

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 10 August 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email Elizabeth.Beale@wiltshire.gov.uk

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice Chairman)	Cllr Pip Ridout
Cllr Trevor Carbin	Cllr Jonathon Seed
Cllr Ernie Clark	Cllr Roy While
Cllr Andrew Davis	Cllr Graham Payne
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Keith Humphries
Cllr Rosemary Brown	Cllr Gordon King
Cllr Terry Chivers	Cllr Stephen Oldrieve
Cllr Fleur de Rhé-Philippe	Cllr Jerry Wickham
Cllr Russell Hawker	Cllr Philip Whitehead

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AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 29 June 2016

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 2.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on Wednesday 3 August 2016. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

Members of the public are also reminded that, whilst they have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee before the meeting, any last minute lobbying of members is not permitted once the debate has started, including the circulation of new information, written or photographic which have not been verified by our planning officers.

6 **Planning Applications**

To consider and determine the following planning applications:

6a **16/00587/FUL- Brokerswood Country Park, Brokerswood Road, Southwick, BA13 4EH** *(Pages 17 - 54)*

6b **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury, BA13 3EL** *(Pages 55 - 78)*

6c **16/03456/FUL - The Bungalow, Pepperacre Lane, Trowbridge, BA14 7JQ** *(Pages 79 - 92)*

7 **Appeals Report** *(Pages 93 - 94)*

To received details of appeals decisions and appeals pending.

8 **Urgent Items**

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

Part II

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

None

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 JUNE 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Andrew Davis, Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Roy While, Cllr Jerry Wickham (Substitute) and Cllr Graham Payne

Also Present:

Jessica Croman (Democratic Services)
Mike Kilmister (Planning Team Leader)
Jemma Foster (Senior Planning Officer)
Kate Yeoman (Planning Officer)
Steve Sims (Senior Planning Officer)

54 Apologies for Absence

Apologies for absence were received from:

- Cllr Jonathon Seed (Substituted by Cllr Jerry Wickham)
- Cllr Ernie Clark
- Cllr Dennis Drewett

55 Minutes of the Previous Meeting

The minutes of the meeting held on 18 May 2016 were presented.

Resolved:

To defer the Minutes to the next meeting.

56 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency and informed the meeting that:

Members of the public were permitted to lobby members in advance of the meeting, but after the beginning of the debate, circulation of new information, written or photographic which had not been verified by planning officers would not be permitted.

57 Declarations of Interest

There were no declarations of interest.

58 Public Participation and Councillors' Questions

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

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

59 Planning Applications

The Committee considered the following applications:

60 16/02681/FUL - 8 Fulmar Close, Bowerhill, Melksham

Alan Goodwin spoke in objection to the application.

Robert Palin spoke in objection to the application.

Richard Harlow, agent, spoke in support of the application.

The Planning Officer outlined the report which recommended that the application be approved with conditions.

Members of the Committee had the opportunity ask technical questions. Details were sought on the increased height of the roof and eaves, and on the absence of a sink unit.

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

Cllr Roy While, as the local Member, spoke against to the application.

Issues discussed in the course of the presentation and debate included: the impact on the neighbouring property; the potential for overshadowing, loss of daylight and the loss of amenities; and that the Parish Council had objected.

The planning officer's recommendation for permission was moved and seconded.

The proposal was lost.

A proposal was made to refuse the application.

Having been put to the vote, the meeting;

Resolved:

To refuse planning permission for the following reasons:

The proposal by virtue of its proportion, form and scale would result in an overbearing and dominant form of development, which would result in the loss of daylight and be overshadowing to the detriment of the neighbour's amenity at 7 Fulmar Close. This would be contrary to Policy CP57 of the adopted Wiltshire Core Strategy.

61 **16/00587/FUL - Brokerswood Country Park, Southwick**

Robert Wilson spoke in objection to the application.

Tracey Peachment spoke in objection to the application.

Philipa Masters spoke in objection to the application.

Jeremy Lambe, agent, spoke in support of the application.

Sue Capon, owner, spoke in support of the application.

Bobby McGhee, applicant, spoke in support of the application.

Alison Irving, Dilton Marsh Parish Council, spoke in objection to the application.

Roger Evans, North Bradley Parish Council, spoke in objection to the application.

The Senior Planning Officer outlined the report which recommended that the application be approved with conditions.

Members of the Committee had the opportunity to ask technical questions. Details were sought on the figures quoted; the traffic movement survey; the exit road width; conditions 3 & 4 of the recommendations and to ask if a map detailing all the land owned by the applicant and not just the development site, was available.

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

Cllr Horace Prickett, as the local Member, spoke in objection to the application.

Issues discussed in the course of the presentation and debate included: the additional information received during the meeting; the traffic figures, and the possible impact of the proposal on traffic; the scale of the development and the potential environmental impact; the impact on near by residents; and the potential drainage issues on the site..

A proposal was made to defer the application in-order to carry out a site visit and for a fuller report from Highways and queries regarding highways matters to be obtained prior to the next meeting. .

Having been put to the vote, the meeting;

Resolved:

To defer the application for a site visit.

61a 15/12235/FUL - Home Farm House, Hoggington Lane, Southwick

Steve Jones, applicant, spoke in support of the application.

The Senior Planning Officer outlined the report which recommended that the application be refused.

Members of the Committee had the opportunity to ask technical questions. Details were sought on the windows of the original barn; the planning history of the site and the distance of the development to the centre of the town.

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

Cllr Horace Prickett, as the local Member, spoke in support of the application.

Issues discussed in the course of the presentation and debate included: the conditions which could be imposed if approved and core planning issues which had not been met; the views of the Parish Council and the potential impact of the proposal on the traffic..

A proposal was made to approve the application but there was no seconder.

A proposal was made to move the officers recommendations.

Having been put to the vote, the meeting;

Resolved:

To refuse planning permission for the following reasons:

1. Extensive building works would have to be undertaken to make the building habitable as holiday accommodation including new walls to all elevations and new floors, in addition the southwest section of the existing barn would be demolished. It is not considered that the building can be converted without major works of rebuilding or modification and therefore the development is contrary to Core Policy 48 of the Wiltshire Core Strategy.

2. The proposed development, by virtue of its design and materials used, fails to effectively integrate into its landscape setting and would form an incongruous feature in this prominent position within the landscape, resulting in an adverse impact upon the character of the area. The proposal is therefore contrary to Core Policy 39, Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and advice contained in section 7 of the National Planning Policy Framework.

3. The proposed building would be located outside the defined limits of development in the open countryside where development is strictly controlled to prevent unsustainable development and to protect the character of the countryside, in a location that has limited access to services or public transport and where occupants would be reliant upon the private motor vehicle, and as such would increase the need to travel in this unsustainable location. The proposed development is therefore contrary to Core Policy 1, Core Policy 2, Core Policy 39, Core Policy 48 and Core Policy 60 of the Wiltshire Core Strategy and guidance contained in the National Planning Policy Framework.

61b 16/01422/FUL - 6, The Cottage,6 Lower South Wraxall

Viv Vines spoke in objection to the application.

Ruth warren, applicant, spoke in support of the application.

The Senior Planning Officer outlined the report which recommended that the application be approved with conditions.

Members of the Committee had the opportunity ask technical questions. Details were sought on the 25 degree rule and the design.

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

Cllr Trevor Carbin, as the local Member, who had originally called in the application, spoke in support of the application.

Issues discussed in the course of the presentation and debate included: whether an informative could be added to the conditions; the changes made to the proposals in response to the consultation.

A proposal was made to move the officer's recommendations.

Having been put to the vote, the meeting;

Resolved:

To approve planning permission with the following conditions:

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan (drawing no. 1432/000) dated Feb 2016
Block plan (drawing no. 1432/005 A) dated Feb 2016
Existing garden plan (drawing no. 1432/001) dated Oct 2015
Proposed garden plan (drawing no. 1432/004 D) dated Dec 2015
North west elevation plan – received on 31.05.2016
Existing garden plan (drawing no. 1432/001 B) dated Oct 2015**

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

- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.**

REASON: In the interests of residential amenity and privacy.

- 4. The development hereby permitted shall not be used at any time for habitable accommodation and that it shall remain for purposes ancillary to the residential use of the main dwelling, known as No. 6 Lower South Wraxall (known as 'The Cottage' and that it shall remain within the same planning unit as the main dwelling.**

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of

residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the material, colour and texture as that used for the existing building.

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

6. The development hereby permitted shall not be 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.

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

REASON: In the interests of highway safety.

8. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

10. The development hereby approved shall be carried out in accordance with the recommendations made in section 5 of the Preliminary Ecological Assessment for Bats (Draft) report dated 27/06/2016 prepared by Johns Associates Environmental Consultants, as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence.

REASON: To ensure adequate protection and mitigation for protected species.

INFORMATIVES:

1. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or visit http://www.bats.org.uk/pages/natural_england_roost_visits.html for more information.

Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

2. The applicant is reminded to strictly accord with the approved plans regarding the proposed garage position and height.

The Planning Appeals Update Report for 09/05/16 to 17/06/16 was received.

Resolved:

To note the Planning Appeals Update Report for 09/05/16 to 17/06/16.

63 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.05 - 6.05 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail <mailto:jessica.croman@wiltshire.gov.uk>

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.1

Date of Meeting	10 th August 2016
Application Number	16/00587/FUL
Site Address	Brokerswood Country Park Brokerswood Road Southwick Wiltshire BA13 4EH
Proposal	Change of use to locate 90 holiday lodges, 10 touring units and 10 camping pods together with associated infrastructure and LPG storage area (in place of 89 touring unit pitches)
Applicant	Haulfryn Group Ltd
Town/Parish Council	NORTH BRADLEY
Electoral Division	SOUTHWICK - Councillor Prickett
Grid Ref	383935 152434
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Prickett has requested that the application be considered by the Planning Committee if recommended for Approval for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact

Councillor Prickett was also of the opinion that the access roads are inadequate.

1. Purpose of Report

To consider the application and recommend approval. This application was deferred by the Western Area Planning Committee at 29 June 2016 meeting to allow for a site visit by elected members to take place, and for officer to address queries regarding highway matters. The report has been updated and to assist the committee's determination, a member's site visit has been scheduled.

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

3. Site Description

Brokerswood Country Park has been operating as a country park/visitor attraction since 1968 and as a touring caravan and camping park, outdoor pursuits/activity and education centre since 1990's.

The country park is approximately 30 hectares of woodland, parts of which are designated as a County Wildlife Site and Ancient Semi-Natural Woodland. There are no public footpaths running through the site but there are numerous access tracks and paths throughout the woodland. The site subject of this application measures approximately 6.4 hectares so is a relatively small area compared to the entire site.

The existing holiday and country park has a number of facilities including a café, shop, information centre, miniature railway, railway shed, activity centre (climbing, archery, canoeing, kayaking), treetop adventure course, play park, barbecue area, former museum building, outdoor education centre (archery, climbing, canoeing), staff accommodation, two washing facility buildings and an activity lake.

The touring caravan park consists of 89 pitches, 69 of which have planning permission under the 1998 planning permission, 5 are certified caravan and camping location pitches which can be used 365 days a year and 15 pitches which have been in situ since 1968. There is no planning application for the 15 pitches that have been in use since 1968, but the area of land in question (East of the existing access) was not included in the 1998 planning application and the pitches do have electric hook ups. If a Certificate of Lawful Development of Existing Use were to be submitted for these 15 pitches proving their use for a continuous period of 10 years, the Local Planning Authority would have no evidence to contradict the Applicants version of events and as such it has been accepted that these 15 pitches have deemed consent for 365 days a year.

From April 1968 the grounds were open to the general public for 364 days a year until January 2013. After the wettest summer on record in 2012, the park was closed to the general public for the following season to allow the ground and woods to recover. From 2013 onwards, the park has been closed to the general public between November – Easter however the Wiltshire Outdoor Learning team have continued to run all year round activities at the park including corporate programmes for larger groups. The caravan and camping site has also remained open throughout the year. The site has therefore been in some capacity operating for 12 months of the year since 1968.

The Park has direct access off Brokerswood Road and Fairwood Road.

With regards to ownership details, the application site alongside High Wood, Round Wood and Hazel Wood are all owned by a company known as Tregura Limited. A trading company known as Brokerswood Country Park currently lease the application site from Tregura Limited. It is the intention of the applicant (Haulfryn) if this application is approved to buy the application site, High Wood and Hazel Wood from Tregura Limited. Tregura Limited however would still own Round Wood (located South of the application site). This is detailed on the application form submitted with the application where the applicant has served notice on Tregura Limited who are currently the land owners.

4. Planning History

A screening opinion has been carried out during the life of this current application and the Local Planning Authority concluded that an EIA was not required.

14/06001/CLE – Stationing of mobile for residential use – Approved 16/10/2014

W/12/01854/S73 – Variation of condition 1 attached to planning permission 98/00464/FUL (No caravan/tent etc to remain over 28 days) – Approved 13/12/12

W/08/01389/FUL – New subterranean, drainage and repositioned sewer tanks – Approved 09/06/08

W/06/00359/FUL – New revised shower facilities – Approved 03/04/06

W/05/02933/FUL – New shower facilities – Approved 16/01/06

W/00/00185/FUL – Landscaped earth bund, erection of boiler house, construction of refuse/recycling point, erection of wooden shed for electricity meters – Approved 13/03/00

W/98/00464/FUL – Caravan park complete with two toilet blocks, sewage disposal unit and disposal tank – Approved 21/05/98

The 1998 application gave planning permission for a maximum number of caravans/tents/tourers/pitches to not exceed 69 at any one time. It also requested that there shall be no more than 20 pitches of the 69 with a hardstanding base.

The 2012 application lifted the occupation restriction for 28 days which was on the 1998 application. The condition was changed to:

The use of the site for the stationing of touring caravans/tourers/tents shall be used for holiday accommodation only and shall not be occupied as a persons sole or main residence. The owners/operators of the site shall maintain an up to date register of the names of all the occupiers of the caravan/tourers/tents and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

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

5. The Proposal

The proposal includes replacing the existing 89 pitches with 90 holiday lodges, 10 touring units and 10 camping pods. One of these lodges will replace the existing timber lodge that is currently used for staff accommodation.

Some of the existing facilities will remain such as the reception, shop, café, washing facilities, bio mass boiler and some of the outdoor activity area. However the proposal does see the removal of a large former museum building, large storage building, train station, trains shed and two platform areas alongside the train itself and its associated track. The play park, barbecue area and coach/car parking area are also to be removed.

Additional LPG storage tanks are proposed which will be located on a concrete plinth on the site of an existing timber building which is to be removed. Low level lighting is also proposed. The existing access arrangements will remain which see the entrance on Brokerswood Road and the exit on Fairwood Road.

The proposed holiday park is to be run by a group known as Haulfryn who are renowned for their holiday and residential parks across the country. The proposed use for this particular site is for holiday homes (not residential homes). This company also has experience of constructing similar developments in areas of woodland across the UK including Finlake near Newton Abbot and the Devon Hills Holiday Village near Paignton.

Amended plans have been received reducing the amount of touring units to 10 (from 20) and the relocation of the lighting bollards. Additional ecology information and an updated technical highway summary have also been submitted. As the number of pitches have been reduced and some lodges have been re-located away from neighbouring properties, it was not considered necessary to carry out a further re-consultation process.

6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP39 (Tourism Development), CP41 (Sustainable construction and low carbon energy), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP64 (Demand Management), CP67 (Flood Risk)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment),

Other

- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

- Wiltshire Car Parking Strategy
- Wiltshire Waste Core Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town and Country Planning Act (1990)

7. Consultations

North Bradley Parish Council – Object – the roads giving access to the site are totally inadequate for existing traffic let alone the increase traffic that this development would produce

Dilton Marsh Parish Council and Southwick Parish Council – Object for the following reasons (identical letters):

- There will be significant highway problems due to narrow, single carriageway country lanes with no passing places. There is also a regular presence of farm vehicles, local residential traffic, milk collection and the movement of animals and therefore the proposal will exacerbate the problem
- Proposal fails to comply with CP61, CP39
- The site is an environmentally sensitive area that is ancient woodland with a rich diversity of flora and fauna. The impact would be irreversible
- Increase in noise, light and pollution in an area of tranquillity and calm
- Severe loss of residential amenity
- The proposal does not include retail or leisure facilities making residents have further vehicle movements
- The proposal relates to permanent accommodation (20 year lease) and not holiday accommodation
- No pre-application consultation was carried out

Wiltshire Council Spatial Planning Officer – Verbally confirmed that CP39 is the correct policy to use and as it is an existing tourist facility only parts iii-v of CP39 apply.

Wiltshire Council Highways Officer – No objection

Wiltshire Council Ecologist – No objection subject to conditions

Wiltshire Council Drainage Officer – Support subject to conditions regarding surface water and foul water discharge

Wiltshire Council Sustainable Transport Officer – 1 covered cycle space should be provided

per bedroom and cycle parking for staff should be provided

Wiltshire Council Public Rights of Way Officer – No comment

Wiltshire Council Archaeologist – No objection

Wiltshire Council Urban Designer – Would like the areas of hardstanding to be reduced

Wiltshire Council Arboriculturalist – No objection

Wiltshire Council Public Protection Officer – No objection

Wiltshire Council Conservation Officer – No objections

Natural England – No objection subject to conditions regarding avoidance and mitigation measures, lighting, improvement to existing woodland

Environment Agency – No objection subject to informatives regarding treatment plants, pollution

Wessex Water – No objection subject to Wiltshire Council Drainage Officer comments

Fire and Rescue Service – Building Regulations should be incorporated

Wessex Chamber of Commerce – Support as the application includes investment in ecology and surrounding infrastructure. It provides an opportunity to secure the long term beneficial retention of the ancient woodland. It will generate jobs and potentially provide a significant boost to the local economy with the income that will be generated through the lodges

Forestry Commission – No opinion on the application but the LPA should have regard to points provided by Natural England, the need for a Screening Opinion and paragraph 118 of the NPPF.

Woodland Trust – The trust objects to the proposal on the basis of a considerable loss and damage to the ancient woodland namely Round Wood and High Wood/Hazel Wood. The proposal would result in the loss of approximately 2.75 hectares of ancient woodland which is highly significant in both a regional and national context. Furthermore, the impacts of the construction of this development will be irreversible and permanent in their nature.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 25th April 2016:

15 letters of support have been received with the following comments (summarised):

- This is the only way to preserve the ancient woodland
- It will bring much wanted employment for the younger job seekers in the area
- On busy days, the queue of people waiting to get into the site extends out onto local roads which will be removed if this application were to be approved
- Noise will be reduced as people will be in lodges rather than canvas tents where people tend to eat outside
- The proposed development leaves the majority of the woodland and wildlife untouched
- There is no view from the windows of the church and the church does not face the proposed development
- The range and depth of plans is impressive
- Lodges will be a much better view than caravans, tents and will offer better insulation
- There are currently 89 pitches
- The lanes have already coped with high level of traffic with even bigger modes of transport, coaches, caravans etc – so this will be better for the roads.
- Owners of the lodges may want to attend the church which will increase the

congregation

- Increased landscaping will protect the church
- Outdoor educational aspect of the business will be increased
- It will support Wiltshire Tourism and be an asset to the Countys economy and local businesses
- The development is sympathetically planned and inkeeping with the surroundings
- I have stayed in similar parks and they are a delightful way to keep people in touch with nature whilst remaining eco friendly
- The park cannot survive in its current form
- The local pubs which have closed down would have benefited from this development and therefore other existing businesses will
- Less caravans and more lodges which are more in-keeping with the area
- Continuity of the managed woodlands
- Reduction in touring pitches will reduce the number of caravans, motor homes and trailers using the local road network
- The woodland will be preserved
- The park could just close which would result in a loss of facilities to all – including our economy
- People can still visit Southwick Country Park, Barton Farm and Longleat
- Longleat blends into the wider countryside and I don't see why that wont happen here
- Higher class accommodation is much more suitable to this area which is in demand
- The park is not a public facility
- As the owners of White Row Farm Shop, the proposal would benefit my business

Approximately 290 letters of objection have been received which made the following comments (summarised). It is important to note that in some cases up to 6 letters have been sent from the same property and some people have sent in multiple letters:

Principle

- Used by the locals and would result in the loss of a public park and a loss to the local community
- Should remain as an asset for community use, education use, children, schools, families and forest memorials
- Previous permission (W/12/01854/S73) gave permission for 69 touring and camping pitches – not 89 as stated
- The end result will be a high density housing development with over 600 people living within the area
- The lodges are not mobile and are clearly planned for permanent occupancy and therefore are homes/second homes
- There are a lack of facilities in the area to accommodate an increase in residents
- There will be no benefit to the local community or Wiltshire
- The lodges will be sold to individuals who can then live in them permanently or rent them out
- There is no demand for holiday accommodation in this area
- The scale of development is not compatible with the quiet rural nature of the area
- Construction of 600 permanent dwellings is out of proportion to the local village hamlet
- If approved it would set a precedent for other holiday villages

Impact upon character and appearance of the area

- This is an Area of Outstanding Natural Beauty (AONB) and a County Wildlife Site
- Listed Buildings will be impacted upon (especially the tin church)
- Bad for the environment
- Permanent lodges and ancillary buildings will damage the fragile eco foot print of this area
- Out of keeping and encroachment of an ancient woodland environment
- Not enough information has been submitted in the Masterplan
- No mention of how many trees will be lost
- Wooden lodges would be an eyesore
- Drainage on site is poor and prone to flooding
- Ecology report is not credible
- Construction phase will involve destruction of woodland
- The park is currently shut on many occasions to minimise the destruction to the natural habitat
- There is inadequate provision for sewerage treatment, refuse collection and disposal
- It will kill animals and their homes
- It will change the character and appearance of the area to its detriment
- The land to the rear of Brockvere is unused and undeveloped and has only been used for horses – surely it is not permissible to now include this field
- 0.46 ha of woodland will be lost
- The design of the new lodges are not in-keeping with the local character
- Protected species and their habitats need to be protected not disturbed
- Increase in pollution, vibration to the compacted soil
- Footings of the lodges will damage existing important root systems

Neighbouring amenity concerns

- Increase in pollution in noise, dust, light
- The number of people staying will overwhelm the local community
- Increase in lighting from 120 lodges will affect us
- We moved to this area knowing we were living next to a small campsite. The proposal will mean that we will live next door to over 100 transitory neighbours who will be complete strangers that will be replaced every week. The noise from people, cars, dogs etc will be significant
- My son is in a wheelchair and gets taken out for walks on the track and down to Silver Street Lane – if this development goes ahead I will not be able to do this
- Trees on my boundary will be taken down
- My son has autism and is extremely sensitive to noise and has an acute smell – he won't be able to use our garden if there are noisy neighbours nearby having BBQ's etc

Highway concerns

- More cars, more traffic, more accidents
- The roads around Brokerswood are narrow, single track lanes which are used by locals, cyclists (route 254), runners and horse riders
- It is along a single track with no passing bays and the access to our house will be restricted
- 3 change over days will cause havoc in our area as can be seen at Longleat
- Increase in traffic movement due to no facilities being available
- No public transport available
- The Transport statement fails to include the existing educational trips in their forecast
- The site has been closed to open visitors from January 2013 onwards. On 3rd May 2014

it was re-opened to the public at weekends and school holidays only, until the autumn. It did not re-open to day visitors until 27th March 2015. There have not been over 60,000 visitors since the beginning of 2013

- The park sees sustainable methods of transport (coaches, minibuses etc) this will not happen with lodges
- The site is currently open between Easter and October and the proposed use will be all year
- There is hardly any traffic associated to this site in the winter – the proposal will see all year round traffic
- Only one access in and out is not acceptable
- There are already large vehicles using the small road network – milk tankers, tractors, hay balers – the proposal will only cause conflict with them
- The site lies between brokerswood and the A36 and Rudge will see an increase in traffic from cars accessing the site as will Southwick and Dilton Marsh
- The site is not as close to neighbouring towns as stated
- Increase in vehicular use from on-site residents (shopping, visiting attractions and food outlets, staff, service lorries,
- The transport statement confirms that there would be a reduction in vehicular traffic during peak holiday periods – no figures have been given for the overall vehicle movements
- Existing cars and caravans damage the verges
- Will there be a bigger road?

Other

- Why were we not consulted on this application or the pre-application enquiry
- More litter
- More walkers will disturb our sheep and could result in lambs being still born
- We have memorial trees and benches on the site – what will happen to them
- No public consultation has taken place
- Security will be at risk as people on the site will not respect the local community
- The existing local B&B's, hotels etc will suffer
- Concerns about risk from fires, electrical fault, gas leak, smoke, will people be able to escape. Who is responsible for the risk and impact assessments, evacuation procedures etc
- It will ruin my childhood memories
- Why cant people just go to centerparcs
- Other applications have been refused because of an increase in traffic so the same should apply here (annexes, letting out stables)
- This application is purely to make money
- There will be an unacceptable impact on our local resources – doctors, fire service etc
- Why has the Council kept it so secret from the public for so long
- LPG storage is a potential bomb
- Thoulstone would be a better site for this
- 28 day consultation period is not sufficient to comment – the Applicant has had over 12 months – this is an abuse of the planning system
- What if I make a 999 call and the ambulance is not able to get down Silver Street due to the cars
- There will be a reduction in the amount of places we can walk our dog
- How long before swimming pools etc start to arrive on site
- There is a deed of dedication dated approx. 1958 which details how the woodland will be managed. This proposal contradicts this deed.

Since the application was last discussed at the Western Area Planning Committee (29th July 2016), the Local Planning Authority has received an additional 3 letters of objection. Many of which detail concerns that have been previously raised and are detailed above but some new areas of concern have been raised which are as follows (summarised):

- I own an adjacent woodland and have never been notified. I have written in to object but have received no response from the Case Officer
- I have requested to view the pre-application enquiry details and have been denied
- The Case Officer has not done her research – if you had you would see from Land Registry that Brockvere no longer exists but is in fact Green Gables
- Why did the Western Area Planning Committee refuse a similar application at Hoggington Lane in Southwick at the same planning committee?

9. Planning Considerations

9.1 Principle

Brokerswood Country Park is an existing facility that is well used by the general public both by day visitors and through the use of the caravan/camping area which is located close to the larger settlements of Westbury and Trowbridge.

The key policy for making a recommendation on this application is CP39 which relates to tourist development and states in full:

Within Principal Settlements and Market Towns, proposals for tourist development of an appropriate scale (including attractions and tourist accommodation) will be supported subject to a sequential assessment. Proposals for large-scale tourist development must be assessed against all the policies of this Core Strategy, including transport implications and how the proposal could assist rural regeneration and the well being of communities.

Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction. If new buildings are required in the countryside for tourist development these should be directed towards the Local Service Centres and Large and Small Villages.

In exceptional cases development may be supported away from the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where it can be demonstrated that all of the following criteria are met:

- i. There is evidence that the facilities are in conjunction with a particular countryside attraction;*
- ii. No suitable alternative existing buildings or sites exist which are available for reuse;*
- iii. The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas;*
- iv. The building is served by adequate access and infrastructure; and*
- v. The site has reasonable access to local services and a local employment base.*

Extensions to existing facilities should be appropriate in scale to its location and help to

ensure the future viability of the business, including farm diversification schemes.

Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v above.

Objectors to the proposed development are of the opinion that criteria i-ii of CP39 should apply when assessing this proposal but these criteria only apply to new tourist facilities in the open countryside. The final paragraphs of CP39 are very clear in saying “*Extensions to existing facilities should be appropriate in scale and location and help to ensure the future viability of the business, including farm diversification schemes*” and “*proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v above*”. This proposal as already confirmed is considered to be an extension to an existing tourist camping and caravan site/facility and therefore the criteria of i and ii of CP39 do not apply.

CP39 is supported by paragraph 28 of the NPPF which states: *Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings;*
- *Promote the development and diversification of agricultural and other land-based rural businesses;*
- *Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*

The Wiltshire and Swindon Local Enterprise Partnership (SWLEP) through their study of hotel and visitor accommodation which was carried out in 2014 confirmed that there is a good potential for the development of additional holiday lodge accommodation and that Wiltshire and Swindon should be able to support the development of the type of woodland and lakeside holiday lodge parks that been successfully developed elsewhere in the country. Holiday lodge parks generate significant economic and employment benefits and possibly environmental benefits if they involve landscape restoration.

The proposal is for 90 holiday lodges to replace the 89 pitches that are currently in situ. 10 touring units and 10 camping pods are also proposed. There is therefore an increase of 21 pitches on the site. It is considered that this application meets the tests of the Wiltshire Core Strategy and the NPPF as it is an existing rural business that is seeking an extension which will benefit existing rural businesses and the Wiltshire economy. The need is also not met elsewhere although many objectors have compared the site to Center Parcs which the site is not comparable to as Brokerswood Country Park has no on-site facilities (other than a small café/shop) and is not a destination in its own right. Therefore in principle, the redevelopment of

the site would be supported by CP39, the NPPF and the SWELP document, however this is subject to other material considerations which are outlined in the remainder of this report.

Objections have been received regarding the loss of the country park for day visitors and the loss of a community asset. Brokerswood Country Park is a privately owned business and is not a publically owned space. The country park could close its doors to the public at any time and the Local Planning Authority could do nothing to ensure that it remains open. In contrast, Southwick Country Park is located on the edge of Trowbridge and is an allocated country park in the Wiltshire Core Strategy that provides the public with free access (including wheelchair access) to the countryside. As Southwick Country Park is an allocated open space it is safeguarded from certain types of development. This is not the same for Brokerswood Country Park.

Concerns have been raised regarding the proposal becoming permanent dwellings. The proposal is not for permanent dwellings, the holiday lodges are purely for holiday use and holiday letting and stringent measures will be put in place through appropriate planning conditions to ensure that this remains (Condition numbers 2 and 3). Haulfryn have also confirmed that they require legal agreements to be made between themselves and the lodge owners and documentation has to be provided to the Haulfryn group on an annual basis to demonstrate and prove that owners of the lodges have a main residential address to ensure that future owners comply with the strict planning conditions. A question was raised as to whether a condition could be attached to ensure the site is only occupied 11 months of the year, however there is no policy requirement in the Wiltshire Core Strategy, NPPF or PPG to allow this type of condition and therefore it is considered unreasonable and would fail the necessary tests. Furthermore, the applicant has requested the use of the site for 12 months of the year and as the site is currently run 365 days a year this is considered to be appropriate.

Objectors have raised the concern that there is no need for this development. Core Policy 40 (Hotels, bed and breakfasts, guest houses and conference facilities) of the Wiltshire Core Strategy confirms that there is a lack of both budget and high quality leisure accommodation within parts of Wiltshire and therefore there is a known demand. A further concern that has been raised is the issue of precedence. This proposal would not set a precedence for further holiday parks in the open countryside as this particular site already has planning permission for caravans and touring units and the proposal only increases the existing number of pitches by 21.

The Wiltshire Outdoor Learning Team and Activity Centre will continue to be operational at the site for 12 months of the year.

9.2 Impact upon the character and appearance of the area

Pitches

There are 2 types of holiday lodges proposed which are twin lodges (approximately 13.5m x 7m) and single lodges (approximately 12m x 4m) and both are single storey in height. The lodges are to be based on 4 different designs (Chichester, Rochester, Buckland and The Breeze) which have been submitted as part of the planning application. The lodges are built on a chassis within a factory controlled environment which are fitted with wheeled axles and a tow bar to allow for transportation onto a low loader. The lodges are then transported to the site,

wheeled off and manoeuvred into position and sited using a 4x4 vehicle or a tractor onto a levelled base using multiple supports beneath the chassis to allow the services to be connected. The lodges will be free standing and are classed as mobile structures under Section 29(1) of the Caravan Sites and Control of Development Act 1960, as modified by Section 13(1) of the Caravan Sites Act 1968. It is accepted by the Local Planning Authority that the lodges will have an air of permanence as they would not be moved around the site but in planning/legal terms they are considered to fall under the definition of “moveable structures” and have to be treated as such.

The holiday lodges are low density, informal and non-regimented and will be constructed with a brown timber exterior under a dark charcoal non reflective finish. The window and door frames will be dark timber or grey. The materials are considered to be appropriate to their rural woodland setting and would allow the lodges to blend in with their immediate setting. To ensure that the exact colour is appropriate, a condition requiring samples to be submitted for approval can be attached to any positive recommendation.

To the East of the existing access is a small paddock that is and was historically and is used for touring caravans and camping since 1968. The proposal sees the use of this paddock remaining the same with 10 touring units being proposed which will utilise existing electric hook ups and water points. The touring units are brought onto the site by individuals for overnight stays and are usually towed on the road behind a vehicle. As there is no change to the use of this piece of land, there is no objection to this part of the proposal.

To the West of the existing entrance is the existing caravan park area with its associated washing facility, access tracks, parking facilities and hardstandings. As part of the proposal the washing facility is to remain which utilises the existing on site biomass boiler and will be used by users of the touring units and camping pods. This area under the proposed application is to be used for 9 single unit holiday lodges and 26 twin unit holiday lodges which will utilise existing electric and water facilities. There is no change of use of this particular piece of land and therefore no objection is raised in principle.

In the centre of the site there are existing touring caravan pitches and parking for both cars and coaches which are all accessed via existing tracks. Also in existence is the archery field and an existing chalet that is used on site as staff accommodation. Proposed in this particular area are 21 single unit holiday lodges and 1 twin unit holiday lodge to replace the majority of the existing parking area. Again there is no material change of use of this piece of land so no objection is raised in principle. Also within this area, the existing sheds are to be replaced with the proposed LPG tanks. These olive green tanks will be on concrete plinths and will be surrounded by a 1.8 metre high dark green, metal palisade fence which are considered to be appropriate to their landscape setting.

Adjacent to the existing train station and train shed (which are to be removed) is an area where 10 camping pods are proposed which will be located amongst existing trees. The camping pods are generally referred to as glamorous camping facilities and are not fixed to the ground. They are constructed of timber, are fully insulated and will be connected to electricity and water via hook up points similar to the touring units. Due to the pods being built of timber, it is considered that they would blend into their rural woodland setting and would be an improvement on the existing train station buildings. Occupiers of these units will utilise the existing washing facilities

and will park in a small part of the existing car park that is to remain.

The existing timber buildings (including the former museum building) which are located near to the existing lake are to be replaced with 7 single unit holiday lodges and 6 double holiday lodges. As the lodges predominantly replace existing outbuildings, no objection is raised.

To the north of the existing lake is a large bbq and picnic area with freestanding bbq's for the general public to use. This area is to be replaced with 4 single unit holiday lodges and 4 twin unit holiday lodges. The existing vehicular access to this area will remain but will be improved and will be used to access the proposed lodges. There will be some vegetation removal in this area but due to the site predominantly being previously developed, no objection is raised.

To the West of the existing caravan area is a field which is used for the camping of tents. Proposed in this area are 12 twin holiday lodges alongside substantial landscaping to the north. The proposal will see a change in this particular area due to the erection of timber lodges rather than tents, however as it does have planning permission for camping no objection in principle is raised for lodges being erected in this area. Concerns have been raised by the objectors as to whether this area of land in question does indeed have planning permission. This land was included within the red line annotating the application area in the 1998 planning application. Although there was a plan detailing where lodges and tents may be located which did not include this field, there is nothing on the decision notice that prevents this area from being used for camping and caravans. Therefore legally, this area has planning permission for what is detailed in the 1998 description which is: *Caravan park complete with two toilet blocks, sewage disposal unit and disposal tank.*

Lighting

Low level lighting made of timber bollards approximately 800mm tall have been proposed which include an opaque diffuser down shade cover. The 3watt LED light would give a Lux reading of 0.5 at a distance of 5 metres. To put this into perspective, 1 Lux is equal to the illumination of a surface one metre away from a single candle. The proposed lighting can be conditioned to ensure that there is no increase in LUX levels and that no additional lighting is proposed. The proposed lighting bollards are to be facing away from the boundaries of the site to avoid light spill and energy waste and will be operated by dusk to dawn sensors. The lighting columns will be spaced at a minimum distance of 15 to 20 metres apart. The design and location of the lighting bollards are considered to be appropriate to their woodland setting. Wiltshire Council Public Protection and Ecology Officers have raised no objections to the proposed lighting detail and locations.

Trees

The entire woodland is classified as Ancient Semi-Natural Woodland and it has a good existence of both flora and fauna species. Core Policy 51 requires developments to conserve and enhance locally distinctive patterns of natural features such as *trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*. Paragraph 118 of the NPPF also states: *planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need and benefits of the development in that location clearly outweigh the loss.*

The site as existing has a high number of pedestrian footfall which has noticeably started to damage the ancient woodland through compacted woodland soil, woodland erosion, continued habitat disturbance and a loss of notable species. Due to the high level of pedestrian traffic during March/April to November, there is little time that is safe for the existing woodland to be appropriately managed annually. The existing use has been assessed by the Wiltshire Council Ecologist as “*not sensitive to the ancient woodland and soils*”.

The lodges are to be located on areas which have previously been built upon or redeveloped and have been located on the advice of expert ecologists and arboriculturalists so that they can be accommodated with minimal impact upon the area but undoubtedly there will be some vegetation removal. The proposed lodges where possible have been sensitively located to ensure that they are outside the root protection areas of the high quality trees. The lodges will be based on concrete pads which will be between 200mm and 300mm in depth. Where there may be an impact on the tree roots, the lodges have been detailed to ensure minimal impact upon the rooting system through the use of screw-in piled foundations which avoids the need for a concrete pad. The lodges will also require the installation of services and these will predominantly be provided through a multi-service trench which will be located under the proposed new vehicular access tracks. This will require excavation within the woodland but is limited to areas that have previously been developed through existing tracks and/or buildings. A condition requiring how these trenches will be dug to avoid protected root systems can be added to any positive recommendation.

A tree survey has been carried out and submitted with the application which details the higher quality trees. The design of the proposal has been undertaken with the intention to avoid these high quality trees but will result in some tree loss but this is limited to non-native species and younger trees within the woodland. There will be no loss of veteran or ancient trees as part of this proposal.

The Wiltshire Council Arboricultural and Ecology Officers have attended various site visits and have both supported the scheme as the proposal re-uses existing developed areas to ensure that the cumulative impact on the ancient woodland is low. The proposal would restore parts of the existing woodland, see additional woodland planting and an enhanced management of the site through appropriate mitigation and compensation (which are in line with the standing advice from Natural England and the Forestry Commission). A Woodland Management Plan has been submitted with the application which will see the woodland enhanced and managed for a period of 25 years which has been considered by Wiltshire Council Officers to provide significant benefits for the ancient woodland habitat and associated species. The proposal is therefore considered to comply with CP51 and paragraph 118 of the NPPF. These recommendations are subject to various conditions all of which are considered to be appropriate.

Concerns have been raised regarding the impact on the Ancient Woodland through the construction process. The submitted surveys concluded that: *the processes of construction are highly unlikely to have a detrimental effect upon the health of the retained trees assuming that the tree protection measures that will be detailed in the AMS are adhered to at all times by the contractors*. The proposed development is utilising developed areas of the site and uses existing accesses and therefore any impact upon the area will be minimal. Furthermore, the requirements put forward in the tree survey for tree protection measures during construction can be conditioned to any approval.

Ecology

The Brokerswood Country Park in its current form has been participating in the Bellamy Conservation Award since 2001 and has achieved a gold award for the past 10 years which marks it out as a business that takes significant steps to maximise the ecological value of its green space and works effectively to minimise its impact on the environment.

CP50 requires new developments to *seek opportunities to enhance biodiversity* and where possible should include *measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services*.

As part of the application an Ecological Impact Assessment (ECIA) was submitted which included a Phase 1 Habitat survey alongside surveys for breeding birds, bats, dormouse, otter, water voles and badgers. The ECIA concluded that the *overall scheme provides an opportunity to secure the long term beneficial retention, and effective ecological management of a significant area of ancient woodland supporting a range of locally and regionally important species*.

The site is located within the Brokerswood and Hazel Wood County Wildlife Site (CWS). This CWS is described as a fairly large area of ancient semi-natural broadleaved woodlands containing a small holiday park. Approximately half of the proposed development (2.9 hectares) is situated within areas of improved grassland which is of minimal conservation value. Features of higher value including mature hedgerows, scattered trees and standing water are to be retained. The remainder of the site is located within areas designated as Ancient Semi-Natural Woodland and Plantation on Ancient Woodland soils. This designation is nationally important with both habitats considered as "irreplaceable". The Wiltshire Council Ecologist is of the opinion that the proposal would not significantly impact upon the CWS.

The site is also located within the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The Wiltshire Council Ecologist has carried out a Habitat Regulations Assessment (HRA) on the proposed development which concludes that there would be no likely significant effects on the SAC due to the Woodland Management Scheme including specific measures for greater horseshoe bats and the lighting scheme being revised to reduce the light Lux to 0.5 at a distance from each bollard.

Habitat protection and enhancement measures have been proposed as part of the application to target key species and to provide high quality foraging and potential breeding habitats for local and regionally important species through the erection of bat/bird/owl boxes, habitat piles and reptile hibernacula. This includes a woodland management plan/scheme for High Wood and Hazel Wood (26.6 Hectares) which aims to restore, maintain and enhance the ecological value of the woodland whilst protecting it from contemporary threats such as pests/disease and climate change and attracting new species. Significant new belts of primary native species are also proposed along the south and west boundaries of the touring and caravan area to supplement existing screening and to create new wildlife habitats and wildlife corridors through linking existing vegetation up to the existing woodland. The ratio of woodland habitat to be enhanced versus that to be impacted upon by the proposed holiday lodge development is approximately 10 to 1. The proposal does see the loss of 1.7% (1080 square metres or 0.1 hectares) of ancient woodland habitat but this is considered to be more than adequately met by the proposal which will create new habitats, restore areas of woodland, create new woodland

and see the long term management of the existing woodland.

It is therefore considered that the proposal would have a small impact upon the existing woodland and habitats whilst providing an opportunity to secure the long term retention and effective ecological management of a significant area of ancient woodland that would support a range of locally and regionally important species. The proposal would result in a reduction in the amount of pedestrian footfall and leisure use activity within the ancient woodland. Under the proposed development, pedestrians would be restricted to specific areas adjacent to the built development further benefiting the site and existing habitats. The proposal is therefore considered to comply with CP50 and CP51.

The Woodland Trust objected to the application due to the impact on Round Wood. Round Wood is a County Wildlife Site (CWS) that is located south of Brokerswood Road. This CWS is not located within the site boundary and is not owned by Brokerswood Country Park and as such will not be affected by the proposed development. The Woodland Trust has objected to the proposal due to it resulting in a loss of 2.75 hectares of woodland (large scale removal of woodland and planted areas), an intensification of the recreational activity on the site, large amounts of disturbance during construction and operational phases, increase in pollution, trees or branches could be felled where they overhang public spaces and changes in ground/surface water run offs from urban development. It is considered that The Woodland Trust have failed to take into account the supportive information which details that there would not be a loss of 2.75 hectares of ancient woodland – there would in fact be a loss of 0.1 hectare, the proposal would actually see a reduction in the volume of pedestrian traffic visiting the site due to it being closed to the general public which will also reduce pollution in the area, there will be minimal disturbance to the area during the construction period due to the structures being “moveable” and not dug into the ground. Trees will not need to be felled where they overhang public areas as the holiday park would be run as the existing park is run and water run-off will go towards the existing lake. It is considered that the Woodland Trust have also not taken into account the existing use and the impact that would have on the ancient woodland if it were to continue, nor the extensive improvements/contributions that would be made to the ancient woodland if this application were to be approved.

Concerns from the general public have been raised over the credibility of the Ecology Report. The Councils Ecologist and Natural England have supported the submitted details and therefore this would not be a reason to refuse the application.

Landscape

A significant amount of the proposed development is to be located on areas that have already been built upon, or have been redeveloped to some extent since Brokerswood Country Park was opened in the late 1960's.

The existing caravans, touring units and tents that utilise the site are visible from nearby roads. The proposed units will also be visible from the road but significant new belts of primary native species are proposed along the south and west boundaries of the touring and caravan area to supplement existing screening to reduce the visual impact upon those using the nearby road network. The proposal in terms of views from the existing road network is considered to be an improvement on what currently exists due to an improvement in materials and an increase in

boundary landscaping.

Metalled surfaced roads are already located within the site alongside hardcore vehicular access tracks and footpaths within the sections of the woodland. Metalled surface tracks are proposed for the holiday lodge areas but as these are located within the site, they would not be visible from public vantage points. They have also been located to avoid the existing tree root systems.

Submitted with the application was a Landscape and Visual Impact Assessment report (LVIA) which concluded that *“the proposed development will not result in any long term significant adverse landscape and visual impacts”*.

It is considered that the proposal would have a small impact upon the wider landscape but when compared to the existing use alongside the additional proposed planting, it is considered that the proposal would not have a detrimental impact upon the landscape that would warrant a refusal reason and as such would comply with the requirements of CP50 and CP57.

Heritage Assets

The NPPF deals with determining planning applications that affect heritage assets in paragraphs 128 to 135. Paragraph 132 sets out that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*. Significance is defined in the NPPF as *“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*. It goes on to note that *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of designated heritage assets of the highest significance, including SAMs and Grade I & II* Listed Buildings should be wholly exceptional”*. The setting of a designated heritage asset is defined in the NPPF as *“the surroundings in which a heritage asset is experienced”*.

Paragraph 133 of the NPPF goes on to note, that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

In *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin), it was accepted that substantial harm is an impact which would have such a serious effect on the significance of an asset that its significance was either removed altogether, or very much reduced.

The Church of All Saints is located on the crossroads of Fairwood Road and Brokerswood Road and lies south west of the existing park and is Grade II Listed as confirmed on Historic Englands website. It sits in the corner of a field that has mature hedging on its boundary and also has a small car park. It was listed on 14th January 2014 as it was a good example of a Gothic Revival tin tabernacle that displays a detailing above the norm for a church of this type. The listing goes onto say that the church is an increasingly uncommon ecclesiastical survivor and though typically modest, is substantially complete and retains many of its original fixtures and fittings.

The church is therefore primarily listed for its architectural interest and rarity.

It is considered that due to existing landscaping (including the hedging on the boundaries of the church which are outside of the applicants control) and the proposed robust planting on the site subject of this application, the proposal of which some lodges would be visible would not harm the significance of this heritage asset as it will be retained and will not be altered.

The Conservation Officer is of the opinion that the proposal would not give rise to substantial harm to the heritage assets or its setting The proposal is therefore considered to comply with CP58 and Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

CP58 states that development should protect, conserve and where possible enhance the historic environment. The Wiltshire Council Archaeologist has confirmed that due to there being limited below ground impact, no archaeological investigations are required. As such the proposal is considered to comply with CP58.

Flood Risk and Drainage

The site is not located in an area designated as at risk of flooding as the entire site lies within Flood Zone 1 which is the least likely to flood. The site is connected to the public water system and foul water disposal will be via an existing sewage treatment plant which was replaced in 2009 and caters for the existing touring park. The existing treatment plant discharges clean treated water to the existing water course known as Biss Brooks though an existing licence with the Environment Agency. Surface water will be discharged to the lake via a flow control which will restrict runoff to greenfield rates. The submitted Flood Risk Assessment concludes that the site can be developed safely and will not lead to an increase in flood risk on the site or elsewhere. Wiltshire Council Drainage Officers and the Environment Agency have not objected to the proposed scheme. The proposal is therefore considered to comply with Saved Policy U1 of the WWDLP.

Sustainable Construction

The proposed lodges are insulated and have integrated appliances at level A (very energy efficient and have low running costs), double glazed windows, combined heat and power boilers, intelligent heating controls and the technical ability to recycle rainwater for flushing toilets and washing machines.

Alongside the biomass boiler that is already on site which is fuelled mainly by logs from the site, there is an existing on site recycling area which will be utilised by future occupiers. Furthermore cooking oil that is used on the site is recycled and used by the Wiltshire Outdoor Learning Team (WOLT) to run their minibus. Existing logs are also put through a wood chipper to create chippings for the landscaped areas and food in the café is sourced from local outlets.

It is therefore considered that the proposal achieves a high level of sustainable construction and would therefore comply with CP41.

9.3 Highway Impact

Brokerswood Country Park is a well-established tourist development. The existing access off Brokerswood Road is a single carriageway road measuring approximately 4.8 – 5.4 metres wide and is wide enough for two cars to pass. It has a speed limit of 60mph although due to the nature of the road, speeds are usually much lower. The existing access has good visibility and remains unchanged. It is clear from visiting the site, that the roads around Brokerswood are not all single carriageway width but with slow vehicle speeds, are sufficient for two cars to pass.

Existing situation

The table below is from the company books and is an analysis of the admission figures (day visitors) for the years 2007 – 2012. These figures do not include school parties, private parties (childrens parties require a minimum of 20 children which leaves a potential 20 vehicles dropping off and picking up children), corporate team building days, any visitors to the Caravan and Camping Park who do not have to pay to enter the park or who have an annual subscription. To support these figures a snippet from the Wiltshire Times dated 6th May 2011 has been submitted which demonstrated that the Country Park received a record 10,000 visitors over the Easter break. It is important to highlight here that the proposal subject of this application completely removes this day visitor element from the country park

Year	Adult Ticket Sales	Child Ticket Sales	Total Sales p.a.
2007	18,341	32,539	50,880
2008	16,559	37,699	54,258
2009	17,957	41,385	59,342
2010	18,987	35,562	54,549
2011	20,719	46,575	67,294
2012	19,992	34,163	54,155

Using the table above an average of 56,746 visitors a year has been used to calculate the average vehicle movements. On the basis that the most popular tickets sold is a mother with two children, it can be said with some certainty that the average figure for adults purchasing tickets would be 18,915 a year. This would result in 18,915 annual arrivals and 18,915 annual departures associated with day visitors to the Country Park as only the adult would be able to drive. Using this figure, in total there would be an average of 37,830 two way vehicle movements a year. No traffic survey has been carried out by the Applicants because the site is currently closed to day visitors and as such it is considered by the Local Planning Authority that basing the highway figures on previous visitor numbers is the best approach to use in the circumstances. Using these figures and including the amount of days a year the park is open to day visitors (Easter to November – approximately 93 days) it has been estimated that a total of 203 two-way day vehicle trips associated with day visitors would occur at the site during the peak periods.

School parties visit the site on a regular occurrence, especially during May, June and July. Approximately one coach per day visits during this period equating to 5 coaches per week for eleven weeks totalling 55 coaches (approximately 2,750 children). An additional two coaches per week brings other passengers between April and November (approximately 3,200 passengers).

The average occupancy for the 89 caravan/camping pitches is approximately 96% for the 6

week summer holiday, and 85% for the remainder of the season. During the 6 week summer holiday the volume of traffic associated with the caravan and camping park is approximately 182 two way vehicle trips a day (91 arrivals and 91 departures on a daily basis). This takes into account consideration for people leaving the site at least once a day for local attractions, supermarkets etc and 30% of occupants having a second car.

Taking into account the average two-way vehicle trips from day visitors, caravan/camping and coach arrivals, the site as existing has an average of 590 two-way daily trips.

The figures provided by Brokerswood Country Park have been taken from till receipts (produced by the ICR Touch Till System), independently audited and verified by Chartered Accountants and have been used for tax and VAT purposes which have subsequently been agreed by HMRC. The Applicants Solicitor has also confirmed these figures through a written response. The Solicitor has confirmed that he has received the information from the company accountant who has acted on behalf of Brokerswood Country Park since the mid 1990's and is satisfied that the financial statements have been prepared in accordance with UK accountancy guidelines and regulations. The Solicitor also confirmed that all income has been disclosed in the financial statements and in the annual Corporation tax return declaration and that the site clearly accords with the details submitted to Companies House.

Proposed situation

A revised highways technical note has been submitted by the applicants updating the vehicle numbers with the reduction in the amount of touring caravan pitches and utilising the visitor figures annotated in the table above. It is important to note that this calculation has in some areas resulted in an increase in the average numbers.

The submitted Transport Assessment uses the figures in the Trip Rate Analysis for the proposed development as 101 daily arrivals and 82 daily departures amounting to 183 two-way daily trips at the peak period (Exact figures are not available as the use has not been commenced and other similar holiday parks in the country have different characteristics etc that would not be comparable). Wiltshire Council Highways Officers have considered that this is the most appropriate tool to use in these circumstances. When comparing the proposed 183 daily two-way daily trips with the existing average of 588 two-way daily trips (406 from the existing day visitors and 182 from the existing caravan and camping club), the proposal would result in an average loss of 405 two-way daily trips. These figures are based on the 6 week peak period so demonstrate a worse-case scenario and is clearly shown in the table below: This table indicates the average "existing situation" at the top and the "proposed situation at the bottom".

Table 1: Comparison of Existing Use against Proposed Use

Land Use Category	Vehicle Flows During Peak Holiday Periods		
	Daily Arrivals	Daily Departures	Daily Two-Way Flows
Existing Caravan & Camping Site (89 pitches)	91 trips	91 trips	182 trips
Existing Day Visitor Vehicle Trips	203 trips	203 trips	406 trips
Existing Coach Trips for Educational Use	1 trip	1 trip	2 trips
Existing Party Days*	40 trips	40 trips	80 trips
Existing Corporate Days**	40 trips	40 trips	80 trips
Zombie Apocalypse Events***	30 trips	30 trips	60 trips
Total trips	405 trips	405 trips	810 trips
Proposed 110 Units/pitches	101 trips	82 trips	183 trips
Existing Coach Trips for Educational Use	1 trip	1 trip	2 trips
Existing Party Days*	40 trips	40 trips	80 trips
Existing Corporate Days**	40 trips	40 trips	80 trips
Zombie Apocalypse Events***	30 trips	30 trips	60 trips
Total trips	212 trips	193 trips	405 trips
Net(+/-)	-193 trips	-212 trips	-405 trips

To make this table easier to understand, the applicant has also provided a table comparing the existing average annual traffic figures against the proposed use. As is shown the existing day visitors are removed from the bottom half of the table as this use will cease if planning permission is granted for the proposal subject of this application.

Table 2: Comparison of Existing Use Annual Traffic Figures against Proposed Use

Land Use Category	Vehicle Flows During The Year		
	Yearly Arrivals	Yearly Departures	Yearly Two-Way Flows
Existing Caravan & Camping Site (89 pitches)	33,124 trips	33,124 trips	66,248 trips
Existing Day Visitor Vehicle Trips Spread over 12 Months****	18,879 trips	18,879 trips	37,758 trips
Existing Coach Trips for Educational Use	364 trip	364 trip	728 trips
Existing Party Days*	14,560 trips	14,560 trips	29,120 trips
Existing Corporate Days**	14,560 trips	14,560 trips	29,120 trips
Zombie Apocalypse Events***	10,920 trips	10,920 trips	21,840 trips
Total trips	92,407 trips	92,407 trips	184,814 trips
Proposed 110 Units/pitches	36,764 trips	29,848 trips	66,612 trips
Existing Coach Trips for Educational Use	364 trip	364 trip	728 trips
Existing Party Days*	14,560 trips	14,560 trips	29,120 trips
Existing Corporate Days**	14,560 trips	14,560 trips	29,120 trips
Zombie Apocalypse Events***	10,920 trips	10,920 trips	21,840 trips
Total trips	77,168 trips	70,252 trips	147,420 trips
Net(+/-)	-15,239 trips	-22,155 trips	-37,394 trips

These tables clearly show that the proposed 110 pitches would result in more traffic associated with the site than the existing 89 pitches that are currently in situ. However the proposal sees the closure of the site to day visitors (other than day visitors who will be visiting those staying at the site) and therefore there will be a significant reduction in day visitors to the site (an average of 56,746 visitors a year or 37,758 two way trips annually). It is acknowledged that the Local Planning Authority have no control over whether the site is physically closed to the general public, however the proposed layout would reduce the likelihood of day visitors as there would be no car park for them to use (the existing car park is being removed and replaced with lodges) and visiting the site on foot would be extremely difficult. There are also no public rights of way that cross the site so people will only be able to access the site through the existing barriers. Furthermore, some of the attractions that are visited by day visitors are proposed to be removed (train, adventure playground, education buildings etc). A timetable can be conditioned on any approval to ensure that they are removed from site which would significantly reduce the

attraction of visiting the site as a day visitor.

Currently many large coaches utilise the Fairwood Road entrance which is single track but is usually the main exit as there is usually a one-way road network in place. If permission is given this exit will not be utilised by coaches and will remain as a one-way traffic route system for the site.

The proposal will see a reduction in the amount of touring caravans and vehicles with trailers using the site as there will be predominantly lodges on the site. There are currently 89 pitches on the site (used by touring caravans and tents) and the proposal will see the number of pitches increased to 110 (addition of 21 pitches) of which only 10 will be for touring caravans. This will result in a significant reduction in the amount of large vehicles and trailers using the local road network.

It is acknowledged that an additional 21 pitches are proposed and that the majority of the pitches would be used all year round which is likely to result in an increase in vehicular movements outside of the current peak periods. However in total, taking into account the closure of the country park to day visitors there would be a significant decrease in the amount of vehicular trips associated with Brokerswood Country Park over the year.

The proposed access routes within the site will be utilising where possible existing routes and where they are new, are located in areas that have previously been developed. There are also appropriate parking facilities adjacent to each individual lodge to be used by its occupiers.

Brokerswood Country Park currently advises those who wish to visit the site to use the preferred route of the main A361 where the roads are wider which has been evidenced through the submission of the sites brochures from the year 2000. This will continue to be in place in new brochures but is not enforceable either by Brokerswood Country Park or by Wiltshire Council. However it is important to note that there would be a reduction in the amount of vehicles associated with the site and therefore the impact on the local road network would be reduced. The Wiltshire Council Highways Officer has emphasised this in their response and is of the opinion that as the local highway network can safely accommodate the vehicles associated with the existing touring caravans and day visitors, there is nothing suggesting that the local road network could not safely accommodate the reduced vehicle traffic associated with the proposed development.

In the last 5 years Wiltshire Council have confirmed that there have been 3 accidents in the near vicinity of Brokerswood Country Park in the last 10 years. 1 accident (06/02/2012) involved a driver losing control on ice and having a head on collision with another vehicle, another vehicle drove onto the other side of the road to avoid a puddle and had a head on collision with another vehicle (06/10/2012) and the last one being a vehicle overtaking a group of cyclists on a bend and hit an oncoming car (20/07/13). There have been no recorded fatalities and no evidence has been submitted by the public to prove otherwise. The roads around Brokerswood Country Park are therefore considered to be relatively safe. It is acknowledged that there may be further accidents in the area but the Local Planning Authority can only take into consideration those accidents which are reported.

The proposed lodges will need to be brought on site using large lorries and trailers, however this would not warrant a reason to refuse the application as it would only be for a temporary period

of time.

Highway Conclusion

It is important to highlight the requirements of the NPPF which state in paragraph 32: *development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*. The Oxford dictionary defines the word severe as “*very great*”, “*intense*”.

The site is being increased by a further 21 pitches. It is acknowledged that the proposal would result in an increase in the amount of traffic at certain times of year when compared to the existing use (primarily during the winter months) but it is anticipated that the proposal over the year would create no increase in traffic associated with this site than currently uses the local road network. In fact it is anticipated that there would be reduction (on average some 405 daily trips or 36,666 annual trips due to the site being closed to day visitors). The amount of large vehicles and trailers using the local road network would be significantly reduced due to the amount of touring pitches on site being reduced (from 89 pitches to 10 pitches) which would be safer for walkers, cyclists, milk tankers and any other existing road users. The proposal also provides sufficient parking places. It is therefore considered that the proposal which sees the addition of 21 pitches would not result in a severe cumulative impact that would warrant a refusal reason and instead would bring about an improvement to the local area through a reduction in annual vehicle trips associated with this site. The proposal is therefore considered to comply with Core Policies 60, 61 and 64 of the Wiltshire Core Strategy.

Concerns have been raised regarding the impact of the nearby PROW from an increase in people possibly using them and the effect this would have on livestock. This is not a material planning consideration when making a recommendation on this application as there is no limit as to how many people can access an existing PROW. Concerns regarding there being no public transport or on site facilities being available for future occupiers of the proposed site is no different to the current situation and on the basis that there is an increase of just 21 pitches, this is not considered to warrant a refusal reason. Changeover days have raised concerns in the local vicinity due to traffic waiting to leave and enter the site as is found on similar sites, however the proposed development does not have as many pitches as Center Parcs and is not a similar use to Longleat and therefore these are not appropriate sites to compare the proposal against. There will undoubtedly be change over days that may cause small traffic queues in the local area at certain times of day but this will be over a short period of time. It is important to highlight that the current use of the site causes severe traffic delays in peak periods due to traffic queuing to access the site, however the daily traffic associated with the proposed use would be significantly lower. Concerns regarding the traffic figures put forward have also been highlighted indicating that the number of cars who currently use the site on a daily basis have been exaggerated no allowance has been made for additional cars to the lodges, additional family members arriving on different dates, no shopping trips or excursions have been taken into consideration. However the proposed figures indicate up to 199 two-way daily trips on an annual basis. There will not be visitors using the entire site for one night 365 days a year and therefore the figures would include those leaving and entering the site for daily requirements. The figures put forward have also been taken from historic till receipts.

9.4 Impact upon neighbouring amenity

There are a few neighbouring properties that lie adjacent to this site and they mainly lie to the south west and north west of the site.

The closest dwelling to the proposed lodges is known as Green Gables which was formally known as Brockvere. As the submitted plans and objectors use the former name of the dwelling, it is considered appropriate to reference this property in this report as Brockvere. Existing tent/camping pitches are located approximately 55m to the south of this properties garden and have been in existence since the 1998 planning application although it has to be acknowledged that this would not result in all year round use due to weather restrictions. Significant planting is in existence between Brockvere and Brokerswood Country Park which is entirely within the ownership of the neighbouring occupants and therefore cannot be removed by the Applicant. The amended plans have moved the proposed lodges away from this boundary which has resulted in a reduction in the amount of pitches in this area alongside proposing significant landscaping (250 square metres of additional woodland with trees a minimum of 2 metres high to be planted) to further reduce the impact of the proposal upon the neighbouring dwelling. Lodge number 35 would be the closest in this area and is located approximately 25 metres from the boundary to Brockvere which is considered to be of satisfactory distance especially given the existing and proposed landscaping.

To the East of Brockvere is an area of land that has substantial woodland planting that is outside of the application site but would be owned by Haulfryn and would be managed alongside the wider woodland and creates a further buffer between the site and the neighbouring dwelling. There are 3 lodges located to the East of the existing dwelling known as Brockvere. One of these lodges is replacing the existing on site staff lodge and therefore it is considered that it would not result in an increase in amenity issues that would warrant a refusal reason. Pitches 54 and 55 would be additional lodges and the rear of these lodges would be approximately 20 metres from the boundary of Brockvere. These two lodges are located on areas that were historically used for touring caravans and is currently used for the parking of coaches and vehicles. There is also a substantial existing landscape buffer that exists between these two proposed pitches and the boundary with Brockvere. It is considered that due to the distance between the rear of the proposed lodges to the site boundary there would be some increase in noise that would impact upon the amenity of the occupiers of Brockvere. However given the fact that this area is currently used for the parking of coaches and vehicles together with the road layout ending at pitch 55 so the only people who would access this area are those associated with pitches 53-55 the associated vehicle noise would be low. Furthermore alongside the existing and proposed landscaping, it is considered that the increase in noise would not be sufficient to warrant a refusal reason. The holiday lodges have significant higher levels of insulation compared to tents and touring caravans so noise associated with use of the pitches would be reduced.

The diesel locomotive that currently runs through the site and runs all year round (it has approximately 3000 day visitors during the Christmas period) can be heard from the neighbouring dwellings. This is being removed which will see the removal of the associated noise.

The outdoor activities will remain on site and do already result in noise that can be heard from nearby residential dwellings. There will be a reduction in the use of these outdoor activities and therefore associated noise will also be reduced.

With regards to vehicle movements associated with the site, there are existing residential properties that are located near to the exit. However as already stated there would be reduction in traffic movements over the year and a significant reduction in large vehicles with trailers which would only improve the amenity of the occupiers of these nearby residential dwellings when compared to the existing use.

The proposal is considered not to raise any neighbouring amenity issues that would warrant a refusal reason and as such the proposal is considered to comply with the requirements of CP57.

Concerns have been raised by the general public regarding an increase in pollution, noise, dust, light but when compared to the existing permission that consist on site, the proposed use would not significantly increase these concerns to warrant a refusal reason. A further concern is the use of the nearby lanes by pedestrians and those in wheelchairs. It is considered that the proposed use would be no different when compared to the existing use and therefore pedestrians will not be impacted upon significantly more that would warrant a refusal reason.

9.5 Benefits

There would be an increase in the economic benefits due to a small increase in the number of pitches alongside the lodges being capable of being used all year round. By encouraging people to use the facility all year, the proposal would also contribute to the economic viability of services and facilities in the local area.

The proposed use would create additional employment to what currently exists. The current park employs during peak season 5 full time staff and 6 part time staff. The proposed use would seek to turn the seasonal employment into full time (all year) employment and it is envisaged that the park would seek to employ 10 full time and 5 part time employment positions to ensure the park can operate for the day to day requirements of an all year round holiday park.

The proposal would also significantly reduce the amount of day visitors to the site, which together with the proposed improvements (new planted woodland, woodland management scheme etc) are considered to improve and safeguard the future of the ancient woodland.

9.6 Other

Concerns raised by the public include the consultation on the pre-application enquiry and the current application. Pre-application enquiries are confidential and therefore no public consultation is carried out. Those dwellings that are immediately adjacent to the site were consulted/notified of this application via a letter (sent on 23rd February), green site notices were erected around the site (26th February 2016) and a press advert was put into the Wiltshire Times on 4th March 2016 all of which required comments to be submitted by 25th March 2016 giving the local community 32 days to make their comments which is more than the legal requirement of 14 days. The Council has therefore carried out its duty to consult in the correct manner.

There are existing memorial benches and trees on site, none of which are protected and therefore could be removed at any time without the need for planning permission. However the Applicants have confirmed (agents letter 06/06/16) that they have a list of names, addresses and contact details for anyone who has purchased a memorial tree/bench and that no memorial trees or benches will be affected by the proposal as they are located away from the main public

areas. Family members will not be prevented from visiting as is the existing situation when the site is closed to the general public.

Concerns regarding security, litter, the impact on existing tourist accommodation, childhood memories, other potential sites to locate this development, possible future development at the site associated with the proposed development, future accidents that may happen, health and safety on the site (when in full use), existing legal agreements and financial implications are not material planning considerations and therefore cannot be taken into consideration when making a recommendation/decision on this application.

Concerns have also been highlighted regarding previous applications being refused due to an increase in traffic. Several applications in the area have requested agricultural workers dwellings or annexes to these dwellings which would be considered under separate policies associated with its use and therefore would not be comparable to this current application. An application was refused for the erection of a holiday let (W/13/01891/FUL) due to the encroachment into the open countryside and its unsustainable location. This is not a comparable application to an existing holiday park that utilises existing developed areas, furthermore it was issued before the adoption of the Wiltshire Core Strategy. Applications have also been refused for stables in 1993 and 1995 which were before the Wiltshire Council Core Strategy was adopted and also before the NPPF was introduced so there have been significant legislative changes since this time and therefore are not comparable to the development subject of this application.

More recently the Western Area Planning Committee refused a planning application (15/12235/FUL) on 29th July 2016 at Hoggington Lane, Southwick for the change of use of a disused barn into two holiday cottages. This application was refused in line with officer recommendation because it involved extensive building works, the materials were considered to be inappropriate to its immediate area and was located in the open countryside where development is strictly controlled. This application although was assessed against CP39 is not comparable to the site as there is no current holiday let use on the site and the proposed involved the conversion of an existing building which is considered against separate policies.

10. Conclusion

The site in its current form will continue to erode and destroy the ancient woodland. The proposal provides an opportunity to secure the long term beneficial retention, and effective ecological management of a significant area of ancient woodland. The park would continue to contribute to the local economy through all year round holidaymakers supporting local shops, services and trade whilst securing and opening up employment opportunities. The year round traffic associated with the proposed use would be less than the existing use and there would be a significant reduction in the amount of trailers being used on the local road network. The proposal would not impact upon neighbouring amenity sufficient to warrant a refusal reason and would not harm the setting of the nearby Grade II Listed Building or wider landscape. The proposal development is considered to be a unique opportunity to provide a luxury holiday village that will also maintain and enhance the ancient woodland, as well as other protected habitats on site in the long term. The proposal has received no objections from statutory consultees and is considered to comply with all of the relevant policies of the Wiltshire Core Strategy, the NPPF and other legislative documents and as such is recommended for Approval.

RECOMMENDATION: Recommend Approval subject to the conditions outlined below:

- 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 use of the site hereby permitted is restricted to 90 lodges, 10 touring unit pitches and 10 camping pods and shall not be used for any other purpose.

No more than either one tent, caravan, lodge (as defined in the Caravan Sites and Control of Development Act 1960 (amended by Statutory Instrument No 2374 1st October 2006) and the Caravan Sites Act 1968) or pod[s] shall be stationed on each pitch at any time.

REASON: To control the number of pitches to ensure the adequacy of parking provision and in the interest of the character and appearance of the area.

- 3 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted (lodge numbers 1 to 67 and 69 to 90, camping pods 1 to 10 and touring unit pitches 1 to 10) shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

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

- 4 The occupation of the lodge number 68 as annotated on drawing number LPD/BWCP16/HL5 shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the submitted location plan, or a widow or widower of such a person, or any resident dependents.

REASON: The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 5 No demolition or site clearance shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out

in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the existing and proposed service and piping infrastructure (including pipes, drains, sewers, gas, electric, telephone and water);
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Construction Method Statement to provide details of excavation works within the root protection areas and how the proposed routes of underground services will avoid high density areas of root systems of retained trees and details of alternative routes for these services.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local

Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

6 No development associated with the lodges, camping pods and/or roads shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- b) Description and evaluation of features to be managed; including location(s) shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) A copy of the final Woodland Management Plan;
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a {5-year period)
- i) Details of the body or organisation responsible for implementation of the plan;
- j) Ongoing monitoring and remedial measures, including an Ecological Monitoring Programme);
- k) Timeframe for reviewing the plan; and
- l) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats

and features in perpetuity.

- 7 No development associated with the lodges, camping pods and/or roads shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of 'biodiversity protection zones'
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset)
 - e) The times during construction when specialists ecologists need to be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW)
 - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of the Ecological Clerk of Works following that approval.

REASON: The application contained insufficient information to enable this matter to be considered in detail prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure adequate protection, mitigation and compensation for ancient woodland, protected species,

priority species and priority habitats.

- 8 No lodge shall be installed on the site until a palette of materials to be used for the external walls and roofs of the lodges hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 9 No lodge or camping pod shall be installed on the site until a scheme for the discharge of foul water from the site, incorporating either phased improvements to existing treatment facility to provide increased capacity or an entirely new treatment plant together with any discharge consents required, has been submitted to and approved in writing by the Local Planning Authority. The development, or phase, shall not be first occupied until foul water drainage has been constructed (for that phase) in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ensuring appropriate foul water disposal.

- 10 No lodge or camping pod shall be installed on the sited until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of ensuring appropriate surface water run off

- 11 No lodge or camping pod shall be installed on the site until a timetable for the removal of on-site infrastructure (adventure playground, train and its associated track, outbuildings etc) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

- 12 The development hereby approved shall be carried out in strict accordance with the additional Ecological Information ref. 15-3614 v2 dated 07.04.16 by Lockhart Garratt Design received by the Local Planning Authority on 25th April 2016

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats, including ancient woodland, through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

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

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 14 There shall be no lighting installed within the site other than those shown on the approved plans.

REASON: In the interests of minimising light levels and light spillage to avoid disturbance in the open countryside and to habitats.

- 15 The camping pods shall be constructed in accordance with the The Pod Brochure received by the Local Planning Authority on 7th June 2016.

REASON: To ensure the camping pods are appropriate in material and colour to their ancient surroundings.

- 16 No lodge hereby approved shall be first occupied until the associated parking spaces 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.

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

received on 20th January 2016

LPD/BWCP16/LP4 (Location Plan), LPD/BWCP16/TSL1A (Existing Layout), LPD/BWCP16/LPG1 (LPG Tank Elevation), LPD/BWCP/16/LPG2 (Tank Floorplans)

Received on 8th February 2016

Lodge Details: Rochester, Chichester

LPD/BWCP16/TSL1A/SR (Structures to be removed)

Received on 12th February 2016

Lighting Bollard Details

Received on 13th May 2016

3762/04/M15-2110 V5 (Operational Intentions Map)

3762/01/M16-0143 V2 (Ecological Mitigation Plan)

Received on 2nd June 2016

LPD/BWCP16/HL5 (Proposed Layout)

The Breeze House, Buckland

Received on 13th June 2016

LPD/BWCP16/HL5/LB/1B (Lighting Bollard Location)

3762/04/D15-2713 V3 (landscape strategy plan)

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

1 INFORMATIVE TO APPLICANT:

Should works to, on, over, near or connections to ordinary watercourses form part of this application then a separate application for each will be required to be made to the LLFA for consent. Granting of planning permission does not mean automatic Land Drainage Consent approval

The applicant will need to contact the Environment Agency regarding and proposal to increase effluent discharge as proposals are likely to mean a need to amend existing or issue a new discharge consent

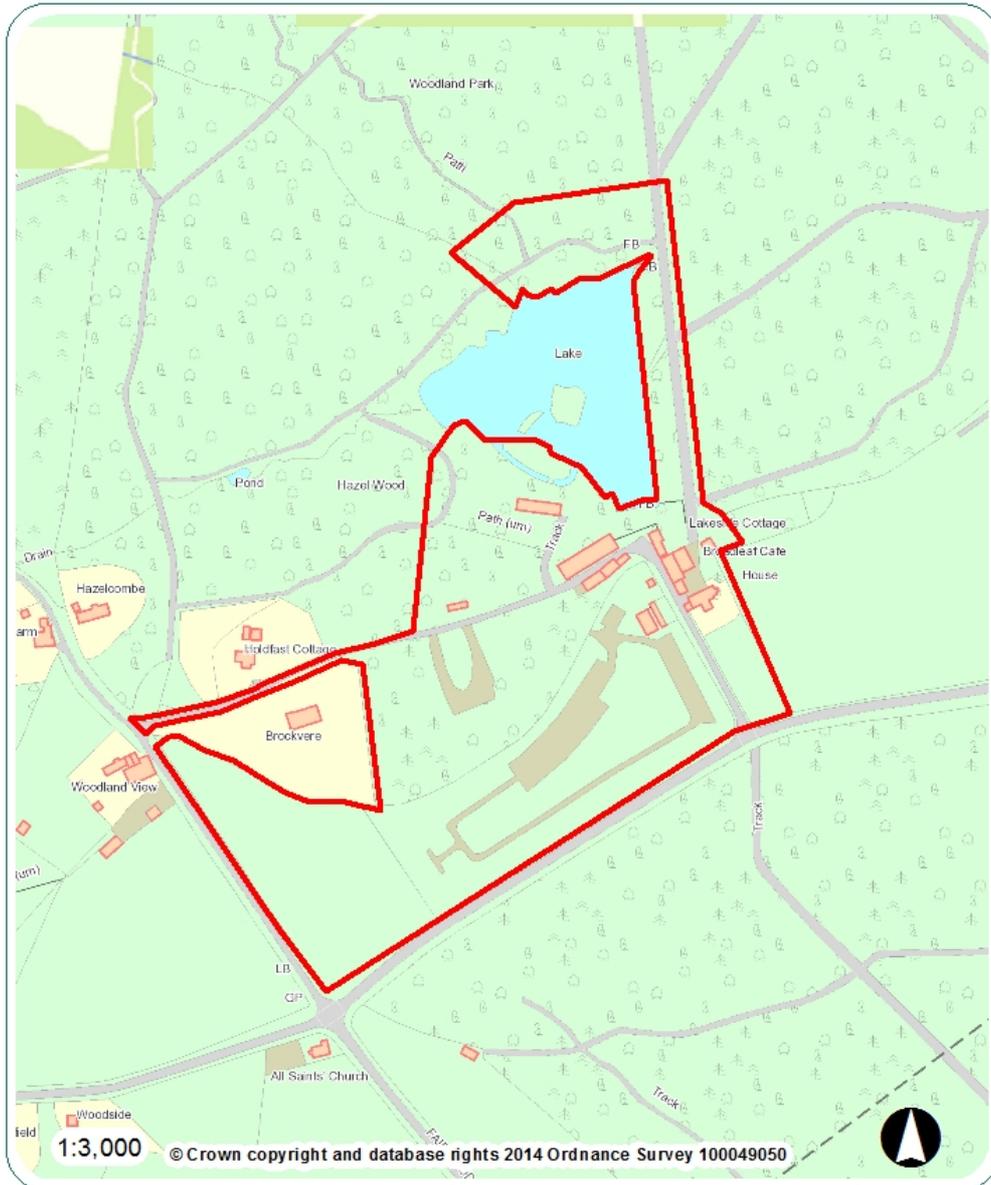
2 INFORMATIVE TO APPLICANT:

Foul Drainage

A private package treatment plant is proposed. The site currently benefits from an existing Environmental Permit for a discharge to river. However, this will need to be varied if it is to be applicable to the proposed treatment plant. The applicant must contact the Environment Agency on 03708 506 506 or view our website for further details in this matter - <https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit>

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes.



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	10 th August 2016
Application Number	15/11604/OUT
Site Address	Westbury and District Hospital, The Butts, Westbury BA13 3EL
Proposal	Erection of up to 58 dwellings, public open space and associated access and drainage works
Applicant	NHS Property Services Ltd
Town/Parish Council	WESTBURY
Electoral Division - Ward Member	WESTBURY EAST – Cllr Gordon King
Grid Ref	387295 150687
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

This application has been called to committee for the elected members to determine by Councillor Gordon King should officers be minded to recommend approval, since the site has strategic importance to Westbury.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues discussed in this report are:

- the principle of the development,
- impact on the character and appearance of the area,
- impact on neighbouring residential amenities,
- drainage
- highway safety and parking.

3. Site Description

The application site is located on the south eastern edge of Westbury. As illustrated by the plan on the following page, the vacant hospital building and the majority of the associated car parking area is located within Westbury’s currently established Town Policy Limits. The land to the north east of the hospital, although outside the current Town Policy Limits, remains identified as a saved housing allocation for about 25 dwellings under saved WWDP policy H13A – which forms part of the Wiltshire Core Strategy. The land to the south east of the hospital building and to the south-west of the H13A site allocation, falls outside the town policy limits and has no development allocation status. The application site is bounded by residential development to the north-east and north-west, by open countryside to the south-east and by a recreation ground to the south-west. Vehicular access to the site is via the existing hospital access off the Butts.

Extract from Design & Access Statement illustrating key designations affecting the site:



Legend: 1 = Saved Housing Site Allocation H13a; 2 = Existing Hospital Site within settlement boundary; 3 = Area of site outside settlement boundary.

4. Planning History

W/01/01749/FUL – Balancing Pond (located near the hospital, but outside the town policy limits and the H13a site allocation. Approved - 25/01/2002.

5. The Proposal

This application proposes the demolition of the existing hospital building (which was vacated back in April 2012) and the erection of up to 58 dwellings. The site would utilise the existing hospital access. This application is in outline with the principle and the means of access being the only aspects to be considered at this stage. The landscaping of the site, the scale, the layout and the external appearance of the development are all reserved for future consideration. Officers acknowledge that the drainage proposals, landscaping and ecological treatment and mitigation have consequential effects on the developable area and potential future layout of the site; and, as outlined within this report, these matters are material considerations.

The applicant has submitted an illustrative Masterplan and illustrative Site Layout to show how the number of proposed dwellings could be constructed on the site. These plans are for illustrative purposes only and officers are mindful that a greater level of detail would be required at the reserved matters stage.

This application also includes a Parameters plan which identifies key elements of the proposed development which would be carried through to reserved matters to establish all the detailed drainage infrastructure, landscape improvements to the existing boundaries, a badger corridor, building heights, quantum of open space, primary vehicular access and pedestrian and cycle routes.

The Parameters plan also indicates the area of the site to be developed for housing and identifies that this development would not exceed two storeys in height. A copy of the plan is produced on the following page.

The Site Parameters Plan with the residential developable area coloured yellow



6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and forms a key part of the local development framework and local policy context. The following Core Policies (CP) are considered to be relevant when assessing this application.

Core Policy 1: Settlement Strategy; Core Policy 2; Delivery Strategy; Core Policy 3; Infrastructure Requirements; Core Policy 32; Spatial Strategy for the Westbury Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy 43: Providing Affordable Homes; Core Policy 45: Meeting Wiltshire’s Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire’s Vulnerable and Older People; Core Policy 47: Meeting the Needs of Gypsies and Travellers; Core Policy 49: Protection of Services and Community Facilities; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 56: Contaminated Land; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 62: Development Impacts on the Transport network; Core Policy 63: Transport Strategies; Core Policy 64: Demand Management; Core Policy 67: Flood Risk; and, Core Policy 68: Water Resources;

The Development Plan also includes a number of policies carried over from the West Wiltshire District Plan 1st Alteration 2004, the West Wiltshire Leisure and Recreation DPD and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs. For the avoidance of any doubt, the still saved policies of the West Wiltshire District Plan and the Leisure and Recreation DPD are listed in Appendix D of the Core Strategy. Of particular relevance to this application is Site Allocations H13A which states that it is a:

“Site with a net development area of approximately 0.6ha is allocated for about 25 dwellings adjacent to Westbury Hospital, as defined on the Proposals Map”.

Other Material Considerations

- The Leisure and Recreation DPD (adopted February 2009) and specifically policies LP1- Protection and Enhancement of Existing Open Space or Sport and Recreation Provision; LP4 – Providing Recreation Facilities in New Developments; LP5 – New Sport and Recreation Facilities; CR1 – Footpaths and Rights of Way; CR3 – Green Space Network; GM2 – Management and Maintenance of New or Enhanced Open Space; GM3 – Future Management Partnerships; and YP1 – Children’s Play Areas.
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance (adopted August 2004)
- Wiltshire Car Parking Strategy (March 2015)
- Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 – Waste Reduction and Auditing.
- There is currently no neighbourhood plan in preparation for Westbury.

National Planning Policy – The National Planning Policy Framework (NPPF) was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a ‘golden thread’ running through plan making and decision taking.

The NPPF is clear in stating that ‘planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where “the residual cumulative impacts of development are severe”.

National Planning Practice Guidance (PPG) provides guidance on the interpretation of the NPPF. Recent changes to the guidance re-introduces a vacant building credit which can be applied in the calculation of affordable housing contributions.

7. Summary of consultation responses

Westbury Town Council – Objects for the following reasons:

- Insufficient infrastructure for a development of this size (Core Strategy para 5.16);
- Historical flooding in this area – the hospital extension suffered extensive flooding circa 1990;
- The scheme should make provision for 30% A/H i.e. 18 affordable houses;
- Allocation of local public spaces not in line with Town Policy Boundaries - whilst the planning application quotes H13a of the WWDP 151 Alteration (June 2004), sub sections [3.2.75a] to [3.2.75e] also apply to a development of this size;
- The Town Council is concerned about the narrow pavements in this area with regards to future traffic flow. This area has undoubtedly been safer since the hospital closed and the traffic reduced;
- Lack of pavements around the end of The Butts poses a safety risk and should be upgraded to have pavements on both sides of the road;
- Provision of a bus stop - there is currently no bus service in this area. The nearest bus passes approximately 350m away from the site. If a service was to be re- routed, a larger bus stop with a shelter should be provided by the developer;

- There is no provision of a zebra crossing to connect the site to the end of The Butts, although this is mentioned in the Transport Statement page 12 - 3.5 & 3.6. This should be conditioned.
- The Transport Statement page 12 - 3.5 & 3.6, mentions a pedestrian route to Matravers School. There are no drawings for this, so we are unable to make comment;
- The Town Council has raised concerns about the walking times shown in the Transport Statement pages 15 & 16. We feel that the walking distances to local facilities such as primary & secondary schools, doctor's surgery and post office do not take into account elevations and lack of alternate routes as this site is surrounded on three sides by existing residential housing.
- Would prefer this site to be used for health purposes or to house a health facility.

Wiltshire Council New Housing Team – No objection subject to a S106 Agreement to secure affordable housing

Wiltshire Council Tree Officer – Supportive subject to conditions to adequately protect retained trees and hedges

Wiltshire Council School Places Team – No objection as there is sufficient capacity at the local schools. The Council's Head of Education confirmed that no developer contributions are required.

Wiltshire Council Drainage Team – No objection subject to conditions

Wiltshire Waste Management Team – Supportive subject to conditions and a S106 Agreement to secure a financial contribution towards provision of containers for waste and recycling.

Wiltshire Council's Land Contamination Officer – No objection subject to the Council's standard precautionary land contamination condition being imposed on any permission.

Wiltshire Council's Air Quality Officer – No objection subject to a S106 securing a financial contribution towards Westbury's Air Quality Action Management Plan Project.

Wiltshire Council's Public Protection Team – No objection subject to construction management conditions being imposed on any permission.

Wiltshire Council Spatial Planning Team – No objection. The consultation response set out the relevant policy considerations, the spatial vision for Westbury and the current five year housing land supply position of the North and West Housing Market Area.

Wiltshire Council's Arts Development Officer - No objection subject to Public Art being secured on site either by planning condition or a S106.

Wiltshire Council's Urban Design Officer – No objection.

Wiltshire Council's Landscape Officer – No objection.

Wiltshire Council's Ecologist – Supportive subject to conditions

Wiltshire Council's Highways Team – Supportive subject to conditions and a S106 Agreement to secure a financial contribution to upgrade the A350/Hospital Road and Leigh Road junctions, the provision of a new pedestrian crossing on the A350 and sustainable transport measures.

Wiltshire Council's Public Open Space Officer – No objection subject to securing open space and play area within the site and its future management.

Environment Agency – No objection subject to conditions.

Natural England – No objection subject to mitigation of impacts on Salisbury Plain. Standing advice provided and other advice advising that they would expect the local authority to consider the effects of the development on local sites, landscape character and habitats. Biodiversity enhancements also suggested.

NHS England Estates Team – No objection.

Wiltshire Police Crime Prevention Design Advisor – Concerns raised over proximity of play area and the pond.

8. Publicity

This application has been subject to several rounds of public consultation. 200 letters were received from 163 neighbours objecting on the following summarised grounds:

- The ownership of the site is in dispute and believed to belong to the people of Westbury
- What will NHS do with the proceeds of the sale
- A proportion of the proceeds should go to Whitehorse Health Centre
- The site should be retained for health purposes and people of Westbury
- Short sighted infrastructure planning
- Site and hospital could help alleviate current bed blocking crisis
- Loss of employment opportunities on site
- Whitehorse health centre is stretched to capacity and failing patients
- Evidence suggest that more Health Provision is required in Westbury
- Long waiting times to see doctors
- The poor access to the site is unsuitable for housing
- Increase in traffic
- The site has not generated traffic for 10 years so disingenuous to say there will be no increase in traffic
- Walking times in Transport Assessment are optimistic
- Surrounding roads narrow and congested
- No bus service
- The access should not be allowed to serve further development beyond the site
- No evidence of need for new homes in Westbury
- Town infrastructure unable to support growth
- Conflicts with Core Policy 32 which seeks to slow down housing growth in Westbury
- Affordable housing proposals are not in line with policy
- Outside town policy limits
- Impact on the amenities of neighbouring occupiers is unclear and unacceptable
- Hours of construction should be restricted
- Wheelchair access to site difficult due to steep gradients
- New trees may affect light to neighbouring properties
- Larger buildings should be positioned away from northern boundary
- Proposals will result in loss of light, privacy and noise
- Historic Flooding of the site and the flood risk assessment should be revisited to consider overland runoff from south of site; and revise the drainage strategy
- Capacity of existing flood relief pond on hospital site
- Site would be over developed with too much non permeable surfaces
- Question logic of pedestrian link from play area to adjacent recreation ground
- Right to use secondary access needs to be established
- Noise generated on lane from existing use by vehicles
- Proposed houses will damage roots of tree in neighbouring garden
- Air pollution
- Cycle lane potentially dangerous
- Wildlife issue – relocation of badgers and bats
- The consultation on the application was inadequate

9. Planning Considerations

9.1 The Development Plan - Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Westbury area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded limited weight at this stage of its preparation.

9.1.1 In this particular case, it is important to record that at the present time, the Council cannot demonstrate having a 5-year housing land supply in the North & West Housing Market Area; and as a consequence, NPPF paragraphs 49 and 14 are engaged; and the local planning authority cannot give full weight to the adopted housing policies, including CP2. A recent court ruling - Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Council's find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be considered "out of date", they should not be ignored. Moreover, it is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

9.1.2 For the record, with NPPF paragraph 49 engaged, paragraph 14 makes it explicitly clear that residential development proposals should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*", when assessed against the Framework taken as a whole.

9.2 Principle of the Development – There are a number of issues that affect the principle of development of this site such as the limits of development for Westbury, the saved strategic housing allocation carried across into the WCS from the former West Wiltshire District Plan 1st Alteration; and the existing use of the site.

9.2.1 The Settlement and Delivery Strategy - WCS Core Policy 1 sets out the settlement strategy for Wiltshire identifying four tiers of settlement namely: Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. The settlement boundaries of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans, are carried forward into the Core Strategy and are retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD (and the Chippenham Site Allocations DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect the changes which have happened since they were first established.

9.2.2 In addition, it remains the prerogative of any local community to review settlement boundaries through adopting a neighbourhood plan, which would, following adoption, become part of the local development framework. At the present time, there is no such plan in preparation.

9.2.3 Westbury is identified as a Market Town within the Settlement Strategy and Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

9.2.4 Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

9.2.5 Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through retained Local Plan allocations, future Site Allocations DPDs and neighbourhood plans. Core Policy 2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. For sites outside the defined limits of development (and approximately 17% of this application site falls outside of the settlement limits), the Core Strategy advises that other than in circumstances as permitted by other policies within the Plan, identified in paragraph 4.25, residential development should not be permitted unless it is brought forward through the identification of sites for development through subsequent Site Allocations Development Plan Documents and/or neighbourhood plans.

9.2.6 As illustrated and outlined in sections 3 and 5 of this report, the majority of the development site and developable parameters either fall within the settlement boundary or the saved housing site allocation; and as such, development of housing is supported by the settlement strategy and the

delivery strategy. A proportion of the application site falls outside the identified limits of development for Westbury and as a consequence, there would be a degree of conflict with Core Policy 2. However, and as outlined above, CP2 cannot at this time, be given full weight due to the housing supply shortfall, and furthermore, officers duly argue that the relevant site extent is currently within the hospital site boundary and includes an existing drainage pond; and arguably has a clear functional relationship with the hospital rather than agricultural land. There is also merit in appreciating that the submitted indicative layout for the area outside the town limits/site allocation would be used for land drainage, play area and open space, rather than for housing.

9.3 The Westbury Community Area Strategy - Core Policy 32 (CP32) sets out the strategy for Westbury and its community area and identifies an indicative requirement of approximately 1615 new dwellings for the Westbury community area of which about 1500 should occur within Westbury. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most up-to date and published Housing Land Supply Statement identifies a requirement for an additional 78 dwellings in the Westbury Community Area over the plan period. Since this statement was published, it is necessary to acknowledge that there have been some recent major housing development proposals which have been either granted permission on appeal (i.e. 14/09262/OUT – land north of Bitham Park for up to 300 dwellings) or are at an advanced stage in terms of completing a s106 i.e. 15/12551/OUT - a hybrid application comprising up to 300 dwellings approved by the Council’s strategic planning committee in May this year for the H14 Station Road site allocation at the Westbury sailing lake.

9.3.1 It is also appreciated that the supporting text to CP32 advises that the strategy for Westbury will deliver a reduction in housing growth compared to historic trends, with a focus on improving facilities, services and job creation. Whilst Westbury is in a strong position with regard to meeting the indicative housing target set out in the Core Strategy it should be noted that this is an indicative target and not a ceiling on development. It is furthermore important to stress that Central Government heavily supports housing delivery and that it is an essential planning objective as part of the “*government’s pledge to deliver security, stability and opportunity to the British people*” (source: PM Press release dated 12 October 2015). The NPPF, within the context of a presumption in favour of sustainable development, established that there is a clear Government aspiration “*to boost significantly the supply of housing*” (source NPPF para 47).

9.4 Loss of a Community / Health Facility – Westbury Hospital was previously in use as a community hospital. However, the former Wiltshire PCT made the decision to close the 16 bed facility that previously occupied part of the building some time ago. The most recent use of the property (in 2012) provided some outpatient (including GP and dental) services; and, to act as a NHS team base. The recent development of the new White Horse Health Centre at Mane Way, Westbury Leigh by the Westbury Group Practice resulted in the transfer of the remaining GP and other outpatient services to that new, purpose built facility. Westbury Hospital was closed soon after the opening of the White Horse Health Centre leaving the Westbury Hospital site now declared surplus to the requirements of the NHS by the Wiltshire Clinical Commissioning Group (CCG).

9.4.1 A comprehensive marketing report has been submitted with the application which includes letters from the Wiltshire CCG confirming that the hospital and hospital site are surplus to their requirements. These letters advise that the Westbury Group Practice is the only practice serving the town and there are no plans to develop another practice. It further advises that the building has been planned and constructed with sufficient capacity to deal with the expansion of the town.

9.4.2 The marketing report sets out that the site was marketed via ePIMS (Electronic Property Information Mapping Service) for 13 months at the time the application was submitted and no interest was shown from other public bodies. This is the central database of Government Central Civil Estate properties and land.

9.4.3 The report also advises that the site was marketed to local health and care providers such as the White Horse health centre, Wiltshire Dementia Care and Julia House Hospice but it was confirmed that the site did not meet their needs for various reasons as set out in the report.

In addition a marketing exercise was carried out to determine the feasibility of a private care home on the site but this option was discounted because of an oversupply of this type of facility in the area, the size of Westbury, and the size of the site.

As far as adopted policy is concerned, community facilities are not protected within the larger settlements of Wiltshire. Core Policy 49 seeks only to protect rural services and facilities in the smaller settlements which for the purposes of CP49, relate to Local Service Centres and below.

9.4.4 The NHS England Estates Team responded to the planning consultation and advised that they have no objection to the proposed development and that the number of new patients generated by the development can be accommodated in the White Horse Health Centre.

9.4.5 Therefore, it is important to stress, in the absence of a policy basis to object to the loss of the former community/health related service use of the site; and appreciating that a robust marketing exercise has been undertaken which resulted in no alternative developer interest, especially in terms of providing new community/health service provision, the former hospital site is considered suitable and appropriate for residential development.

9.4.6 In summary, the principle of residential development at this site is considered to be acceptable and the minor conflict with Core Policy 2 is substantively overridden by the absence of a 5 year housing land supply.

9.4.7 Officers duly assert that this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of any identified adverse impacts of the development compared to the benefits. The following sections will assess the issues before reaching a conclusion and recommendation.

9.5 Impact on the Character and Appearance of the Area - Core Policy 51: Landscape advises that *“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures”*. The Council’s landscape officer commented that *“the initial Landscape Appraisal identified the opportunities and constraints of the site and proposes a landscape framework for the development to mitigate potential landscape and visual effects. Key viewpoints within the open countryside to the south east of the site show that the development will be seen in the context of the existing urban edge, and that by strengthening the south eastern field boundary with additional planting, the impacts on the wider landscape will be minimal”*. The illustrative landscape proposal plan incorporates officer led suggested improvements by creating a greater planting buffer on the south eastern boundary and including more street trees within the development. Detailed landscaping would however be the subject of a reserved matter application, but officers conclude that the proposed development would not result in landscape harm.

9.5.1 Core Policy 57 titled Ensuring High Quality Design and Place Shaping requires a high standard of design in new developments. As the application is made in outline with layout and design reserved for future consideration, it is not open for the Council to assess such matters at this stage. However, the illustrative layout has been amended in light of the comments made by the Councils Urban Design Officer, who sought material enhancements. The proposed development has also been amended to reflect the constraints placed on the site layout by trees outside the development site. Root protection areas within the site can be protected from development through the use of conditions.

9.6 Impact on Residential Amenity - Due to the application being in outline, the detailed impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, officers are satisfied given the site separation distances involved that a residential development of up to 58 dwelling at this site can take place without any unacceptable impacts upon the amenity of neighbouring properties.

9.7 Access and Transport - The site at the edge of the existing settlement is considered to be a sustainable location in accordance with WCS Core Policy 60 and 61. Wiltshire Council Highways officers have raised no objection to the scheme subject to conditions and financial contributions. Conditions would require improvements to the Hospital Road and Leigh Road junction with the A350 and a new pedestrian crossing near this junction. Therefore subject to conditions and S106 Agreement, the scheme is considered to be acceptable in transport terms. The development would not conflict with paragraph 32 of the NPPF – which explicitly states that decision makers should not refuse applications on transport / highway grounds unless “*the residual cumulative impacts of development are severe*”.

9.8 Addressing Climate Change – WCS Core Policy 41 identifies how sustainable construction and low-carbon energy should be integral to all new development across Wiltshire. This policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy shall help Wiltshire’s contribution to addressing climate change through improved design and construction methods. The applicants would be required to demonstrate compliance with this policy at reserved matters stage. A planning condition is considered necessary to ensure the housing development conforms to WCS Core Policy 41. A Sustainability Statement and Sustainable Energy Strategy were submitted with this application but in draft form only due to the outline nature of the application.

9.9 New Housing – WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, would normally be sought, subject to up-to-date viability and housing needs evidence. It is however necessary to be mindful of up-to-date NPPG which requires the floor space of existing buildings (known as the vacant building credit) to be taken into account and offset against the affordable housing requirement. In this case, the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such, the amount of affordable housing required is reduced accordingly.

9.9.1 Following consultation with the Council’s housing team; a tenure split of 80% affordable rental and 20% shared ownership is required and has been agreed. The exact location and mix of units is not for consideration at this outline stage since it is a matter to be determined under a reserved matters application. It would also be rounded to the nearest whole unit.

9.9.2 The provision of affordable housing within the scheme does however need to be enshrined within a s106 legal agreement. The suggested 80/20% mix reflects the current indicative requirements required by the Council’s housing team. However this could be re-negotiated, especially to reflect any broadening of the affordable housing definition, the potential advancement of more starter homes and discounted market units. The exact mix would be something to be determined at the reserved matters stage.

9.9.3 Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. These matters would be also considered under a reserved matter application. Core Policy 46 also requires developers to demonstrate how their proposals respond to the needs of an ageing population. The supporting text refers to the role of Lifetime Home standards in meeting this aim. Again, this would be considered under a reserved matters application. The housing team have however, advised that 10% of the affordable homes should be built to meet the adapted needs of older people.

9.9.4 From the number of units shown in the illustrative layout, this proposal would provide seven affordable units, four of which would be affordable rent and 3 of which would be shared ownership. This is considered to be acceptable and has the support of officers and is compliant with Government PPG direction and advice.

9.10 Biodiversity and Geodiversity – WCS Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of

the design rationale. The application is accompanied by a Protected Species Report and a Badger Mitigation Strategy. The following ecological issues were considered by the Council's ecologist:

1. Bats
2. Reptiles
3. Badgers
4. Nesting birds
5. Hedgerows and trees
6. Salisbury Plain Special Protection Area (SPA) and Special Area of Conservation (SAC)
7. Public Open Space boundary; and,
8. Biodiversity enhancements

9.10.1 Overall, the ecologist considered the illustrative landscaping proposals (as revised), to be acceptable with regard to the provision of an "ecological corridor", "native marginal planting", "native wildflower planting" and a small "play area surface" but noted that measures recommended in the 'Badger Mitigation Strategy' by Engain were not all followed. However, it is considered that these matters can be adequately captured through planning conditions.

9.10.2 No ecology based objection is raised subject to a number of conditions requiring the development to be carried out in accordance with the recommendations in the Protected Species Report and the Badger Mitigation Strategy as well as the submission of a Landscape and Ecological Mitigation Plan and Construction Environmental Management Plan, the provision of bat roosts and the design of a sensitive lighting strategy.

9.10.3 The Council's Salisbury Plain HRA mitigation strategy (prepared as part of the Core Strategy HRA) is a material consideration as the application site lies within the 4km buffer to the European site. However, s106 contribution cannot be sought as Salisbury Plain/Stone Curlew HRA funding is now delivered through CIL. As the impacts of recreation on the SPA have been assessed by the Council as part of the HRA for the Core Strategy, no project-level HRA is required for this application. In line with Natural England's request, the HRA for the Core Strategy included a mitigation strategy for development within 4km of the Salisbury Plain SPA to reduce the impacts of disturbance to breeding stone curlew through a project set up to monitor and manage the site (Wessex Stone Curlew Project). The money diverted to HRA mitigation as part of CIL would contribute towards this project.

9.11 Core Policy 52: Green Infrastructure – This policy seeks to retain and enhance Wiltshire's Green Infrastructure Network. The indicative layout shows that open space and play space would be provided on site in line with the open space standards currently in operation for this part of Wiltshire; and as such, the application is considered to be in accordance with planning policy. The proposals would include a pedestrian link to the adjacent recreation ground and the application documentation also indicates provision for the ongoing management of the open spaces and a management plan can be secured through a s106 agreement.

9.12 Core Policy 56: Land Contamination – This policy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality the built environment and amenity. There is potential for land contamination due to the historic use of the site and therefore a precautionary planning condition is proposed, with the full support of the Council's public protection team.

9.13 Core Policy 67: Flood Risk - This policy advises that all new development needs to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. A Ministerial Statement issued on 24th March 2015 confirmed changes in relation to planning applications and required drainage submissions, to strengthen existing planning policy, to ensure that sustainable drainage systems for the management of run-off are put in place. The Government's expectation is that sustainable drainage systems should be provided in new developments wherever this is appropriate.

9.13.1 Local planning policies and decisions on major planning applications should ensure that sustainable drainage systems for the management of run-off are put in place by undertaking the following:

- consult the Lead Local Flood (LLFA) Authority on the management of surface water (the Government has laid a statutory instrument making the LLFA a statutory consultee under planning the Development Management Procedure Order effective from 15 April 2015)
- satisfy themselves that the proposed minimum standards of operation are appropriate
- ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
- the sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

[Note that Wiltshire Council is the LLFA].

9.13.2 The Flood Risk Assessment (FRA) submitted by the applicant has been revised in light of comments made by the LLFA/the Council's Drainage Officer and issues raised by neighbouring properties. Following the results from further investigations and revisions to the FRA, the LLFA/officers are satisfied that sustainable urban drainage can be successfully implemented on this site. A number of conditions are recommended to ensure the necessary level of detail is provided prior to the commencement of development.

9.14 Developer Obligations - Section 106/S38 Legal Agreements – WCS Core Policy 3 advises that *“All new development will be required to provide for the necessary on-site and, where appropriate, offsite infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development”*. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'.

9.14.1 The affordable housing and the infrastructure items listed below are considered relevant to the application site, and are directly related to and are planning requirements to mitigate the impact of the proposed scheme. For the benefit of the committee, the applicant has agreed to provide the following:

Affordable Housing - WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, is sought for this site within the Westbury Community Area which reflects up-to-date viability and housing needs evidence. The PPG allows the floor space of existing buildings to be taken into account and offset against the affordable housing requirement. In this case the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such the amount of affordable housing required is reduced accordingly. Therefore 7 units would be required with the 58 units currently proposed. As the exact number of units proposed may change at reserved matters stage, the formula for calculating affordable housing should be enshrined within the S106 agreement.

Open Space and Play Provision – WCS CP52 requires development to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards and put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106. The proposal requires a public open space requirement of 2128m²

of which 102m² is to be equipped play provision - all of which should be secured and managed in perpetuity.

Highways – WCS CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. These are as follows:

- Implementation of the residential travel plan including electric car charging point(s), information packs for each household, and appointment of a travel plan coordinator for 5 years.
- A contribution of £2,500 towards walking and cycling signage, between the site and key destinations within Westbury.
- In association with the proposed condition to ensure the developer produces a design for the remodelling of the Hospital Road and Leigh Road Junctions with the A350 the applicant/developer is required to enter into a s278 agreement. Should the developer not wish to complete the works themselves, a contribution of up to £100,000 would be required to enable Wiltshire Council to complete the works and this will need to be secured by the S106 Agreement.
- A contribution of £75,000 towards a pedestrian crossing facility on the A350

Refuse Infrastructure - A contribution of £5,278 is required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

Air Quality – A contribution of £679.50 is sought towards Air Quality Action Planning Projects.

10. Conclusion – This application is considered to be a sustainable form of development which forms part of the established town policy limits as well as comprising the saved housing allocation site known as H13a – which has been allocated for residential development for over ten years. There is a small proportion of the site (approx. 17%) which falls outside Westbury’s settlement boundary; however, it is relevant to note that no residential development is planned for this land.

The NHS has declared the site surplus to their requirements and has marketed it for alternative community uses prior to proposing a housing development of the site in accordance with Core Policy 49. A proportion of the site is located outside the Town Policy Limits and this element is technically in conflict with Core Policy 2. However, this has to be set against other material considerations that are relevant at this point in time, which includes the critical fact that the Council is unable to demonstrate a 5-year housing land supply which reduces the weight to be attached to such a policy.

Recent appeal Inspector decisions (i.e. in December on the Arms Farm appeal (14/08888/OUT), in March at Bradford on Avon (14/07689/OUT) and more recently at land north of Bitham Park (14/09262/OUT) in July for another Westbury site all concluded that WCS CP2 cannot be given full weight as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Westbury.

As this report demonstrates there are no “*adverse impacts that would significantly and demonstrably outweigh the benefits*” that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth would bring about – i.e. providing increased housing supply and delivering much needed additional affordable housing; infrastructure improvements. In addition, future financial benefits community infrastructure levy payments will contribute towards following detailed/reserved matters approval will bring about further enhancements, with a proportion of the CIL receipts going direct to Westbury Town Council.

11. RECOMMENDATION

It is recommended that the committee delegates authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below and after the completion of a s106 legal agreement within 6 months (taken from the date of the committee resolution), to cover the developer obligations as summarised within section 9.14 above.

CONDITIONS:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 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 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:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

Site Location Plan Dwg. No 1134.S.001 received 26th November 2015

Demolition Plan Dwg. No 1134.S.002 received 26th November 2015

Access Design Dwg. No SK001 received 26th November 2015

Parameters Plan Dwg. No 1134.P.002 received 19th July 2016

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

5. No development shall commence on site until a scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area, including further ground investigations to determine ground water levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately protected from flooding from offsite flows currently passing into the site

6. No development shall commence on site until a scheme for the discharge of surface water within the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 together with extended ground water monitoring and deeper ground investigations, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained within the national and council's policies without the need for offsite discharges

7. No development shall commence on site until a scheme for the maintenance and full responsibilities of the drainage systems as required by conditions 5 and 6, including details of a

management company, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed drainage systems are properly maintained to allow the systems to continue to provide the required protection against flooding for the life time of the development and to comply with new land/property searches.

8. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with potential contamination on the site have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which identifies:
 - a) Potential contaminants associated with those uses
 - b) A conceptual model of the site indicating sources, pathways and receptors
 - c) Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in point 2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. No development shall commence on site (including any demolition works), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, hedgerows and trees, including full details of interim bat mitigation during the demolition and construction phases. Development shall be carried out in full accordance with the approved plan.

REASON: To ensure adequate protection and mitigation for protected species and priority habitats.

10. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information requirements:

- a) Full details of bat mitigation (replacement roosts for Common pipistrelle and Brown long-eared bats) and reptile mitigation measures;
- b) Full details of bat boxes/bricks, bird boxes, artificial reptile refugia and garden boundary fencing (including the garden boundary treatment of Plot 53);
- c) Full specification of habitats to be restored and created, including locally native species of local provenance and locally characteristic species – including hedgerows, pond and dry ditch, species-rich grassland swales – and a planting specification for the 3 metre wildlife corridor for badgers;
- d) Full details of the design of natural play areas for children;

- e) Description and evaluation of features to be managed; including location(s) shown on a site map, and identification of maintenance/monitoring access points into the 3m wildlife corridor;
- f) Aims and objectives of management;
- g) Appropriate management options for achieving aims and objectives;
- h) Prescriptions for management actions;
- i) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 – 10 year period);
- j) Details of the body or organisation responsible for implementation of the plan;
- k) Ongoing monitoring and remedial measures, including monitoring of the 3m wildlife corridor to avoid encroachment of back garden boundaries;
- l) Timeframe for reviewing the plan; and
- m) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To provide full details of bat, reptile, badger and breeding bird mitigation and enhancement, hedgerow enhancement, pond and dry ditch restoration/creation, native tree and shrub planting specification using species of British origin and local provenance, creation of species-rich grassland, provision of bird boxes, ongoing management of all retained and created habitats, and POS, to enhance biodiversity value and ensure the long-term management of these habitats and features in perpetuity.

11. No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging and commuting;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

12. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

13. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

14. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

15. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority.

No part of the development shall be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part of the development have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

16. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

REASON: The application contained insufficient information to enable this matter to be prior to granting planning permission

17. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority.

No dwellinghouse shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

18. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance

with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

19. No development shall commence on site until details of improvements to Hospital Road and Leigh Road junctions with the A350 have been submitted to and improved in writing by the local planning authority. The approved works shall be completed prior to first occupation of the dwelling.

REASON: In the interest of highway safety

20. Prior to first occupation of the dwellings, the roads, including footpaths and turning spaces, shall be constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least binder course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

21. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

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

22. No dwellinghouse shall be occupied until the first five metres of individual plot accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

23. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies.

24. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

25. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties

26. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out within Wiltshire Core Strategy CP41 are achieved.

27. The development shall be carried out in accordance with the recommendations made in Section 6 of the 'Protected Species Report' dated 16 June 2016 prepared by Engain (Environmental Gain Ltd.), submitted with the planning application and as modified by a Natural England European protected species licence.

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

28. The development hereby approved shall be carried out in accordance with the 'Badger Mitigation Strategy' dated 9 March 2016 prepared by Engain (Environmental Gain Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England licence to interfere with a badger sett for the purposes of development.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

29. All replacement bat roost features and bat access points shall be constructed in accordance with the Landscape and Ecology Management Plan (LEMP) as required by Condition 10, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained in accordance with the LEMP for the lifetime of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

PLANNING INFORMATIVES:

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy>

INFORMATIVE 3: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: the use of plant and machinery

- oils/chemicals and materials
- wheel-washing facilities
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

INFORMATIVE 4: With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

INFORMATIVE 5: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 6: The developer/applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

INFORMATIVE 7: Common pipistrelle and Brown long-eared bats have been found roosting in the main hospital building and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

INFORMATIVE 8: The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

INFORMATIVE 9: The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds

between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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15/11604/OUT
Westbury and District Hospital
The Butts
Westbury
Wiltshire
BA13 3EL



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 3

Date of Meeting	10 August 2016
Application Number	16/03456/FUL
Site Address	The Bungalow Pepperacre Lane Trowbridge BA14 7JQ
Proposal	Conversion of existing dwelling to 2 No. 3-bedroom dwellings; erection of 1 No. 3-bedroom dwelling; erection of 2 No. detached garages; and associated landscaping and access works
Applicant	Doric Developments (Bath) Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE PAXCROFT – Cllr Oldrieve
Grid Ref	386611 158505
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Oldrieve for consideration of visual impact upon the surrounding area, relationship to adjoining properties, design and highway impact.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The report assesses the proposal in the light of the access/parking, design, neighbouring amenity and ecology considerations and recommends that permission is granted.

Neighbourhood Responses: 11 neighbour objections were received.

Trowbridge Town Council: No objection.

3. Site Description

The application site of some 2300m² is currently occupied by a dwelling and a redundant outbuilding. The site lies immediately adjacent to the “Elmhurst” Development currently under construction under LPA reference 15/04948/FUL. The development application site would be accessed via Pepperacre Lane, an un-adopted private lane. The site is on two levels, with a retaining wall surrounding the dwelling and the large garden to the south being on a lower level. The existing dwelling is a bungalow that includes a fourth bedroom in the roof space, with flat roofed dormer window to the rear elevation. The site is situated outside and to the south east of the Hilperton Conservation Area. There is a green corridor to the south of Pepperacre Lane, with more modern housing beyond, in Paxcroft Mead.

4. Planning History

None specific to this site but recent adjacent approvals are 15/04948/FUL (Erection of 20 dwellings with associated access and landscaping works) and 15/09838/FUL (Residential conversion of dwelling to 6 flats with associated landscaping and car parking – Elmhurst)

5. The Proposal

The application proposal is for the conversion of an existing 4 bedroom bungalow (with one bedroom to the roof-space) to two dwellings and the erection of one new dwelling. The development would be accessed from Pepperacre Lane, Trowbridge. The semi-detached chalet-style bungalows would be sited on plots of some 375m² each, whilst the new dwelling would have a plot area of approximately 500m² (including the garage access). The bungalows would be modest 3 bedroom units (2 bedrooms to each roof-space) and the detached dwelling also a 3 bedroom property. Each of the 3 units would have an allocated garaging.

6. Local Planning Policy

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 29: Spatial Strategy for the Trowbridge Community Area

Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 67: Flood Risk

NPPF and NPPG

7. Summary of consultation responses

Trowbridge Town Council

No objection, subject to no significant adverse impact on neighbour amenity.

Highway Officer

The officer noted that the site is accessed along a private lane and the access onto the public highway is not proposed to be altered as part of this application and that the parking proposals are sufficient to meet Wiltshire's parking standards. The officer requested revisions to the plans to ensure that garaging was of acceptable dimensions. Plans were submitted and the officer then raised no highway objection providing that a condition relating to parking provision and turning areas is applied.

Environmental Health

Officers had no objections and did not wish to recommend any conditions.

Drainage Officer

The officer requested additional plans showing drainage proposals. The plans were provided, showing the existing and proposed arrangements. The officer further advised that the foul drainage links on a connection to proposed development at Elmhurst and details can only be cleared once that scheme is also cleared. Clarification and tests would also need to be done to confirm that a soakaway will work or what size is required

Ecologist

In an initial comment the officer requested the submission of a Badger Mitigation Strategy that is specific and relevant to the proposed development due to the close proximity of the main sett and a Bat mitigation and enhancement strategy before determination of the application to ensure sufficient information on protected species. The documentation was prepared and considered by the officer who was satisfied with the detail and suggested a condition and an informative.

Wessex Water

WW noted only that new water supply and waste water connections would be required. No objections.

8. Publicity

The 11 responses to neighbour advertising included the following objections:

- The inclusion of the whole lane in the application site is incorrect where the applicants do not have ownership;
- The double storey dwelling and conversion of the bungalow are out of character with the area;
- There would be overlooking and loss of privacy to the dwellings at 8, 10 and 12 Kenton Drive arising from the upper level windows;
- This is not a brownfield site and the proposal constitutes garden grabbing
- With the Elmhurst and encroaching Paxcroft Mead developments the green space should be retained;
- Impact on the wildlife area that forms part of the Elmhurst development;
- The increase in traffic associated with the site, from 2 vehicles to 8, is unsustainable given the single-track nature of the access;
- Over-development of the site and Density not in keeping with other existing properties adjoining the Conservation Area;
- Closing off the vehicular access to Elmhurst does not provide justification since bedsits were not fully occupied for a very long time prior to the recent conversion, Hilperton Road is far busier and vehicles would only have been using the top section to access Hilperton Road.
- Likely that other entrances will be informally used as passing places and this is unacceptable;
- Would have made more sense to have taken access from related Elmhurst development instead of forcing all this extra traffic down a lane which is not suitable for it.
- Potential for significant amount of additional congestion and noise in a very limited space.

9. Planning Considerations

The National Planning Policy Framework states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'.

The NPPF also states that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 32 of the NPPF confirms that local planning authorities should only refuse applications on transport/highway safety grounds where "the residual cumulative impacts of development are severe".

9.1 Principle of Development

The site lies within development limits for Trowbridge in terms of Core Policies 1 and 29 of the Wiltshire Core Strategy, where the principle of new residential development is accepted.

Proposals must however accord with other development plan policies.

9.2 Design and Setting

Development of the site would effectively constitute infill of the remaining portion of the suburban block made up of the new Elmhurst Development and the converted Elmhurst building. The density for the 3 dwellings would approximate that of the row of four dwelling to the north of the site, within the new development itself. The site lies adjacent to the Conservation Area, and the principle of subdivision to a similar density within the CA itself has been accepted, by virtue of the approval of the Elmhurst Development.

The site itself has two levels, with the bungalow floor level being approximately 1m higher than that of the ground level of the proposed new dwelling site. A retaining wall separates the two site areas. The conversion of the bungalow would not result in any material increase in the size of the building, and would bring it back into functional residential use and include refurbishment of what is a building of neglected appearance (albeit apparently still structurally sound). The new dwelling would be a two storey unit of 7.2m to ridge height, with the upper level bedrooms served by dormers. This design would result in a building of a lesser massing than those approved on plots 16-19 of the Elmhurst Development adjacent to the bungalow along Pepperacre Lane (9.4m in height). The bungalow would be finished in render under tiles, whilst the new dwelling would be of brick, with reconstituted stone quoins, also under tile. These materials are considered to be wholly acceptable in this context. The development would not be alien to what has become an established situation along Hilperton Road, which is characterised by larger houses fronting onto the road itself with smaller one and two storey homes located to the rear. Two vehicle access points are proposed, one to each of the plots. The supporting statement argues that this would open up the front of the site providing a more open aspect at this end of the no through road. It is considered that this, together with revitalising the area at the end of the lane would be a positive aspect of the proposal. A landscaping condition would be appropriate however, with a view to address the setting of the development.

In view of the above the proposed design is considered to be wholly acceptable within the setting.

9.3 Ecology

The construction of the proposed new dwelling and its associated garage would take place in close proximity to the main badger sett located within the adjacent Elmhurst Development (15/04948/FUL). Ecology considerations and the green space to the south of the site were raised by neighbours as potential concerns.

The application documents included supporting documentation that also related to the Elmhurst development. Council's Ecologist considered that the findings of the ecological surveys were still relevant to this proposal, but requested additional specific mitigation and enhancement strategies for badgers, bats and birds the conversion of the bungalow (low potential for roosting bats) and demolition of the existing garage (negligible potential for bats) and piggery (low potential bats). The officer advised also that precautionary measures to the demolition of the outbuilding and the conversion of the bungalow would be required. The

Ecologist therefore recommended that a specific badger mitigation strategy should be submitted for this application rather than relying only on the reports submitted with the adjacent application. The additional documentation was prepared and considered by the Ecologist and found to be acceptable. Subject to the condition and informative recommended by the Ecologist, it is considered that issues surrounding ecology and protected species would be properly addressed.

9.4 Highways and parking

Pepperacre Lane provides the un-adopted road access to the site. Some objections relate to the question of ownership and the inclusion of the access within the red-line area of the application. There is no restriction in planning terms in including land outside of an applicant's ownership within a proposed development site. However, appropriate notices must be served and in this instance, where no owners could be identified, a press advert was placed by the applicants and "Certificate C" of the application form (which applies in such circumstances) has been duly completed. It is considered that the statutory requirements in respect to ownership and the red outline have been met.

The lane in the vicinity of the Hilperton Road junction is hard surfaced over its full width, but narrows to a single track at about 35m from the junction. Beyond that point the track serves one additional dwelling apart from the proposed development, and the first access to the site would be some 95m further along the single track.

The development itself provides for on-site parking and adequate manoeuvring space to ensure that vehicles would turn and use forward gear in both directions. The lane is straight, with visibility over its full length.

The development would result in traffic movements from 2 additional dwellings from the old Bungalow. The supporting document argues that the recent adjacent approvals which included the closure of the vehicular access from Elmhurst (which previously had 6 address points) which would now use the shared access with the wider Elmhurst development, means that a net 4 fewer households would be accessing the Hilperton road intersection of Pepperacre lane. Whilst objectors point out that the Elmhurst building was not occupied for some time, it is considered that the fall-back position is that the closure of the Elmhurst access would indeed reduce the overall potential movement of vehicles in and out of the lane to a degree off-setting the new movements that would arise.

As noted above, Paragraph 32 to the NPPF states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

The highway officer has raised no objections, subject to a condition regarding the construction of the turning and parking spaces. Parking provision would meet Council's standards.

In view of the above it is considered that the proposal would not give rise to highway impacts at a level that would justify refusal.

9.5 Neighbouring Amenity

Amenity considerations apply to both the existing development to the north east, beyond the lane, and to the Elmhurst development currently under way. Loss of privacy and overlooking have been raised by neighbours as potential issues.

With regard to potential impacts on the existing development, there would be upper level windows serving habitable rooms to the bungalow subdivision, as well as to the new dwelling.

Separation distances between the proposed new dwelling and the existing dwellings to the north would be a minimum of 21m, which wholly accords with the rule-of-thumb guideline in respect of privacy between inter-visible upper level habitable rooms. The lane and boundary fences are also within the intervening space. The dwellings to the north east are all single storey units meaning that there are no directly inter-visible upper storey windows with indirect visibility to lower level windows nevertheless at or beyond 21m. The separation distance between the bungalow windows and the existing dwellings would be 30m. There is a +2m high fence screens the rear garden spaces to the existing dwellings, and the separation distance between this boundary and the front elevations to the proposed development varies between just over 10m (new dwelling) and over 17m (the converted bungalow) with the lane also within the intervening space. Furthermore the new dwelling would be set on ground approximately 900mm lower than that of the existing development, further reducing overlooking potential.

With regard to the Elmhurst development, the bungalow would already have been a consideration in that layout. Whilst a new dormer window would be added to the roof this would not result in any additional overlooking onto the adjacent property, than that already experienced through an existing dormer window. Both of the windows would be obscure-glazed, serving bathrooms. Windows would be removed from the south and north elevations of The Bungalow. Two rear-facing windows are proposed to the upper level of the new dwelling, one serving a bathroom and obscure glazed, with the other serving a bedroom. The bedroom window would be 18m from the side elevation (no habitable rooms) to the nearest new dwelling in the Elmhurst development.

In view of the above it is considered that no unacceptable overlooking or loss of privacy would arise for neighbouring properties, either existing, or within the Elmhurst development.

9.6 Other matters

WCS Core Policy 41: Sustainable construction and low carbon energy requires that new dwellings achieve a level of Energy Performance at or equivalent to Level 4 of the Code for Sustainable Homes. A condition to that effect would be appropriate.

Council now has a CIL regime in place which would now require contributions. This is not imposed as a condition, but an informative to applicants is the norm.

With regard to drainage, additional drainage information showing existing and proposed foul and surface water details were provided at the request of the drainage officer. The officer advised that details of drainage could only be finally approved once the adjacent Elmhurst system (under development) was cleared. Similarly, surface water drainage design would need final design. Detailed design would however be the subject of Building Regulations plans and not planning. It is nevertheless considered reasonable to impose conditions relative to the final layout (as opposed to detailed design) on both these aspects. Wessex Water did not object or recommend conditions, advising only that new water supply and waste water connections will be required to serve the development.

10. Conclusion (The Planning Balance)

The principle of the proposed development accords with planning policy. Issues identified during consultation (ecology, drainage and highways) were addressed by way of further information and details. It is furthermore considered that no unacceptable amenity issues would arise for neighbours and, whilst accepting the restricted nature of the access lane, no severe cumulative impact would arise in terms of which the proposal would not be acceptable when considered under NPPF para. 32.

RECOMMENDATION

Permission, subject to 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 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 3 The development hereby approved shall be carried out in accordance with the Badger Mitigation Strategy and the Bat Mitigation and Enhancement Strategy, both prepared

by Stark Ecology as submitted by email on 20th June 2016 and as modified by a Natural England European protected species licence. The bat roosting features incorporated within the garages shall be provided in a suitable condition for use by bats for the lifetime of the development hereby approved.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - all hard and soft surfacing materials.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 7 7. No development shall commence on site until details for the disposal of sewage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

REASON: In the interests of highway safety.

- 9 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

PEP 001 Rev B Plot 2 & 3 Existing Building Plan Registered on 27 April 2016;

PEP 001 Rev B Plot 2 & 3 Existing Elevations Registered on 27 April 2016;

PEP 003 Rev C Registered on 27 April 2016;

PEP 004 Rev C Registered on 27 April 2016;

PEP 005 Rev D Registered on 27 April 2016;

PEP 006 Rev D Received on 24 May 2016;

PEP 007 Rev E Registered on 27 April 2016;

PEP 008 Rev B Registered on 27 April 2016;

PEP 009 Rev C Registered on 27 April 2016;

PEP 0011 Rev D Received on 24 May 2016; and

PEP 0014 Rev B Registered on 27 April 2016.

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

11 INFORMATIVE:

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding

season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence.

12 INFORMATIVE TO APPLICANT:

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



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**Wiltshire Council
Western Area Planning Committee
10th August 2016**

Forthcoming Hearings and Public Inquiries between 28/07/2016 and 31/01/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Date	Overturn at Cttee
15/10492/FUL	Land At Sunnyside Yarnbrook Road West Ashton Wiltshire	WEST ASHTON	Use of land as private gypsy and traveller caravan site, consisting of 2 no. pitches each with 1 no. mobile home, 1 no. touring caravan, and 1 no. utility dayroom, plus stabling.	DEL	Hearing	Refuse	31/08/2016	No

No Planning Appeals Received have been received between 17/06/2016 and 28/07/2016

Planning Appeals Decided between 17/06/2016 and 28/07/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/01805/FUL	Land West of Drynam Lane Trowbridge, Wiltshire	NORTH BRADLEY	Provision for 120 residential houses comprising a mix of 1,2,3 & 4 bedroom units and associated infrastructure including roads, footpaths, bridge, cycleway, garages and sub station.	DEL	Inquiry	Refuse	Withdrawn	26/07/2016	No
15/04674/FUL	Station Approach St Margaret's Street Bradford on Avon Wiltshire, BA15 1DF	BRADFORD ON AVON	Erection of 4 x 2 bed terraced houses	COMM	Written Reps	Approve	Dismissed	06/07/2016	Partial Costs awarded to Appellant
15/08387/OUT	Woolmore Manor Bowerhill, Wiltshire SN12 6QZ	MELKSHAM WITHOUT	Outline application for 8 dwellings and associated access (Outline application to determine layout, scale and access - Resubmission of 14/03607/OUT)	DEL	Written Reps	Refuse	Dismissed	27/07/2016	No
15/09331/FUL	Land Rear of 48 High Street Heytesbury Wiltshire BA12 0EB	HEYTESBURY IMBER AND KNOOK	Proposed retirement bungalow in grounds of 48 High Street	DEL	Written Reps	Refuse	Allowed with conditions	22/06/2016	No
15/10513/FUL	Barn adjacent to 81 Barn View Hindon Road Monkton Deverill Wiltshire BA12 7EX	KINGSTON DEVERILL	Demolition of barn and erection of a dwelling (resubmission of 15/06445/FUL)	DEL	Written Reps	Refuse	Dismissed	22/06/2016	No

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