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	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	09/00557/FUL	Glenville Nurseries, Marlborough Road, Wootton Bassett, Swindon, SN4 7SA	Change of Use of Land for 7 No. Mobile Homes for British Romany Gypsy Families and Associated Development Including 7 No. Touring Caravans and 7 No. Day Rooms	Refusal
02	09/00859/FUL	Box Wharf, Box, Wiltshire, SN13 8ER	Erection of 55 bed Nursing Home for the Elderly and 18 Extra Care Apartments (Use Class C2) and Associated Landscaping	Refusal
03	09/00893/FUL	38 Park Lane, Corsham, Wiltshire, SN13 9LG	Annexe	Permission
04	09/00874/FUL	Townsend Barn, Littleton Drew, Chippenham, Wiltshire, SN14 7NA	Single Storey Extensions to Existing Garage and Store Building to Provide Lawn Mower Store, Lean-To Wood Store and Tank Cover; Provision of Two Rooflights	Permission
05	09/00987/FUL	15 Swaddon Street, Calne, Wiltshire, SN11 9AR	Proposed Detached Dwelling	Delegated to Area Development Manager
06	09/01033/S73A	Land Adjacent Framptons Farm, Sutton Benger, Wiltshire, SN15 4RL	Removal of Condition 1 Attached to Permission 08/02114/FUL to Allow Permanent Use as One Gypsy Pitch	Permission

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.6 (1)

Date of Meeting	12 th August 2009		
Application Number	09/00557/FUL		
Site Address	Glenville Nurseries, Marlborough Road, Wootton Bassett		
Proposal	Change of use of land for 7 no. mobile homes for British Romany Gypsy Families and associated development including 7 no. touring caravans and 7 no. day rooms		
Applicant	Fleet Trading Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Peter Doyle
Grid Ref	407527 181113		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Due to significant local concern, media interest and in the absence of any specific Development Plan allocations for gypsy sites in the Northern Area, this application has been submitted to the Committee for decision at the discretion of the Area Development Manager.

The application was deferred from Committee on 1 July 2009 for no more than two cycles in order to try to resolve highways and ecological issues. Specifically, to ascertain a timescale for the implementation of the improvements to the existing vehicular access (09/00036FUL relates) and to establish whether there are Great Crested Newts on the site.

These matters are addressed in the report below in addition to other updates. All new information is highlighted.

1. Purpose of Report

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

2. Main Issues

Assessment of the proposal against Policies C3, NE2, NE13, NE15 and H9 of the North Wiltshire Local Plan 2011, Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 and Government Guidance contained in Circular 01/2006 "Planning for Gypsy and Traveller Sites" and in particular issues relating to:

- Need
- Impact on the character and appearance of the area
- Amenities of adjacent residents
- Sustainability (access to services), highways impact
- Drainage
- Proximity to oil pipeline and electricity sub-station
- Ecological impact

- Human Rights Act

3. Site Description

The site comprises part of a former nursery known as Glenville Nurseries. The application site relates to the rear part of the site away from the Marlborough Road (C145). Access to the site is proposed to be taken via an existing access off the adjacent lane and footpath, known informally as Scotland Lane. The lane itself takes its access off of the Marlborough Road.

A Government pipeline runs diagonally across the adjacent land in the same ownership but outside of the application site.

There is also a former fishing pond outside but adjacent to the north west corner of the site.

Evidence of the previous use has largely diminished and is now overgrown with some containers and other remnants remaining in the south eastern corner of the site. A post and rail fence has been erected dividing the site as a whole.

The site lies to the rear of Vinayak House, separated via a substantial tree belt. The dwelling known as The Folly is located to the south west of the site north of the lane and is screened via hedging on the boundaries. Lanes Farm is to the south west on the opposite side of the lane. Lanes Farm Stables are situated opposite the site in the vicinity of the proposed access. Meadows Farm is situated further along the lane.

Development along the lane is typically agricultural, equestrian with some small scale light industrial.

The application site lies some 500 metres south of the framework boundary of Wootton Bassett and the nearest pavement. The main town centre of Wootton Bassett is approximately 1.5km distance.

The site lies within the countryside within the designated Rural Buffer and Great Western Community Forest.

4. Relevant Planning History

The application site has not been the subject of any specific planning applications in the past. However, it is worth noting that the property known as The Folly (referred to above) was previously used as a store for agricultural and horticultural machinery associated with the use of the former nursery site for horticultural purposes, prior to its conversion to residential purposes. The dwelling was however, originally constructed in the 1930's as a slaughterhouse.

5. Proposal

The proposal is for the change of use of land for the siting of 7 no. mobile homes, 7 no. touring caravans and 7 no. day rooms on individual pitches for Romany gypsy families. A grassed area for children to play is proposed in the north west corner of the site. A hedge is proposed along the eastern boundary of the site to separate it from the remaining land although a field gate will remain. The existing entrance off Scotland Lane will be widened and laid with tarmac for the first part. A stone track will serve the pitches which will all be individually enclosed via gates, 1.8 metre close boarded fences and 1.2 metre post and rail fences.

For clarification day rooms provide the daily living space for cooking, cleaning and living and the mobile homes the sleeping quarters. The day rooms will be single storey with brick faced walling and roof tiles.

6. Consultations

Wootton Bassett Town Council – object on grounds of the proposal being out of keeping with the character and appearance of the area, privacy and amenity of existing and proposed residents, Policy H9 and lack of reasonable access to local community facilities and services, Circular 01/2006 paragraph 54 in relation to the day units being out of keeping and poor access to public transport, Circular 01/2006 paragraph 64(a) in terms of its overshadowing the existing residential development rather than integrate with it.

Other concerns noted in respect of MOD pipeline under the proposed site, safety implications for children on Marlborough Road, application may be premature and should be deferred until Government plans are clear on this issue and the size of the day rooms which could be used as living space.

Highways Engineer – objects on grounds of sustainability and the sub-standard nature of the junction of Scotland Lane and C415 Marlborough Road.

In the event that permission 09/00036FUL relating to improvements to existing vehicular access to the junction of the lane with the C145 were implemented, the Engineer considers that the second reason for objection would be overcome.

Wessex Water – no objection but highlight presence of the Sewage Treatment Works some 258 metres to the north of the site.

Thames Water – no objection.

Environmental Health Officer – no objections subject to contamination condition.

Drainage Engineer – no objection in principle but would wish to see a new French drain installed as an alternative to the ditch along the site frontage with the lane.

Fisher German LLP (GPSS Land Agent) – initially confirmed that the proposed development may affect the Government Pipelines and Storage System. The pipeline runs diagonally across the land adjacent the application site north west from The Folly through to the rear garden of the property known as Vinayak House.

A site visit was then undertaken and site notes provided by the GPSS Operator, Amco, who confirmed that the pipeline is clear of the fenced off area of the application site. All works proposed will be clear of the pipeline way leave.

District Ecologist – no objections subject to conditions

7. Publicity

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

63 letters of letters of objection have been received on the following grounds:

- Character and appearance of the area
- Amenities of adjacent residents
- Highway safety
- Sustainability issues – i.e. access to services
- No benefit to the local economy
- Drainage
- Proximity to oil pipeline/sub-station, pond and livestock building
- Ecological Impact

8. Planning Considerations

Need

Officers are satisfied that the proposed occupants of the site accord with the definition of gypsies and travellers contained at paragraph 15 of Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites." This is based on correspondence and discussions with Gypsy and Traveller Liaison Officers, Members and the Romany Gypsy Advisory Group.

There is a need for at least 24 pitches in the Northern Area of Wiltshire Council with the Draft Regional Spatial Strategy recommending 48 pitches in the same area. This figure excludes the 16 no. pitches approved at appeal in Minety.

Members may recall the report to the Executive in April 2008 in respect of Council owned sites with the potential for gypsy and traveller sites. Some 200 metres north of the site is the Marlborough Road site. This site was withdrawn from the process as it was considered necessary to be retained at that time. No further assessment of the site took place and indeed no sites were identified as part of that process.

The application site clearly lies in the countryside outside of any framework boundary but is surrounded by several houses and equestrian and light industrial businesses.

There is no objection in principle to a gypsy site in the countryside in national or development plan policy terms. This is set out in paragraph 54 of the Circular 01/2006 and the supporting text of Policy H9 of the North Wiltshire Local Plan 2011 and Policy DP15 of the Wiltshire and Swindon Structure Plan 2016.

Policy DP15 specifically states that proposals for gypsy sites should not be considered against other policies for towns and village due to their particular requirements.

The acceptability of rural location is clearly evidenced in the Minety appeal decision which is considered to be a material consideration in the determination of this application.

Character and Appearance of the Area

The site lies within the designated Rural Buffer and Great Western Community Forest.

Policy NE2 relates to the Swindon Rural Buffer and seeks to control new development to that which would not individually or cumulatively, lead to the coalescence of settlements.

The proposed use of the site in no way could result in the coalescence of the town with Swindon.

Furthermore, the development of the site would not prejudice the implementation of the Great Western Forest Community Plan. The Plan does not preclude appropriate development that would be acceptable in terms of other policies.

The character and appearance of the area is predominantly agricultural and equestrian uses with fields defined by mature hedgerows with several dwellings interspersed. Due to the prevalence of agricultural/equestrian uses and associated buildings, the built form has no distinct character due to the variation in scale, design and use of materials for these buildings.

The application site is proposed to be set back from the road, separated by both adjacent land and hedging together with a further proposed hedge which will establish over time thus mitigating views from the main Marlborough Road.

When viewed from the lane, the buildings and caravans will be partially screened via existing hedging and will be seen in the context of residential and non-residential buildings.

Accordingly, the proposal is not considered to be detrimental to any overriding the character and appearance of the countryside at this location.

Privacy and amenity of residents

Policy H9 of the Local Plan seeks to ensure that gypsy sites do not unreasonably prejudice the amenities of neighbouring residential occupiers of land.

There is no qualification of this in the supporting text. Government guidance contained in the Circular clearly supports the integration of gypsies and travellers with the settled community and recognises that sites should respect the scale of and not dominate the nearest settled community.

Due to the scale, size, siting and existing well established field boundaries and distance to dwellings in the vicinity, there would be no loss of privacy to adjacent residents.

Claims of loss of amenity by some of the objectors seem to be based on the cultural differences between the proposed and existing residents and the scale of development rather than conventional amenity matters.

The proposal comprises a well laid out site commensurate with the needs of the occupants. Nearby dwellings are either physically separated via well established boundaries and/or physical features such as the lane or by distance.

Accordingly, it is considered that the proposed use of the site would not affect the residential amenity of adjacent residents or dominate them particularly when considered in the context of the agricultural, equestrian and business activities taking place in the lane.

It is considered however, that the amenity of the proposed residents would be affected by reason of their proximity to an overhead power line crossing the site and this is considered in more detail below.

Highway safety

The Council's Highways Engineer cannot support this proposal due to the inadequacy of the junction of the lane with Marlborough Road. In the event that permission 09/0036FUL is implemented then this highway safety objection would be overcome.

Notwithstanding discussions with the applicant and agent of the above application, due to the number of third parties involved in securing the implementation of improvements to the access, no definitive answer can be provided in terms of its implementation if at all. It is clear that without such improvements to the access the haulage license currently applied for, will not be supported by highways officers.

It would not be reasonable to condition the delay in development until such time as the permission is implemented since this would be beyond the applicant's control in terms of ownership and timescale.

The lack of provision of gypsy and traveller sites in the northern area of the Council is not considered to outweigh highway safety issues in this instance.

Sustainability

Given that there are no objections in principle to gypsy and traveller sites in the countryside, it follows that such sites will not always be located in the most sustainable of locations. Paragraph 54 of Circular 01/2006 states: "*in assessing the suitability of such sites, local authorities should be*

realistic about the availability, or likely availability, of alternatives to the car in accessing local services.” (Officer emphasis)

Policy H9 of the Local Plan requires such sites to have “reasonable access to local community facilities and services...” (Officer emphasis)

The Highways Engineer’s objection on sustainability grounds is, rightly, based solely on fact. However, Government Guidance requires a more pragmatic approach. This was evidenced in the appeal decision in respect of the gypsy site at Minety and Heath Lane, Startley.

Paragraph 64 of the Circular stresses that whilst sustainability is important, it is not to be solely considered in terms of transport mode and distances from services. Other considerations are integration within the community; wider benefits of easier access to GP and other health services, children attending school on a regular basis and the provision of a settled base to reduce the need for long distance travelling.

Accordingly, whilst the site by reason of its location with lack of footpath, proximity to bus stop and public transport is unsustainable per se, in the context Government Guidance the site meets all the requirement in terms of its accessibility to a wide range of services on offer in Wootton Bassett some 1.5 km distance from the application site.

Drainage

The Council’s Drainage Engineer together with Wessex and Thames Water raise no objections to the proposed development. A condition is proposed requiring details of surface water drainage to secure the provision of a French drain along the site frontage. This would replace the ditch at this location, allowing for the passage of vehicles above and will provide more efficient drainage from the pond adjacent but outside of the application site.

Proximity to pipeline/pond, sub-station and livestock building

It has been confirmed that the proposed development would not affect the oil pipeline in any way by the relevant body based on a site visit. That part of the site closest the pipeline is to remain undeveloped but grassed for a children’s play area.

There are no objections from Environmental Health Officer to the proximity of the site to the sub-station adjacent the site or the Sewage Treatment Works.

Overhead power cables cut across the site and would be wholly visible to the caravans placed underneath and around them.

Following consideration of this matter at Committee on 1 July 2009, no detrimental impact on the amenity of proposed residents would occur from such proximity particularly when the location of the property known as The Folly to these same cables is also considered.

Concerns raised in respect of the proximity of the development to the pond can be overcome by suitable conditions relating to boundary treatments.

A livestock building is understood from objectors to be located some 400 metres from the site. It is not unreasonable for dwellings to be sited within such proximity in the countryside. There are no regulations which preclude it but simply seek to control some development via the submission of planning applications for such agricultural buildings.

Ecology

Chalkhill Environmental Consultants have undertaken a Great Crested Newt Assessment on the site on behalf of the applicant. The report confirms that the pond supports a population of coarse

fish and thus very unlikely to support a population of Great Crested Newts. This combined with the retention of the pond, leads the consultants to confirm that newts are not a material planning consideration in this case. However, precautionary recommendations are suggested to reduce the development footprint's attractiveness to newts or any other species.

Human Rights Act

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

Having considered all the circumstances of this application, it is considered that refusal of a permanent permission or the granting of a temporary permission, would be proportionate and would not, therefore, be a violation of the Act.

9. Conclusion

The proposed use of the site for the stationing of 7 no. mobile homes and associated development for bona fide Romany gypsy families is considered to accord with Government guidance contained in Circular 01/2006, Policy DP15 of the Structure Plan and Policy H9 of the North Wiltshire Local Plan 2011.

Due to the scale and siting of the development there would be no detrimental impact on the privacy or amenities of existing or proposed residents.

The site has reasonable access to a wide range of services in Wootton Bassett and notwithstanding the poor public transport links and walking opportunities, such a level of access accords with Government guidance. Accordingly, in light of this it would not be reasonable to refuse the application on this basis, particularly when considered against the nuances of the appeal decision in respect of the gypsy site at Minety and Heath Lane, Startley.

However, the application site would clearly prejudice highway safety and there are no material consideration which would outweigh this. Furthermore, the presence of the overhead power lines extending from the adjacent sub-station are not considered to provide an acceptable standard of residential amenity for proposed residents.

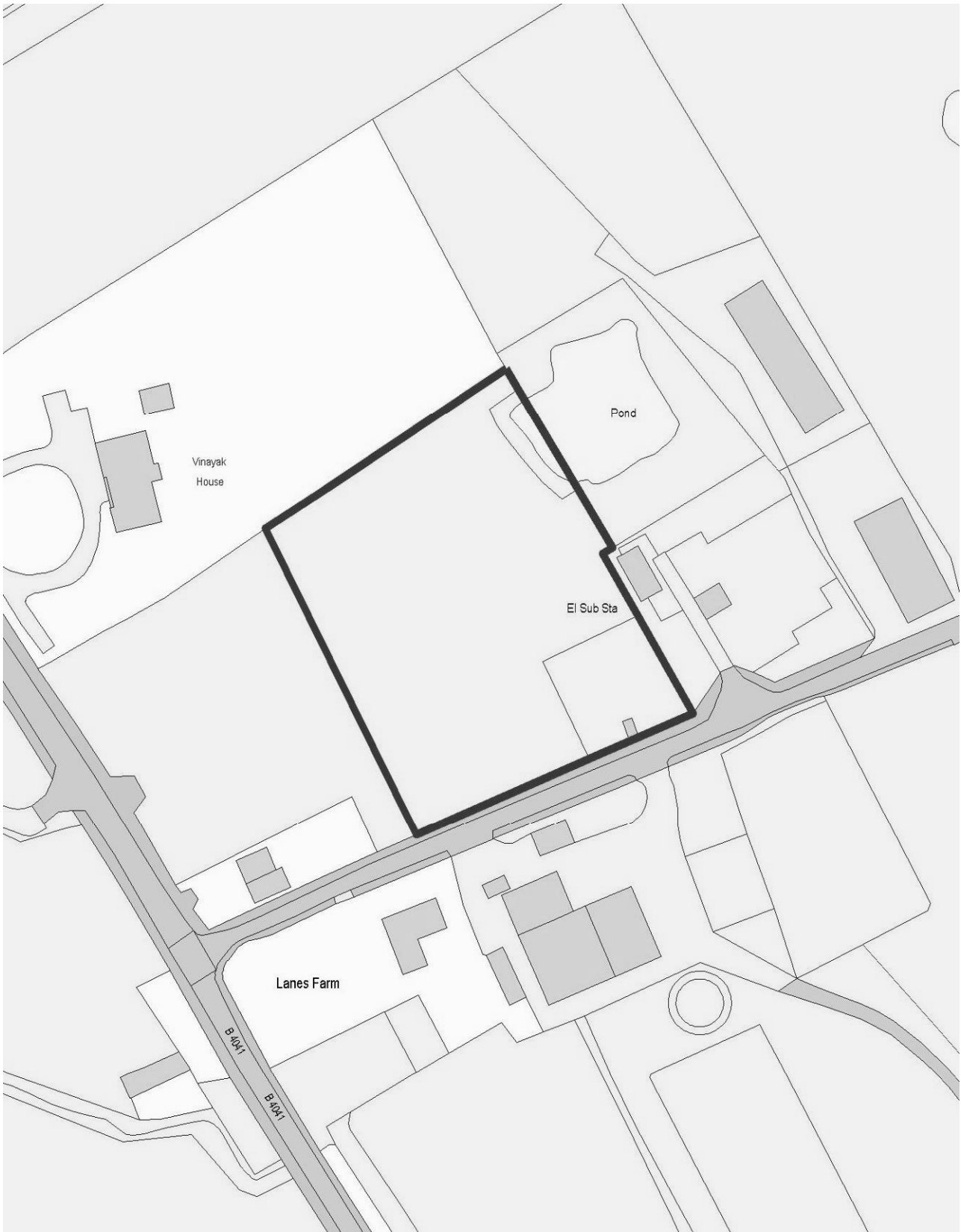
There are no material considerations, including Human Rights, which outweigh the highways and amenity objections to this proposal.

10. Recommendation

Planning Permission be REFUSED for the following reason:

1. Scotland Lane road by reason of its restricted width and sub-standard junction with C145 Marlborough Road is considered unsuitable to serve as a means of access to the proposed development.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.03; 1.21; 2.02; 2.24; 3.03; 4.02; 4.04; 4.07; 5.02; 5.05; 6.01



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6 (2)

Date of Meeting	12th August 2009		
Application Number	09/00859/FUL		
Site Address	Box Wharf, Box, Wiltshire. SN13 8ER		
Proposal	Erection of 55 bed care home for the elderly and 18 extra care apartments (Use Class C2 use) and associated landscaping		
Applicant	Blueview Properties Ltd		
Town/Parish Council	Box		
Electoral Division	Box	Unitary Member	Sheila Parker
Grid Ref	382666 168897		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been submitted to the Committee for decision at the request of Councillor Sheila Parker to assess the visual impact on the surrounding area.

1. Purpose of Report

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

2. Main Issues

The main issues in considering the redevelopment of the site for a 55 bed care home and 18 extra care apartments are:

- need
- principle of development
- scale of development/impact on the AONB and Green Belt
- impact on residential amenities
- highways impact
- loss of employment
- Policies C3, NE1, NE4, NE15 and BD2 of the Local Plan 2011.

3. Site Description

The application site comprises 0.66ha of vacant industrial land situated to the north of the Great Western Railway Line and north west of the main built up form of Box.

The site is set down from the main A4 to the south and houses fronting The Wharf from which access is proposed to be taken. The site is level with the railway line and the mobile homes to the south of the site in Lycetts Orchard Caravan Park.

The timber merchants and Box Mill (Realworld studios complex) adjacent and to the west (separated via a public footpath) are at a lower level than the site.

The application site currently contains three vacant buildings both of which have a ridge height of approximately 6.5 metres and 7 metres respectively. The current footprint of development on the site is approximately 779sqm. The site is substantially hard surfaced with a significant belt of vegetation including trees on the western boundary adjoining Box Mill and the timber merchants.

The site has been substantially tidied up with storage silos, tanks and plant having been removed. The use of the site is General Industrial (Class B2) although use as Light Industrial and Offices (Class B1) could also take place without the need for permission.

The site is located within the designated Area of Outstanding Natural Beauty and Western Wilshire Green Belt. It is located outside but adjacent to the designated Box Conservation Area and is outside the framework boundary for the settlement.

4. Relevant Planning History

The site has no recent or relevant history to this current application.

5. Proposal

The application is for a 55 bed care home together with the development of 18 extra care two bed apartments together with associated landscaping, land remodelling and internal highways works.

The care home will provide both domiciliary and dementia care with accommodation provided over three and four storeys (including basement level in which under croft parking and ancillary facilities are provided).

The care home is located adjacent to the railway line on the western part of the site and will have a footprint of approximately 1057sqm.

The care home is set out over three and four storeys (including basement). Visibly at ground level the building appears as a three storey building with two storey wings. The three storey element runs parallel with the railway and has a ridge height of approximately 10.2 metres. The two storey elements have ridge heights in the region of 7.4 metres.

The extra care apartments are provided in two separate blocks of 6 and 12 and are aimed at occupants aged 55 and over. The accommodation provides two bedrooms per apartment and under croft parking for 18 spaces.

The apartments are provided on three storeys and the buildings would have ridge heights of 11.3 metres and 11 metres respectively. Their footprint is a total of 510sqm.

The development is proposed to be predominantly constructed of Ashlar stone, with elements of Bath stone coloured render with natural slate roofing.

6. Consultations

Box Parish Council object on the following grounds:

- outside the village framework in the AONB and Green Belt
- density of development and mixed use of care home and industrial
- objections for the doctors surgery and lack of consultation with the PCT
- footpath and pavement on the main road are unsuitable for the elderly
- no details given of the staff accommodation
- reduced amenity to neighbouring properties
- highways impact
- pictures and plans don't match

- has the need be demonstrated
- planning permission granted for retirement village/care home at Royal Arthur, Westwells/Neston.

Highways Officer – No objections subject to conditions.

Drainage Officer – No objections but highlights soakaways could be a problem.

Archaeology Officer – No objections.

Environmental Health – No objections subject to conditions,

Landscape Officer – No tree survey has been submitted and concerns are expressed regarding the potential impact and potential harm to trees which are of significance to the wider landscape.

Network Rail – No objection in principle

Wessex Water – Raise a number of issues in respect of foul disposal but no objection in principle. Issues include tree planting in proximity of existing public sewers, proximity of development to the Wharf sewer, lack of information regarding drainage proposals and the adequacy of the foul system. Off-site works likely to be required to provide water to the site and buildings over two storeys may need on site pump storage.

Environment Agency – No objections subject to conditions.

7. Publicity

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

40 letters of support have been received on the basis of need and the redevelopment of the site.

6 objections have been received on the following grounds:

- Loss of view
- Loss of privacy and amenity
- Loss of light
- Intensification of development and use of the site
- Highways impact
- Loss of parking and access rights

8. Planning Considerations

Principle of development

As mentioned above the application site is located outside of the framework boundary of Box and as such is considered in policy terms to be located in the countryside.

The site is also located within the Green Belt and Area of Outstanding Natural Beauty.

The proposal is to redevelop part of the existing Box Wharf site for the development of a 55 bed care home and 18 extra care units.

The proposal needs to be considered against policies relating to the AONB, Green Belt and employment.

Policy NE1 of the Local Plan states that in the Green Belt outside of the village of Box approval will not be given for the construction of new buildings other than for agriculture/forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness

of the Green Belt. The limited extension, alteration or replacement of dwellings or existing employment buildings is permitted. Approval will not be given for development which would not preserve the openness of the Green Belt.

The proposal thus represents inappropriate development and is by definition harmful to the Green Belt (paragraph 3.2 PPG2 Green Belts). Inappropriate development should not be approved except in “very special circumstances”.

The applicants believe that “very special circumstances” exist because of the need for care accommodation in the Wiltshire area and within a 5 mile radius of the application site.

The assessment is based on a 5 mile catchment. No reason is given for the 5 mile catchment being used. However, it is clear that need identified in this catchment is in part a reflection of the constraints upon development in the area given the significant presence of Green Belt and AONB designations which cover half the catchment area. It is also a reason why no sequentially preferable sites are likely to be available within the 5 mile catchment.

The need for care accommodation in Wiltshire is not disputed. However, care development must be appropriately located complying with the relevant planning policies.

In this instance the need for care accommodation is not considered to constitute “very special circumstances” to outweigh the harm caused by inappropriate development.

The existing general industrial/light industrial and office use of the site has been considered. Whilst general industrial development is not an ideal use for the site and it is acknowledged that in association with the use of the existing buildings, outdoor storage might be re-instated, this is not a reason to permit redevelopment if it is unacceptable for other planning reasons.

Furthermore, the scale, form and massing of the existing development on the site is significantly less than is currently proposed.

In the AONB, to which Policy NE4 relates priority is given to the conservation and enhancement of the natural beauty of the landscape. In the AONB development is restricted to the change of use of existing buildings and/or development appropriate to the economic or social well-being of the area; that which is desirable for the understanding and enjoyment of its amenities.

The proposal in all cases must conserve or enhance the natural beauty of the landscape, be sited and designed so as to minimise its impact on the natural beauty of the area siting development close to existing buildings and use materials and landscaping appropriate to the area.

Other proposals and major developments will not be permitted except in exceptional circumstances.

It is not considered that any exceptional circumstances exist for this major development.

Scale of development and impact on the AONB, Green Belt and character and appearance of the area

As mentioned above in terms of both Policy NE1 and PPG2, the application represents inappropriate development in the Green Belt simply for its exclusion outside of the permitted forms.

The existing development footprint on the site is 779sqm spread over some six buildings with ridge heights of between 5 to 7 metres. Only one building has a ridge height of 7 metres at present with a footprint of 161sqm.

In comparison the proposed development would have a footprint of 1567sqm spread over two and three storeys above ground level with buildings having a range of ridge heights between 7 and 11 metres. The majority of development would have ridge heights in excess of 10 metres.

It is considered that the intensification of the built form on the site would be out of keeping with the character and appearance of the area, failing to conserve the AONB and preserve the openness of the Green Belt.

Furthermore, the proposed development could potentially impact upon a substantial tree belt on the western boundary of the site. No tree survey has been provided to assess the trees and the root protection zones that may or may not be required. Accordingly, it is not known whether the development is achievable in its current form or the further visual impact the scheme may have on the landscape. The absence of such information does not fundamentally alter the overriding policy objection to the proposal.

Impact on Residential Amenities

Residential properties adjoin the site to the east, namely nos. 4 and 3 The Wharf. These dwellings are two storeys in height with gardens to the side and rear and no. 4 has windows in its side elevation. The extra care apartments would be sited some 27 metres from habitable rooms in the block of 12 extra care units. Such a distance between habitable rooms is normally acceptable. However, no. 4 occupies an elevated position from the site and as such will be overlooked by windows at first and second floor in the apartments. The relationship between the existing and the proposal is unacceptable having regard to existing site levels and would be detrimental to the amenity of both occupants.

It is noted that trees are proposed to be planted on the boundary of no. 4 to mitigate such impact. However, it is uncertain as to whether such planting would be acceptable to Wessex Water given services in the area and notwithstanding this, landscaping should not be used in such a way given that after five years the requirement to retain such features can no longer be controlled by condition.

The Realworld studios are located to the west of the application site at a much lower level. In association with these studios is residential accommodation and a garden. The applicant has provided an image of the application site from the garden of the Realworld residential accommodation. This clearly shows the glazed day rooms on the gable closest the western boundary of the site, some 9 metres from the boundary.

Whilst window to window distances are in the region of 35 metres, it is considered that by reason of the substantial height differences between the Realworld Studios site and the application site, the proposed development would have an overbearing impact and would result in overlooking of the private garden space and the dwelling to the detriment of the privacy and amenity of existing residents.

This impact could be further exacerbated in the event that any trees along the boundary are required to be removed in order to facilitate the development.

The care home is proposed to be sited some 4 metres from the edge of the site boundary within the railway, some 22 metres distance from some caravans on Lycetts Orchard Caravan Park. This element of the care home is three storeys at ground level with a ridge height of 10.2 metres. Whilst it is noted that most rooms in this elevation will serve stores and stairwells, dining rooms and day rooms are also proposed.

It is considered that by reason of the distance between the existing residential mobile homes and the proposed care home, the proposed development would have a detrimental impact on the privacy and amenity of existing residents.

It is noted that trees are shown on suggested landscape plans. However, in light of comments above in respect of landscape mitigation and in light of comments received by Network Rail regarding trees along the boundary, such measures would not acceptably mitigate the residential impact to residents.

Highways Impact

Highways officer raise no objection to the proposal on highways grounds. Car parking on the site is considered to be adequate.

Loss of Employment

Whilst not technically an employment use (i.e. B1, B2 or B8 use classes), the proposed care development would generate some 55 jobs (both part-time and full time).

The site has been marketed for approximately 12 months with no success for Class B1 (light industrial and office use) to no avail and thus is redevelopment for a care home complies with Policy BD2. Furthermore, it is acknowledged that the proposed use would generate a comparable number of employment jobs if the site were used for B1 purposes today.

Accordingly, the proposal meets the requirements of Policy BD2.

9. Conclusion

The proposed development represents inappropriate development in the Green Belt based on Policy NE1 of the North Wiltshire Local Plan 2011 and PPG2 "Green Belts" since it falls outside of the parameters of development considered to be acceptable in such locations.

Notwithstanding the need for the development and the existing use of the site, these are not considered to be very special circumstances which justify this inappropriate development.

In addition, by reason of the scale and siting of the development, the built form on the site would be physically and visually intensified to the detriment of the character and appearance of the area. It would also fail to preserve the openness of the Green Belt as the physical presence of the site is intensified.

Furthermore, the development would have an overbearing impact and result in the loss of privacy and amenity to adjoining residential properties.

Accordingly, the proposed development is considered to be contrary to Policies C3, NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

10. Recommendation

Planning Permission REFUSED For the following reasons:

1. The proposed development falls outside the categories permitted in Policy NE1 and thus represents inappropriate in the Green Belt. There are not considered to be any very special circumstances which would justify such inappropriate development and as a consequence the proposed development is contrary to Policy NE1 of the adopted North Wiltshire Local Plan 2011.

2. The proposal would result in the significant intensification in the scale, bulk and massing of development of the site which would be out of keeping with the site itself as well as the character and appearance of the area and would fail to preserve the openness of the Green Belt at this location as well as the designated Area of Outstanding Natural Beauty. Thus the proposal is contrary to Policies C3, NE1, NE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

3. The proposed development by reason of its scale and siting would have an overbearing impact and loss of privacy and amenity of adjacent residential dwellings to the detriment of both existing and proposed residents contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011. Informative:

1. This decision relates to documents/plans submitted with the application, listed below.

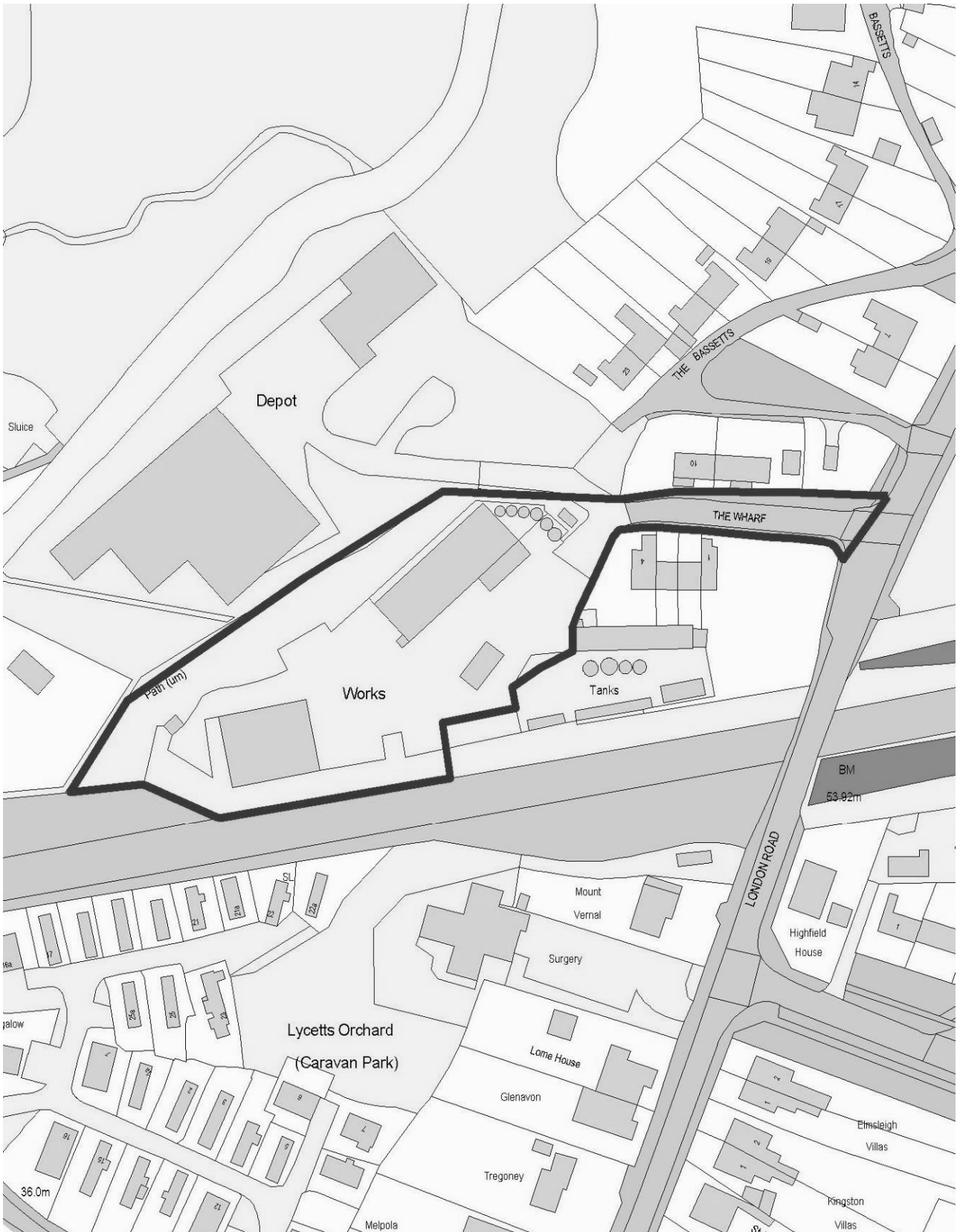
Plan References

3298-01E, 10, 11, 12, 13, 20, 21, 8266(SK)20C-23C, 12, 14, 15 dated 21/05/09

8166(SK)024A dated 16/07/09

3298-12, 14, 15, 22, 23, 01G, 15, 22, 23 (annotated) dated 21/07/09

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.21; 2.24; 2.25; 4.02; 4.03; 4.04; 4.07; 6.02



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6 (3)

Date of Meeting	12 th August 2009		
Application Number	09/00893/FUL		
Site Address	38 Park Lane, Corsham, Wiltshire, SN13 9LG		
Proposal	Annexe		
Applicant	Mr E. Newbury		
Town/Parish Council	Corsham		
Electoral Division	Pickwick	Unitary Member	Peter Davis
Grid Ref	385852 170387		
Type of application	Full		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee because Councillor Davis has requested it be called to committee due to the close proximity of the development to the property boundary, the neighbouring dwelling and the existing property on site.

1. Purpose of Report

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

2. Main Issues

The application is for a second annexe in the garden of a detached dormer bungalow. The key points to consider are as follows:

- Implications on DC Core Policy C3 and Residential Extensions Policy H8
- Layout of development, parking and effect upon residential amenity.
- Effect on nearby TPO trees.

3. Site Description

The property is a dormer bungalow within the linear residential development along Park Lane. Permission was granted for an annexe to the west of the site under 04/02482/FUL and this has been built. Due to the nature of the applicant's family a second annexe is required to the east of the main house. There are some TPO trees to the east of the site (TPO 163). The site lies within Corsham's framework boundary.

4. Relevant Planning History		
Application number	Proposal	Decision
03/00265/FUL	Detached self contained annexe and garage.	Permission
04/02482/FUL	Detached self contained annexe and garage.	Permission
06/01658/FUL	Carport	Permission

5. Proposal

The proposal is for a 2nd annexe to the eastern side of a detached dormer bungalow, where there is an existing self contained annexe granted under 04/02482/FUL. The proposal is for a hipped roof, 5.35m high single bedroom annexe to be built of materials to match the main house. There is a gap of 1.5m between the proposed building and the house and 0.7m to the boundary. The other annexe is built in a similar gap.

Parking for the main house and both annexes is to the front of the main house and is sufficient for 5-6 cars.

6. Consultations

Corsham Town Council resolved that the application be refused due to the size and close proximity of the proposed annexe to the neighbouring property and that the application be referred to Wiltshire Council's Northern Area Planning Committee.

Highways comments are awaited

The Council's Landscape Officer's comments are awaited, but verbal discussions prior to the submission of the application indicated that the effect of the proposal on the TPO trees was acceptable.

7. Publicity

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

2 letters of letters of objection have been received

Summary of key relevant points raised:

- Need for window in west to serve attic.
- Too much on site.
- 3 separate families could live on site which would lead to car problems.
- Unsociable construction times with previous building projects.

8. Planning Considerations

Implications on DC Core Policy C3 and Residential Extensions Policy H8

In principle the creation of a 2nd annexe is considered to be acceptable subject to the design being in keeping with the host dwelling and the area in general and not causing loss of amenity to the area of neighbouring occupants. The need for a second annex is not a planning matter, but control of the occupation of the building to ensure that it remains an annexe is and can be secured by way of an appropriately worded condition. This was also the case in granting 04/2482/FUL.

Layout of development, parking and effect upon residential amenity

The proposed annexe lies to the east side of the main dwelling approx 12m from the nearest separate dwelling and it is considered that this is acceptable when judged against the distances between dwellings in the locality. Due to existing ground levels the annex will be set approx 0.5m lower than the ground level of the main dwelling and approx 0.6m lower than its main ridge height. It will therefore appear subservient in scale. Some mature (10m plus) conifer trees will be removed from the boundary, but although this will open up the views across the site there is no control over doing this and they are not considered to be worthy of a TPO.

The annexe is a similar distance (1.5m) from the house as the annexe to the west. It is considered that this layout is acceptable.

There is parking for 5-6 cars on site and space to provide additional should highways require it.

Effect on TPO trees

TPO 163 is a group TPO and lies along the eastern boundary. The applicant has been asked to supply a plan showing the location of the trees in relation to the development, but discussions on site have indicated that the development will not have an adverse impact on the trees.

9. Recommendation:

Planning Permission be GRANTED for the following reason:

The proposal is considered to be acceptable visually, in terms of amenity and in its effect on the TPO trees and therefore to comply with policies C3 and H8 of North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

2. The development hereby permitted shall be used wholly in conjunction with, and ancillary to, the use of 38 Park Lane as a single dwellinghouse and shall not be used as a separate dwelling.

REASON: There are insufficient space and facilities for the creation of an additional separate dwelling on this site.

POLICY: C3 and H8

3. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: C3 and H8

4. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the local planning authority to ensure the protection of trees in the vicinity in the interests of visual amenity.

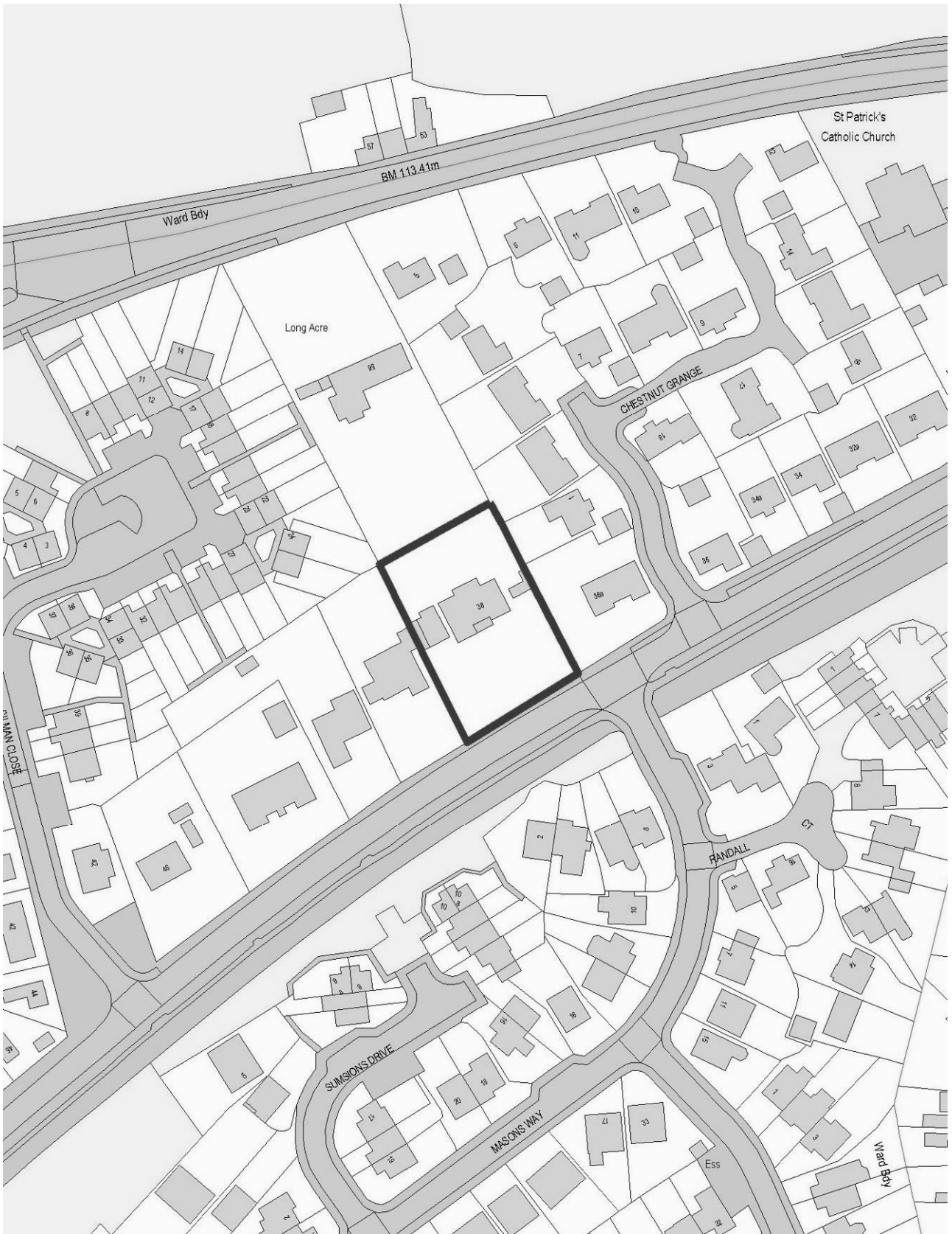
Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Location plan, elevations, block plan, floor plans and street scene dated 21st May 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	2.01; 4.02; 5.01



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6 (4)

Date of Meeting	12 th August 2009		
Application Number	09/00874/FUL		
Site Address	Townsend Barn, Littleton Drew, Chippenham, Wiltshire, SN14 7NA		
Proposal	Single Storey Extensions to Existing Garage and Store Building to Provide Lawn Mower Store, Lean-To Wood Store and Tank Cover; Provision of Two Rooflights		
Applicant	Mr & Mrs N F Puntis		
Town/Parish Council	Grittleton		
Electoral Division	By Brook	Unitary Member	Councillor Jane Scott
Grid Ref	383293 180061		
Type of application	Full		
Case Officer	Christine Moorfield	01249 706 686	Christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after April 2009 being called in by Councillor Jane Scott to enable Members to consider the impact of the proposal upon the Listed Building.

1. Purpose of Report

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

2. Main Issues

This application proposes the extension of the existing car port/store building to the front of this grade II listed barn conversion. The additional floor space is to be used as a lawn mower and log store. It is proposed that there will be two dormer windows inserted in the north-east roof slope of the car port building providing light to the first floor storage area. A lean-to cover for the existing gas container is also proposed.

The key points to consider are as follows:

- Implications on DC Core Policy C3, H8, BD7, HE1 and HE4 and
- Design and scale of the development
- Impact on traffic the setting of a listed building
- Impact on the Littleton Drew Conservation Area
- Impact on the residential amenity of neighbours

3. Site Description

The site is located on the East side of the main street through Littleton Drew. The property is the first property on the right hand side as you enter the village from the south.

At present there is a converted barn on the site. The barn used to belong to the adjacent Townsend Farm, which is a grade II listed farmhouse. The barn is therefore listed, as it was within the curtilage of the farmhouse.

The site is located within the Littleton Drew Conservation Area.

The proposed single storey extension to the store/car port will be perpendicular to the street. The existing store/car port is in front of the barn conversion and its rear wall abuts the street. There is an enclosed courtyard area in front of the dwelling.

4. Relevant Planning History		
Application number	Proposal	Decision
09.00099.FUL	Single storey side extension to garage and store to provide store two rooflights to existing garage.	Refused
05.02493.FUL	Conversion of barn to dwelling including extension	Permission
05.02487.LBC	Conversion of barn to dwelling including extension	Permission
05.00656.S73A	Variation of condition 3 and 4 attached to 04.01170LBC making the farm house and converted barn owners separately responsible for repairing the cartilage listed buildings on their properties and complying with condition no. 3.	Permission
05.00657LBC	Variation of condition 3 and 4 attached to 04.01170LBC making the farm house and converted barn owners separately responsible for repairing the cartilage listed buildings on their properties and complying with condition no. 3.	Permission
04.01170.LBC	Internal alterations to former farm buildings to include reroofing in clay tiles and demolition of derelict curtilage building-listed structures.	Permission
04.01171.COU	Conversion of barn to dwelling with single storey annexed accommodation and of 2 storey barn to form annexe to farmhouse erection of car ports and boundary walls.	Permission

5. Proposal

The extension will provide a storage area, a lean-to log store, a new door to the existing carport and building a lean to store over the existing gas tank. The footprint of the storage area is 4.0m x 3.275m approx. The height of the store is 4.0m to the ridgeline. The submitted plans indicate the lean-to wooden shelter for log storage. This covers an area of 3.275x 1.2m and has a maximum height of 2.5m. The gas tank cover which is located at the Northern end of the car port covers an area of 2.3m x2.5m and has a maximum height of 2.5m. This element of the application is retrospective as the gas tank cover has been built.

6. Consultations

Grittleton Parish Council- Objection on the grounds of overdevelopment of the site no different to previous scheme.

Detract from the character and appearance of the Conservation Area.

Highways have no objections subject to a condition being attached to ensure parking and turning facilities on the site.

7. Publicity

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

1 letter of support received:

- Adequate parking on site
- Minimal visual impact.
- Well designed extension in keeping with surroundings.
- A large swimming pool building has been approved on the opposite side of the road therefore in terms of consistency this is acceptable.

4 letters of objection have been received:

Summary of key points raised:

- Not all neighbours have been notified
- No listed building application has been submitted.
- Internal works have been carried out which have involved putting in a staircase and first floor these works coupled with the proposed extension and dormers would result in the building being useable as a dwelling.
- Although it is called a store it has cavity wall construction and a front door has been put in.
- Works to main barn have been carried out without the benefit of permission i.e. balcony and French windows.
- Traffic generation from a further residential unit on the site
- Inadequate parking on the site and less parking available as a result. On street parking causes problems.
- Any permission should restrict use of unit as separate dwelling.
- Impact on views into the site from street
- The loss of space in front of the barn, the existing high boundary walls and the proposal will enclose the site and this is contrary to the character of the Conservation Area
- The proposal conflicts with policy HE1 of the Local plan.
- Over development of the site having a detrimental impact on the setting of a listed building contrary to HE4
- The extension to the garage is contrary to the spirit in which the original consent for the carport was approved; it replaced a building on the site, which was not worthy of conversion.
- Design more residential than 'ancillary agricultural' as the carport was.
- Contrary to policy H8 in terms of scale.
- Loss of privacy to neighbours due to dormer windows.
- Contrary to i, ii, iii and vii of policy C3 Local Plan.

8. Planning Considerations

Principle of development

In terms of the proposed use of the building it is not considered unreasonable for a residential unit to require storage areas and this amended scheme now indicates a reasonable store in terms of its size ie a footprint of 12m².

The triple carport as previously permitted is ancillary to the barn conversion and therefore it would be considered necessary for any further extensions to also be conditioned to ensure that they remain ancillary to the dwelling. This dwelling only exists because in line with policies contained within the councils local plans (pre 2011) and the present adopted Local plan barn conversions

into dwellings are seen as an appropriate means of retaining traditional buildings within the countryside which are suitable for conversion. However in order to satisfy the policy (BD7) such conversions must require little in terms of 'alteration' to the building in order that the buildings agricultural character is retained, as far as possible. In the spirit of these conversions the gradual erosion of this character is not considered appropriate through the cumulative effect of adding on extensions or provision of structures with very domestic appearances i.e. green houses and sheds. For this reason and in most circumstances it is seen to be reasonable to restrict the right to such extensions so that the character of the building may be retained and controlled.

In this instance the barn is listed by virtue of the fact it was a curtilage building to Townsend Farmhouse prior to its being sold off as a separate unit.

The scheme has been discussed at length with Officers. The applicant was advised that the original extension applied for was too large and coupled with the inappropriate detailing of the front elevation of the extension and the two dormer windows it was likely refusal would be recommended. The applicant considered these comments and an amended scheme was submitted. The amended scheme was refused by Committee for the following reason:

1. The proposal is considered to be a significant extension to a building within the curtilage of a converted listed barn. The proposal will not preserve or enhance the character and appearance of the Conservation Area nor the setting of a listed building. The extension fails to respect the local character and distinctiveness of the area or the buildings in the vicinity. The application is therefore contrary to Policies C3 (i) & (ii), H8, HE1, HE4 and BD6.

This application when first submitted was larger than that now proposed but this scheme as now submitted has been amended in line with officer comments in respect of the previously submitted scheme 09.00099FUL.

The need for listed building consent

Whilst the converted barn is listed by virtue of the fact it was a curtilage building to Townsend Farm the car port building that was constructed as part of the development proposals is not listed. It is a completely new construction that is not attached to the principal listed building, curtilage listed building or any historic structure (e.g. original boundary walls). Therefore these works which relate to this unlisted building do not require the submission of a listed building application.

As the carport is not listed the internal works that have been carried out to the building i.e. staircase and first floor do not require planning permission or listed building consent.

However, concerned neighbours have raised the question that works have been carried out to the listed barn, which may require planning permission and or listed building consent. On visiting the site it also appears that there may be works that should have consent such as the lean to shed and the front gates. These issues are not specifically relevant to this application and it is proposed that these matters should be the matter of a separate investigation by your Enforcement Officers and if necessary the appropriate applications be invited in order to regularise any works on the site which may have been carried out in the absence of the requisite permissions.

Design and Scale of Development

The scale of the extension has been amended from that originally submitted. The length of the store has been reduced down to 4m. At the end of the store will be the log store a mono pitch roof this is a lightweight structure where the roof will just be visible above the boundary wall. The monopitched shelter to the gas store is existing the roof of which is visible from the main street.

The proposed material and the roof form are considered to be appropriate for this Conservation Area location and are in keeping with the appearance of the buildings on the site. The scale of the development is such that the roof pitch will be visible (2m) above the boundary wall as you

approach the site from the south. However, this visual impact is considered minimal and is not considered to detract from the character and or appearance of the Conservation Area or the main house. In this respect the extension is seen to comply with policies C3 and H8 of the adopted local plan 2011.

Impact on Conservation Area

As stated in the section above the design of the extension is considered to be in keeping with the character of the host building as well as the appearance of the Conservation Area. The roof pitch will be visible above the boundary wall (approx. 2m) and can be partially seen on entering the village from the south. The roof pitch of the store has been reduced in height by 0.5m from that considered by the Committee when the previous scheme was refused. The scale of the building is modest and its design details are appropriate for this location. Therefore the building is seen to preserve the character and appearance of the Conservation area and complies with government and local policy (Policy HE1).

Impact on the setting of a Listed Building

The barn conversion as stated is listed as a curtilage building previously having been a barn building associated with Townsend Farm, which is listed.

The carport extension constructed in association with the barn conversion was approved on the basis that there had been another barn in a similar position to the car port prior to the barn being converted into a house. However, the barn building was demolished as it was in too poor condition to be capable of beneficial new use. Therefore the erection of the car port building was a compromise on behalf of officers in recognition of the needs of the occupiers of the converted barn. With a barn conversion it is considered inappropriate for extensive extension and alterations to be permitted. It is considered to be in the spirit of the barn conversion policies both before 2006 and post adoption of the 2011 plan that barn conversions are unique residential units which continue to contribute to the retention of traditional agricultural buildings within the countryside. There is a point where it is considered inappropriate for there to be any further development within the curtilage the building if its character is to be retained. There is a concern that this point has perhaps been reached in this situation. This is the view expressed by the Conservation Officer in relation to this proposal. The built form starts to encroach into the space around the barn thereby detracting from its setting.

However, in this situation it is recognised that the extension is a relatively small proposal and therefore, given the other issues relating to this proposal it is considered that this store is on balance acceptable, but any further extensions would cumulatively be seen to be a step 'too far' and would impact on the character appearance and setting of this listed building and would not be considered acceptable.

Parking

This proposed extension does take up some of the area which has been provided for parking and manoeuvring within the site. However the traffic engineer considers adequate space remains within the site for parking and manoeuvring and therefore no objection to the proposal is raised as no objection was raised to the previous larger proposal. Some residents have raised the issue of commercial vehicles visiting the site and parking in the pull in area adjacent to the road. These issues are not considered to impact on the issues relating to this proposal.

Impact on amenity

The previously refused scheme was not refused on the grounds of loss of privacy to neighbours due to the roof lights in the existing car port roof. Therefore in line with officers previous judgement in relation to application 09.00099FUL it is not considered that these roof lights would result in a loss of privacy for the adjacent residents due to the oblique angle of these roof lights to the

neighbour's windows. Townsend Farm does have many of its windows facing south which means they look into the courtyard area at the front of Townsend Barn. The proposed roof lights will be 15m from the boundary of the site. It is considered appropriate for a condition to be attached to any consent which limits the size of the windows to no larger than 450x600 and their make and location within the plane of the roof.

Other matters

Consultation has been carried out in accordance with the Councils code for consultation. If the building was to be used as a separate dwelling then a planning permission would need to be submitted. It is considered appropriate for any permission granted to be subject to a condition restricting the use of the building to ancillary residential accommodation to Townsend Barn.

9. Conclusion

In conclusion this scheme is seen to be acceptable in terms of the use on the site, the design and scale of the extension. It is not considered that the level of impact on the amenity of adjacent residents would be of such a level that refusal would be warranted. It is considered that the proposal preserves the character and appearance of the Conservation Area and does not detract from the setting of the Listed barn.

10. Recommendation

Planning Permission be GRANTED for the following reason:

This scheme is seen to be acceptable in terms of the use on the site, the design and scale of the extension. It is not considered that the level of impact on the amenity of adjacent residents would be of such a level that refusal would be warranted. It is considered that the proposal preserves the character and appearance of the Conservation Area and does not detract from the setting of the Listed barn. The proposal is seen to comply with policies HE1 and HE4, C3, H8 and BD7 of the North Wiltshire Local Plan 2011.

Subject to the following conditions:

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

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

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

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

3. The development hereby permitted shall be used wholly in conjunction with, and ancillary to, the use of Townsend Barn as a single dwellinghouse and shall not be used as a separate dwelling.

Reason: There are insufficient space and facilities for the creation of an additional separate dwelling on this site.

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

Reason: In the interests of visual amenity.

5. No development shall commence until details of the external stonework, including type, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to, and approved in writing by, the local planning authority. The external stonework shall be built to conform with the approved details.

Reason: In the interests of visual amenity.

6. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:

(1) details of roof lights fixed in roof plane.

The development shall be carried out in accordance with the details so approved.

Item 1 shall be completed prior to the use or occupation of Townsend Barn.

Reason: In the interests of amenity and satisfactory layout.

7. No development shall commence until details of all new external joinery have been submitted to, and approved in writing by, the local planning authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the local planning authority.

Reason: To enable the local planning authority to be satisfied with the completed appearance of the development.

8. No works shall commence on the development hereby approved until a plan identifying those areas to be used for the parking and turning of vehicles has been submitted to and approved in writing by the Local Planning Authority. Those areas shall be maintained for the specific purpose at all times thereafter.

Reason: In the interest of highway safety and to ensure adequate provision for vehicles within the site.

9. Notwithstanding the plans submitted this permission does not relate to the wooden lean-to located at the Northern end of the car port.

Reason: This structure was not included on the description of the development and does not form part of this application.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plans 2008-351c and 2008-35-2B received by the local planning authority 9th April 2009.

2. The applicant is advised that this permission does not relate to the wooden structure located at the Northern end of the car port for which the necessary permission/consent should be applied for.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 4.02; 4.04; 5.01



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6 (5)

Date of Meeting	12 th August 2009		
Application Number	N09/00987/FUL		
Site Address	15 Swaddon Street, Calne, Wilts. SN11 9AR		
Proposal	Proposed Detached Dwelling		
Applicant	Mr and Mrs K Thomas		
Town/Parish Council	Calne		
Electoral Division	Calne North	Unitary Member	Chuck Berry
Grid Ref	399922 171837		
Type of application	Full		
Case Officer	Christine Moorfield	01249 706686	christine.moorfield@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the committee for decision at the request of Councillor Chuck Berry to assess the impact of the development on traffic implications in the area.

1. Purpose of Report

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

2. Main Issues

This application is for the erection of a two storey detached dwelling within the side garden of no. 15 Swaddon Street. The site lies within the settlement boundary of Calne. The key points to consider are as follows:

- Implications on Local Plan Core Policy C3.
- Implications on Local Plan Policy H8

It is considered that Policy CF3 (Provision of Open Space) is applicable and a draft 106 has been issued to the applicant.

3. Site Description

The site forms the side garden of this end of terraced dwelling and is a corner plot being located on the NW corner of the junction of Swaddon Street, Hungerford Road and Rochdale Avenue. There is a low wall with a large conifer hedge behind it around the boundary of the site. The area is characterised by two-storey terraced and semi detached dwellings constructed in the 60s.

4. Relevant Planning History

There is no planning history relevant to this application.

5. Proposal

This application (as amended) is for the erection of a detached two storey dwelling in the side garden of no. 15 Swaddon Street.

The original plans submitted were considered to be unacceptable. The plans showed a linked detached house with a frontage of 8.5m. The scheme indicates one off road space for the residents of no.15 Swaddon Street and two spaces for use in association with the new unit.

The applicant amended the scheme and now the application is for a detached dwelling with a frontage of 6.5m. Two car parking spaces are shown to the front of the site. There is a footpath 1m wide between no. 15 and this proposal.

6. Consultations

Town Council: Objects to the proposal for the following reasons:

Contrary to Policy C3 i, iii, iv, vii.

Highway Officers: No objection subject to conditions.

7. Publicity

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

5 letters of objection have been received on the original plans.

- Traffic safety
- Manoeuvring vehicles
- School near by
- Hedge blocks view
- Impact on amenity of adjacent residents in terms over overbearing loss of light

8. Planning Considerations

Principle of development.

The site is within the settlement boundary for Calne where in principle residential development is considered appropriate. Policy H3 of the North Wiltshire Local Plan 2011.

Impact on the character and appearance of the locality

The proposed development as amended indicates a detached house with a frontage of 6.5m. The height of the dwelling is 7.2m which is about 0.2m lower than the adjacent property no. 15 Swaddon Street.

The unit has three bedrooms a lounge utility and kitchen. Two car parking spaces are proposed to the front.

The area is characterised by terraced and semi detached dwellings. The estate appears to have been built in the 1960s and therefore garden areas are reasonably generous with large wide roads most of which have sweeping junctions.

The mass and bulk of this building is comparable with others in the locality. The design is relatively simple and whilst not reflecting the style of the adjacent dwellings the design is simple and inoffensive. The frontage of the dwelling has been reduced and now reflects that of the adjacent dwellings.

It is not considered therefore that this development would detract from the street scene or the character of the area to an extent that would warrant refusal of this application. Therefore the proposal is considered to comply with policy C3 of the local plan.

Impact on the amenity of neighbours

The nearest neighbour is no. 1 Rochdale Avenue. There is a garage between this proposal and this adjacent residential property. The new dwelling will be sited to the south of this dwelling and there will be some impact on the amount of light that the garden area receives perhaps in the middle of the afternoon just before no. 15 Swaddon Street blocks some of the light. The new unit will at its closest point be 1.5m from the boundary but due to the fact that it sites at an angle to the boundary is not considered to have an impact so great as to warrant refusal of this application. There are no windows at first floor level on the Northern elevation of this proposed unit this is the elevation that looks over no. 1 Rochdale Avenue. A condition should be attached to any consent restricting the insertion of any new windows in this new property.

The scheme is considered to comply with policy C3 of the Local Plan 2011.

Impact on Highway safety.

The existing property is in a residential area and within the locality there are schools which residents have raised as causing a lot of traffic at peak times. The Highway Engineer has looked at this matter but have concluded that subject to a condition in respect of visibility no objection be raised to the proposal.

Based on the above, the proposal is considered to be in accordance with Policy C3 (vii) of the North Wiltshire Local Plan (2011).

9. Conclusion

It is considered that the proposed erection of a detached dwelling on this site would not detract from the amenities of neighbouring properties to such an extent as to warrant refusal of the application. It will not detract unduly from the character and appearance of the locality and would not give rise to traffic safety issues. As such, the proposal is in accordance with Policies C3 and H3 of the North Wiltshire Local Plan (2011).

10. Recommendation

The applicant be invited to enter an agreement in respect of a Public Open Space contribution, following completion of which the Area Development Manager be authorised to GRANT Permission for the following reason:

The proposal accords with Policies C3, H3 of the North Wiltshire Local Plan (2011) in that it is of an appropriate design, size, scale, mass and bulk and should not give rise to additional traffic safety issues. It will not have a detrimental impact on neighbours that would warrant refusal and is therefore is an acceptable form of development.

Subject to the following conditions:

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

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

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

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

POLICY- C3

3. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the junction of Rochdale Avenue and 43 metres to the South (along Swaddon Street from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY- C3

4. The development hereby permitted shall not be occupied or first brought into use until the first five metres of the access, measured from the edge of the carriageway, 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.

POLICY- C3

5. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY- C3

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

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

POLICY- C3

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Site location plan dated 4.06.09
KT/C/02/09A and KT/C/01/9A dated 27.07.09

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.04; 4.07; 4.09



REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No. 6 (6)

Date of Meeting	12 th August 2009		
Application Number	09/01033/S73A		
Site Address	Land adjacent Framptons Farm, Sutton Benger, Wilts. SN15 4RL		
Proposal	Removal of Condition 1 Attached to Permission 08/02114/FUL to Allow Permanent Use as One Gypsy Pitch		
Applicant	Mr Michael Ward		
Town/Parish Council	Sutton Benger		
Electoral Division	Kington	Unitary Member	Howard Greenman
Grid Ref	395270 178756		
Type of application	Removal of Condition		
Case Officer	John Simmonds	01249 706643	john.simmonds@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the committee at the discretion of the Area Development Manager in view of the committee's previous decision to grant a temporary permission.

1. Purpose of Report

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

2. Main Issues

The issue to consider is whether the condition granting temporary permission should be retained or whether permanent permission should be granted. Key policy considerations are found in policy DP15 of the Wiltshire and Swindon Structure Plan 2016, policies C3 and H9 of the North Wiltshire Local Plan 2011 and Government Advice in Circular 01/06.

3. Site Description

See Appendix

4. Relevant Planning History

Application Number	Proposal	Decision
08/02114/FUL	Change of Use of Land to Include the Stationing of One Touring Caravan & One Mobile Home, the Erection of a Day Room Building and Hardstanding Area for One Gypsy Pitch	Permission

5. Proposal

To remove the following condition from permission 08/02114/FUL:

“The use hereby permitted shall be for a limited period being the period 3 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed, and the land restored to its former condition, or such condition as may be authorised by any other extant planning permission.

Reason: The provision of potential sites have yet to be considered by the Implementation Executive under the Local Development Scheme. A permanent permission in advance of this process would be premature.”

6. Consultations

Sutton Benger Parish Council objects to this application on the following grounds:

‘There are highway safety issues with this site, as it is on a dangerous stretch of road where there is poor visibility due to curvature; the entry to and departure from the site of vehicles towing caravans or trailers increases the risk of accident. There is always a flooding problem, as the surrounding land is regularly inundated. The Parish Council would like to see a proper traffic survey and a Flood Risk Assessment as part of any possible consideration for permanent permission.

Although temporary permission has been granted, the Parish Council hopes that a more suitable permanent site can be found during this period of temporary permission, rather than using this as a wedge to apply for permanent permission.

Wiltshire Highways do not wish to comment.

7. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of objection or support have been received

8. Planning Considerations

The application (08/02114/FUL) for use of this site for Change of Use of Land to Include the Stationing of One Touring Caravan & One Mobile Home, the Erection of a Day Room Building and Hardstanding Area for One Gypsy Pitch was considered by the former North Wiltshire District Council Development Control Committee on 26th November 2008. The report to that committee and the additional information are attached as an appendix.

It was recommended that permission be granted. Members resolved, however, to grant a three year temporary permission for the following reason:

“The provision of potential sites have yet to be considered by the Implementation Executive under the Local Development Scheme. A permanent permission in advance of this process would be premature.”

This application is to remove that condition and grant a permanent permission.

Only the reason for imposing the condition can be considered under this application. This is not an opportunity to re-visit other issues (eg Highway safety, drainage) which were discussed at the

previous committee and were not considered to be reasons to refuse the application.

In addressing the issue of the availability of alternative permanent sites under the previous application the officer's recommendation was that, in the light of government advice, a permanent permission should be granted.

Since permission was granted there has been little progress on the provision of permanent sites and this strengthens the case for a permanent permission.

9. Conclusion

There has been no change in circumstances since the original recommendation which remains unchanged.

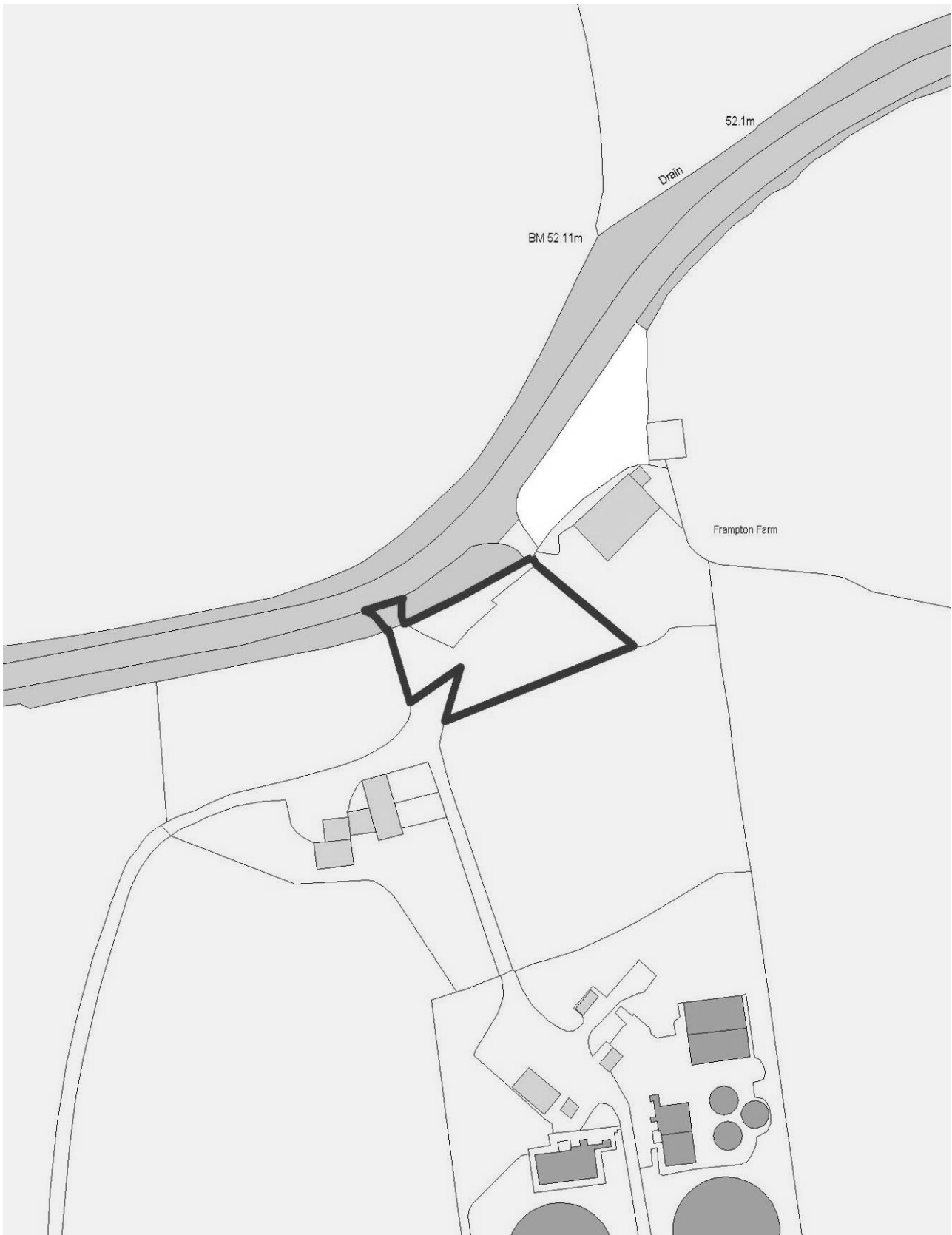
10. Recommendation

Planning Permission be GRANTED.

Reason for granting permission:

The proposal complies with policy DP15 of the Wiltshire and Swindon Structure Plan 2016, policy H9 of the North Wiltshire Local Plan 2011 and the advice of Circular 01/06.

Appendices:	Committee Report and Additional Information for 08/02114/FUL
Background Documents Used in the Preparation of this Report:	1.03; 1.20; 4.02; 5.01; 5.03



APPENDIX 1 for 09/01033/S73A

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	26 th November 2008
Application Number	08/02114/FUL
Site Address	Land Adj Framptons Farm, Sutton Benger, Wilts. SN15 4RL
Proposal	Change of Use of Land to Include the Stationing of One Touring Caravan and One Mobile Home, the Erection of a Day Room Building and Hardstanding Area for One Gypsy Pitch
Applicant	Mr M Ward
Town/Parish Council	Sutton Benger
Grid Ref	395261 178751
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This is a retrospective application to site a mobile home, a touring caravan and a day room building for occupation by a gypsy family.

The key issues to be considered are:

- Implications on DC Core Policy C3 and Gypsy Sites Policy H9
- Policy DP15 of the Wiltshire and Swindon Structure Plan 2016
- Central Government advice as contained in Circular 01/06
- Location, scale and impact of the development
- Highway safety
- The implications of Wiltshire and Swindon Gypsy and Traveller Accommodation Needs Survey and the Draft Regional Spatial Strategy
- Assess the merits of the development against the human rights of the individuals on the site

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

Contact Officer	Tracy Smith	01249 706642	tsmith@northwiltshire.gov.uk
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Proposal and Site Description

The site is located on the south side of the B4069 in the countryside between Sutton Benger and Christian Malford. The site adjacent to some agricultural buildings and a sewage treatment plant is approximately 70m to the south. Access is via an unadopted track and the site is well screened by trees and hedges on the boundaries.

Consultations

Sutton Benger Parish Council make the following comments:

“The Parish Council objects strongly to this proposed planning application, especially as it appears to be retrospective, since some unauthorised activity is already apparent on the site.

It should be noted that an earlier application (ref 00/00731/FUL) was rejected for a mobile home on this site, based on the objection that it was outside the building framework, and damaging to the appearance of the rural area, as well as other issues (full details are given in the application).

The Parish Council notes several inaccuracies in the current application:

Q3. States that work has not already started, although this is clearly not the case, and it is thus a retrospective application.

Q5. Claims that no advice has been obtained from the local authority, although letters included with the application demonstrate that there has been consultation (even if this has been NWDC Officers exempting them from the need for a flood risk assessment!).

Q6 & 16. They claim that there is no new or altered access, although parts of the hedgerow were removed when they moved onto the site.

Q12. States that the site is connected to the main sewer. Since the development is unauthorised, it is not clear how this can be possible.

Q13. Flood Risk: a soakaway is proposed for the removal of surface water. Is this a suitable solution in an area prone to flooding?

Q15. Re existing uses. It is thought that maps exist which show some contamination of the land in this area because of the sewage works. Perhaps this point should be checked by NWDC?

Q25. It is claimed that none of the land is an agricultural holding, but is not part of this application for change of use from agricultural to domestic use?

General Points

The application site is outside the building framework, thus it is not an appropriate site for residential development.

Access to the current site is on a dangerous stretch of road, being on a sharp bend on the B4069, an area where there have been numerous accidents in the past. It is unsuitable as an access for touring caravans, and increased usage by other domestic vehicles.

The application is for one mobile home and one touring caravan, constituting one gypsy pitch, but the design statement continually refers to the occupants of the caravans. There are currently more than two caravans using the site, which is itself at odds with this application.

The applicant is not local to the area, and there must be a legitimate concern that there will be an influx of family members on to this site and/or the adjacent land. None of the applicants/occupants appears to have any local connections with this village.

Regardless of the claims made in the letter from Green Planning Solutions (15 September 2008), this area is within a Flood Zone: the road between Sutton Benger and Christian Malford was closed twice in the last year because of severe flooding. It is a matter of concern that NWDC Officers have apparently exempted the applicants from the need for a Flood Risk

Assessment.

A recent unauthorised development outside the building framework at Seagry Hill (Springbok) has recently been refused planning permission, with a requirement that the site be cleared and returned to agricultural use. The Parish Council considers that this sets a precedent for any unauthorised development outside the building framework, and looks to the Planning officials to strongly oppose this retrospective application at Frampton Farm.”

Wiltshire County Council Highways make the following comments:

“The site is situated in a location where a dwelling would not be permitted but, given the advice in Circular 1/06, an objection on the grounds of sustainability is not appropriate in this case.

The site access is adequate in terms of visibility and geometry and thus, subject to a condition restricting occupation to gypsies, no highway objection is raised.”

Environmental Health have no objections

Wessex Water have no objections subject to conditions and informatives.

Representations

20 letters of objection have been received on the following grounds

- Disregard of planning regulations
- No need
- Objects to exceptions for minority or ethnic groups
- Health risk from sewage works
- Location outside settlement boundary
- Danger from use of access
- Flooding
- Precedent for other sites
- Strain on services
- Untidy appearance
- Effect on house prices (not a planning matter)

Planning Considerations

The application must be determined in accordance with the policies of the Development Plan unless material considerations indicate otherwise. These material considerations include Government advice, the particular circumstances of the site, the personal circumstances of the applicants, previous decisions for similar proposals in the District, previous applications on the site and the provisions of the Human Rights Act and Race Relations Act.

Structure Plan and Local Plan Policies

The following policies are of particular relevance to this proposal:

Wiltshire and Swindon Structure Plan 2016

Policy DP15 states:

Special consideration should be given to bona fide proposals to provide caravan sites for gypsies. Such proposals should not be considered against other policies for towns and villages, due to their particular requirements. Suitable sites may be found both within and outside settlements. They will need to have a minimum impact on adjoining land uses and the natural and built environment, be well located to meet the needs of occupants and permitted business

activities and provide acceptable access and services.

North Wiltshire Local Plan 2011

Policy C3 as follows:

New development will be permitted subject to the following criteria:

- i) Respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal;
- ii) Respect for the quality of the natural and built environment, including the historic environment, archaeology and ecology of the locality and where necessary include measures for the preservation or enhancement of such features;
- iii) Avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development;
- iv) Ensure access into and within the development is safe, minimises the risk from crime, and is convenient and attractive to pedestrians, cyclists, and people with disabilities;
- v) Incorporate energy conservation features and design principles to promote the use of renewable energy sources and prioritise the use of local, natural and recycled materials, provide satisfactory arrangements for efficient water supply, use and disposal and proposals for the storage, collection and recycling of refuse;
- vi) Promote sustainable patterns of development that will reduce the overall need to travel and support increased use of public transport, cycling and walking;
- vii) Have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety;
- viii) Avoid overloading of existing or proposed services and facilities, the local road network or other infrastructure;
- ix) Avoid locations that would generate, or be subject to, a detrimental effect upon public health or pollution to the environment by the emission or production of excessive noise, light intrusion, smoke, fumes, effluent, vibration, waste or litter.

Policy H9 states:

Proposals for the use of land for the stationing of residential caravans occupied by gypsies will be permitted provided that:

- i) It has reasonable access to local community facilities and services; and
- ii) It would not unreasonably prejudice the amenities of neighbouring residential occupiers and land.

Also relevant is The Report of the Panel Inspector into the Draft Regional Spatial Strategy which requires the provision of 48 gypsy pitches in North Wiltshire.

Government Guidance

The latest Government advice is in Circular 01/06 which has been issued following general consensus that previous advice did not adequately address current issues.

The main advice of the Circular is to:

Create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision.

To increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission to address under-provision over the next 3 – 5 years.

To identify and make provision for the resultant land and accommodation requirements.

To help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites, without an alternative to move to.

The Circular recognises that the whole process must begin and be guided by the Local Authority assessing gypsy and traveller accommodation needs, which will then be used to identify and allocate suitable sites, where necessary. Where there is unmet need but no available alternative gypsy and traveller site provision, but there is a reasonable expectation that new sites are likely to become available at the end of that period which will meet the need, the Circular states that Local Planning Authorities should give consideration to granting temporary permission.

Whilst the siting of gypsy sites in rural setting is acceptable in principle, the Circular still recognises that other considerations such as, the scale of the facility, impact on the settled community and local infrastructure and issues of sustainability are important.

Gypsy and Traveller Accommodation Needs Assessment

Under the Housing Act, the Authority now has a duty to assess the accommodation needs of gypsies. The production of a gypsy and traveller accommodation needs survey (GTANA) will in the future determine the strategy of the District Council in assessing whether there are sufficient gypsy sites in the District and where there is an identified shortfall, to identify and allocate new sites.

The Wiltshire and Swindon (GTANA) study was commissioned jointly by Swindon Borough Council and the five Wiltshire Local Authorities (including the County Council) in November 2005 and was undertaken by independent consultants. The final report was issued in early 2008.

The study (GTANA) reports that there is a need for further gypsy and traveller pitch provision in the Wiltshire and Swindon sub region. In relation to North Wiltshire, this need equates to 24 residential (including Minety) and 12 transit pitches in this District. The outcome of the study is part of the evidence base for any future Wiltshire Core Strategy. It has also been used by the South West Regional Planning Body, who have undertaken a review of the additional pitch requirements for gypsies and travellers in the South West, to set the figures for pitch provision in the Regional Spatial Strategy, which will be binding on this Authority. The Inspectors report into the Draft Regional Spatial Study has identified a need for 48 pitches. This Council's Executive has resolved to challenge this assessment.

Having established a need, the next stage of the process is to identify and allocate sites, which can be occupied by gypsies and travellers. Following a study by consultants the council identified six possible sites on public land. It has now been resolved that none of these should be pursued and a further analysis of sites is being undertaken on the basis of site search criteria.

Gypsy Status

The gypsy status of the applicants has been confirmed.

Sustainability

Circular 01/06 makes it clear that sustainability is a large consideration with respect to the development of gypsy caravan sites. Paragraphs 64 to 66 establish that the sustainability considerations for gypsy sites are substantially different from other developments and that consideration should be given to factors such as access to health, education and shops and peaceful co-existence with the local community.

Sutton Benger and Christian Malford both have a range of facilities including a preschool, primary schools, public houses, post offices, a shop and a doctors' surgery.

The site is approximately 500m from Sutton Benger and 1000m from Christian Malford.

Circular 01/06 states that issues of sustainability should not only be considered in terms of transport mode and distances from services. In recent appeals at Chelworth Lodge and Minety for gypsy sites, both Inspectors considered the benefits in terms of sustainability from having a settled base, which would enable regular access to schools and medical care.

The limited access to public transport and lack of footways and lighting around the site will mean there is greater reliance on the private motor car, however, as stated above when considered against the broader criteria in Circular 01/06 it is considered that the harm would be outweighed by the other identified sustainability benefits outlined in the Circular.

Highway Safety

WCC Highways are satisfied with the adequacy of the access for this purpose.

The Character and Appearance of the Area

The site is in a rural location and Circular 01/2006 states, at paragraph 54, that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. This is reiterated in Policy H9 of the North Wiltshire Local Plan 2011 and acknowledged in Policy Dp15 of the Wiltshire and Swindon Structure Plan 2016.

The site is adjacent to some agricultural buildings in poor condition and the sewage works is to the rear. The site is well screened by existing vegetation. The site will be partially visible from adjacent land but the use will have little impact in larger views or from the road.

Residential Amenity

There are no dwellings in close proximity to the site and the use will have no impact on residential amenity.

Personal Circumstances

The applicants have not claimed any exceptional circumstances. It is understood that the site is occupied by the applicant with his wife and three school aged children.

Human Rights

In determining this application the Committee is required to have regard to the Human Rights Act 1998. This is particularly relevant as the Human Rights Act 1998 (Article 8) states that everyone has the right to respect for his private and family life, his home and his correspondence. It further goes on to say that there shall be no interference by a public authority with the exercise of this right, except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Any interference in those rights by a public authority must be lawful and proportionate.

The Act further emphasises that the enjoyment of the rights and freedoms in the convention, shall be secured without discrimination (Article 14) and no person shall be denied the right to education. (Article 2). In this instance there are clearly children of school age who have a right to education and residents who need access to social/health care. These circumstances have to be considered together with the merits or dis-benefits of the development, taking into account the public interest in the proper application of planning policies.

Race Relations

The policies of the Structure Plan and Local Plan recognise the special needs of gypsies as a distinct racial group by allowing gypsy sites in locations unacceptable for other forms of development. This

application has been considered under these policies and complies with the obligations under the Act. No discriminatory comments have been taken into account in the consideration of the recommendation.

Conclusion

The applicants have gypsy status and a site in the open countryside could be acceptable under adopted policies. Given the small scale of the development, the site is not unacceptably harmful to the character and appearance of the area and nor would it have detrimental impact on the residential amenity of neighbouring residents. Whilst the occupiers of the site would be reliant on the private motor car, the development would provide a permanent base allowing access to education and medical care, as advised in Circular 01/06.

It is clear that there is an unmet need for gypsy site provision in the District and in such circumstances a temporary permission may be justified, however, as the proposal generally complies with policy and bearing in mind Inspectors comments on recent appeal decisions it is recommended that permanent planning permission be granted subject to conditions.

Recommendation and Proposed Conditions/Informatives

Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission does not authorise use of the land as a caravan site by any other persons other than Gypsies, as defined in Section 24(8) of the Caravan Site and Control of Development Act 1960 as amended (or any Act revoking or re-enacting that Act).

Reason: In order to define the permission and prevent unauthorised uses.

3. No more than two (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 one (1) shall be a static caravan or mobile home and no more than one (1) shall be a touring caravan, shall be stationed on the site at any time. The site being defined by the red line on the 1:1250 scale plan submitted with the application.

Reason: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3 and H9 of the North Wiltshire Local Plan 2001 Wiltshire Local Plan 2011.

4. No More than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

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

5. Except for the keeping of commercial vehicles as defined in condition 4, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

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

6. Notwithstanding the provisions of the town and Country Planning (General Permitted development order 1995 (as amended) (or any order revoking , re-enacting or modifying that Order), no gates, fences, walls or other means of enclosure shall be erected other than in accordance with conditions 7

and 8.

Reason: In the interests of the appearance and character of the rural area

7. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of Highway safety.

8. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) within 3 months of the date of this decision a scheme for:

- The means of foul and surface water drainage of the site
- Any proposed and existing external lighting
- Details of surface treatment, internal fencing and gates and parking areas for two vehicles

(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a time table for its implementation.

(ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with policy C3 of the North Wiltshire Local Plan 2011.

Informative

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Site Location Plan at 1:1250 scale and Block Plan at 1:500 utility/dayroom, indicative layout/elevations 08-192-004 received 16th September 2008

Reason for Decision

The development is considered to have limited impact on the amenity of the surrounding area and amenity of local residents or highway safety and therefore is considered to comply with Policies C3 and H9 of the North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.03, 1.20, 2.02, 2.25, 4.02, 4.04, 5.02, 5.05

APPENDIX 2 for 09/01033/S73A

DEVELOPMENT CONTROL ADDITIONAL INFORMATION **COMMITTEE 26th November 2008**

Item 2 – 08/02114/FUL - Land adj Framptons Farm, Sutton Benger, Wiltshire SN15 4RL

Two additional letters of objection received:

Object to this application for the following reasons:-

- **Area is unsuitable and proposal is out of keeping**
- **On farm land outside the planning area**
- **Unsuitable due to flooding**
- **Has a dangerous access**
- **Is a right of way to the sewage works serving Sutton Benger**
- **May attract other gypsy families to the site**
- **Individual neighbours were not notified**
- **People already living on the site**
- **There are regular bonfires**