

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 19 September 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713948 or email kirsty.butcher@wiltshire.gov.uk

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

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

Membership:

Cllr Desna Allen	Cllr Peter Hutton
Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Mark Packard
Cllr Peter Davis	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman (Chairman)
Cllr Alan Hill (Vice Chairman)	

Substitutes:

Cllr Chuck Berry	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Bill Roberts
Cllr Mollie Groom	Cllr Judy Rooke

AGENDA

Part I

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 29 August 2012 .

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting.**

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 12 September 2012.** 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** (*Pages 9 - 10*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

7a **11/03934/REM - Land at Station Road, Calne SN11 0JS** (*Pages 13 - 20*)

7b **12/00542/S73 - Whitehall Garden Centre Ltd., Corsham Road, Lacock, Wilts. SN15 2LZ** (*Pages 21 - 30*)

7c **12/00974/FUL - Whitehall Garden Centre Ltd., Corsham Road, Lacock, Wilts. SN15 2LZ** (*Pages 31 - 36*)

7d **12/1291/FUL - Four Oaks Park, Lydiard Plain, Swindon SN5 0AL** (*Pages 37 - 50*)

8 **Urgent Items**

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

Part II

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

None

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 AUGUST 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Christine Crisp, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Bill Roberts (Substitute), Cllr Judy Rooke (Substitute), Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Kirsty Butcher - Democratic Services Officer, Rosemary Lansdowne - Solicitor, Chris Marsh - Planning Officer, Simon Smith - Area Team Leader (North) , Tracy Smith - Area Team Leader (North) and Cllr Dick Tonge

74 Apologies

Apologies were received from Cllrs Desna Allen, Peter Colmer, Peter Doyle, Alan Hill, Simon Killane and Mark Packard

Cllr Colmer was substituted by Cllr Mollie Groom.
Cllr Hill was substituted by Cllr Bill Roberts.
Cllr Killane was substituted by Cllr Bill Douglas.
Cllr Packard was substituted by Cllr Judy Rooke.

75 Minutes of the previous Meeting

The minutes of the meeting held on 8 August 2012 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

76 Declarations of Interest

There were no declarations of interest.

77 Chairman's Announcements

There were no Chairman's announcements.

78 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

79 **Planning Appeals**

The Committee noted the contents of the appeals update.

80 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7c** as listed in the agenda pack.

1a **11/04069/FUL - Land at Manor Farm, Corston, Malmesbury**

Public Participation

Mr John Price, Mr Roger Budgen and Claire Stringer all spoke in objection to the application.

Mr David Pearce, Charlotte Eavis and Mary Smalley all spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be refused. It was noted in the late observations that the Senior Public Protection Officer had withdrawn his noise objection subject to a condition which controls the hours of use to those outlined by the applicant.

Details were provided on the site and the proposed building with associated car parking, play area and access. Attention was drawn to site location being in open countryside, and the impact on the visual amenity and landscape with the proposal not being in character with the area. The addition of acoustic fencing was highlighted. The lack of support within the local community was noted along with no objections on highway safety.

The Committee had no technical questions to ask officers.

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

A debate followed during which the Committee queried whether the loss of

green belt land was justified. The Committee noted the work being done on the neighbourhood plan and discussed whether the proposal should have come through the local system.

At the conclusion of the debate it was:-

Resolved:

To REFUSE planning permission for the following reasons:

The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is, therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.

1b 12/01348/FUL - Land at 12 The Close Gastard, Corsham

Public Participation

Mr Paul Kefford, Mr Peter Collier and Claire Harding all spoke in objection to the application.

Mr Julian Kent spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions.

Details were provided on the proposal for the erection of a new four bedroomed detached property with conservatory, carport/workshop, parking and amenity space. Attention was drawn to the site being a large section of garden that had been taken from the garden of No. 12 The Close. Key issues for consideration included the principle of development, the impact in the character and appearance of the area, the impact on residential amenity, the impact on highway safety and S106 contributions. The location of a listed building opposite was highlighted.

The Committee then had the opportunity to ask technical questions of officers. Clarification was sought over the lack of a S106 agreement and it was confirmed that the provision for open space went hand in hand with the provision for affordable housing.

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

The Local Member, Councillor Dick Tonge, then spoke in objection to the

application.

A debate followed where the lack of a section 106 agreement was discussed and it was suggested that this should be delegated to officers to negotiate a graduated section 106 agreement on both affordable housing and open space. The impact on reducing the garden at No. 12 The Close was discussed as was the design being not in keeping with local properties and disrupting the street scene.

At the conclusion of the debate it was:-

Resolved:

To REFUSE planning permission for the following reasons:

The proposed dwelling by reason of its scale and siting would be likely to give rise to an unacceptable loss of privacy and amenity to adjacent residential properties to their detriment and would therefore be contrary to saved Policy C3 of the adopted North Wiltshire Local Plan 2011.

1c 11/02946/FUL and 11/03200/FUL - Land at Great Middle Farm, Dauntsey and Land to The South of Middle Green Lane, Dauntsey

There were no public speakers.

The Planning Officer introduced the report which recommended that both applications be granted planning permission. The previous permissions granted by the Development Control Committee of the then North Wiltshire District Council were noted.

Details were provided on both the attenuation pond and drainage scheme and public open space. Attention was drawn to the new proposed location of the pond and that it would be part of the wider Sustainable Urban Drainage System. The satisfaction of the Environment Agency, Wessex Water and Wiltshire Council was highlighted. The Committee noted the reduction in public open space with the 1400m² being arrived at using the Council's own method of calculating how much open space must be delivered in association with new residential developments.

The Committee then had the opportunity to ask technical questions of officers. Confirmation of the adoption scheme within the section 106 agreement was confirmed. It was highlighted that the open space remained within the flood zone.

The Local Member, Councillor Tony Sturgis, then spoke in support of the

applications.

A debate followed where need to have a working drainage scheme was discussed. Members also discussed the involvement of the local member in the delegated decisions given their knowledge of the area.

At the conclusion of the debate it was:-

Resolved:

11/02946/FUL – attenuation pond and drainage works

That 11/02946/FUL be DELEGATED back to the Area Development Manager and local Unitary Member to grant planning permission for the following reason, and subject to confirmation that the proposed drainage scheme will operate satisfactorily, the imposition of planning conditions and the signing of legal agreement under s106 of The Act covering the Heads of Terms set out in the report to Committee.

Reason for granting planning permission:

The proposed development is considered to comprise a suitable and effect method of surface water drainage from the Great Middle Green Farm development site. It is a method that meets with the satisfaction of Wessex Water, the Environment Agency and the Council's Drainage Engineer and constitutes development that would be without detriment to the wider amenities of the locality. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would comply with the provisions of Policies C3, NE21 and NE22 of the adopted North Wiltshire Local Plan 2011 as well as guidance contained in the National Planning Policy Framework.

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Design and Access Statement (received 1st September 2011); Premier Surface Water Solutions Ltd – Revised Surface Water Drainage Assessment, including appendices A, B, C and D (received 17/04/12)

REASON: To ensure that the development is implemented as approved.

3. Within three months of the date of this permission full details of the proposed boundary treatments to the attenuation pond shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

REASON: For the avoidance of doubt and so as to secure a safe and visually appropriate of development.

11/03200/FUL – Public open space

That 11/03200/FUL be DELEGATED back to the Area Development Manager and local Unitary Member to grant planning permission for the following reason, and subject to the planning conditions and signing of legal agreement under s106 of The Act covering the Heads of Terms, as set out in the report.

Reason for granting planning permission:

The proposed development is considered to be an acceptable solution to the outstanding requirement for public open space provision, which is fairly and reasonably related to the Great Middle Green Farm development site. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would be an acceptable form of development that would respect the amenities of the locality and comply with the provisions of Policies C3 and CF3 of the adopted North Wiltshire Local Plan 2011, the North Wiltshire Open Space Strategy as well as guidance contained in the National Planning Policy Framework.

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 implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Location plan (date stamped 26/09/11); Site layout plan (date stamped 26/09/11); Planning, Flood Risk Assessment and Design and Access Statement (date stamped 26/09/11)

REASON: To ensure that the development is implemented as approved.

3. Within three months of the date of this permission full details of the proposed boundary treatments to the public open space and play area shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

Reason: For the avoidance of doubt and so as to secure a safe and visually appealing form of development.

81 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.50 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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Wiltshire Council
Northern Area Planning Committee
19th September 2012

Forthcoming Hearings and Public Inquiries between 05/09/2012 and 31/03/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
09/01315/CLE	OS 7400, Hicks Leaze, Chelworth, Lower Green, Cricklade	Cricklade	Use of Land for Storage and Dismantling of Cars, Vans, Lorries, Plant and Machinery for Export and Recycling; Siting of One Caravan for Residential Use	Public Inquiry	22/10/2012

Planning Appeals Received between 16/08/2012 and 05/09/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/03322/S106	Land to the south of Middle Farm Close, Dauntsey, Chippenham, Wiltshire SN15 4GY	Dauntsey	Application to Vary the Requirements or Legal Agreement Associated with Planning Permission 03/02654/OUT in Respect of Open Space.	DEL	Refusal	Informal Hearing
12/00730/FUL	Avondale, Brook End, Luckington, Wiltshire, SN14 6PJ	Luckington	Demolition of Existing Dwelling & Erect Replacement Dwelling and Double Garage	DEL	Refusal	Written Representations
12/00847/ADV	Sainsburys Supermarkets Ltd, Bath Road, Chippenham, SN14 0BJ	Chippenham	Totem sign	DEL	Refusal	Written Representations
12/01417/FUL	29 Doubledays, Cricklade SN6 6AU	Cricklade	Replacement Dwelling	DEL	Refusal	Written Representations

Planning Appeals Decided between 16/08/2012 and 05/09/2012

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/03486/FUL	15/16 High Street & 83A The Pippin, Calne, Wiltshire, SN11 0BS	Calne	Erection of One Bedroom Dwelling	DEL	Allowed with Conditions	Refusal	Written Representations
11/03523/FUL	Workshop at Chelworth Manor Farm, Chelworth, Malmesbury, Wiltshire, SN16 9SG	Crudwell	Conversion of Redundant Workshop to Dwelling and Associated Works (Resubmission of 10/04403/FUL)	DEL	Allowed with Conditions	Refusal	Written Representations
11/03592/LBC	15/16 High Street & 83A The Pippin, Calne, Wiltshire, SN11 0BS	Calne	Erection of One Bedroom Dwelling	DEL	Allowed with Conditions	Refusal	Written Representations
11/03992/FUL	Wall Ground, Sopworth Road, Sherston, Malmesbury, Wiltshire SN16 0QB	Sherston	Proposed Replacement Building & Change of Use from Vehicle Repairs to B1 Business Use	DEL	Allowed with Conditions	Refusal	Written Representations

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Agenda Item 6

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Agenda Item 7

INDEX OF APPLICATIONS ON 19/09/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	11/03934/REM	Land at Station Road, Calne, Wiltshire, SN11 0JS	Residential Development - 102 Dwellings (Reserved Matters to 05/02822/OUT)	Permission
7b	12/00542/S73	Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Renewal of 08/00826/FUL)	Delegated to Area Development Manager
7c	12/00974/FUL	Whitehall Garden Centre Ltd, Corsham Road, Lacock, Wiltshire, SN15 2LZ	Drainage Works	Permission
7d	12/01291/FUL	Four Oaks Caravan Park, Lydiard Plain, Swindon, Wiltshire, SN5 0AL	5 Additional Permanent Gypsy Pitches, Amenity Blocks and Retention of Existing Out Building.	Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19th September 2012		
Application Number	11/03934/REM		
Site Address	Land at Station Road, Calne, SN11 0JS		
Proposal	Residential Development 101 dwellings (Reserved Matters).		
Applicant	Hills Property Ltd.		
Town/Parish Council	Calne/Calne Without		
Electoral Division	Calne Central	Unitary Member	Howard Marshall
Grid Ref	399436 170646		
Type of application	Reserved Matters		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called to Committee by Councillor Marshall to assess the impact on the surrounding area, relationship to adjoining properties, design and impact on highways.

1. Purpose of report

To consider the above application and to recommend that the application be DELEGATED to the Area Development Manager for planning permission be GRANTED subject to satisfactory outstanding consultation responses from internal consultees (listed below) and subject to conditions.

2. Report summary

The application seeks approval of reserved matters following the grant of outline planning permission in 2007 (05/02822OUT refers). Only the details of the application can be considered as the principle of development for around 100 dwellings with access off Station Road has been clearly established.

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Design
- Impact upon neighbour amenity
- S106 contributions

The application has generated objections from Calne Without Parish Council and 12 letters of objection from the public.

3. Site Description

The site is now cleared from its former use as an industrial site. It still has large areas of concrete relating to its former use, with areas of cleared debris in several piles. The site has been vacant for

a number of years. The site is an allocated housing site in the North Wiltshire Local Plan 2011 for 100 houses and forms part of the Council's 5 year land supply.

It is largely level, lying several metres below much of the modern housing to the south with the land to the north sloping down to the River Marden and the cycle path/pedestrian routes along its banks. The main town of Calne lies approx 400m to the east. The site and the Wenhill Heights housing is accessed off Station Road. The land to the west is open farmland with the cycle route passing through it.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/02822/OUT	Residential development	Permission
11/03784/SCR	Screening Opinion	
11/03805/OUT	Residential Development	Not determined

5. Proposal

The proposal is for 101 houses with associated parking and works. Because of the former use of the site there is an element of contamination which is to be dealt with by way of capping subject to approval by Environmental Health. The layout of the proposal has been the subject to considerable discussion with officers resulting in revisions and a final proposal which is accessed off a main route to the south of the development with shared surfaces and significant turns to keep the traffic slow. Houses along the northern frontage face directly over the open land with a pedestrian walk/promenade to give an attractive outlook to residents and to those using the public paths.

Parking is largely kept tucked behind in courtyards.

The site narrows to the west and there is an area of public open space at the western end with access onto the cycleway which links Calne and Chippenham.

The scheme includes the element of social housing as required in the S106 agreement that accompanied the outline application, 05/02822/OUT.

6. Planning Policy

North Wiltshire Local Plan: Policies C3 and H2
National Planning Policy Framework (2012)

7. Consultations

On Original plans

Calne Town Council - object on the basis of the access road running along the boundary of the existing residential development, rather than the northern boundary as originally shown on the outline. The original children's play area has been forfeited.

Calne Without Parish Council - did not comment on the original plans.

Highways Officer - did not comment formally on original plans, but attended meetings concerning the development.

Principle Ecological Officer - does not object given that the site has already been cleared and the landscaping scheme appears to respect the retained peripheral vegetation.

Urban Design Officer - supports the principle of the development but has been involved in meetings to ensure the scale and bulk of the dwellings relate to the Calne vernacular, the materials are appropriate, the use and positioning of the pedestrian route to the north.

Environmental Health Officer – no objection subject to conditions to deal with the contamination of the site.

Waste and Recycling Officer - comment giving required standards for bin sizes and collection points, which has been passed to the agent.

Principal Housing Officer - has been involved in discussions about the positioning of the social units as the mix and tenure was previously agreed through the S106 agreement.

Environment Agency - object on the basis that they are in the process of objecting to the renewal of the outline application (11/03805/OUT).

Wessex Water - provided comments.

On Amended plans

Calne Town Council - re-iterate their previous comments.

Calne Without Parish Council - are concerned about the growing number of speculative planning applications, the impact of additional traffic to serve over 100 dwellings and lack of infrastructure. They request that all decisions are deferred until Calne and all the associated Parish Councils have had time to prepare Neighbourhood Infrastructure Plans. -

Highway Officer comment as follows:

- All hedgerow adjacent to private access must be maintained at below 600mm.
- Concerns about the turning head for refuse vehicles.

Landscape Architect - comments that he supports the improved links to the countryside and it is important to secure the link to the cycleway to the west. He considers that an equipped play area would not be appropriate on the periphery of the site as it is prone to vandalism and anti-social behaviour, whilst the use of the land for informal open space is less likely to attract the same behaviour. Future management and maintenance arrangements for all open space and landscaping need to be clearly understood and secured by the LPA.

Wessex Water - comment and advise.

Environment Agency - remove their objection.

Comments from Urban Design, Drainage Engineers and Housing are awaited

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

12 objections were received in respect of the original plans for the following reasons:

1. Concerns about cars and traffic generated.

2. The substation may block access to maintain fences.
3. 2 and 3 storey houses will overlook the rear of property and not in keeping. The plans show removal of trees and this will increase pollution from cars and remove screening.
4. Need for the houses when so many in Wiltshire are vacant.
5. Potential for subsidence.
6. Removal of children's play area.
7. Dispersal of affordable units isn't achieved.
8. Removal of protected species habitat.
9. Increasing the urban effect.
10. Lack of infrastructure.
11. Permitted rights should be removed.

In respect of the revisions:

2 further letters of objection have been received objecting on the grounds of lack of play area, peripheral areas will encourage anti-social behaviour, lack of infrastructure and adverse effect on wildlife.

CPRE comments on the original plans are summarised as follows:

- There is only one road to access the site and not as implied by the aerial photograph.
- The design of the dwellings with horizontal boarding is unsuitable in such a prominent location. Stone should be used which blends well, where as brick is highly visible and render requires maintenance.
- 2.5 storey dwellings are inappropriate. There are no such dwellings in Wenhill Heights.
- The houses will have a considerable impact on the users of the public area to the north and not enough consideration is being given to planting along the boundary.
- There is a considerable drop from the site to the Sustrans route 403. Sufficient monies should be allocated for improvements to the Wenhill Heights /Silver Street route so that John Bentley School and the Leisure Centre can be accessed without using the A4.
- They hope that there will be no kerbs to reduce speeds and encourage wider use of the road space.
- There should be one or 2 refuse collection points.
- There should be sufficient monies allocated for upgrading the footpath to dual use.

In respect of the revised plans the CPRE still object to the 2.5/3 storey dwellings and comment that the affordable units are only in two blocks. They are concerned about cycle parking and the presence of some kerbs which suggest the dominance of the car. Nothing has changed in the path running westwards towards the Sustrans route and little indication is given as to how walking and cycling will be promoted. Still express concerns about how the difference in levels will be overcome where the 2 paths meet.

9. Planning Considerations

- Principle of development

The principle of the development was established by the granting of outline planning permission 05/02822/OUT. Whilst the specific numbers were not specified in that application the site area of 2.54 hectares implies a development of about 100 dwellings based on a density of approximately 40 dpha. The site is also allocated in the North Wiltshire Local Plan 2011 for 100 houses (Policy H2) and forms part of the Council's 5 year land supply in the Annual Monitoring Statement. Its delivery in defence of greenfield sites at appeal, a consistent case for the Council.

The application site is slightly smaller than that granted outline permission due to land ownership problems, but this does not affect the layout. The outline application was accompanied by a S106 agreement, which will be covered later in this report.

- Impact upon highway safety

The outline permission renders this scale of development acceptable in terms of its impact on the highway network. Whilst the outline application included an illustrative masterplan, the application was made with all matters reserved. The indicative siting of the road along the southern boundary was therefore only illustrative. In terms of the road layout and amounts and positioning of parking the Council's highway engineers do not object in principle and their concerns about the turning heads at the western end of the site have been addressed in the latest set of plans. The volume of traffic using Station Road and associated junctions have been assessed and considered to be acceptable. A financial contribution for footpath/cycle routes was secured via the S106 agreement associated with the outline application.

- Impact upon visual amenity, residential amenity and landscape character

The principle of this edge of town residential development was established by the outline approval. The site was formerly used for industrial purposes, but all the buildings associated with that use have been removed and the site lies vacant. The site will be accessed off Station Road, which also serves the Wenhill heights residential development.

The site layout has been designed in consultation with the Council's landscape officer and urban designer and now gives a layout which reflects built up area edge and gives views over the Marden River Valley, whilst choosing designs which reflect and complement this position. The houses which edge the River Valley are of more traditional proportions and materials, with a pedestrian 'promenade' and then post and rail fencing as the boundary. This will retain the openness of the outlook both into and out of the site.

The southern boundary includes 2.5 storey dwellings, but with the houses within Wenhill Heights being set higher in this location, this will not read out of context. Whilst the comments about the previously shown road running along this boundary, this was only indicative and the proposed layout makes better use of the site, allowing roads to have bends (to slow traffic) and the creation of 'squares' to give a sense of place, rather than a linear development.

The developer is to construct a new 1.8m high fence along the southern boundary and there will be an area of 'no man's land' between the fence and the existing garden fences of the houses in Wenhill Heights.

It is considered that the effect on the residential amenities of the residents of Wenhill Heights is acceptable and the development will remove something of an eyesore on the edge of Calne with public views from several vantage points.

The Council's landscape officer has no objections to the proposal and considers that it will give enhanced access to the countryside and that the landscaping proposed is satisfactory.

- Design

The design of the dwellings is mainly fairly traditional two storey with features such as chimneys and gables to give form to terrace blocks. The houses facing out of the Marden River Valley have been kept to more traditional depths.

The elements of 2.5/3 storey housing are kept to the southern side of the development where the backdrop of the houses in Wenhill Heights give them context.

The materials pallet has a combination of reconstructed stone, brick and render with slates, red tiles, brown tiles and grey tiles for the roofs. These are considered to be acceptable in this location, but can be controlled by way of a planning condition.

- S106 contributions

The level of contribution for highways, public open space, play area contribution and education together with the amounts and types of affordable housing were set out within the legal agreement which accompanied outline planning permission 05/02822/OUT. These figures cannot be revisited at this reserved matters stage. The comments of Housing are awaited on the layout of the affordable units, but following discussions, these have been dispersed into 2 clusters and this is anticipated to be acceptable.

- Other matters

Because of the previous use of the site there are elements which may be contaminated. The application is accompanied by a contamination and remediation strategy which has been viewed by the Environment Agency and accepted. Environmental Health do not object subject to conditions to deal with the contamination.

The development does fall within Schedule 2 of the 2011 EIA Regulations and meets the threshold necessary to consider the need for an EIA as the site exceeds 0.5ha. When considered against the criteria contained in Schedule 3 and Annex A of Circular 2/99, it is not considered that an EIA is necessary for this development.

10. Recommendation

Planning permission be DELEGATED to the Area Development Manager for planning permission be GRANTED subject to satisfactory outstanding consultation responses from internal consultees (listed below) for the following reason:

The proposal follows the granting of outline permission 05/02822/OUT for residential development of the site. The proposal is considered to provide a good quality development where the design and layout respects the location and the amenities of nearby residents. The proposal is considered to comply with policies C3, H2, H5 and CF3 of the North Wiltshire Local Plan 2011 and section 7 and paragraph 159 of the National Planning Policy Framework 2012.

And Subject to the following conditions:

1. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

2. 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.

POLICY-C3

3. Prior to the commencement of the development hereby permitted details of the junction of the cycleway to Sustrans Route 403 shall be submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of 50% of the houses hereby approved.

Reason: In the interests of promoting sustainable transport.

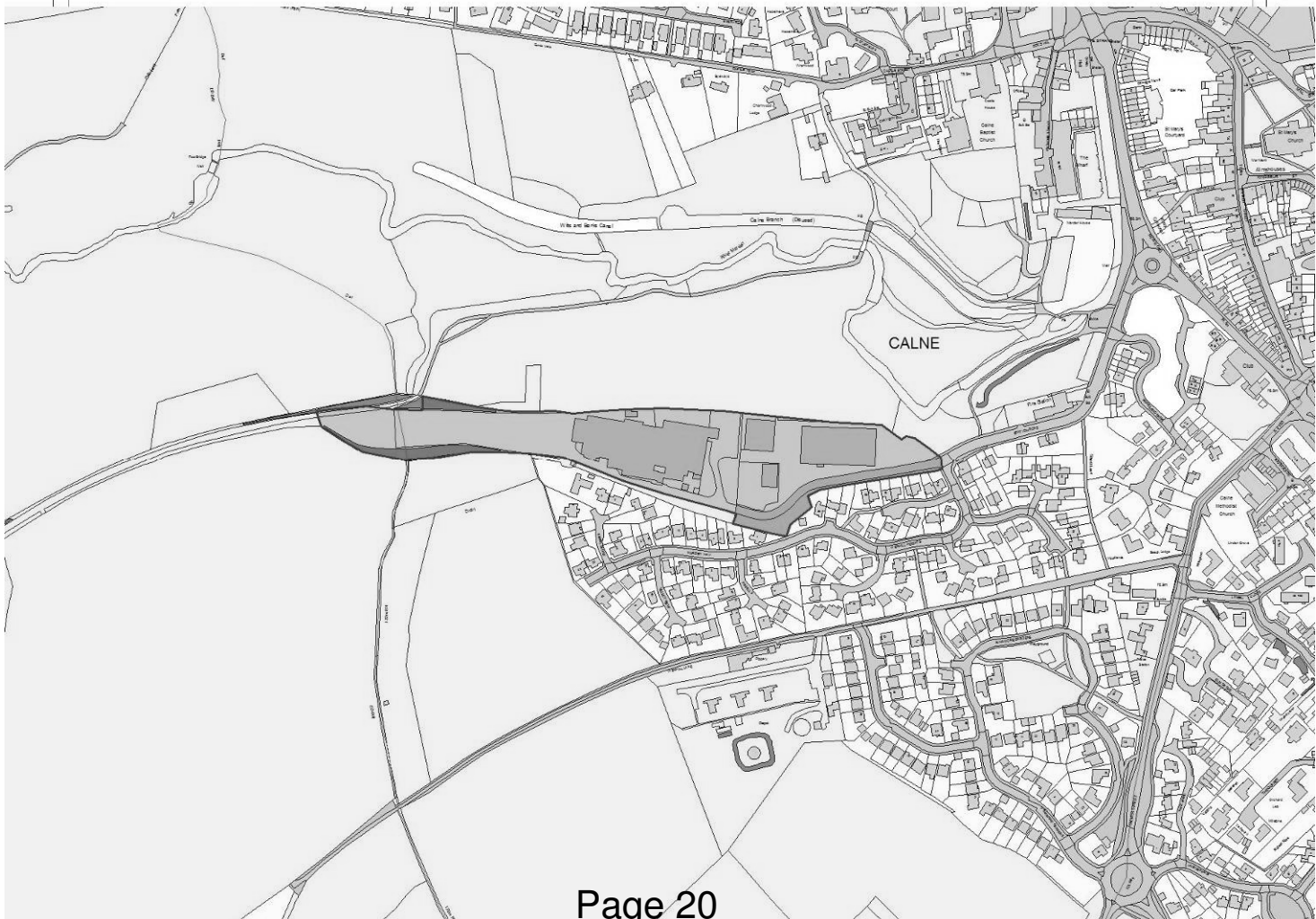
4. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of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

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

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19th September 2012		
Application Number	N/12/00542/S73		
Site Address	Whitehall Garden Centre Ltd, Corsham Road, Lacock, Wits SN15 2LZ		
Proposal	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenities Areas (Renewal of 08/00826/FUL)		
Applicant	Whitehall Garden Centre Ltd		
Town/Parish Council	Lacock Parish Council		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Councillor Tonge
Grid Ref	390957 168835		
Type of application	S73		
Case Officer	Simon Smith	01249 706 633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Councillor Tonge to allow the consideration of the impact of the disposal of surface water into local streams and the possible impact on Lacock. Associated application for proposed drainage works (reference 12/00974/FUL) is to be considered contemporaneously by the Committee.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The Parish Council notes that this application is not a straightforward renewal of the 2008 permission and would like more detailed information regarding the drainage of surface water.

Nine (9) letters of objection have been received from local residents.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Associated application 12/00974/FUL
- Impact on the character and appearance of the area
- Residential amenity
- Parking and Highway safety
- Emerging Core Strategy and NPPF

3. Site Description

The site has developed over nearly 40 years from the original nursery to become a substantial garden centre. However, the current site reflects the rather incremental growth of the business with a number of buildings of various styles and conditions.

The garden centre comprises one large building containing sales areas, farm shop, restaurant, and other ancillary uses. There is an outdoor plant sales areas and a number of smaller buildings and structures selling related garden equipment and sundries. Whilst the site is in a prominent location on the main Chippenham/Melksham Road the existing buildings are largely screened from view by trees and landscaping that surround the site. Vehicular access is from the Corsham Road. To the west of this access there is a group of residential properties that back on to the site, although separated by substantial hedging.

The application site is somewhat removed from the main complex and is separated by a large overflow car park to the Southwest of the buildings, which is situated on gently downward sloping land surfaced in loose stone. To the immediate South of the site are a number of mature trees, behind which the land drops steeply away, down to the Bide Brook, marking the boundary of the landholding. The brook has been known to flood adjacent land, including footpaths.

4. Relevant Planning History		
Application Number	Proposal	Decision
12/00974/FUL	Drainage works	Awaiting determination
08/00826/FUL	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Revised Application following Withdrawal of 07/02255/FUL)	Permission
07/02255/FUL	Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas	Withdrawn

5. Proposal

Historically the site has experienced problems with service and delivery vehicles conflicting with customers’ vehicles and pedestrians. The current proposals seek to rationalise the site and to address some of the problems experienced in operating it. The proposals see the main building on the site being extended to provide increased internal floorspace, additional buildings are provided in a courtyard of retail buildings and outside sales areas are rationalised. The internal sales area is currently 3,130m2 this is proposed to be increased to 7,193m2 (an increase of 4,063m2).

The proposal remains precisely that granted planning permission by the Northern Area Committee on 18th March 2009 under reference 08/00826/FUL. The application currently under consideration is submitted under s73 of The Town and Country Planning Act 1990, merely being an application to extend the time limit for implementation.

A separate application (reference 12/00974/FUL) comprising surface water drainage arrangements for the entire site has been submitted and is to be considered contemporaneously by the Northern Area Planning Committee.

6. Consultations

Lacock Parish Council – *“The Parish Council objected to planning application 08/00826/FUL in May 2008 and needs further information regarding the current application. It has been highlighted that this is not a straightforward renewal of the 2008 application as there is one alteration not shown on the accompanying plan. The Parish Council would like more detailed information regarding the drainage of surface water from the roofs and hardstanding areas of the proposed expansion so that it can fully consider the implications of the proposals.”*

Council’s Land Drainage Engineer - The details now proposed are considered adequate to manage the runoff to the Bide Brook, such that the likelihood of further flooding can be minimised so far as reasonably possible. Through dialogue with the applicant, the specification of the drainage system has been agreed with and endorsed by the Council’s Drainage Engineer.

Environment Agency – No objection subject to conditions imposed under 08/00826/FUL.

Environmental Health Officer – No objection subject to conditions 11 and 12 imposed under 08/00826/FUL to control noise from delivery operations and construction phase.

Highway Officer – No objection subject to conditions imposed under 08/00826/FUL.

Spatial Planning Officer – No objection subject to conditions 18 and 19 of 08/00826/FUL being carried forward to ensure there is no impact on the town centres.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Nine (9) letters of objection received. Main issues raised:

- Whitehall has continually expanded over years to point it has become a retail development attracting heavy visitor and delivery traffic
- Corsham Road not wide enough to cope with additional traffic.
- Needs a zebra crossing on Corsham Road.
- Inadequate information in respect of highway safety submitted at time of 08/00826/FUL.
- Items sold no longer related to gardening interest
- Increased traffic and highway safety – especially Corsham Road and Notton
- Other traffic generating development given permission recently in locality
- Increased risk of flooding downstream from garden centre
- Inadequate drainage arrangements and different from that shown on application 08/00826/FUL.

8. Planning Considerations

Principle of development

The application is submitted under s73 of the Town and Country Planning Act 1990, seeking a replacement planning permission to extend the time limit for implementation of development. An application submitted under this section of The Act may only be for precisely the same development previously granted a planning permission. Government guidance “*Greater Flexibility for Planning Permissions*” (published October 2010) confirms that the requisite application form simply refers back to the earlier application. Under this application no alteration to that development proposed under 08/00826/FUL is possible.

In paragraph 23, Greater Flexibility for Planning Permission goes on to state:

“The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.”

In this way, the principle of the acceptability of this development has already been concluded upon. What remains is a consideration of what, if any, material changes in circumstance have occurred since the grant of the earlier permission on 18th March 2009.

Associated application 12/00974/FUL

The subject of a separate but related application, the suitability and effectiveness of the proposed drainage system is rightly considered under that reference 12/00974/FUL.

Impact on the character and appearance of the area

The site is located on the opposite side of the A350 from the edge of the Lacock Conservation Area. A public footpath runs to the south of the site. The site continues to be generally well screened by trees and hedging around and within the site. The buildings currently on site can be glimpsed from the traffic light junction on the A350, from the A350 to the south and from the footpath that runs along the southern boundary. Views into the site from the Corsham Road again continue to be restricted.

The impact of the new development upon views from the Lacock Conservation Area on the opposite side of the A350, and upon the countryside location in general were carefully considered at the time of determining 08/00826/FUL. Contextually, the character and appearance of the locality has not significantly altered, and by extension, the likely impact of the proposed development upon it will, similarly, not have altered since 2009.

Residential amenity

As noted at the time of consideration of 08/00826/FUL, there has been a history of concerns raised by local residents relating to noise and disturbance from this site. Letters received in relation to the current application suggest that those concerns remain. It was further acknowledged that there is likely to be an increase in traffic generated by the proposals, but that there was a need to balance the opportunity redevelopment offers to improve the access and internal circulation of vehicles. It was noted that it would have been beneficial to move service roads away from residential properties on Corsham Road, it was not considered prejudicial to the acceptability of the scheme.

Whilst the objections received from local residents are understood, it remains the case that the neither the proposed development nor its relationship with the surrounding residential properties has altered since the time of determining 08/00826/FUL.

Parking and Highway safety

The garden centre currently offers 345 parking spaces in total. The proposed parking provides 75 spaces for staff; a coach drop-off lay-by; 407 customer spaces; and an overspill parking area including space for coaches. A transport assessment prepared and submitted in 2008 provided a comparison between existing and proposed traffic movements, with particular focus on the junction of Corsham Road and the A350 and traffic movements through Notton.

In association with the grant of permission under 08/00826/FUL, a legally binding Unilateral Undertaking was prepared into by the applicant. The undertaking requires the applicant (if so required by the Council) to pay the Council's costs to regulate the parking along Corsham Road, alter the management of the junction between Corsham Road and the A350 and the making of an Order to alter the speed limit along the length of Notton Lane. The Undertaking also requires the applicant to undertake works to alter the junction between Notton Lane and Corsham Road and provide necessary signage.

At that time, and based upon the assessment and associated Undertaking, the Council's Highway Officer was able to conclude that the proposal did indeed offer an ability to improve internal parking and vehicular circulation spaces to alleviate any potential congestion on Corsham Road; and the potential for increasing traffic through Notton.

In considering the current application submitted under s73 of The Act, the Highway Officer has concluded similarly. Whilst permissions for other traffic generating development have been granted planning permission on nearby sites in the intervening period (notably Notton Stables 11/02354/FUL and Folly Lane, Lacock 12/01105/FUL – both considered and granted permission by the North Area Planning Committee), cumulatively they are not thought to substantively alter local traffic and highway conditions to the point that it could be reasonably be used as a reason to refuse to grant a new and replacement planning permission.

Emerging Core Strategy and NPPF

There is considered to be nothing within the emerging Wiltshire Core Strategy or the National Planning Policy Framework that would alter the conclusion reached below.

10. Conclusion

In the published “*Greater Flexibility for Planning Permissions*”, the Government has advised that Local Planning Authorities should take a positive and constructive approach towards applications to extend the time limit for implementation. This application is for an extension of time to implement has, by definition already been judged to be acceptable by the Council at an earlier date. In coming to a conclusion on such applications, attention should focus on development plan policies and other material considerations to assess whether there has been a significant change since the original grant of permission.

In this particular instance there are considered to be no material considerations that should stop the grant of a replacement planning permission for this development.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal is for the extension and rationalisation of an existing well established Garden Centre. The proposal is considered to comply with local and national retail policies, will have only limited and acceptable impact upon the appearance of the area and the nearby conservation area, will have an acceptable impact upon highways issues such as access and traffic flow in the vicinity and will not adversely affect the amenities of neighbouring residential properties. As such the proposal complies with Policies C3, NE15 and R4 of the North Wiltshire Local Plan.

AND subject to relevant parties entering into a legal agreement under s106 of The Act in respect of highway improvements

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 Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

REASON: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

- 3 No demolition or building work shall commence on the development site until the new access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 4 No demolition or building work shall commence on the development site until the new main car park has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of highway and public safety.

- 5 The areas allocated for parking and servicing on the approved plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and deliveries in connection with the development hereby permitted.

REASON: In the interests of road safety.

- 6 No development approved by this permission shall be commenced until a scheme for the provision, implementation and maintenance of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

- 7 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

- 8 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the surface water storage capacity during a 1 in 100 year plus climate change conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To alleviate the increased risk of flooding.

- 9 No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

- 10 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

- 11 No deliveries shall be received or goods despatched from the site outside the hours of 07:00 to 18:30 nor at any time on Sundays, Bank or Public Holidays.

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

- 12 The construction of any part of the development hereby permitted shall not include the use on site of any machinery, powered vehicles or power tools before 08:00 hours or after 18:00 hours on any weekday, nor before 09:00 hours or after 13:00; on any Saturday, nor at all on any Sunday or Bank or Public Holiday without the prior

approval in writing of the local planning authority.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to comply Policy C3 of the North Wiltshire Local Plan 2011.

- 13 No development shall commence until details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

REASON: To ensure a satisfactory layout in the interests of the amenity of the area.

- 14 The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of amenity.

- 15 Fencing for the protection of any retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: In the interests of protecting the existing trees/hedges/shrubs on the site during construction.

- 16 No development shall commence until details of materials to be used externally have been submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

REASON: In the interests of visual amenity.

- 17 No development shall commence until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to, and approved in writing by, the local planning authority. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored on the site outside the area, or above the height specified, as approved.

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

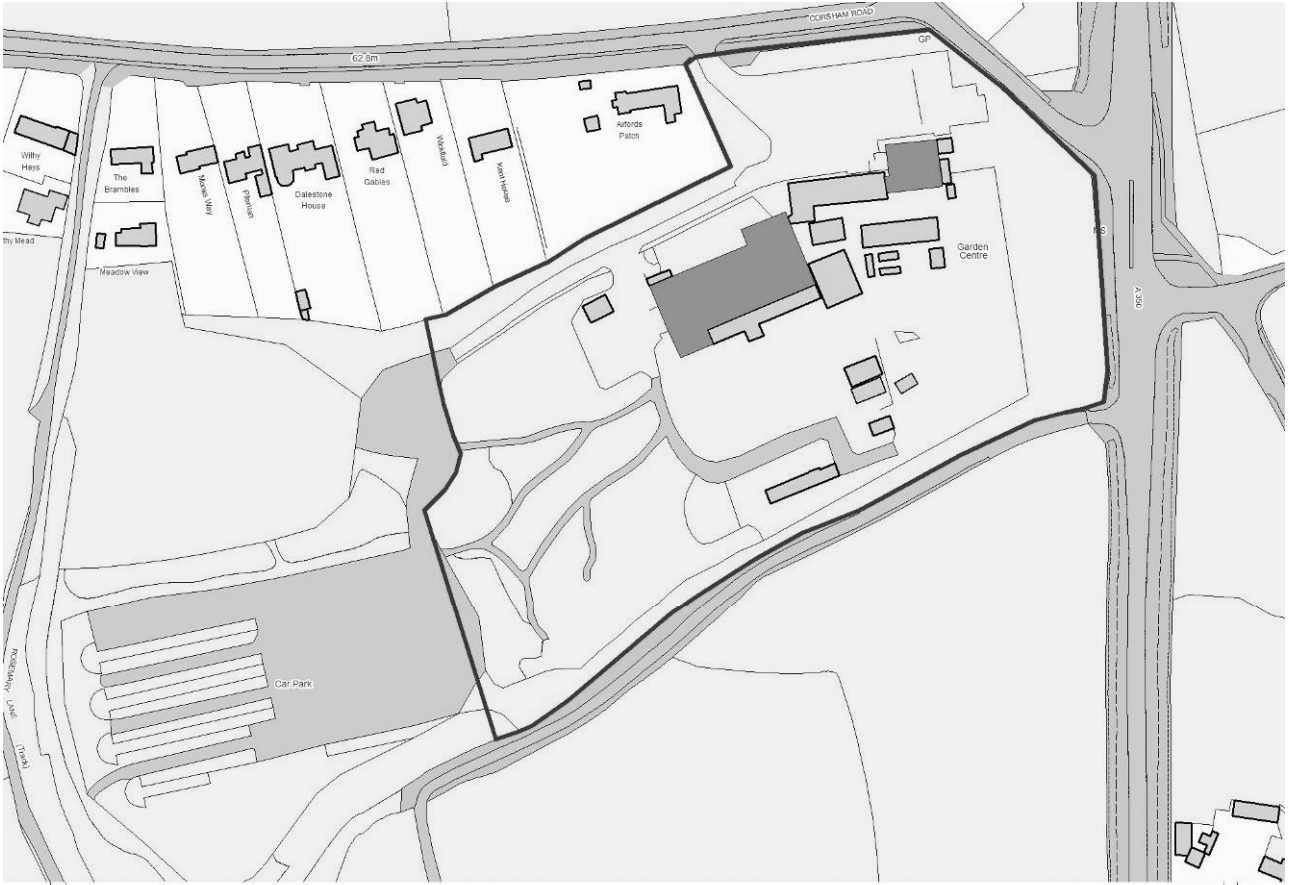
- 18 The proposal shall be used only for the purposes of a garden centre including related ancillary retailing and services as detailed on the submitted plans and documents (specifically the "schedule of indoor uses" at Appendix 2 of the Impact assessment prepared by C B Richard Ellis dated March 2008). Specifically the sale of convenience goods shall be restricted to a floorspace area not exceeding 1000sq.m.

REASON: To restrict the nature of the proposed development in order to comply with planning policy to ensure no adverse impact on existing town centres or upon issues of accessibility and sustainability.

- 19 Clothing sales shall be restricted to such items that are directly associated with and

ancillary to gardening or other similar physical outdoor activity as agreed by the local planning authority. The sale of any clothing shall be restricted to a floor area not exceeding 250 sq metres.

REASON: To restrict the nature of the proposed development in order to comply with planning policy to ensure no adverse impact on existing town centres or upon issues of accessibility and sustainability.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19 September 2012		
Application Number	N/12/00974/FUL		
Site Address	Whitehall Garden Centre Ltd, Corsham Road, Lacock, Wilts SN15 2LZ		
Proposal	Drainage Works		
Applicant	Whitehall Garden Centre Ltd		
Town/Parish Council	Lacock Parish Council		
Electoral Division	Corsham Without and Box Hill	Unitary Member	Cllr Tonge
Grid Ref	390957 168835		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Cllr Tonge, in order that it may be considered in tandem with application N/12/00542/S73 for the redevelopment of Whitehall Garden Centre

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Due to the technical nature of the proposed works, the Parish Council are content that the application is determined in accordance with the development plan.

3 letters of objection have been received from local residents.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on flood risk and drainage
- Impact on the character and appearance of the area

3. Site Description

Whitehall Garden Centre is a significant business operation located in undesignated open countryside to the West of the village of Lacock, although within a source protection zone. The application site forms part of the large landholding operated primarily as a garden centre, although incorporating home furnishings, food, pet products, garden design services and general associated office space.

The application site is somewhat removed from the main complex and is separated by a large overflow car park to the Southwest of the buildings, which is situated on gently downward sloping land surfaced in loose stone. To the immediate South of the site are a number of mature trees,

behind which the land drops steeply away, down to the Bide Brook, marking the boundary of the landholding. The brook has been known to flood adjacent land, including footpaths, in the past.

4. Relevant Planning History		
Application Number	Proposal	Decision
12/00542/FUL	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Renewal of 08/00826/FUL)	Awaiting determination
08/00826/FUL	Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Revised Application following Withdrawal of 07/02255/FUL)	Permission
07/02255/FUL	Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas	Withdrawn

5. Proposal

The proposed works comprise the installation of an underground tank and excavation of an attenuation balancing pond nearby, in order to manage the water runoff of the newly-developed complex and mitigate against future flooding of the site and brook. The parallel application for the general redevelopment re-orientates the garden centre toward the overflow car park, so that the application site would be on the edge of the new customer parking area.

The steel storage tank is to measure approximately 18 x 18m and will be buried entirely beneath ground, on top of which loose compacted material is to be backfilled and area above resurfaced in a material to be later decided (likely either tarmac or turf). Connecting pipes and nearby manholes will enable the use of the tank for the management of rainwater on site, recycling this where possible to service the complex.

Approximately 20m West of the tank, the large attenuation pond, approximately 41m across at its widest point, is to be created. This is designed to hold excessive levels of rainfall water up to the level anticipated for a 1 in 100-year flood event, plus 20% to account for climate change. Headwalls are to be erected at the ends of the pond, the Western of which will accommodate the underground drainage pipe running to the nearby brook, into which water is to be discharged via a 300mm outlet. The headwalls are to be constructed from concrete, with inset granite blocks and steel reinforcement and safety bars, and will be between 6.8 and 7.5m in height. The pond will be obscured to the South, and to an extent to the East and West, by the retained trees and planting.

6. Consultations

Lacock Parish Council – no comments
 Environment Agency – no objection
 Drainage Engineer – support

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

3 letters of objection have been received, raising concern at the risk of increased flooding to the Bide Brook and Lacock Village as a result of the works.

The National Trust have commented on the application, raising concerns that the proposal does not increase the risk of flooding in Lacock Village and that discharge rates will be monitored.

8. Planning Considerations

Principle of development

The principle of development is established under the terms of the National Planning Policy Framework, published in 2012, which stipulates that development proposals that mitigate flood risk should be viewed favourably, provided risk is not displaced elsewhere. This approach is consistent with the general objectives of Policies C1 and C3 of the adopted North Wiltshire Local Plan 2011.

Impact on flood risk and drainage

Following negotiation between the applicant's drainage engineer and the Environment Agency, a suitable specification for the storage and discharge of water has been agreed. These arrangements for the storage and discharge of rainwater through the proposed apparatus are considered acceptable following the amendments made. The details now proposed are considered adequate to manage the runoff to the Bide Brook, such that the likelihood of further flooding can be minimised so far as reasonably possible. Through dialogue with the applicant, the specification of the drainage system has been agreed with and endorsed by the Council's Drainage Engineer.

Impact on the character and appearance of the area

It is considered that the proposed works are acceptable in terms of their visual impact on the site, and will not affect its overall character in the context of the open countryside. The tank and associated pipework will be entirely concealed and the attenuation pond sufficiently low in profile as to be incorporated for the most part into the landscape. The headwalls, as the most visually apparent engineering works, will have some impact when viewed from within the site, but will be screened on all other sides by the established trees and planting.

Conclusion

The proposed development will improve the management of surface water at the site and its immediate surroundings and will not adversely affect the openness or landscape character of the countryside. The proposals are therefore acceptable in their own right in planning terms.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its specification, location, scale and materiality, will not affect the character or appearance of the site to any significant extent, nor will it alter the character or appearance of the surrounding open countryside. The drainage specification detailed is adequate and will mitigate against flooding save for the most extreme weather events. The proposal therefore accords with Policies C1, C3 and NE15 of the adopted North Wiltshire Local Plan 2011, Policy C5 of the Wiltshire and Swindon Structure Plan 2016 and the guidance contained in the National Planning Policy Framework.

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. 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:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) any and all hard surfacing materials;
- (g) 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.

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

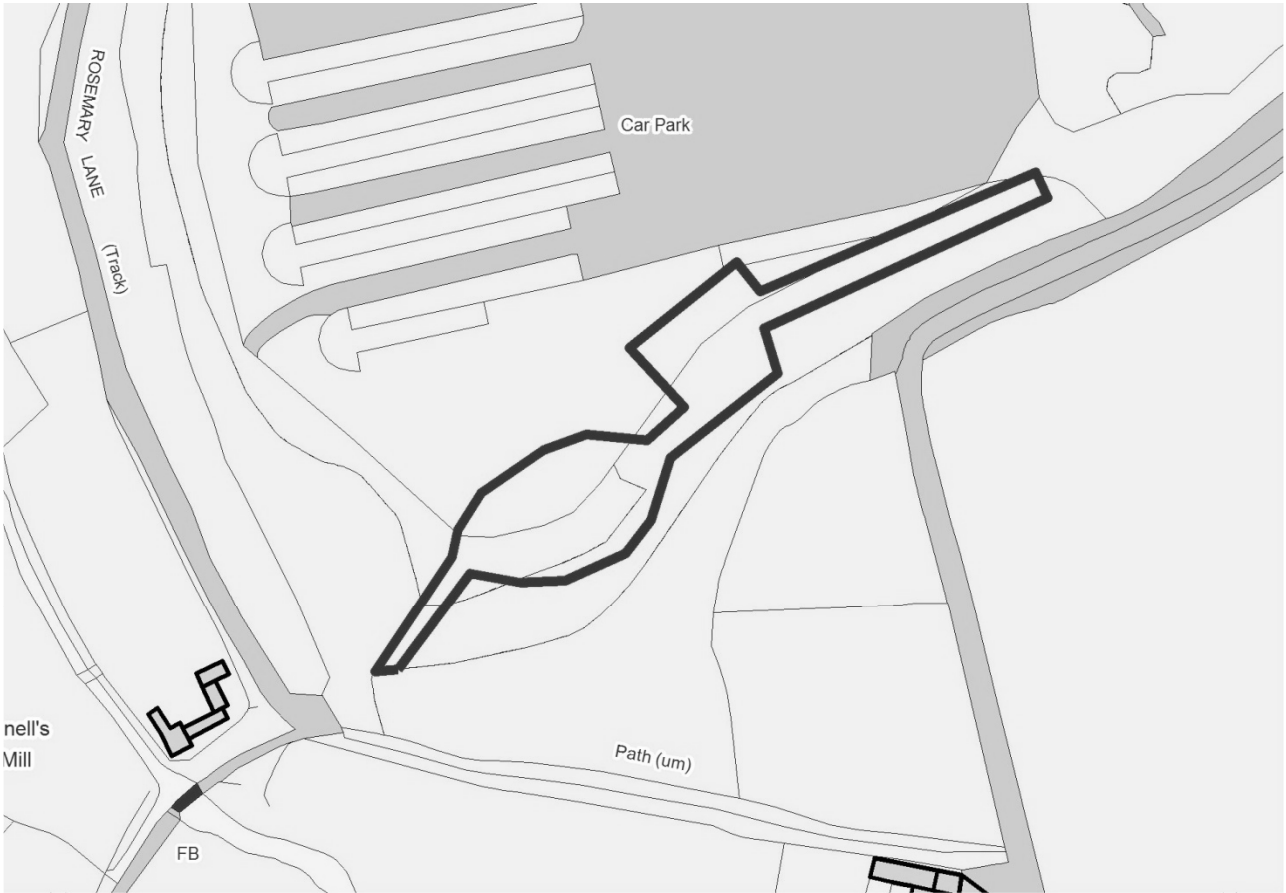
W409/02 Rev A - Private Drainage Layout (Sheet 1 of 5)
W409/03 Rev A - Private Drainage Layout (Sheet 2 of 5)
W409/04 Rev A - Private Drainage Layout (Sheet 3 of 5)
W409/05 Rev A - Private Drainage Layout (Sheet 4 of 5)
W409/07 - Typical Drainage Details (Sheet 1 of 2)
W409/08 Rev A - Typical Drainage Details (Sheet 2 of 2)
W409/09 - Surface Water Manhole Schedules
W409/10 - Foul Water Manhole Schedules
W409/11 - Attenuation Pond Headwall Details

Received 10 April 2012

W409/06 Rev B - Private Drainage Layout (Sheet 5 of 5)

Received 19 June 2012

REASON: To ensure that the development is implemented as approved.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	19th September 2012		
Application Number	12/1291FUL		
Site Address	Four Oaks Park, Lydiard Plain, Swindon SN5 0AL		
Proposal	Provision of five extra caravan pitches, day rooms and children's play area		
Applicant	Mr F Doe		
Town/Parish Council	Lydiard Millicent		
Electoral Division	Wootton Bassett	Unitary Member	Cllr Mollie Groom
Grid Ref	411273 193275		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The previous 2011 application was determined by the Committee in November 2011 alongside other similar applications at Cricklade and Brinkworth. Accordingly, the Area Development Manager considers it appropriate that this application also be considered by the Committee also, notwithstanding the call-in request from Cllr Groom.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to:

- the receipt of revised plans which omit the transit pitches, provide adequate children's play area and potential nominal on site storage associated with any business on the site.

subject to conditions.

Lydiard Millicent Parish Council objects to the application in light of there being no need, location in the open countryside and the doubling of the site.

No other third party objections have been received.

2. Main Issues

The proposal needs to be assessed against saved Policies C3, NE12, NE15, HE6 and H9 of the North Wiltshire Local Plan 2011, saved Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and government guidance in the National Planning Policy Framework and Planning Policy for Traveller Sites, both published in March 2012.

Policy 47 of the Wiltshire Core Strategy Pre-submission document is a material consideration as is the emerging Gypsy and Traveller DPD. The latter, based on numerous appeal decisions within the North and West Housing Market Area, can only be afforded limited weight.

The key issues in the determination of this application are:

- Need/Policy Considerations
- Impact of the character and appearance of the area
- Amenities of nearby residents
- Sustainability/highways
- Noise/Nuisance
- Human Rights Act

It became apparent during the course of determining the previous applications on this site that there are breaches of conditions and legal agreements. These have sought to be resolved through this application in terms of the layout of the site, the provision of only permanent pitches, the removal of transit pitches as well as the provision of a children's play area.

3. Site Description

Four Oaks comprises 2 ha of land on which there are currently six Gypsy pitches, a temporary toilet block and hard surfacing used for transit pitches but predominantly open storage mainly building materials. The applicant has been in the process of moving these materials from the site to business premises secured in Royal Wootton Bassett.

Several day rooms have been constructed in the past in the absence of planning permission together with a more recent day room/garage.

The storage of materials on the transit pitches was/is a breach of the S106 agreement dated 2004 and the permissions below have never been implemented in accordance with the approved plans.

No on site children's play area, car park or paddock as granted was ever provided, the latter being specifically required.

The site is enclosed to the east by a brick wall with planting to the front of the splays.

The site is located in the open countryside within the designated Great Western Community Forest and Braydon Forest designations.

A bridlepath runs along the southern boundary of the site.

4. Relevant Planning History		
Application Number	Proposal	Decision
92/01964F	Use of land for a 14 pitch gypsy caravan site with 2 wardens pitches and altered access. The application was refused on grounds of poor visibility and being outside the framework boundary.	Refused
93/00315	Use of land for 6 no Gypsy caravan site including 2 no wardens pitches, play area, parking, altered access and highway. The application was the subject to a number of conditions which sought to restrict the area caravans could be sited in the site, namely the south east section of the site and along the southern boundary of the site. The reasons being in the interests of visual and rural amenity.	Approved

96/01778F	<p>In addition only caravans or mobile homes on wheels could be sited on the rear portion of the site.</p> <p>The application was also subject to a S106 agreement which restricted occupation of north eastern part of the site to the applicants and family members of the applicant with no more than four caravans to be stationed at any one time.</p> <p>The south eastern part of the site fell outside the area of usage</p> <p>The remaining western part of the site was to be used as transit accommodation and supervised by one or other of the applications or a nominated warden.</p> <p>The applicants were permitted to be resident on the north eastern part of the site for so long as they shall hold the position of wardens.</p> <p>Landscaping was also required on the boundaries of the site.</p> <p>Permanent 6 pitch Gypsy site.</p> <p>Permission was granted subject to several conditions, again restricting the location of caravans as per the 1993 permission and prohibiting the use of the site for any storage or industrial purposes in connection with a trade or business save the parking of lorries or vans which are ancillary to the occupation of Gypsy caravans.</p> <p>A S106 agreement was also applied to the permission. The north eastern part of the site was to be occupied by the applicant and family members in no more than eight caravans at any one time.</p> <p>The south eastern part of the site fell outside of the application site.</p> <p>The western part of the site was permitted as Gypsy caravan site so long as the north eastern part of the site was occupied by the applicants, with the area to be monitored by the applicants/family members or appointed wardens.</p>	Approved
99/01250COU	<p>Change of use to six pitch residential caravan site.</p> <p>The proposal sought to remove the Gypsy status required by occupants on the site in order to obtain a mortgage and after the County Council confirmed it was not possible to purchase it on a caretaker basis.</p> <p>The application was refused on grounds of being tantamount to residential development in the countryside, remote from facilities and services and pedestrian safety.</p>	Refused
00/02027COU	<p>Addition of four transit Gypsy pitches and provision of children's play area.</p> <p>The application increased the size of the site to that which is the</p>	Permission

	<p>subject of the current application.</p> <p>The application was subject to conditional approval with the pitches to be demarcated in accordance with a specified plan. The plan showed a total of 6 pitches with 4 transit pitches and the paddock located on the south eastern part of the site. A children's play area was proposed along the western boundary with a grassed area to the south.</p> <p>The permission was the subject of a S106 agreement which restricted the use of the site to 6 permanent Gypsy pitches and 4 transit pitches. The paddock was to remain for that purpose only.</p> <p>The S106 agreement was varied in 2004 to reflect the new owners of the site. The provisions remained the same as per the previous agreement in terms of restricting pitches and retaining the paddock.</p>	
04/02271FUL	New barn	Withdrawn
10/03709FUL	Provision of five extra caravan pitches and community hall	Withdrawn
11/02579FUL	Provision of five extra caravan pitches and community hall	Refused.
	<p>Refused for the following reason:</p> <p><i>1. The proposed development of the community building is not justified in this rural location in the open countryside and is therefore harmful as a matter of principle. This is due to the nature of the site; it not being a mixed community; and the permanence of the building when the additional pitches proposed are only considered acceptable on a temporary basis (given concerns in respect of over provision of pitches between 2011 - 2016 and the harm this could have to the emerging Core Strategy and Gypsy and Travellers DPD). Further, the layout as proposed would provide poor levels of amenity for the proposed occupants of the transit pitches due to their lack of proximity to the facilities proposed within such a building.</i></p>	

5. Proposal

At the time of preparing this report, the layout has yet to be finalised. As will be set out below, a consideration in the determination of the application is the scale of the development. In order to address concerns in respect of the scale of development i.e nos of pitches, the transit pitches should be omitted from the site and proposed scheme.

Thus the application is seeking permission for 5 additional pitches, day rooms and children's play area all to be contained within the site. In order to provide the above the transit pitches are proposed removed.

Each pitch, to be occupied by family members, will provide space for two caravans and a day room.

Additional and retained unauthorised day rooms are proposed for the existing pitches as shown on the proposed plan,

A children's play area is also sought to be provided and the location for it within the site is still be considered at the time of writing this report.

The applicant confirms the pitches are required by the applicants family and extended family. No evidence of the Gypsy status of the current or proposed occupants has been provided, nor has it been requested.

6. Consultations

At the time of writing this report consultation has taken place only in respect of the original application.

Lydiard Millicent Parish Council –

"We remind you that previous covenants for this site have not been well managed to date. We would also mention that caravans have to date not been permitted on the south side of the site because of the proximity to the bridleway and stream. The transit sites have been rarely used over the past 3 years, and the site has been in use as permanent residential homes. We understand that guidelines under the Localism Bill will not permit new such sites in open countryside without special reasons, in addition to existing guidelines under NE15. As you know, the area is close to the Royal Braydon Forest, which has additional protection against development. We also believe that this area of North Wiltshire has now satisfied the agreed allocations. We are not happy with the potential doubling of residents, as this will place unwelcome extra pressure on the rural B4696, especially at the corner by the entrance to Lydiard Plain, where there have been many accidents. LMPC is unanimously opposed to this application."

Highways Officer – if the application satisfies traveller sites policies, no objection is raised subject to conditions.

Spatial Plans – on going discussions have taken place with Spatial Plans Officers who recognise that this is a well established family site to be occupied by family members are part of the natural expansion of the site. However, there have been concerns with the scale of development at this location rising to a total of 15 pitches in light of emerging Core Strategy Policy 47.

Given the outstanding need for 3 pitches to the period 2016 in the North and West Housing Market Area, if the 4 permitted transit pitches were removed, the application would result in only 1 additional pitch on the site and the fact that the application might be more favourably considered if the transit pitches were omitted from the scheme and confirmation of occupation of pitches by family members were provided.

In conclusion, the proposal comprises a family expansion within an existing site area is acceptable provided site amenity improved and possible impact of intensification mitigated i.e. improving situation locally. This should be achieved by removing the transit provision within the site. If it were a new site it would be contrary to the criteria attached to Core Policy 47 whether there is an identified need or not because of its distance from services.

Thames Water – no objections, informative requested in respect of water pressure.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

No representations have been received.

8. Policy Context

Adopted:

Wiltshire and Swindon Structure Plan 2016 – saved Policy DP15
North Wiltshire Local Plan 2011 – saved Policies H9 NE12 NE15

Emerging – material considerations – various weight

Planning Policy For Traveller Sites (PPfTS) – March 2012
National Planning Policy Framework (NPPF) – March 2012
Gypsy and Traveller Site Allocations DPD – Spring 2010 (no progress since this date)
Wiltshire Core Strategy Pre-submission Document February 2012 – Policy 47

9. Planning Considerations

Planning Policy for Traveller Sites published in March 2012 states at paragraph 22:

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- d) that they should determine applications for sites from any travellers and not just those with local connections”*

Further paragraphs 23, 24 and 25 state:

“23. Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

24. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

25. Subject to the implementation arrangements at paragraph 28, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”.

These considerations are reviewed below.

The form and layout of the development

At the time of preparing this report, the case officer is continuing negotiations with the applicant in order to achieve the optimal layout of the site for the benefit of the visual appearance of the site itself, the area, occupants and having regard to the unauthorised uses on the site. The transit spaces are to be removed and a more suitably located children's play area provided.

Subject to the above being achieved the form and layout of the development is acceptable and expected for this type of development.

Need/Policy Considerations

At present only 3 pitches are outstanding to be provided for the period 2011 to 2016. The net increase of 1 pitch would not result in any over provision. This application cannot be considered in the context of other pitches which are currently in the process of being determined by appeal or application. A schedule of such applications is contained in Appendix 1 and was submitted as evidence in respect of the Rose Field Gypsy appeal at Hullavington which has yet to be determined by the Planning Inspectorate.

The proposed growth rate was recently questioned by the Inspector during the hearing for the Bridge Paddocks appeal, however in that case it was the immediate need due to the outstanding 2011 requirement which carried significant weight in support of the appeal proposal. Further, additional consultation is being undertaken to consider Core Policy 47 in light of the Planning Policy for Traveller Sites which was produced in March 2012.

The precise level of growth from 2011 to 2016 will be considered during the progress of the Core Strategy and it is a matter for that process to consider the robustness of such a calculation and not this application process.

It was on the basis of the limited weight to be attached to emerging national and development plan policy together with sustainability credentials which led the Council to approve seven pitches in Wootton Bassett and four pitches adjacent an existing pitch (allowed at appeal) at Framptons Farm, Sutton Benger earlier this year.

The application site would deliver in the 2011-2016 period and would still leave a requirement for 2 pitches. The Council's case at Rose Field was that in the event of over provision, this would carry forward to the next period to 2016.

In terms of the status of the emerging DPD, the Inspector at Bridge Paddocks and more recently in 2012 at Semington (Trowbridge) was unequivocal in confirming that the DPD carried limited weight at this time.

In the context of the NPPF, the plan-led approach is still very much favoured where up to date saved policies are in place. This is the case within Wiltshire with Local and Structure Plan Policies H9 and DP15 still be relevant for decision making purposes.

The net increase of 1 pitch at this location would not undermine the plan-led approach and would assist in delivering pitches in the 2011-2016 period.

Character and Appearance of the Area/Residential Amenity

The site is considered acceptable in landscape terms having been established in some form for the last twenty years. Since that time much has changed in terms of policy and case law since that time.

Due to the fact that the proposal would make the use of existing land within an existing site, it is not considered that the proposal would be detrimental to the objectives of the Braydon Forest

designation to which Policy NE12 relates. Further the intensification would not fundamentally alter the character and appearance of this site within the countryside. The intensification and extension of existing sites to accommodate family members is an approach supported in the emerging development plan.

In terms of residential amenity, as the net increase is only 1 pitch, there is no evidence to suggest that the approval of the site either on a temporary or permanent basis would be harmful to the promotion of the peaceful and integrated co-existence between the site and the local community (paragraph 11a Policy B (Planning for Traveller sites) PPfTS). No dwelling is sited immediately adjacent to the site. There is some distance between the site and dwellings to the north, east and south.

Given that some 26 pitches in close proximity to the settled community were considered to be acceptable on these grounds at Chelworth Lodge (where the non-Gypsy community was restricted to some 4 dwellings), it would be wholly unreasonable not to adopt the same consistent approach at this location.

It is noted that concerns have been raised in respect of the scale of Gypsy pitches in the northern part of the former North Wiltshire area as well as in the north of the new County in general. It is accepted that there are a high number of pitches within this area in comparison to the distribution in the wider former North Wiltshire area. Such a pattern of distribution is shared with Chippenham and to a lesser extent Wootton Bassett. This distribution is reflective of the importance of these locations and the roles they play in terms of facilities and employment opportunities and applies equally to the settled community. The allocation of pitches within the North and West Housing Market Area makes no reference to more specific locations.

In light of the Chelworth Lodge appeal decision and other appeal decisions reviewed nationally, there is no evidence which would support an over concentration over several Parish/Town Council areas to substantiate a reason for refusal on this basis. All the sites are of a reasonable distance from one another so as to not physically appear as an over concentration harmful to the local communities. Distribution of growth in response to demand and need is a matter for the emerging DPD and Core Strategy to consider.

Sustainability/Location of development

Current Government guidance seeks to limit new sites in the open countryside (paragraph 23). However, the application site is not a new site. It is well established and the pitches will be provided within the physical boundaries of the site.

The importance of providing settled bases for easier access to GPs and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling is still a requirement of PPfTS (paragraph 11).

If the site were a new greenfield site it would fail the locational criteria set out in Core Policy 47, however, as stressed above, this is not a new site and the expansion of existing sites is supported in the emerging DPD. The status of which is very limited in decision making as confirmed in the Semington appeal decision.

Noise/Nuisance

This issue has been consistently considered with all the previous applications on this site.

As with the previous applications, it is accepted that the increased activity on the site will result in some additional noise but this is not considered to be sufficiently harmful to the amenities of nearby residents as to warrant a reason for refusal. The difference from the previous applications is significant given the removal of the transit pitches so the net increase on the site is 1 pitch.

There is no evidence to suggest that a community building would result in anti-social behaviour on the site. The use of the building in terms of hours of operation could be conditioned in any event.

Highways Impact

Following the submission of additional plans, no highways objections are raised to the proposals either in relation to the access/egress to the main road.

No objections have been raised in terms of the proximity of the pitches in terms of impact on the bridleway which forms the southern boundary of the site.

Human Rights

In determining this application the Committee is required to have regards to the Human Rights Act 1998, in particular Article 8 and Article 1 of the First Protocol, which confer rights of respect for a person's private life, home and possessions. Any interference in those rights by a public authority must be lawful and proportionate. This involves balancing the interests of all parties involved and taking into account the public interest in the proper application of planning policies.

Other material considerations

The application has not been submitted on the basis of personal circumstances and no evidence has been provided or requested in this respect or the Gypsy status of the proposed occupants. However, the Council has requested confirmation of who the occupants will be to establish that the proposal is an expansion of an existing family site within its confines.

9. Conclusion

As outlined above, for the period to 2011 to 2016 there is an outstanding need for at least 3 pitches. The outstanding need is a significant consideration and the net increase of 1 pitch on this site will assist in meeting that outstanding need and will not undermine the emerging Core Strategy.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be acceptable based on its scale and nature which will limit impact on the character and amenity of the locality, residential amenities and highway safety and meet an established and identified need for Gypsy site provision in the former North Wiltshire area. The proposal is in accordance with Policy DP15 of the Wiltshire and Swindon Structure Plan 2016, Policies C3 & H9 of the North Wiltshire Local Plan (2011) and guidance contained in NPPF and Planning Policy for Traveller Sites.

Subject to:

The receipt of revised layout plans which include the provision of amenity land/children's play area and the omission of the transit pitches.

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

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

3. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres from the centre of the access in both directions in accordance with the approved plans ('North Visibility Splay Details'). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

4. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied [DELETE as appropriate] until surface water drainage has been constructed in accordance with the approved scheme.

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

6. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied 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.

7. 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.

8. Prior to the commencement of development, 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.

9. Prior to the occupation of any of the pitches hereby permitted, the children's' play area shall be provided in accordance with details, including full details of the proposed play equipment , which shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be erected in accordance with the approved details and maintained for a minimum period of five years thereafter unless otherwise agreed in writing.

REASON: In the interests of the amenity of the site.

10. The site shall not be permanently occupied by persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, March 2012.

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

11. There shall be no more than five (5) permanent pitches on the site.

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

12. There shall be no more than ten (10) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than five (5) shall be a static caravan or mobile home and no more than five (5) shall be a touring caravan, shall be stationed on the site at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

13. No more than five commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and each vehicle shall not exceed 3.5 tonnes in weight.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

14. Except for the keeping of commercial vehicles as defined in condition 8 above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

15. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans TO BE CONFIRMED AS PART OF ADDITIONAL INFORMATION.

REASON: To ensure that the development is implemented as approved.

APPENDIX 1 Pitch provision at the start of the 2011 to 2016 period

App	Site	Pitches	Description	Approved	Refused	Pending
W.11.01206/FUL	Land adjacent to West Wiltshire Crematorium, Littleton, Semington	3	Change of use to G&T site for 3 pitches (8 caravans) and keeping of horses	3 24/02/2012		
N/11/03424/FUL	Melbourne View, Brinkworth, Wiltshire, SN15 5DA	1	Change of Use of Land for Enlarging Existing Gypsy Site for 1 Extra Touring Caravan and Improvements to Site, Including Building of Amenity Block and Double Garage	1 22/12/2011		
N/11/03790/FUL	Rose Field, Hullavington, Wilts. SN16 0HW	6	Change of Use to a Caravan Site for Occupation by Six Gypsy and Traveller Families with Associated Works.		6 14/03/2012	
N/11/03768/FUL	Land Adjacent Framptons Farm, B4069, Sutton Benger, Wilts. SN15 4RL	2	Stationing of 2no Additional Gypsy Pitches and Retention of 1no Gypsy Pitch Along With Replacement Utility/Day-Room Building and Hard-Standing Ancillary to that Use.		2 11/05/2012	
N/12/00625/FUL	The Paddock, Hook	2	The siting of two mobile homes, two dayrooms and hard standing adjacent to, and just outside, the settlement boundary of the village of Hook.			2
W/12/00284	Land at Hoopers Pool, Southwick	1	Change of use for full permission to site one mobile home, one utility dayroom and one touring caravan			1
W/12/00537	Land at Poplar Tree Lane, Southwick	1	Erection of mobile home, utility dayroom and siting of one touring caravan		1 30/06/2012	
N/12/00593/FUL	Land Adjacent Framptons Farm, B4069, Sutton Benger, Wilts. SN15 4RL	2	Stationing of 2no Additional Gypsy Pitches Along With Replacement Utility/Day-Room Building and Hard-Standing Ancillary to that Use.	2 14/06/2012		
12/00619FUL	Bridge Paddocks, Leigh	1	Permanent stationing of 1 additional Gypsy pitches			1
12/0832FUL	Land between railway line and Sand Pit Lane, Dilton Marsh	2	Change of use to traveller site comprising 2 static and 2 touring pitches			2
12/01291FUL	Four Oaks, Lydiard Plain, Swindon SN5 0AL	5	5 additional Gypsy pitches, amenity blocks and retention of outbuilding			5



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