

Wiltshire Council Western Area Planning Committee Council Chamber – County Hall, Trowbridge, BA14 8JN Wednesday 10 August 2016

Item 6a – 16/00587/FUL - Brokerswood Country Park, Brokerswood Road, Southwick

Section 8 of report – Additional representations received following the publication of the committee agenda:

A letter from Impact Planning Services was received on 3rd August which made the following comments which have been summarised (NB: the full letter can be found on the Wiltshire Council Planning Portal website under the application reference number):

- The application is clear that the proposal involves a change of use and will extinguish the role of wider site as a visitor attraction and remove most of the features other than the woodland itself and therefore cannot be regarded as a visitor attraction other than as a place for people to stay. The site will therefore be a “former visitor attraction” regarded as falling within Class D2 to a sui generis use for the siting of holiday lodges. The proposal is therefore not an extension to an existing facility for the purposes of CP39.
- CP39 requires development to be in accordance with all of the criteria set out. In this respect:
 - The Country Park is being replaced with holiday accommodation and therefore the attraction (existing facility) will no longer exist should this proposal proceed.
 - The change of use is un-associated with any particular attraction
 - No sequential site selection process or alternative locational options have been explored. The site is not within a principle settlement or a market town and is remote from local service centres or large and small villages and must be properly regarded as within the open countryside where CP39 requires the Applicant to demonstrate an exceptional case.
 - The inclusion of the paddock which is land un-associated with the 1998 permission is detrimental to the amenities of nearby residential properties
 - Concerns have been expressed regarding the efficacy of the submitted transport assessment
 - The site would rely entirely upon vehicular trips to gain local services and a local employment base as the site is not well served by public transport
 - The site is remote from local service centres or large and small villages and must properly be regarded as being in the open countryside for the purposes of CP39 – the Applicant must then demonstrate an exceptional case.

The proposal therefore clearly fails to comply with CP39

- The 1998 permission had a red line far less extensive than that associated with the current application and was restricted to a site area of 2.2 hectares which is confirmed in the 2000 and 2012 variation application.
- The Agenda report for the 1998 permission stated: *“The proposal does involve the loss of part of a field. The remainder of the field will be planted with trees separated from the camping pitches. The gate at the corner of the field will be retained to serve this area....”*
- It is clear that the 1998 permission was restricted to an area of 2.2 hectares which is confirmed in the 2000 and 2012 application.

- It is also noted from the 2000 application that letters from the Woodland Park regarding the retrospective works the intended: *To replace the planned boundary fence dividing the camping area from the field with a landscaped earth bund. The top soil removed from the site was stockpiled with a view to selling but it has provided an effective windbreak/noise barrier, offering privacy to campers and screens the site from the road. In addition it is hoped that this will make the site more visibly acceptable to our neighbours...*
- A number of local residents are preparing statutory declarations to the effect that the paddock has never been used for tourism accommodation or related uses.
- The Residents Group is currently contemplating a legal challenge by way of Judicial Review of a favourable decision which does not apply the correct policy tests and other material considerations
- I suggest that this application either be refused on CP39 and national planning policy representing an unacceptable development contrary to the principle of sustainable development. At least the application should be deferred pending a considered response to the matters raised in this letter.

In response, Members are advised as follows:

- The site will still remain a visitor attraction. It is proposed to remove the train, museum and large adventure playground, but the high ropes, woodland, lakes and educational activities will still remain. Removing the said items does not alter the overall purpose of the site as a visitor attraction; it will only alter the type of visitor being attracted.
- With regards to CP39, the policy is set out in full in the officer's committee report. The proposal does involve a change of use from woodland to holiday park to locate the proposed lodges (mainly immediately north and south of the existing lake) – however the application does not constitute a new tourism development and does extend the existing holiday park that is made up of 89 existing pitches alongside a lake and other facilities (train, ropes course, museum etc.) Therefore as the proposal is for an extension to an existing facility, not all of the criteria of CP39 is relevant.
- The 1998 planning permission included the paddock within the red line of the application site. There are no conditions on the decision notice that preclude development on this piece of land and therefore it benefits from the development description. Therefore the whole of the area within the red line benefits from the 1998 planning permission. The fact that there may have been limited camping in this area does not remove the permission given to it in 1998.
- The 2000 application was for retrospective works for various items and included a landscaped bund. The red line of this application was smaller than the 1998 application whereby it excluded the paddock south of Brockvere, However as this piece of land was not included it does not over-ride the 1998 permission on this particular piece of land. Maps are available to be viewed by the Councillors if required.
- The 2012 variation application did not include the paddock area and again does not over-ride the paddock area that was within the red line of the 1998 application. Therefore this piece of land still has consent for what was granted in the 1998 application.

In addition to the above letter, a further letter from The Woodland Trust who initially strongly objected to the proposal has since the last Committee meeting, visited the site and has provided the Local Planning Authority with an updated response which has been summarised:

The Woodland Trust maintains its objections on the basis of loss and damage to High Wood/Hazel Wood as no amount of compensatory planting and woodland management could replace what will be lost.

Our previous concerns regarding Round Wood have been addressed and will not be affected by the proposals.

We are happy that the applicant has focused the development on pre-developed areas, limiting the impact upon undamaged areas of ancient woodland.

Natural England will not update the Ancient Woodland Inventory although they accept that the woodland has been degraded and therefore would remind the Council that this is irreplaceable habitat.

The Council need to assess the merits of the proposal against the loss of irreplaceable ancient woodland before looking at the compensation proposed. Only if the needs and benefits outweigh the loss should the proposal be assessed against whether the measures to compensate for the loss are appropriate.

When looking at the compensatory measures, the Trust welcomes the prospect of 26.9 hectares of ancient woodland being taken into a woodland management plan and the additional compensatory measures that would benefit the woodland including restoration, new woodland and hedgerow planting and woodland edge restructuring. The Trust however believes that the compensation proposed should be more ambitious – usually 30:1 Hectares, therefore in this case while other measures are included, more compensatory planting would also be appropriate.

In response to the above letter from the Woodland Trust, members are asked to refer to the officer's committee report. Officers would re-iterate that no veteran trees are being removed as part of this application. The compensatory measures have been considered by the Wiltshire Council Ecologist and Arboricultural Officers to be more than sufficient and meet policy requirements. It is considered by officers that if the site was to remain as it is, the Ancient Woodland would be further eroded, whereas the development subject of this application would greatly improve the Ancient Woodland mainly due to the site being closed to day visitors.

Item 6b - 15/11604/OUT - Westbury and District Hospital, The Butts, Westbury.

Section 7 of Report update – Additional consultation response:

After the publication of the committee agenda, the Council's archaeologist provided the following comments and recommendation:

An archaeological Desk Based Assessment and geophysical survey have been undertaken highlighting the potential for archaeological remains to be present within the proposed development site. An archaeological evaluation was carried out at the site between August and September 2015 which recorded a number of archaeological features across the eastern part of the site. Many of the features recorded were undated but some dated to the prehistoric and post-medieval period. In line with the National Planning Policy Framework, it is recommended that a programme of archaeological investigation is made a condition of any planning approval. The programme should consist of strip, map and record at the eastern part of the proposed development site.

Section 11 of the Report update - Additional planning condition (no.30):

No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Note: The archaeological investigation and reporting shall be undertaken by a professional archaeological contractor in accordance with NPPF paragraph 121 and Annex 2 requirements.