means that almost all visiting vehicles consist of either touring caravans or motorhomes.

Therefore, given that there is an overall reduction in number of let pitches and the vehicle trips would consist of smaller single vehicles, the proposed development is not considered to be detrimental to highway safety.

In order to protect the surrounding amenity during the construction stages, further submission of a Construction Method and Management Statement is required. Furthermore, Wiltshire Councils Highways Engineer has requested the submission of a plan indicating suitable parking and turning for each of the proposed units, as well as a pre-condition survey of the surrounding highway network. It is also considered that the submission of these details can be required by condition.

### Drainage

The applicant has provided a Flood Risk Assessment and Sustainable Drainage Strategy which confirms that the site is not within 250m of historic flooding, that the site lies within flood zone 1, the site is not at risk from surface water flooding during the 1in100 year Event and the site is not located in close proximity to a watercourse.

The Councils Drainage Engineer has been consulted as part of this application. Within their comments, they point out that the submitted drainage scheme would not deliver acceptable discharge rates (ie. equating to a betterment of existing rates), the lack of testing of the proposed surface water system and the positioning of the proposed soakaways.

However, whilst it may well be that the drainage scheme set out within the submission is unacceptable (as is observed by the Council's Drainage Engineer), it is considered likely that a suitable scheme could be accommodated, given the existing use of the site and limited site constraints in that respect. For this reason, it is considered reasonable to address this issue through the imposition of suitably worded planning conditions which would compel a drainage scheme to be agreed with the Council prior to development taking place.

Notwithstanding the concerns raised in representations, there is no evidence to suggest that the proposed development would exacerbate existing flood risk and it is not the role of new development to resolve any existing local issues. In light of the nature of the proposed development and the context of the site already operating a caravan park, in this instance, and subject to such a condition being imposed, the proposed development is considered to comply with the requirements of policies CP57 of the Wiltshire Core Strategy.

#### Other matters

The applicant has provided only limited details in relation to the waste and recycling collection, which at this time have not been confirmed by Wiltshire Councils Waste and Recycling Team. Given the likely waste generation from the proposed 44 static units, it is considered appropriate to require the submission of additional details pertaining to the storage and collection of waste and recycling prior to the commencement of any subsequent development.

### **10. Conclusion**

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The above report has shown that this proposal is in accordance with NPPF and Wiltshire Core Strategy Policies CP39, CP51 and CP57 as it is of an acceptable design and will not have a detrimental impact on neighbour amenity or landscape character. It is therefore recommended that this application is approved with conditions.

**RECOMMENDATION: That Planning Permission is GRANTED subject to the following conditions:**

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

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

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



The site location plan  
Site plan - P208C16R Rev B  
50' x 20' lodge details - 20101  
40' x 20' lodge details - 21965

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

3. No static caravans shall be placed on the site until confirmation of the range of external finishes to be used for the caravans expected at the site have been submitted to and agreed in writing by the Local Planning Authority. All static caravans placed at the site shall comply with the range of external finishes agreed.

REASON: In the interests of visual amenity and the character and appearance of the area and to ensure a degree of consistency across this large site in the wider landscape.

4. No development shall commence above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - a) location and current canopy spread of all existing trees and hedgerows on the land;
  - b) full details of any to be retained, together with measures for their protection in the course of development;
  - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities; finished levels and contours; means of enclosure;
  - d) car park layouts;
  - e) other vehicle and pedestrian access and circulation areas;
  - f) all hard and soft surfacing materials;
  - g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

5. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

6. No development hereby approved shall be commenced until details have been submitted to and approved by the Local Planning Authority to demonstrate the provision of parking and turning for a minimum of 46 vehicles for the lodge residents

and site staff. Such spaces shall not be used other than for the parking of vehicles in connection with the approved use.

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

7. No development shall commence on site (including any works of demolition), until a Construction Management and Method Statement, together with a site plan, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) routing plan for the delivery of the static caravan units;
  - c) number, frequency and size of delivery vehicles/ construction vehicles loading and unloading of plant and materials; storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - g) measures for the protection of the natural environment
  - h) hours of construction, including deliveries;
  - i) Location and use of generators and temporary site accommodation if required
  - j) Construction programme for the static caravan pitches;

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

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

8. Prior to the development taking place, a photographic pre-condition highway survey shall be carried out on the local roads leading to the site. Within three months of the Following the stationing of no more than 34 static caravans on the site, a post condition highway survey shall also be carried out on the same local roads leading to the site. The details of such surveys shall be submitted to and agreed in writing by the Local Planning Authority prior to the stationing of 35 static caravans at the site.

REASON: In light of the nature of the surrounding local roads and in view of the reasonably large numbers of static caravans being delivered to the site, it is necessary to ensure the development does not result in unacceptable impacts to the highway network.

9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

10. No additional external lighting shall be installed on site beyond those features already in existence, unless otherwise agreed in the form of a separate planning permission in that regard.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and which may adversely impact upon the amenities of the surrounding residential occupiers.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

REASON: To safeguard the character and appearance of the area.

12. No development shall commence above ground floor slab level until details of the storage and collection of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse/recycling storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

13. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

14. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

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.

15. The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

16. The caravans/cabins/chalets hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

## **Informatives**

With respect to condition 08, the applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

All mobile home sites are required to obtain a site licence under the provisions of the Caravan Sites and Control of Development Act 1960.

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