

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge, BA14 0RD
Date: Wednesday 30 May 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@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 Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Jeff Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhe-Philippe
Cllr Keith Humphries	

AGENDA

Part I

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

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve the minutes of the last meeting held on 9 May 2012 (copy attached.)

3 **Chairman's Announcements**

4 **Declarations of Interest**

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

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 23 May 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 Applications**

To consider and determine the following planning applications:

- 6a **W/11/02431/FUL - Land North East Of Common Farm, The Common, Broughton Gifford, Wiltshire - Slurry store (Pages 7 - 14)**
- 6b **W/12/00537/FUL - Land At Junction With Frome Road And Poplar Tree Lane, Southwick, Wiltshire - Erection of mobile home, utility dayroom and siting of one touring caravan (Pages 15 - 26)**
- 6c **W/12/00284/FUL - Land North Of The Bungalow, Hoopers Pool, Southwick, Wiltshire (Pages 27 - 38)**

7 **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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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 MAY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty,
Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland and Cllr Graham Payne

35 Apologies for Absence

There were no apologies for absence.

36 Minutes of the Previous Meeting

The minutes of the meeting held on 28 March 2012 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 28 March 2012.**

37 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency
and welcomed everyone to the meeting.

The Chairman also informed everyone that he had agreed for a photographer
from the Wiltshire Times to be present throughout the meeting and that people
were welcome to indicate whether or not they wished to be photographed.

38 Declarations of Interest

W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire - Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site

Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee but gave his assurance that he would consider the application with an open mind.

Councillor John Knight declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee but gave his assurance that he would consider the application with an open mind. Councillor Knight added that he had not taken part in the meeting of the Development Control Committee where this application had been discussed and therefore had not endorsed the comments of the Town Council included in the agenda.

39 Public Participation and Councillors' Questions

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

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

40 Planning Applications

The late list referred to in these minutes is attached for information.

The Committee considered the following applications:

40.a W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire - Demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site

Public Participation:

- Mr David Feather spoke in objection to the application.
- Mr Ross Bowen, RPS planning consultant, spoke in objection to the application.
- Mr Mike Baxter spoke in support of the application.
- Mr Crispin Lilly, Vice-president for Business Affairs for Cineworld, spoke in support of the application.
- Mr Angus Horner, Managing Director for Prorsus, spoke in support of the application.

Councillor John Knight, Unitary Councillor for Trowbridge Central, spoke in support of the application.

Councillor Graham Payne, Unitary Councillor for Trowbridge Drynham, spoke in support of the application.

The Area Development Manager introduced the report which recommended refusal for the application and in doing so highlighted the planning policies to be taken into account and the main issues with the proposed development which included highways considerations.

The Chairman then drew the committee's attention to the late list.

The Chairman invited Alistair Cunningham, Service Director - Economy & Enterprise, to comment on the proposed development from a regeneration and policy perspective. From a policy and regeneration perspective the proposed development was considered as potentially detrimental to the regeneration of Trowbridge town centre.

In responding to technical questions asked the Area Development Manager confirmed that each application before the committee had to be considered on its own merit and the sequential test should be applied to this application.

The Senior Planning Solicitor explained to members of the committee that this application would be vulnerable to Judicial Review by an aggrieved party if the following were not provided and considered by the committee before the application was considered for and approved:

- possible reasons for approval;
- a full set of suggested conditions; and
- appropriate heads of term for any legal agreements.

During the ensuing lengthy debate it was agreed that a redevelopment of the site was desirable, however it was also recognised that a development of this type and scale would have to be subject to numerous conditions and various legal agreements, the drafting of which could not be practically achieved at the meeting, should it be considered for approval. Members of the committee were particularly keen to see issues such as highways and access concerns addressed either in the conditions or as part of a Section 106 Agreement.

Recognising the importance of the proposed development for the immediate neighbourhood as well as the town of Trowbridge, some members of the committee were minded to approve the application however they could not be satisfied that they had sufficient information available to them at that time.

It was therefore

Resolved:

To defer the application until the 20 June 2012 meeting when the conditions and heads of terms for any legal agreement, that would be required to secure the completion of the development and to secure improvements to highway access to the railway station, could be presented to the committee for consideration before the committee took a decision on the application.

40.b W/11/03225/FUL - Holt Joinery, The Midlands, Holt, Wiltshire, BA14 6RG - Demolition of existing building and erection of new dwelling

Public Participation

- Mr Peter Hulbert spoke in objection to the application
- Mr Dean Jefferies spoke in objection to the application
- Mr Simon Chambers, agent, spoke in support of the application
- Mr Steve Siddall, Holt Parish Council, spoke in objection to the application

The Area Development Manager introduced the report which recommended approval for the application.

During the ensuing debate members of the committee could not alleviate their concerns regarding the proximity of the site to the adjacent vehicle repair workshop and the impact the proposed dwelling would have, especially due to its size compared to the size of the plot it was proposed to be built on and its impact on the conservation area and the setting of the nearby listed building.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

1) The proposed development would result in the introduction of a residential use adjacent to an active vehicle repair workshop served from the access that runs alongside the proposed new dwelling. The close juxtaposition of this residential use with the active vehicle repair workshop would be likely to have an adverse impact on the operation of the vehicle repair workshop, as there could be pressure on the business to change its working practices (such as operating with the access doors open to demonstrate to customers that the business is open) in order to protect the amenity of the occupiers of the proposed new dwelling. This would conflict with policy E5 (ii) of the West Wiltshire District Plan 1st alteration and with Government guidance in the National Planning Policy Framework (NPPF) paragraph 123.

2) The proposed development, by reason of its bulk and design, with a tall dwelling standing in isolation and occupying almost the full width of the plot, and with open parking to the frontage, would have an adverse impact on the appearance of this part of the conservation area and would be intrusive on the setting of the nearby listed building. This would conflict with policy C18 (a) and (b) of the West Wiltshire District Plan 1st Alteration

40.c W/11/03226/CAC - Holt Joinery, The Midlands, Holt, Wiltshire, BA14 6RG - Demolition of existing building

There was no Public Participation.

The Area Development Manager introduced the report which recommended that conservation area consent be granted.

Following a debate it was

Resolved:

That conservation area consent be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

- 1 The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.

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

- 2 No demolition shall be undertaken on site until such time as a detailed schedule of the demolition works has first been submitted to and approved in writing by the Local planning Authority; such details to include:

- (a) timing of demolition works;
- (b) the parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) wheel washing facilities;
- (e) measures to control the emission of dust and dirt during demolition;

and such works shall be implemented fully in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 - Policies C17 and C22.

- 3 The building shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been entered into, and

planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 & C18

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN received on 08.12.2011

SITE LAYOUT PLAN – Drawing No. LPC/2975/2A received on 27.01.2012

GROUND, FIRST AND SECOND FLOOR PLANS & SECTION – Drawing No. LPC/2975/3B received 23.02.2012

ELEVATIONS – Drawing No. LPC/2975/4A received on 27.01.2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

41 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.50 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.05.2012		
Application Number	W/11/02431/FUL		
Site Address	Land North East Of Common Farm The Common Broughton Gifford Wiltshire		
Proposal	Slurry store		
Applicant	Mr And Mrs Richards		
Town/Parish Council	Broughton Gifford		
Electoral Division	Melksham Without North	Unitary Member:	Mark Griffiths
Grid Ref	388203 165049		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 01225 770297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Griffiths has requested that this item be determined by Committee due to:

- * Design - bulk, height, general appearance
- * Environmental/highway impact
- *In the public interest

1. Purpose of Report

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

Neighbourhood Responses

17 letters of objection received (3 from the same household).

Parish Council Response

Broughton Gifford Parish Council - No objections.

Melksham Without Parish Council - Object.

2. Report Summary

The main issues to consider are:

- Residential Amenity
- Highways
- Visual impact

3. Site Description

The site is located within a field between Shaw and Broughton Gifford. The field is located down Norrington Lane. To the East of the site is an electricity sub - station and transport depot. The field is bordered by a brook to the north of the site with hedges and trees making up the other boundaries.

The site itself would be accessed using the existing agricultural access off Norrington Lane.

There are residential properties located within 400 metres of the site to the North, East and South of the site.

4. Relevant Planning History

None

5. Proposal

The application seeks permission to erect a slurry store within the field behind an electricity sub – station and transport depot. The slurry store would be used in conjunction with the existing agricultural use of Court Farm and is required to comply with the Nitrate Vulnerable Zone legislation.

The slurry store would be 5.7 metres high and 18.8 metres in diameter. The panels around the edge of the slurry store would be coloured dark blue. The slurry store would not be covered but would be treated with a lightweight polymer coated aggregate that would float on the surface and deals with any odour issues.

6. Planning Policy

National Planning Policy Framework
Section 3 Supporting a Prosperous Rural Economy
Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 11 Conserving and Enhancing the Natural Environment

West Wiltshire District Plan First Alteration 2004
C31A Design
C38 Nuisance

7. Consultations

Broughton Gifford Parish Council - No objections.

Melksham Without Parish Council - Object, for the following reasons:.

- Increased Traffic
- Visible to residential properties within Shaw
- Concerns of whether the store is capped or not leading to odour and fly infestation
- Colour of store - green would be better than blue

Highways

No objection subject to conditions securing improvements to the access.

Environment Agency

No objection subject to informative. Confirm that the store is required to meet the requirements of the Environment Agency and the Nitrate Vulnerable Zone Regulations.

Environmental Health (PROTECTION)

No objection

Wessex Water

No objection

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 21 October 2011

Summary of points raised:

17 letters of objection received (3 from the same household). Comments relate to:

- Smell increasing contamination and disease
- Size, scale and open nature of slurry store result in an increase in insect life
- Breaches Human rights act
- Close to brook (tributary to the River Avon)
- Field floods
- Increase traffic
- Lack of neighbour communication
- Health Risk
- Restrict use of garden
- Reduction in property value
- Narrow lane resulting in poor access
- Position close to residential dwellings
- Distance of transportation from Gastard to Whitley
- Mucky traffic on Bath Road
- Location
- Muck deposits on road
- Attract vermin
- Weight limit on Norrington Lane
- Colour
- Flooding

9. Planning Considerations

General

The introduction of tighter environmental controls on farming operations in Nitrate Vulnerable Zones has led to the requirement for slurry stores on agricultural holdings dealing with cattle across the county and is supported by the Environment Agency and the NFU. This store is proposed to be located in a central location in the holding adjacent to existing non-residential buildings, including a transport depot and electricity sub-station.

Residential Amenity

Representations have been received regarding this proposal with issues being raised over smell, increased traffic, vermin and impact on the use of the residential space associated with the dwellings as well as other issues.

As is common in the countryside, there are a few scattered dwellings in the vicinity. The nearest is just over 100m away on the opposite side of Norrington Lane, whilst others are located ca 200 metres away on the other side of the electricity sub station at Norrington Common. The advice from the Council's Environmental Protection Officer is that the proposal will not give rise to any unacceptable problems of smell or fly/vermin infestation. The store would be located in position to not adversely impact the enjoyment of the nearby properties and is therefore considered to be acceptable.

Having regard to odour further information has been provided by the agent. Environmental Protection have looked at the information for the use of Aerocover which is a lightweight polymer coated aggregate which covers the material within the store. This aggregate would prevent the release of gases and control odour.

Highways

The highways officer has no objection to the proposal. The proposal would not harm highway safety as there is a suitable access that can be improved. There would no significant increase in traffic as the proposal is in connection with the existing use of the holding, which is located on either side of Norrington Lane.

Visual Amenity

The proposed development would not harm the character of the area as the site has been chosen with the backdrop of the transport depot and electricity sub station. Furthermore, structures of this type are part of the accepted agricultural use of the landscape. The colour is dark to help further with the assimilation into the landscape.

Conclusion

The design, location and impacts of this proposal are acceptable. The proposal is required in connection with an existing agricultural business use and is required to comply with national environmental location. The proposal complies with national planning guidance and local planning policies and planning permission should be granted subject to conditions.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 the access is formed at right angles to the highway and the first five metres of the access, measured from the edge of the carriageway, has been splayed, consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: 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 3 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north and south; from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height 1.2 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents:

432.1 A received on 15 September 2011

432.5 received on 31 August 2011

Aerocover by Biotec Ltd received on 20 April 2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

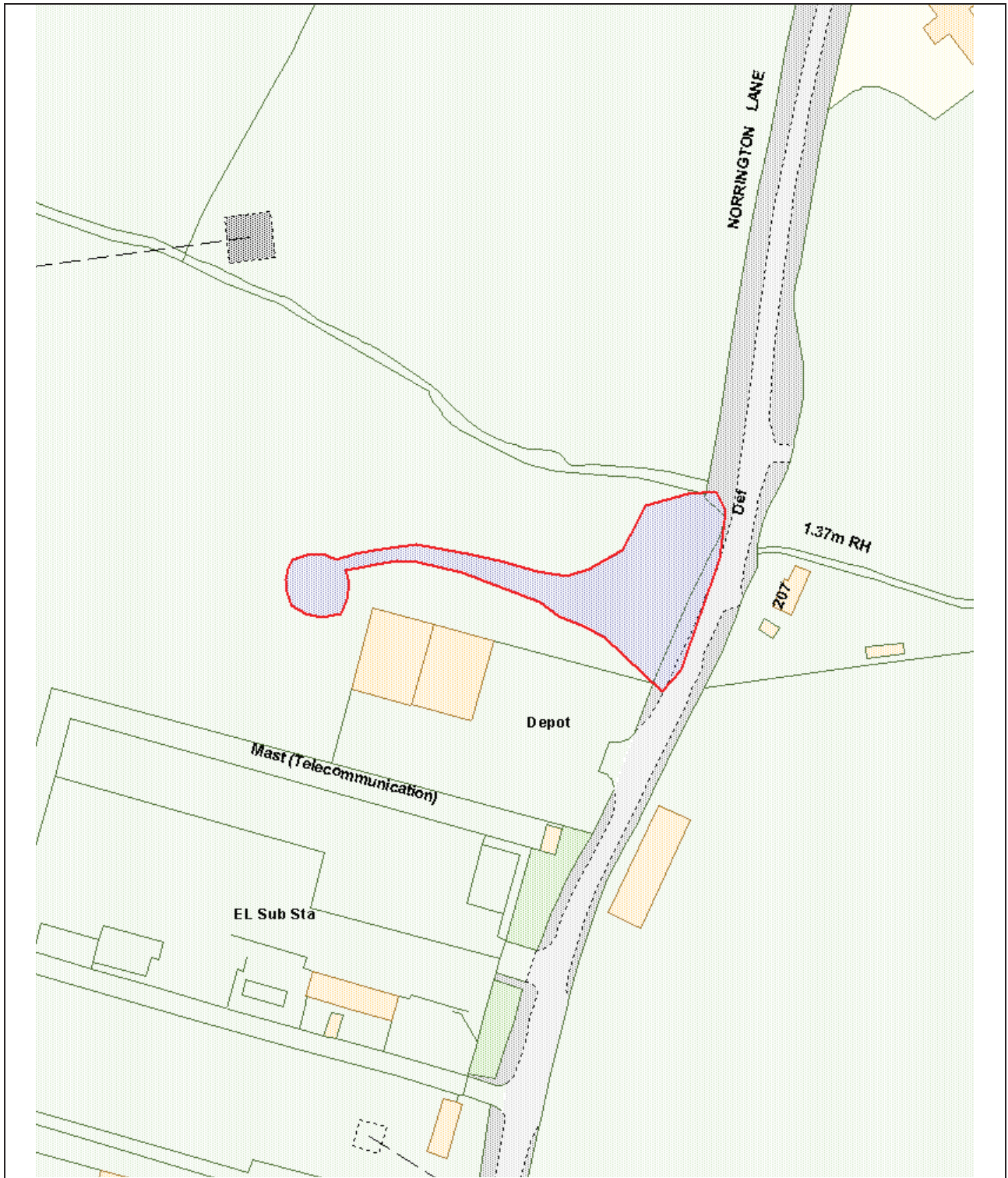
Informative(s):

- 1 The proposed development must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The applicant must notify the Environment Agency in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used.

Further information on the regulation can be viewed at: <http://www.environment-agency.gov.uk/business/sectors/118798.aspx>

Appendices:	
Background Documents Used in the Preparation of this Report:	

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.05.2012		
Application Number	W/12/00537/FUL		
Site Address	Land At Junction With Frome Road And Poplar Tree Lane Southwick Wiltshire		
Proposal	Erection of mobile home, utility dayroom and siting of one touring caravan		
Applicant	Mrs Theresa Cash		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	382273 154598		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a formal request of Southwick Parish Council and in the light of the concerns raised by local residents at public meetings on Tuesday 3 April 2012 and Tuesday 17 April 2012 and elsewhere, especially about the limited time stipulated for public consultation on this application.

1. Purpose of Report

To consider the above application and to recommend that planning permission is refused.

Neighbourhood Responses:

93 representations were received, (some respondents submitting more than one item).

Southwick Parish Council - Objects to the proposals for the reasons cited within section 7 below.

Note: There is a significant degree of overlap in content of this report and that for the Hoopers Pool site (12/00284/FUL) elsewhere in this agenda, since consultee as well as objector comments were either repeated or very similar due to the nature and localities of both cases. A degree of repetition in content therefore exists.

2. Main Issues

The main issues to consider are:

- The effect of the proposal on the rural character of the area and on amenity, including that of neighbours;
- The effect of the proposal on highway safety, including the safety of future occupants and their children; and
- Whether the proposal would represent a sustainable form of gypsy site.

3. Site Description

The application site is located in open countryside. No special landscape designations such as Green Belt or AONB apply.

The site is 60m in width (Poplar Tree Lane frontage) by 31m deep. It is situated to the north of Frome Road and to the east of Poplar Tree Lane, at the junction between those two roads. Southwick Village Policy limits lie some 1200m ($\pm \frac{3}{4}$ mile) to the east along the Frome Road. Access would be via an existing entrance off of Poplar Tree Lane, approximately 55m north of the intersection.

The site is bounded by natural hedges on the road frontages and wooden fencing separates it from the open land to the north. Paddock land under the ownership of the applicant lies to the east. On the opposite side of Poplar Tree Lane there is open countryside. To the south east, on the opposite side of Frome Road at a distance of ± 100 m there is a dwelling. Also to the south and on the opposite side of the road, permission exists for an agricultural building with a footprint of 30.5 metres by 13.2 metres with a total pitched roof height of 4.0 metres. Access to that building would be via an existing point, directly opposite the Frome Road/Poplar Tree Lane intersection.

The site is currently occupied by a stable. The paddock to the east is open grass land.

4. Relevant Planning History

W/11/00895/FUL : Change of use of land to equestrian and erection of stable block and associated ancillary development : Permission : 17.10.2011

5. Proposal

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room. The applicants are Irish Travellers. The supporting documentation indicates that eight children and one grandchild live with the family. The applicant breeds and sells horses at Gypsy fairs and is also involved in tree topping. A letter of support for the family by the Somerset Racial Inclusion Project was included with the application.

The day room would have a footprint of 8 metres by 8 metres; a height to eaves of 2.35 metres and a height to the ridge of 4.95 metres. It would be located approximately at the mid-point of the common boundary of the site with the paddock. The mobile home with a footprint of 10m x 4m would be located to the south west of the dayroom, some 20m from the Frome Road boundary. Space for a touring caravan would be allocated between the existing stables and the site access.

Foul drainage would be via a septic tank to the south of the stables, with a soakaway in a grassed area to the south of the tank.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection ; C38 Nuisance; CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: Department for Communities and Local Government, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

A more detailed discussion of Policy is included below, in the light of recent changes.

7. Consultations

Southwick Parish Council

The Parish Council objects to the proposal, noting that the development would be in open countryside and away from 'existing settlements'.

The Parish makes similar observations as for the other application of this type in the vicinity of Hoopers Pool, i.e. that the proposal would be contrary to the "...West Wiltshire Development Plan, 1st Alteration ; Policy CF12 Gypsy Caravan Sites" since:

"a. There are residences in the vicinity of the proposed site and there is the potential for nuisance (noise, pollution etc) to be created.

b. The proposed development represents an unsightly and alien encroachment into open countryside.

c. The proposed site is directly adjacent to the A361 - a highly trafficked road with a large proportion of HGVs and a national speed limit of 60 mph. There is an associated high level of noise and pollution. It is an unsafe and unhealthy environment for children.

d. The proposed site is adjacent to the A361 - a highly trafficked road (no pavement) with a large proportion of HGVs and a national speed limit of 60 mph. It is at a junction that has experienced serious road vehicle collisions and the entrance to the site is around 50m from that junction. Vehicles have a very restricted view when using this junction. The ingress and egress of additional traffic that would result from this proposed development would exacerbate the existing safety problems.

e. There is little infrastructure at the proposed site - no mains drainage, no sewerage or on-site treatment or storage of effluent, no gas supply. There is no street lighting or footpaths/pavements. This proposed development would place a significant burden on the existing, very limited, infrastructure.

f. There are very few local services available within reasonable proximity of the proposed site."

"Southwick Parish Council believes that this proposed planning application is contrary to the 'Planning policy for traveller sites' and is also contrary to the West Wiltshire Development Plan, 1st Alteration - Policy CF12 Gypsy Caravan Sites..." The Parish Council therefore requests that the LPA refuses the application for the reasons outlined above but, in the event of the objections above being overruled and the application permitted, requests that conditions are imposed to the effect that:

- No business operations are to take place on the site ; and
 - The site can only be occupied by an additional single caravan to permit visitors and to allow attendance at family or community events for a maximum of 14 days per year; and
 - There is to be no further development of the site beyond that permitted by this planning application.
- The Parish is of the view that these conditions can be reasonable imposed in terms of the current government policy on travellers.

In an additional submission the Parish raised concerns about discrepancies between the site plan and the location plan.

Highway Officer

The Highway Officer notes that the site access is obtained by the un-classified Poplar Tree Lane, approximately 50m from its junction with the A361 Frome Road. The Officer advises that "...visibility at this junction is sub-standard to the South East, which is the on-coming direction for traffic on the A361. Poplar Tree Lane also joins the B3019 Bradford Road to the North and this junction is also sub-standard in terms of visibility to the South East, which is the non-on-coming direction on the B3019. All 3 roads are subject to a 60mph speed limit."

The Officer notes that the site is also outside of the village of Southwick and is thus located outside of the housing policy boundary and that there are no pedestrian facilities in the vicinity. The likelihood is that the occupants would be reliant on the use of a car. Despite this, with regard to Policy relating to the location of gypsy and traveller sites, the officer does not believe an objection on sustainability grounds is appropriate in this instance. However, there are safety concerns with regard to the lack of pedestrian facilities within the vicinity of the site, in particular for vulnerable groups such as children

and the elderly. The lack of facilities would cause pedestrians from the site to cross and/ or walk within the carriageway of a 60mph road.

In the light of the highways considerations the Officer recommends that this application be refused because:

- 1. The additional traffic generated by this proposal would increase vehicular movements through the junctions of Poplar Tree Lane/A361 Frome Road and Poplar Tree Lane/B3019 Bradford Road, to the detriment of road safety due to the sub-standard visibility in the South East direction; and*
- 2. In view of the lack of pedestrian facilities in the vicinity of the site and the speed of traffic on the adjacent roads, which are subject to a 60mph speed limit, it is considered that pedestrians will be at serious risk as a result of the development."*

Spatial Plans

The Spatial Plans Officer provided a detailed update of the current Policy environment (National and local Development Plan level), given the recent changes that have occurred. These, together with the recommendation from the spatial plans perspective, are addressed in the "Planning Considerations" section below.

The Officer also provided comment on the emerging Wiltshire Core Strategy. There is a recommendation in respect of pitch requirements included in Core Policy 47 of that document. There is a requirement in north and west Wiltshire of 9 pitches for the period December 2011 to December 2016. Since the start date of the pitch requirement included in the draft policy, four Traveller pitches have been granted permanent permission. The residual need is, therefore, 5 in the north and west Housing Market Assessment.

It is stressed that the Policy is still "emerging" but the Policy Officer, in noting responses to the consultation process which concluded in April, takes the view that "...the direction of the policy is not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy."

The Officer concludes (subject to the relevant policy criteria for assessing the suitability of the site) that the "...proposal for 1 pitch at Poplar Tree Lane would be consistent with adopted policies in the West Wiltshire Local Plan and Wiltshire and Swindon Structure Plan, emerging policies in the Wiltshire core strategy and guidance in the national planning policy framework and 'Planning policy for Traveller sites'." The supply of the pitch would help meet the identified need in the north and west Wiltshire HMA in Core Policy 47 of the core strategy. She considers that the pitch would not lead to a development that is "...out of scale with the local population and is therefore capable of being integrated into the local community."

Wessex Water

No Objection, but notes that new connections will be required. A plan submitted with the response indicates a water supply running to the west and south of the site.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 27.04.2012 Summary of points raised:

- Encroachment onto open countryside;
- buildings erected on the site even before planning has been granted;
- unacceptable visual impact at Wiltshire border;
- lack of access to facilities and services;
- Semington, Bratton and Dilton Marsh sites still have capacity;
- highway dangers with lack of pavements and lighting. The Poplar Tree Lane site is in particular dangerous as evidenced by recent accidents;

- no pavements giving pedestrian access to shops, schools and other facilities;
- no nearby bus stops;
- impact on Green Belt land;
- harm to outlook from Barn Rode Common farm;
- greater volumes of surface water and sewage harming local services;
- questions exist on how the application was handled procedurally. Council failed to advise residents properly, too little time to comment. Site notice was in green, not normal white, not identifiable as a planning application;
- seems decision has already been made;
- loss of prime agricultural land;
- outside of Southwick development boundary;
- a business will be run from the site;
- Poplar Tree Lane already a busy route;
- applicant should be given Council homes if they want to settle;
- reduction in property values in the area, especially with other site in the vicinity;
- site is "virtually a new Council Estate" and will therefore affect property values
- traveller site would compromise peaceful community with problems associated with such sites;
- No proper assessment of impact on the landscape and neighbours;
- extension to accommodate additional families a possibility and unacceptable;
- insufficient details on type of mobile home, should blend with the proposed dayroom;
- parking only for two vehicles, no indication of parking for commercial vehicles;
- village already under pressure from existing development;
- the nearest hospital, secondary schools, medical services etc.. are in Trowbridge ;
- risk of flooding due to hard surfaces;
- permanent building should not be allowed under a "traveller" application;
- need for constructive communication on travellers;
- number of children in this case (9) exacerbates potential dangers from road, access to community in nearest village also restricted because of road hazard;
- there is a traveller site on the outskirts of Trowbridge that isn't full to capacity;
- traveller way of life is "different" and application should be for a site not surrounded by houses or affecting others;
- it seems that the applicants don't have to have a local connection as would be the case for someone applying for affordable housing;
- planning rules are inconsistent;
- if this goes ahead council tax contribution will be withheld;
- the site will become one for all travellers in the area with the LPA unable to resist;
- increase in crime and harm to local business; and
- Council has a conflict of interests in deciding for the application where it will receive a "bounty" of £6000 per consented dwelling unit;
- objection to the sale of land to gypsies.

One letter of support was received. 4 Objectors gave no specific reasons for objection.

9. Planning Considerations

Policy background

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, until March 2013, are to be given weight in decision-making. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In the case of Wiltshire, the Spatial Plans Officers advises further on Policy considerations that:

The new national policy for travellers was introduced In March 2012, replacing the previous guidance (Circular 01/2006 - Planning for Gypsy and Traveller caravan sites and Circular 04/2007 Planning for Travelling Showpeople). The April 2012 NPPF replaces previous guidance in planning policy statements and planning policy guidance.

Current adopted policy and current guidance relating to Gypsy and Traveller Sites is, therefore, primarily provided by:

- * Planning policy for traveller sites, DCLG, March 2012
- * National Planning Policy Framework, DCLG March 2012
- * policy DP15 (as saved) of the adopted Wiltshire and Swindon Structure Plan 2016;
- * policy CF12 (as saved) of the adopted West Wiltshire Local Plan 2011;

Emerging guidance and policy is contained in:

- * the emerging Wiltshire Core strategy.
- * Draft South West Regional Spatial Strategy (SWRSS)
- * Issues and General Approach report published in April 2010 which was the initial stage of consultation for the Wiltshire Gypsy and Traveller Site Allocations DPD

Government's stated aim in the 2012 "Planning Policy for Traveller Sites" is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In this instance the following are key planning considerations in terms of Development Plan Policy in pursuit of this balance:-

9.1 Potential Impacts on the Rural character of the area and on neighbouring amenity

A common theme in neighbour objections and the Parish comment on this application is that the site is located outside of village policy limits of Southwick and is therefore by definition unacceptable in terms of Policy. Neither of the Local Plan policies stipulates that new sites for Gypsies and Travellers should be within existing developed boundaries, with policy Structure Plan Policy DP15 stating 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Neither adopted policy establishes an overall new pitch requirement and instead each site is considered on its merits. Both do however have criteria requiring that sites in rural areas do not cause unacceptable harm to the appearance of the countryside and do not "dominate" the nearest settled community. The document "Planning Policy for Traveller Sites: Department for Communities and Local Government", March 2012 also does not constrain new pitches to localities within established settlements.

The proposal is for a single-family (parents seven children and one grandchild) pitch. The amount of development being proposed is quite typical of a single, private gypsy application including a mobile home, a touring caravan and a dayroom. Poplar Tree Lane is a link of some 1000m in length between the Frome Road and the B3109 to the north. It is characterised by countryside with interspersed dwellings, mainly towards the northern end. The nearest dwelling to the application site on the lane itself is "Greenways" some 300m to the north. There are stable and farm buildings in the proximity of the lane.

Given the scale of the proposals and the screening to Frome Road and the distance from the closest property (on the opposite side of Frome Road) it is not considered that unacceptable harm would arise to the appearance of the countryside from the surrounding public realm or that it would have a dominating effect on nearby properties. Objections include the potential impact of further development on the site, or its alternative use, but the proposals must be addressed on the basis of the plans as submitted.

Objectors also raise concerns with the potential loss of prime agricultural land. The site is only some 1860m² in extent, is classed as Grade 3 Agricultural land and the remainder of the land would retain an equestrian use. There are no proposals for business development but the parent property has the authorised equestrian use, granted under application ref. W/11/00895/FUL, subject to conditions. Objectors also suggest that the site is Green Belt land, but this is not the case. Objections that relate to the personal circumstances of an applicant are not considered to be planning considerations. With regard to the design of the mobile home, recent case history on other sites has confirmed the view that the siting of caravans, which include mobile homes, is not operational development, and over time caravans may be replaced. The mobile home would therefore not be a permanent building that requires assessment of design, but would need to conform to the definition of a "caravan", i.e. remain capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The day room would have a footprint of 8m x 8m with a maximum height of 4.95m. This building would be larger in footprint than that normally associated with single family sites, but not unreasonably so seen in the context of the size of the family. However, no justification for the height of the building has been submitted. Although the building would not have been likely to be unacceptably visual to the surrounds to a degree that would have justified a reason for refusal, it is considered that the potential impact could have been reduced. However, since refusal is being recommended for other reasons it is considered that an informative would be appropriate, advising the applicant that any alternative or new proposals on this site should be aimed at limiting the size of any structures.

Objections were also raised with regard to Council selling the site to travellers, Council receiving Government funding on the basis of providing the sites and to Council developing the site. None of these circumstances apply.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

9.2 The effect of the proposal on highway safety

The site is approximately $\frac{3}{4}$ mile from Southwick Village policy limits, and there are bus-stops near the Frome Road/Poplar Tree Lane intersection. However, the Frome Road frontage to the site has no surfaced pedestrian pavement. A paved walkway leads to the village from a point outside the dwelling on the opposite side of the road at "Road Common Farm", with no proper walkway on either side of the road leading to it from the site.

The Highway Officer considerations are recorded above. The issues identified, namely sight distances and lack of pedestrian facilities, were noted during the Planning Officer site visit. Objectors and the Parish Council also recorded concerns and objections in this regard. Frome Road at the junction with Poplar Tree Lane carries a speed limit of 60 mph and is unlit in the vicinity. The nearest local facilities including schools, neighbourhood shops and public houses are within Southwick, within walking distance but lacking any safe pedestrian route as noted above. Reaching the nearest paved walkway, some 120m to the east along Frome Road, would require walking that distance on the road fringe and then crossing in an area where high speeds are common and lawful, but where visibility is to a degree restricted. The possibility of crossing from an opening from the paddock area to the pavement exists (but is not proposed), but would still require a hazardous crossing of the 60 mph carriageway. Notwithstanding the presence of the bus stops on either side of the road near to the junction, the limited sight lines and the lack of a pedestrian walkway in a high speed environment (in particular where the proposal is for occupation by a family that would include nine children, six of whom are recorded as being under 12 years of age) are considered to cumulatively create an unacceptably hazardous situation in terms of highway safety. Policy DP 15 to the Wiltshire Structure Plan and Policy CF12 to the West Wiltshire District Plan, 1st Alteration 2004 respectively require consideration of safe access and of the "...needs and safety of future occupants and their children." It is therefore considered that the application should be refused for the reasons outlined by the Highway Officer on the basis of these Policy criteria.

9.3 Sustainable form of gypsy site, including the needs and safety of future occupants and their children

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains an important consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. The application states that part of the requirement of the family will be to provide for the education of school age children and access to medical facilities for one of them.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising only that new connections will be necessary. It is considered reasonable to require the submission of foul water drainage details. In the unlikely event of any pollution occurring then this would be subject to

other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern.

Wessex Water plans indicate that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

Servicing of the site is therefore considered feasible and village facilities are reasonably nearby. However, the highway safety issues identified above outweigh considerations of other aspects of sustainability on this site.

i 9.4 Advertising and Consultation

Objectors and the Parish raise the issue of consultation and advertising. Again, this is an individual application advertised in the normal manner as for any other planning proposal of a similar scale, i.e. with a site notice and consultation with immediately abutting neighbours. An additional objection was that the site notice was green (not white), but this has been standard practice for all planning applications for many months. It is acknowledged that at the time of the advertising of the application, there were intermittent issues with Council's website, affecting all planning applications. However, the advertising period extended well beyond the statutory three weeks, commencing on 27 March and officially indicated as ending on 28 April 2012. Public responses have furthermore been accepted well beyond that date and none has been excluded that has been received by the time of the report preparation (15 May 2012).

Objections were also raised with regard to the requirement for Community involvement and consultation to reduce tensions between local and travelling communities. It is considered that this aspect of the national guidance relates to the process of planning by the Local Authority of a wider strategy to meet gypsy and traveller accommodation requirements. At present this forms part of the preparation of the Core Strategy and the supporting documentation thereto, as indicated above by the Planning Policy officer. This individual case is considered on its own merits and in the light of the current Development Plan, and consultation/advertising took place at a level associated with all other minor planning applications.

With regard to the site plan the agent has confirmed that a red-outline plan is to be submitted (at the time of writing) that would exclude the paddock area from the development site. Where refusal is recommended it is suggested an informative would be appropriate.

9.5 Previous Appeal Decision

Members will recall that an application for a gypsy site for three pitches at Semington was refused by the committee last year. An appeal against this decision was allowed in February this year. That site was also outside of the limits of development for the village of Semington and three miles from Trowbridge. However, the Inspector found the site to be 'a sufficiently sustainable location'. He also found that there was a 'fairly substantial existing unmet need' in this part of Wiltshire, a matter to which he attached 'significant weight'. He found the proposed site, which like this one, was adjacent to the A361, to be an acceptable location for such a use. Whilst this decision indicates that issues such as sustainability matters should be approached carefully, and unmet need taken into account, it does not provide an argument for ignoring serious road safety issues.

10. Conclusion

The general principle of the proposal is considered to be in accordance with the development plan policies and national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012. However, significant and serious concerns in relation to the safety and security of future occupants (in particular those that are vulnerable, i.e. children) exist in relation to highway safety aspects. The proposals therefore do not accord with the relevant criteria applicable under the Development Plan. Refusal is recommended on these grounds.

Recommendation: Refusal

For the following reason(s):

- 1 The lack of pedestrian facilities in the vicinity of the site and the speed of traffic on the adjacent roads, which are subject to a 60 mph speed limit, would result in unacceptable highway safety hazards for future occupants, in particular children. The proposal is therefore contrary to Policy DP15 of the Wiltshire Structure Plan 2016, Policy CF12 of the West Wiltshire District Plan 1st Alteration (2004) and Policy H of "Planning Policy for Traveller Sites" : Department for Communities and Local Government, March 2012
- 2 The additional traffic generated by this proposal would increase vehicular movements through the junctions of Poplar Tree Lane/A361 Frome Road and Poplar Tree Lane/B3019 Bradford Road, to the detriment of road safety due to the sub-standard visibility in the South East direction. The proposal is therefore contrary to Policy DP15 of the Wiltshire Structure Plan 2016, Policy CF12 of the West Wiltshire District Plan 1st Alteration (2004) and Policy H of "Planning Policy for Traveller Sites" : Department for Communities and Local Government, March 2012

Informative(s):

- 1 The applicant is advised that the change of use considered under this application related only to the area not indicated as paddock in the "Proposed Site Layout Plan". In the event of any submission for any alternative or revised proposals on this site the Local Planning Authority should be consulted ahead of time in respect of the extent of delineation of the red-line area on any new plans. In the event that buildings (including agricultural structures) are proposed in a future application, the design should take account of the need to limit impacts as far as possible by measures including appropriate siting and size.

Appendices:	
Background Documents Used in the Preparation of this Report:	

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.05.2012		
Application Number	W/12/00284/FUL		
Site Address	Land North Of The Bungalow Hoopers Pool Southwick Wiltshire		
Proposal	Change of use for full permission to site one mobile home, one utility dayroom and one touring caravan		
Applicant	Mr Jimmy Barney		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	382876 154700		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a formal request of Southwick Parish Council and in the light of the concerns raised by local residents at public meetings on Tuesday, 3 April 2012 and Tuesday, 17 April 2012 and elsewhere, especially about the limited time stipulated for public consultation on this application.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses:

104 representations were received, (some respondents submitting more than one item).

Southwick Parish Council - Objects to the proposals for the reasons cited within section 7 below.

Note: There is a significant degree of overlap in content of this report and that for the Poplar Tree Lane site (12/00537/FUL) elsewhere in this agenda, since consultee as well as objector comments were either repeated or were similar due to the nature and proximity of both cases. Relevant policies are also common to both cases.

2. Main Issues

The main issues to consider are:

- The effect of the proposal on the rural character of the area and effect of the proposal on amenity, including that of neighbours;
- The effect of the proposal on highway safety
- Whether the proposal would represent a sustainable form of gypsy site, including the needs and safety of future occupants and their children; and
- Whether any harm arising from the proposal would be outweighed by other considerations.

3. Site Description

The application site is located in open countryside which is subject to no special landscape designations. It is a portion of land of, at maximum, approximately 98m in width along the Frome Road axis by 22m deep. It is situated to the south of Frome Road, opposite the Dunkirk Business Park, on the eastern side of the intersection with Hoopers Pool. The western extremity of Southwick Village Policy limits is some 600m (0.4 miles) to the north east. Access would be via an existing entrance, some 34m south of the intersection.

The site has natural hedges to its boundaries, barring the access. To the south east there is a field, and to the south west the first dwelling in the linear development to the east of Hoopers Pool. Open land lies to the west on the opposite side of the looped road serving Hoopers Pool.

A hard-surfaced walkway on the south of Frome Road provides a pedestrian link between the site and Southwick Village.

4. Relevant Planning History

None

5. Proposal

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room. The applicant is a Romani Gypsy whose activities include travelling for the purposes of horse trading and work in tree cutting.

The day room would have a footprint of 5 metres by 6 metres; a height to eaves of 2.35 metres and a height to the ridge of 4 metres. It would be located approximately 42m east of the site access, towards the southern boundary of the property. A 7m gap would be provided between the day room and the mobile home position to the east, which would occupy an area of 12.2m by 6.1m. The existing boundary gates would be re-located to provide for a hard-surfaced access of approximately 15m deep. The area between the gates and the mobile home would be surfaced in stone, with the remainder of the property under grass. There are no other structures on the site. Foul drainage is indicated as being via a sealed unit septic tank towards the northern boundary of the site.

The application includes a site survey and proposed layout plan and a Design and Access Statement prepared by the Liaison Officer for the Romani Gypsy Council.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: Department for Communities and Local Government, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

7. Consultations

Southwick Parish Council

The Parish Council objects to the proposal, noting that the development would be in open countryside and away from existing settlements. However the Parish notes that there are also two residences "... very close (50m or so) to the proposed site and these would be dominated by this proposed development." The Parish is of the view that this would be contrary to the "...recently issued 'Planning policy for traveller sites' dated March 2012 at Para 6a (Page 2) which states that authorities should strictly limit new traveller site development in open countryside that is away from existing settlements and that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community.

The Parish also observes that the Government Guidance states that local planning authorities should pay attention to early and effective community engagement with both settled and traveller communities. The Parish notes that "...there has been no such engagement with the settled community and this planning application has been very poorly advertised. Such advertisement has comprised a single A4 size notice located at the proposed site at a location remote from the settled community. The Parish considers that this lack of engagement is contrary to the Planning policy.

The Parish considers also that the proposal would be contrary to the "...West Wiltshire Development Plan, 1st Alteration ; Policy CF12 Gypsy Caravan Sites" since:

- "a. There are two residences very close to the proposed site and there is the potential for nuisance (noise, pollution etc) to be created.
- b. The proposed development represents an unsightly and alien encroachment into open countryside.
- c. The proposed site is adjacent to the A361, a highly trafficked road (no pavement) with a large proportion of HGVs and a national speed limit of 60 mph. There is an associated high level of noise and pollution. It is an unsafe and unhealthy environment for children.
- d. There are serious concerns regarding highway safety with the ingress and egress of vehicles from the proposed site onto the A361 road.
- e. There is little infrastructure at the proposed site - no mains drainage, no sewerage or on-site treatment or storage of effluent, no gas supply.
- f. There are very few local services available within reasonable proximity of the proposed site.
- g. The proposed site represents valuable and versatile agricultural land that should be protected."

The Parish Council requests that the LPA refuses the application for the reasons outlined above but, in the event of the objections above being overruled and the application permitted, requests that conditions are imposed to the effect that:

- No business operations are to take place on the site ; and
 - The site can only be occupied by an additional single caravan to permit visitors and to allow attendance at family or community events for a maximum of 14 days per year; and
 - There is to be no further development of the site beyond that permitted by this planning application.
- The Parish is of the view that these conditions can be reasonably imposed in terms of the current government policy on travellers.

In a second submission the Parish raised concerns with the accuracy of the site plans. This was discussed with the agents. A revised plan was submitted and a neighbour who raised similar concerns as it affected ownership boundaries was consulted. The revised plan is now correct as far as can be ascertained.

Highway Officers

The Highway officer notes that the existing site access will be improved, with a consolidated apron and set back gates. Further, although outside village limits, a number of existing properties are served from Hoopers Pool and there are also footway facilities from the site into Southwick. Taking this into account the officer raises no objection on transport sustainability grounds. Conditions are however recommended, in the event that permission is granted, with regard to the provision and surfacing of the access, and in relation to surface water disposal.

Spatial Plans

The Spatial Plans Officer advises that the policy context and the assessment of need outlined in the response to the planning application are the same for this proposal and the site at Poplar Tree Lane (also reported on in this Agenda). There the Officer provided an update of the current policy environment (National and local Development Plan level), given the recent changes that have occurred. The Officer also provided comment on the emerging Wiltshire Core Strategy and noted that there is a recommendation in respect of pitch requirements included in Core Policy 47 of that document. There is a requirement in north and west Wiltshire of 9 pitches for the period December 2011 to December 2016 (and 20 pitches for the following 5 year period). Since the start date of the pitch requirement included in the draft policy, four Traveller pitches have been granted permanent permission. The residual need is at this point, therefore, 5 in the north and west Housing Market Assessment.

It is stressed that the Core Strategy Policy is still "emerging" but the Policy Officer, in noting responses to the consultation process which concluded in April, takes the view that "...the direction of the policy is not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy."

The Officer notes that the Hoopers Pool site is not constrained by landscape or environmental designation and is not the best and most versatile agricultural land and suggests that it will be appropriate to reinforce the sites boundary to ensure the impact of the site on the surrounding landscape is minimised. Considerations include neighbouring amenity and environmental health. Likewise highways safety, safe access and transport considerations must be addressed. Adequate infrastructure should be available for the site to function for residential use. The Officer further notes that there is a reasonable proximity to services in Southwick. There is a basic range of services including a primary school, a journey to work bus and small shop in the village. (The issues in this paragraph are discussed below).

The Officer finally expresses the view that, provided the policy criteria can be met, the proposals would be consistent with planning policy and the provision of 1 pitch would help to meet the identified need in the north and west Housing Market Area (identified in core policy 47 of the Pre-Submission Core Strategy).

Wessex Water

No Objection, but notes that new connections will be required, and that any development within 3m of the water main would require consent.

Environmental Health

Issues considered: ground water contamination, noise, odour and dust. No objections.

8. Publicity

The application was advertised by site notice, newspaper advert and neighbour notification. Expiry date: 20.04.2012.

Summary of points raised:

- Encroachment onto open countryside;
- lack of access to facilities and services;
- unsafe situation in relation to highway and intersection, in particular with caravans manoeuvring;
- no pavements giving pedestrian access to shops, schools and other facilities;
- impact on Green Belt land;
- visual harm to access to Southwick;
- greater volumes of surface water and sewage harming local services;
- questions exist on how the application was handled procedurally. Council failed to advise residents properly, too little time to comment;

- seems decision has already been made;
- loss of prime agricultural land;
- outside of Southwick development boundary;
- a business will be run from the site;
- reduction in property values in the area, especially with other site in the vicinity;
- traveller site would compromise peaceful community with problems associated with such sites;
- No proper assessment of impact on the landscape and neighbours;
- extension to accommodate additional families a possibility and unacceptable;
- harm to trees and hedges on and around the site;
- applicant already resides in an unauthorised site;
- insufficient details on type of mobile home, should blend with the proposed dayroom;
- parking only for two vehicles, no indication of parking for commercial vehicles;
- village already under pressure from existing development;
- applicant's occupation of tree lopper and horse trader suggests nuisance to adjoining land owners;
- the nearest hospital, secondary schools, medical services etc.. are in Trowbridge;
- risk of flooding due to hard surfaces;
- permanent building should not be allowed under a "traveller" application;
- site very near to existing Camping and Caravan site;
- site is too small for the proposed use;
- need for constructive communication on travellers;
- there is a traveller site on the outskirts of Trowbridge that isn't full to capacity;
- traveller way of life is "different" and application should be for a site not surrounded by houses or affecting others;
- it seems that the applicants don't have to have a local connection as would be the case for someone applying for affordable housing;
- planning rules are inconsistent;
- if this goes ahead council tax contribution will be withheld;
- the site will become one for all travellers in the area with the LPA unable to resist;
- increase in crime and harm to local business; and
- Council has a conflict of interests in deciding for the application where it will receive a "bounty" of £6000 per consented dwelling unit;
- the ownership of all of the application site "red-line area" in the original plan is questioned.

9. Planning Considerations

9.1 Policy background

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, until March 2013, are to be given weight in decision-making. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The new national policy for travellers was introduced In March 2012, replacing the previous guidance (Circular 01/2006 - Planning for Gypsy and Traveller caravan sites and Circular 04/2007 Planning for Travelling Showpeople). The April 2012 NPPF replaces previous guidance in planning policy statements and planning policy guidance.

Current adopted policy and current guidance relating to Gypsy and Traveller Sites is, therefore, primarily provided by:

- * Planning policy for traveller sites, DCLG, March 2012
- * National Planning Policy Framework, DCLG March 2012
- * Policy DP15 (as saved) of the adopted Wiltshire and Swindon Structure Plan 2016;
- * Policy CF12 (as saved) of the adopted West Wiltshire Local Plan 2011;

Emerging guidance and policy is contained in:

- * the emerging Wiltshire Core strategy.
- * Draft South West Regional Spatial Strategy (SWRSS)
- * Issues and General Approach report published in April 2010 which was the initial stage of consultation for the Wiltshire Gypsy and Traveller Site Allocations DPD.

Government's stated aim in the 2012 "Planning Policy for Traveller Sites" is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In terms of the development plan Policy DP15 of the Structure Plan acknowledges the need for additional caravan pitches for gypsies and CF12 of the District Plan says that proposals for such uses will be permitted in appropriate locations subject to a range of criteria being met.

9.2 Potential Impacts on the Rural character of the area and on neighbouring amenity

A common theme in a number of neighbour objections and the parish comment on this application is that the site is located outside of village policy limits of Southwick and is therefore by definition unacceptable in terms of Policy. Some objectors perceive this as an unfair situation. However, neither of the Local Plan policies stipulates that new sites for Gypsies and Travellers should be within existing developed boundaries, with policy Structure Plan Policy DP15 stating 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Each site is considered on its merits. Both Policies have criteria requiring that sites in rural areas do not unacceptable harm the appearance of the countryside and do not "dominate" the nearest settled community. The document "Planning Policy for Traveller Sites: Department for Communities and Local Government", March 2012 also does not constrain new pitches to localities within established settlements. The Policy Officer comments on the other case in this agenda (12/00579/FUL) also clearly reflect that the proposal would meet a requirement that is identified under the emerging Core Strategy.

In this instance the proposal is limited to a single-family (parents and three children) pitch on a portion of land almost wholly surrounded by a screen of hedging, trees or shrubbery. The amount of development being proposed is quite typical of a single, private gypsy application including a mobile home, a touring caravan and a dayroom. The proposed dayroom and mobile home would be at least 70m from the nearest neighbouring dwelling, with hedges, open land and domestic outbuildings in the intervening space. The proposals would in no way be dominantly visual to the surrounding area, nor prominent to the screened road frontage on the approach to Southwick.

The Hoopers Pool road is characterised in the vicinity by linear development of detached dwellings that stretches some 250m to the south, beyond which there are interspersed farmyards. The existing residential development is situated to the south and on the opposite side of the Frome Road Dunkirk Business Park, creating a semi-urbanised area outside, but in fairly close proximity to, the edge of Southwick itself.

Given the scale of the proposals, the particular setting including natural screening and the distance from the nearest properties it is not considered that harm would arise to the appearance of the countryside from the surrounding public realm or that it would have a dominating effect on nearby properties. With regard to visual harm to the approach to Southwick this would be minimal, especially seen in the context of the existing palisade fencing, open frontage and large buildings on the business park. Objections include the potential impact of further development on the site, or its alternative use, but the proposals must be addressed on the basis of the plans as submitted.

Objectors also raise concerns with the potential loss of prime agricultural land. The site is only some 2200m² in extent and is uncultivated ground separated by well established hedges from the fields to the south east. There are no proposals for business development on the site by the applicant, or for the removal of boundary vegetation. Objectors also suggest that the site is Green Belt land, but this is not the case. Objections that relate to the personal circumstances of an applicant are not considered to be planning considerations. Similarly, speculation on potential nuisance resulting from uses that are not being applied for are not within the scope of this application.

With regard to a lack of detail on the design of the mobile home, recent case history on other sites has confirmed the view that the siting of caravans, by definition including mobile homes, is not operational development, and that, over time, caravans may be replaced without the need for submission of details. The mobile home would therefore not be treated as a permanent building that requires assessment of design. On the other hand it (and any replacement) would need to conform to

the definition of a "caravan ", i.e. inter alia being limited in size and remaining capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The day room would have a footprint of 5m x 6 m with a maximum height of 4m. This would not be prominently visual to the surrounds not have any overbearing presence in the landscape. The touring caravan would also be sited within the confines of the screened site. Standard building materials of brick under clay tile are annotated on the plans.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

9.3 The effect of the proposal on highway safety

The site is within easily walkable distance of Southwick, along a paved walkway on the same side of Frome Road as the application site. This pathway also provides pedestrian access from the Village to Hoopers Pool and beyond to "Rode Common Farm" some 500m west of the site. The Highway Officer has noted the presence of the walkway and raises no objections.

The site gains access onto Hoopers Pool via an existing entrance that would be extended by moving the gates further onto the property and new surface treatment is proposed. The intersection between Hoopers Pool and Frome Road is well established and is utilised by other residential and rural land units served by Hoopers Pool and its extensions. The Highway Officer has noted the proposals for the improvement in depth and surfacing to the site access and has no objections subject to conditions. No sustainability issues in relation to transport and access to facilities are raised by the Highways Officer. (Village facilities are discussed further below).

It is considered that the application can be supported in terms of highway considerations subject to the conditions recommended by the Highways Officer.

9.4 Sustainable form of gypsy site, including the needs and safety of future occupants and their children

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains a consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. The application states that part of the requirement of the family will be to provide for the education of two school age children and pre-schooling for a third child. The proposal would establish a settled base would facilitate access to local services.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising only that new connections will be necessary. It is considered reasonable to require the submission of foul water drainage details by condition. In the unlikely event of any pollution occurring then this would be subject to other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern. Environmental Health has raised no objection to the proposals.

The site is less than a half-mile mile from Southwick Village policy limits and under a mile from its centre. The village is accessible via the paved footway on the south side of the road, albeit unlit outside of the village and the road being heavily trafficked. Central Trowbridge is less than 3 miles away. Southwick has local facilities and services including convenience goods, church, public houses and the primary school. Buses run past the site and onward from Southwick to Trowbridge, where there is the higher range of facilities and services. Transport Direct information indicates that there are bus-stops on either side of the road in the vicinity of the site and Dunkirk Business park. The site itself occupies a locality directly between an employment area and the rural residential properties that make up Hoopers Pool. Wessex Water has confirmed that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

In this locality and given the relative accessibility of local services the site is considered to be a sustainable form of gypsy development.

9.5 Occupancy of the site

The site is located in the countryside where general residential development is subject to policy restrictions and a condition restricting occupancy to gypsies and travellers is therefore considered appropriate and reasonable in the event that permission is granted. Also reasonable would be a condition on the number and type of caravans, so as to constrain the use to a maximum of two units (the mobile home and the touring caravan) to ensure that the site is occupied in accordance with the proposals as submitted. It is considered reasonable to impose a condition as requested by the Parish Council not allowing any commercial development on the site, given that that has been made clear in the supporting documentation, and there would potentially be amenity and highway safety concerns over such a use.

9.6 Issues raised with regard to Advertising and Consultation, and other objections

Objectors and the parish raise the issue of consultation and advertising. Again, this is an individual application advertised in the normal manner as for any other planning proposal of a similar scale, i.e. with a site notice and consultation with immediately abutting neighbours. An advert was also placed in the press, given that there is a Public Right of Way traversing the land to the south of the site.

Objections are also raised with regard to the requirement under national guidance for Community involvement and consultation to reduce tensions between local and travelling communities. It is considered that this aspect of the guidance relates to the formulation by the Planning Authority of the wider strategy to meet gypsy and traveller accommodation requirements. At present this forms part of the preparation of the Core Strategy and the supporting documentation thereto. This individual case is considered on its own merits and in the light of the current Development Plan and consultation/advertising took place at a level normally associated with standard minor planning applications.

The applicant has provided a revised red-line plan showing the correct application area as it relates to land ownership.

9.7 Previous Appeal Decision

Members will recall that an application for a gypsy site for three pitches at Semington was refused by the committee last year. An appeal against this decision was allowed in February this year. That site was also outside of the limits of development for the village of Semington and three miles from Trowbridge. However, the Inspector found the site to be 'a sufficiently sustainable location'. He also found that there was a 'fairly substantial existing unmet need' in this part of Wiltshire, a matter to which he attached 'significant weight'. He found the proposed site, which like this one, was adjacent to the A361, to be an acceptable location for such a use.

As there is still an unmet need in this part of Wiltshire for such sites, and as previous experience confirms that sites of this nature, located outside of a village but close to it and well connected by a public footpath, are acceptable, the evidence suggests that any appeal on this site would have a high probability of success.

9.8 Conclusion

The proposals are considered to be in accordance with the criteria set out for such sites in the development plan policies for the area and in accordance with national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012. There is an acknowledged shortfall in traveller and gypsy provision as detailed in the emerging Core Strategy. Given that there is an acknowledged need for further sites, and that the Council has not made any allocations to date then individual applications must be given significant consideration in that context. The application is recommended for permission in light of the considerations above.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

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

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4 No development shall commence on site until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The site shall not 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

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

REASON: In the interests of the amenity of the area and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

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

REASON: To ensure that the development can be adequately drained and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 7 The development hereby permitted shall not be first occupied until the access up to the gates, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 8 A scheme of landscaping for the site, which shall include details of the proposed treatment of the boundaries of the site, including any proposed retention of existing boundary features, shall be submitted to and approved in writing by the local planning authority before the use is commenced. The approved scheme shall be implemented within 6 months of the commencement of the use and any trees in the scheme that die or are removed within five years of the commencement shall be replaced with others of a size and location to be agreed beforehand with the local planning authority.

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

- 9 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

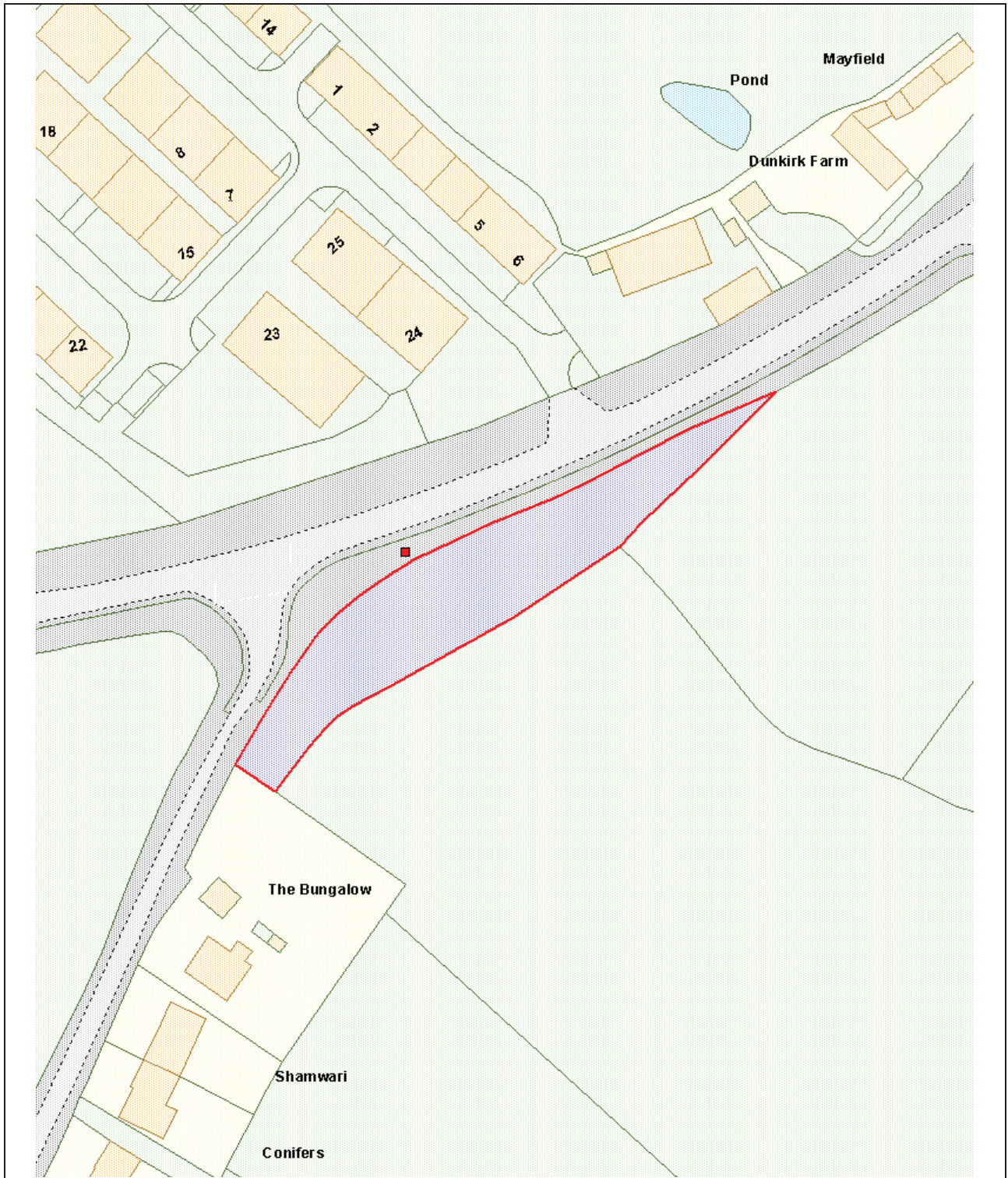
- Site Plan (Revised) : Received on 15 May 2012;
- Drawing 2010/02 : Received on 15 February 2012; and
- Drawing 2010/03 : Received on 15 February 2012

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

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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