

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 11 January 2017
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email <mailto:jessica.croman@wiltshire.gov.uk>

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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**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 14 December 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. 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.

Members of the public will 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 prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 4 January 2017**, in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 6 January 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications**

To consider and determine the following planning applications.

6a **16/06564/OUT - Land North of No 554 Canal Bridge Semington**
(Pages 25 - 36)

6b **16/06057/FUL - Land NW of Crossways Farm Ashton Common**
(Pages 37 - 44)

7 **Planning Appeals and Updates** (Pages 45 - 46)

To receive details of completed and pending appeals and other updates as appropriate.

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett and Cllr Pip Ridout

Also Present:

Cllr Magnus Macdonald, Cllr Nick Blakemore

115 Apologies

Apologies for absence were received from

Cllr Jonathon Seed – Substituted by Cllr Philip Whitehead

Cllr Roy While

Cllr Graham Payne

Cllr Magnus Macdonald – Substituted by Cllr Gordon King

116 Minutes of the Previous Meeting

The minutes of the meeting held on 23 November 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 November 2016.

117 Declarations of Interest

Cllr Clark declared a non-pecuniary interest in item 6a due to knowing an objector to the application and would abstain from the vote.

Cllr Clark referred to his register of interest for item 7a.

118 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

119 **Public Participation**

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.

120 **Public Rights of Way Reports**

120a Great Hinton - Path No. 34 - Rights of Way Modification Order 2016

The Rights of Way Officer outlined the report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs and that Wiltshire Council supports the confirmation of the order.

Members of the Committee were given the opportunity to ask technical questions of the officer. No questions were asked.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Steve Noad spoke in objection to the order.

The Rights of Way Officer informed the committee that they could make a modification to the application although it would need to be based on evidence and that the recommended width of the bridleway was 4 meters.

A debate followed where a motion was then moved to approve the officer's recommendation.

At the end of the debate it was;

Resolved

That Wiltshire Council supports the Wiltshire Council Great Hinton Path No. 34 Rights of Way Modification Order 2016 and for the Order to be

forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

Cllr Clark abstained from the vote.

120b Parish of Holt - Path No.73 - Definitive Map and Statement Modification Order 2016

The Rights of Way Officer outlined the report which recommended that the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee were given the opportunity to ask technical questions of the officer. No questions were asked.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Jonathon Cheal spoke in objection to the order.

Mr GKS Tucker spoke in Objection to the order.

Christina Ashworth spoke in support of the order.

Jonathon Nibbs spoke in support of the order.

Cllr M Nicholson, Holt Parish Council, spoke in support of the order.

The Rights of Way Officer informed the committee that they could only take into consideration the evidence before them and that there was insufficient evidence of public use of an alternative route at the field edge to support any modification to the order.

A debate followed where a motion was then moved to approve the officer's recommendation.

At the end of the debate it was:

Resolved

That "The Wiltshire Council (Parish of Holt) Path No.73 Definitive Map and Statement Modification Order 2016", be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the order be confirmed without modification.

121 Planning Applications

The Committee considered the following applications:

121a 16/01633/OUT - Land at The Grange, Devizes Road, Hilperton, Wiltshire, BA14 7QY

The case officer presented the report which recommended the application for the erection of up to 26 dwellings (an outline application with all matters reserved other than access), be granted.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the development, including the 5 year housing land shortfall, archaeology, flood risk and drainage, the impact upon the character and appearance of the area, heritage assets, ecology and landscape, sustainable construction, the impact upon neighbouring amenity and access and highways.

Members of the Committee then had the opportunity to ask technical questions of the officer, with the development site being located outside the settlement boundary a central point for discussion.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Tina Jones spoke in objection to the application.

Audrey Austin spoke in objection to the application

Lucie Castleman spoke in objection to the application

Christopher Dance, as agent, spoke in support of the application.

Cllr Clark as the local member highlighted the following key points: the development was contrary to Wiltshire Core Strategy Core Policies 1, 2 and 29; within the North and West Housing Market Area (HMA) Wiltshire Council are about 160 dwellings short which is a nominal amount. However when one factors in the fact that the Council had granted planning permission for over 3200 additional houses across the HMA (included within Table 3 of the Housing Land Supply Statement - HLSS) since April 2016 (the base date used for the 2016 HLSS) the Council would be able to prove to any planning inspector (should the application be refused and appealed) that it can demonstrate having in excess of 5.25 years supply of housing; Core Policies 1 and 2 was therefore up-to-date; the development site was located outside the village policy limit for Hilperton thus being contrary to Core Policy 2; the development was also

contrary to Core Policy 29 which required adequate secondary school provision to be in place prior to the approval and delivery of additional housing on unallocated greenfield sites; and, the lack of an objection from the Council's education officer cannot and should not override adopted policy requirements.

A debate followed where a motion was then moved to refuse the application.

Following a question raised by Cllr Whitehead about the 5 year housing land supply statement and position, the monitoring and evidence spatial planning manager advised the committee that the Council was presently unable to demonstrate a 5-year housing land supply, confirmed the base date used for the 2016 HLSS and advised that whilst the housing figures contained within Table 3 of the HLSS could be referenced by the Council in defending any subsequent appeal, in his professional opinion and experience, he advised that planning inspectors rarely take them into account. The officer furthermore confirmed that the 2017 Housing Land Supply Figures would have a base date of April 2017, but in recognition of the amount of work involved in producing an annual statement, the 2017 statement would be published after April 2017.

At the end of the debate it was:

Resolved

To refuse planning permission for the following reason:

The development proposal is contrary to Wiltshire Core Strategy CP1, CP2 and CP29. Following the publication of the Housing Land Supply Statement carrying a base date of April 2016, the Council can demonstrate a 5 year housing land supply for the North and West Housing Market Area, therefore policies CP1 and CP2 are considered up-to-date. Since the application site is outside the extant village policy limits for Hilperton there is a clear conflict with CP2. The limits of development have not been modified by either a site allocations development plan or by a neighbourhood plan. In addition, CP29 requires that improved secondary school provision is in place before any greenfield residential development is allowed, including the 950 dwellings referenced by CP29, which should only be supported subsequent to the delivery of the strategic housing site at Ashton Park, located to the south-east of Trowbridge. Since this application would form part of the additional 950 dwellings and the improved secondary school provision is not in place, the application conflicts with CP29.

Following the decision to refuse permission and in keeping with normal practice, the chairman invited the division member to be involved in defending any subsequent appeal.

Note: paragraph 9.7 of the Council's Planning Code of Good Practice makes provision for member involvement at appeals.

122 **16/06851/FUL - 139 Winsley, Bradford-On-Avon, BA15 2LB**

A site visit was held prior to the meeting.

The area team leader presented the report which recommended the application for an erection of one new attached dwelling, alterations to the existing dwelling, access, parking and demolition of outbuildings, be granted.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the development, impact on the conservation area/ heritage assets, impact on neighbouring amenity, impact on highways safety, impact on ecology and the impact on archaeology. The officer informed the committee that following the deferment on 23 November, the applicant had made material revisions to the application including the deletion of the originally proposed turntable to aid on-site parking and electric gates at the site frontage. The committee was also advised that an additional comparative site context plan had been submitted, which all formed part of the revised presentation.

Members of the Committee then had the opportunity to ask technical questions of the officer, key points included; clarification on planning notices on the site; at or near the site; the weight to be given to saved West Wiltshire District Plan Policy H18 in recognition that the development site is located within an area of minimum change.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Robert Drower spoke in objection to the application.

Ian Berry spoke in objection to the application.

Glyn Woolley (applicant) spoke in support of the application.

Heather Woolley (applicant) spoke in support of the application.

A debate followed where a motion was then moved to approve the officer's recommendation. Key points raised in the debate included; the removal of the turntable; the impact on the neighbouring property and area and Policy H18. In response to a member question about Policy H18 of the former West Wiltshire District Plan, the officer advised the committee that whilst it was a material consideration, due regard had to be given to the more recent adopted Core Strategy, the fact that the Council was unable to demonstrate a 5-year housing land supply and in accordance with NPPF paras 14 and 49, such restrictive housing policies cannot be given full weight. In addition to the above, the officer informed the committee that after a thorough review of the proposals, the report

considers the impacts of the development and whilst the restrictive nature of Policy H18 is duly referenced, the case officer's appraisal concludes that the proposed development would be an acceptable form of sustainable development which can be supported.

Following the debate it was;

Resolved

To grant planning permission subject to the following conditions:

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

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

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

Existing Site Plan received 13 July 2016; Existing Context Site Plan received 13 July 2016; Existing Ground Floor Plan received 14 July 2016; Existing First Floor Plan received 13 July 2016; Existing South-East Elevation Plan received 13 July 2016; Existing South-West Elevation Plan received 13 July 2016; Existing North-East Elevation Plan received 13 July 2016; Proposed North-East Elevation Plan received 19 October 2016; Proposed South-East Elevation Plan received 19 October 2016; Proposed Cross Section received 19 October 2016; Proposed South-West Elevation Plan received 19 October 2016; Proposed First Floor Plan received 19 October 2016; Proposed Ground Floor Plan received 19 October 2016; Proposed Site Plan received 29 September 2016; Plot Sub-Division Plan received 4 November 2016.

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

- 3. The mitigation measures recommended in Section 5 of the Preliminary Ecological Assessment and Emergence Survey for Bats by Johns Associates dated May 2016 shall be carried out in full accordance with the approved timetable detailed in the Ecological Assessment.**

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 4. No works shall commence on site above ground floor slab level (except for the demolition works and site preparation including the**

foundations) until details of all new or replacement rainwater goods (which should be of cast metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: The application contains 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 preserving the character and appearance of the Conservation Area.

5. No works shall commence on site above ground floor slab level until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: The application contains 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 preserving the character and appearance of the Conservation Area

6. No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

7. The dwelling house hereby permitted shall not be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The access and parking areas shall be retained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8. The dwellinghouse hereby permitted shall not be occupied until the existing vehicular access along the site frontage has been blocked up

using reclaimed stonework from the on-site wall/garage demolition and the finished wall shall match the existing bedding of stone, coursing, type of pointing and mortar mix.

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

9. 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 eastern rear elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

10. The dwelling 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 the 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.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents 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/communityinfrastructurelevy.

123 **16/07872/FUL - Greenacre House, Cleveland Gardens, Trowbridge BA14 7LX**

Cllr Knight took over as Chairman for the remainder of the meeting and Cllr Newbury left the meeting at 5.00pm.

The area team leader presented the report which recommended the application for 5 new dwellings and to incorporate a single bed cottage/flat within the existing building, be granted.

An update was given on receipt of a late representation from a neighbouring property (number 3 – opposite) and to inform the committee that within the representation section of the report, concerns had been received from the owner/occupier of No.3 Cleveland Gardens. Within the late representation which included photographs that were circulated to the committee, concern was raised about overdevelopment of the site, the parking provision, the consequential impacts on local residents including loss of light and privacy; the extent of the development site and proposals; and the impacts created from extra vehicles entering and leaving the site.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the development, impact on highways and parking, design, impacts on neighbouring amenity and core policy 41 which requires the development to be sustainable.

Members of the Committee then had the opportunity to ask technical questions of the officer, key points included; clarification on separation distances to neighbouring properties, the road width and the number of allocated and proposed on-site parking spaces.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Peter Sorisi spoke in objection to the application.

Geraldine Curtis spoke in objection to the application.

Alvin Howard (agent) spoke in support of the application.

Gianfranco Chicco (applicant) spoke in support of the application

Cllr Blakemore as the local member highlighted the following key points: issues with parking arrangements, the width of the road being smaller than average, the threat on the local bus routes, the suitability of the local convenience stores. Cllr Blakemore expressed a concern about the 5 additional units being too

many for the site and invited the committee to consider deferring the application and to instruct the case officer to approach the applicant to see whether they would be agreeable to deleting the two semi-detached units in the rear of the plot and to bring such a revised application back to committee or the elected members to consider.

The committee was informed by the area team leader that a deferment was an option for the committee to consider but members were encouraged to have a discussion about the merits of the proposed extension to Greenacres House.

A debate followed where a motion was then moved to defer the application for further discussions.

Resolved

To defer the application and to instruct officers to contact the applicant to seek an agreement to delete the two proposed semi-detached units from the application to address site overdevelopment concerns and address parking provision concerns.

124 **16/05154/FUL - Land at Sparrow Road, Southview Park, Trowbridge, BA14 7FS**

Cllr Ridout left meeting at 6.20pm

The case officer presented the report which recommended the application for a provision of 50 affordable homes over 4 land parcels within the Southview Park housing development, be granted.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of development, including the extant nature of the previous approved development, the impact on the character and appearance of the area, impact on the amenity of neighbouring residents, impact on the amenity of proposed occupants, highway issues, ecology issues, impact on Heritage Assets (archaeology), drainage issues and crime prevention

Members of the Committee then had the opportunity to ask technical questions of the officer, key points included; clarification on the number of storeys of the flats and the design.

Members of the public then had the opportunity to present their views to the Committee, as detailed below.

Public Participation

Tim Bruce spoke in support of the application.

Cllr Drewett as the local Member informed the committee that during the consultation concerns from residents principally concerned the manner the existing properties were managed.

A debate followed where a motion was then moved to approve the officer's recommendation.

At the end of the debate it was;

Resolved

To Approve the planning application, subject to the following conditions:

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

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

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

**Amended 3158_L_001 rev D (Proposed site plan)
Amended 3158_L_002 rev C (Landscape plan)
3158_L_003 (Location plan)
3158_L_005 rev B (Topographical survey)
Amended 3158_L_010 rev D (Parcel 2 site plan)
Amended 3158_L_011 rev C (Parcel 3 site plan)
Amended 3158_L_012 rev E (Parcel 4 site plan)
Amended 3158_L_013 rev C (Parcel 6 site plan)
3158_L_051 rev B (House type 1, 2, and 3)
3158_L_052 rev B (House type 4 and 4A plans and elevations)
3158_L_053 rev B (House type 5 and 5A plans and elevations)
3158_L_054 rev B (House type 6 and 6A plans and elevations)
3158_L_055 rev B (House type 6B plans and elevations)
3158_L_056 rev B (House type 8 plans and elevations)
Amended 3158_L_103 rev A (Street elevations 1 of 3)
Amended 3158_L_104 rev A (Street elevations 2 of 3)
Amended 3158_L_105 rev A (Street elevations 3 of 3)**

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

- 3. No dwelling hereby approved shall be commenced until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local**

Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 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.

4. No development shall occur on a land parcel (amended dwg no. 3158_L_001 rev D), until a scheme of hard and soft landscaping for that land parcel 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;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- refuse and other storage units;
- all tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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.

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 in that land parcel 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.

6. No development shall occur on a land parcel (amended dwg no. 3158_L_001 rev D) until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) for that land parcel has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved 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 proper management of the landscaped areas in the interests of visual amenity.

7. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

8. The development of each land parcel hereby approved (amended dwg no. 3158_L_001 rev D) shall not be first brought into use until that part of the service road which provides access to the land parcel has been constructed in accordance with the approved plans.

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

9. No dwelling hereby approved shall be occupied until the parking area shown on the approved plans for that dwelling has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

10. Development on land parcel 6 hereby permitted (amended dwg no. 3158_L_013 rev C) shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from railway noise on land parcel 6 has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any dwelling hereby permitted on land parcel 6 is first occupied.

REASON: In order to safeguard the amenities of the area in which the development is located.

11. No development shall commence on a land parcel (amended dwg no. 3158_L_001 rev D) until a scheme for the discharge of surface water from that land parcel, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Development on the land parcel 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, to ensure that the development can be adequately drained.

12. No development approved by this permission shall commence 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 until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work is to be carried out in accordance with the approved details. The work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

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

14. 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.

15. No development shall commence on a land parcel (amended dwg no. 3158_L_001 rev D) (including any works of demolition), until a Construction Method Statement for that land parcel, 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) measures to control the emission of dust and dirt during construction;**
- e) hours of construction, including deliveries;**

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: 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 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.

16. Development of the dwellings shall not commence on each land parcel (amended dwg no. 3158_L_001 rev D) until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including the installation arrangements and the timing of such an installation) for that land parcel have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

INFORMATIVES TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

No information provided on the proposed storm water system – if it proposed to have new connections to the water course then a separate application will need to be made to the LLFA under the Land Drainage Act to agree flow, location and outfall construction.

125 Planning Appeals and Updates

The Planning Appeals Update Report for 10/11/2016 and 02/12/2016 was received.

Resolved:

To note the Planning Appeals Update Report.

126 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.05 - 6.30 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>

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

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	11 January 2017
Application Number	16/06564/OUT
Site Address	Land North Of 554 Canal Bridge Semington Wiltshire BA14 6JT
Proposal	Outline application relating to access - Erection of two detached dwellings and new access
Applicant	Mr K Lockwood
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – Cllr Roy While
Grid Ref	389961 161101
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in by the local ward member, Cllr Roy While for the following reasons:

I do not consider that the development would have an adverse impact. The Melksham Without Parish Council have no objections and regarding the Highway officers comments this is on a closed road, fairly isolated with less than a dozen properties positioned between the Police Station and the canal bridge. Furthermore there is the issue of the WC failing to meet the 5 year housing and supply.

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 refused.

2. Report Summary

This application addresses the material planning considerations in the context of the site, the submissions received, the relevant planning policy and any other material planning considerations. The report concludes that planning permission ought to be refused based on the conflict of the proposals with CP1 and CP2 of the development plan.

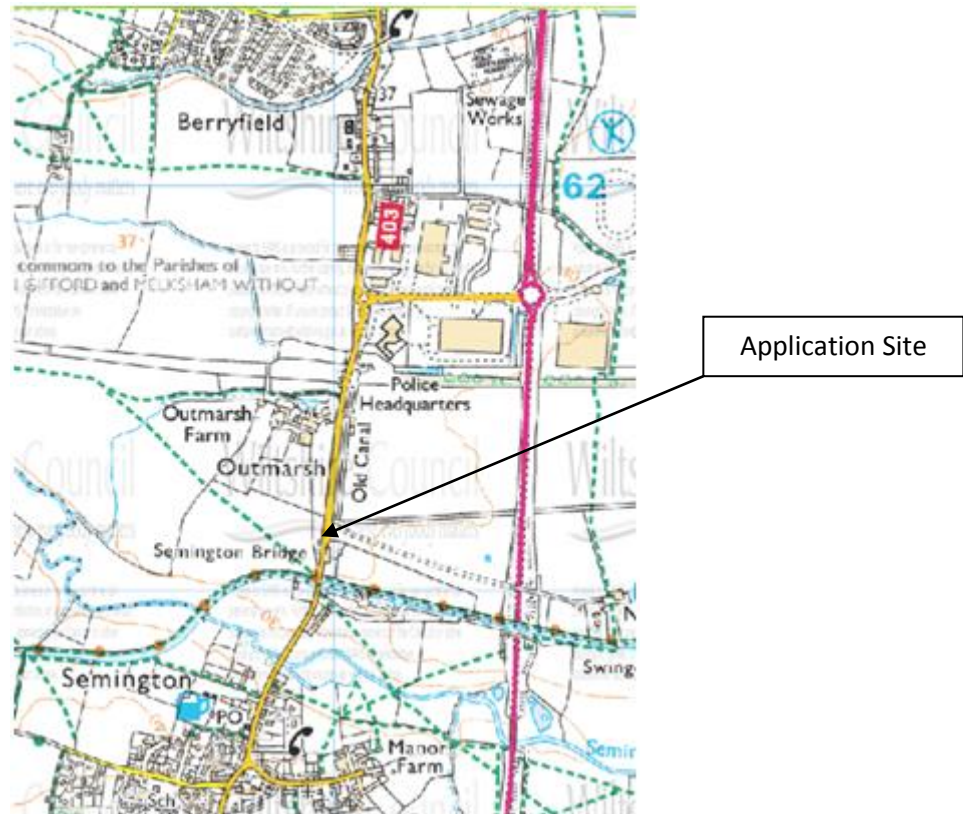
3. Site Description

The application site is a small enclosed parcel of land that is bound by unkempt hedgerows and landscaping. It is an irregular quadrangle shape and relatively flat. Through the site there is a subterranean water main. To the east of the site is Semington Road, the former A350 now closed to most through-traffic. Beyond this to the south east is a cluster of farm buildings. To the south is the residential curtilage of No. 554 Semington Road a detached circa 19th century red brick property. To the west and north is open agricultural land.

The site is located to the north of the Kennet & Avon Canal in an open countryside location remote from the settlement boundary of Semington, which is a large village to the south, and

remote from the loose knit ribbon development associated with Berryfield, which is a small village to the north.

The Site and Context.



4. Planning History

W/11/01254/OUT – Erection of for bedroom dwelling and creation of new access – Withdrawn.

5. The Proposal

This is an outline application for the erection of 2 detached dwellings. All matters except for access are reserved.

The proposal sets out a new access onto Semington Road from the application site to serve both properties.

6. Local Planning Policy

Local context:

Wiltshire Core Strategy (development plan) - CP1, CP2, CP3, CP15, CP29, CP41, CP45, CP50, CP51, CP57, CP60, CP61, CP62, CP64, CP67 and appendix D's 'saved' policy U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) - PS6.

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

National Context:

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

7. Summary of consultation responses

Melksham Without Parish Council: No objections.

Semington Parish Council: Objection and considers the application to be “*inappropriate development in the countryside*”.

Dorset and Wiltshire Fire and Rescue Service: No objection.

Wessex Water: Proposal may affect existing assets that run through the site.

Wiltshire Council's Ecology: No objection subject to conditions. “*There are no statutory or non-statutory designated sites within the boundary of the application site or in the immediately surrounding area. The erection of two small dwellings is unlikely to result in impact on the ecology of the Kennet & Avon Canal, some 100m to the south of the site.*”

The application site has been subject to an extended Phase I Habitat survey by Malford Environmental Ltd., who found that the site is generally of low importance to nature conservation, although there are potential impacts for nesting birds, reptiles and badgers which should be addressed through a Construction Method Statement and a Mitigation and Enhancement Plan to ensure that there is no net loss of biodiversity within the site as a result of the proposal. The site is currently very overgrown and neglected, making it difficult to assess the ecology effectively, however it is unlikely to support protected species other than those identified as potentially present. Precautionary procedures should be included in the Construction Method Statement to allow any unexpected species issues to be dealt with appropriately.”

Wiltshire Council's Highways: No objection. “*The site is located on the outskirts of Semington, off the classified C395 which is closed to through traffic further along towards Melksham from the site. The site is located outside of the development boundary of Semington, therefore, I would consider the proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.*”

The proposed access would benefit from sufficient visibility in both directions providing the boundary vegetation was cut back.

In light of the above, in principle I must raise an objection to this application on sustainable transport grounds, however should you have any policies to override this decision, then I would raise no highway objection subject to any full planning application including adequate parking and turning facilities to meet Wiltshire’s parking standards and the required visibility being able to be met.”

Wiltshire Council's Landscape and tree officer: No objection. “*There are no objections to this development in principle and I await the submission of a landscape plan to reflect the ruralness of the area.*”

8. Publicity

The public consultation consisted of posting individual neighbour notification letters and the erection of a site notice close to the application site. No comments were received following these notification processes.

9. Planning Considerations

- Principle of development:

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.

The application site is located to the north of Semington village within the Melksham Community Area. 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 Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area, in which this application site lies.

Wiltshire Core Strategy –

Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the *Principal Settlements, Market Towns, Local Service Centres* and *Large Villages*. Further it sets out that at the *Small Villages* development will be limited to infill within the existing built area. It supports a plan-led approach to development outside of the limits of development of existing settlements, stating that such development will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy.

In this case, the site clearly lies outside of the limits of development for the *market town* of Melksham, the existing built area of the *small village* of Berryfield and the limits of development for the *large village* of Semington. The site has not been identified at this stage for development though either the Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan, and the proposal fails to meet any of the exceptional circumstances listed within WCS paragraph 4.25. The proposal is therefore in clear conflict with this aspect of the development plan.

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2 in relation to limits of development) cannot be considered as up-to-date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing Land Supply has to be regularly assessed. The Council's most recently published Housing Land Supply Statement (published in November 2016 with an April 2016 base date), sets out a 5.13 years land supply available in the north and west housing market area. It is therefore acknowledged that the Council cannot at this time demonstrate a 5 year land supply with the necessary buffer, albeit it is material to duly note that the shortfall is slight. In light of paragraph 49 of the NPPF policies related to the supply of housing (e.g. CP1 and

CP2) cannot be afforded full weight. They do however remain a material consideration and do weigh against the scheme in the overall planning balance.

The shortfall in the 5 year land supply is a material consideration, although it argued that it is not significant and the Council has been taking/made significant steps to improve housing supply and delivery. This is likely to continue into 2017 with a significant number of houses being approved, or resolutions to grant having been made, since the April 2016 base date of that 5.13 year land supply. In this context, whilst it is acknowledged that CP1 and CP2 may not be afforded full weight, it is asserted that they should be afforded significant weight in any planning balance. That they cannot be afforded full weight does not alter the principle of development.

In these circumstances this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits. This can only be a site by site assessment and any conclusions reached on this specific scheme cannot be considered to set a precedent for an alternative scheme on this site or indeed any other scheme on another site.

- *Housing Need:*

As set out above there is a housing need within the wider housing market area of north and west Wiltshire. Furthermore CP45 requires development to meet housing needs and CP2 requires development within large villages to meet settlement housing needs. Although submitted as an outline application with all matters reserved save the means of access, the applicant has indicated that the two dwellings would be 4-bed properties.

It is recorded that Semington has a higher than average population living in 4-bed or larger properties than Wiltshire generally. There is a need for housing across 1, 2, 3 and 4 bedroom properties, although the main need is for 2- and 3-bedroom properties. Arguably therefore it would be most desirable to have 2 or 3-bedroom housing development to meet the most significant settlement needs and represent sustainable growth. It is acknowledged that 4-bedroom properties would meet a need and future occupiers may possibly move from a smaller property and thus make that available to those in need of a 2- or 3-bedroom home.

- *Access, accessibility and highway safety:*

This is an outline application with all matters reserved save for access. It is noted that the highway officer raises an objection to the proposed development on the basis of the conflict with the policies of the development plan as set out by CP1, CP2, CP60 and CP61. It is noted that they do not raise technical objection on matters of highway safety and raise no objection to the detailed access proposals.

The proposal details an access from a C-classified highway that is subject to a 30mph speed restriction. It is the former main road, which was downgraded in the 1990s with the construction of the new A350 to the east which effectively bypassed the Semington and Berryfield villages. Part of that alteration was the imposition of a road traffic order at Hampton Business Park located to the north of the application site that restricts through traffic to buses and emergency vehicles; consequently vehicular movements on this road are relatively light.

The highway at this point is relatively straight and the verge appears from site inspection to be deep. It is therefore considered that satisfactory visibility splays to serve the development could be readily achieved. Within a 30mph area on relatively lightly trafficked roads visibility of 2.4 metres by 43 metres in either direction would be acceptable. No splays have been demonstrated on the submitted plans but a condition could be imposed to avoid any doubt.

The indicative layout information which supports the application indicates that the site could accommodate the amount of development proposed with adequate areas for turning and parking to serve both units. The parking requirement is likely to be for a minimum of 6 car parking spaces given the indication that this is a proposal for two 4-bedroom properties; and it is acknowledged that the submission indicates that could be achieved.

For the above reasons it is considered that the lack of any technical highway objection is well reasoned and there are no technical highway grounds on which to base an objection. Conditions could adequately control the proposal in light of the limited information submitted at this outline stage.

The highway officer's objection on the basis of site location is understood. They are concerned that this is a development, being located outside of an area accepted for development under CP2 of the development plan conflicts with CP60 and CP61 of the development plan as there would very likely be a reliance placed on the private motor vehicles.

It is noted that there are pedestrian facilities along Semington Road, but bus stops are not conveniently located with a walk back to the pub in Semington or the Police HQ in Hampton Park required. Cycling is considered to be an alternative mode of travel for some local journeys.

It is therefore argued that whilst this site may not necessarily be the most sustainable location for further housing development, officers appreciate that some may argue that it should not reasonably be described as the antithesis of sustainability in access terms. It is also acknowledged that many occupants of homes chose to make use of the private car for many trips, regardless of the convenience and accessibility of alternatives modes of travel. This site is considered to be a location where occupants would not necessarily be reliant solely on the private car for all their journeys depending on their personal choices, however there is some conflict with CP60 and CP61, and this conflict weighs against the scheme in the overall balance.

- Impact on the landscape and countryside:

This is an outline application and details on which to base a full assessment are not available at this time. However it is assessed from the submissions received; a desk-based analysis of historic mapping; and a site inspection that this is a parcel of land that has historically been associated with No. 554 Semington Road until recent decades. In recent times it has been poorly maintained and had no active economic use as a parcel of land too small for commercial farming use (unless the intervening ditches and hedges are removed to connect it to a large field) and is no longer owned by a neighbouring residential property. Its appearance is therefore rather unkempt and its features that contribute to the character of the countryside are arguably limited to the poorly maintained boundary vegetation and its openness.

The proposal would develop a site that is in policy terms, an open countryside location, that is isolated and relatively remote in visual terms to any settlement. To provide further disparate residential development in this rural context would be visually at odds with such an open countryside location. It is considered that the visual impact of a dwelling in principle, in this rural context, would have some negative impact through the loss of openness and the inevitable change in character from the built form and all associated domestic paraphernalia. This would weigh against the scheme in any planning balance.

CP51 of the development plan sets out a requirement to at least conserve the landscape. CP57 of the development plan sets out the Council's policy on protecting the character of Wiltshire. It sets out *"the need to make efficient use of land whilst taking account of the*

characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.” It is considered that in this open countryside location, the loss of openness and the proposed built form and associated domestic paraphernalia would fail to protect the character of the area at this point and this weighs against the scheme.

- Impact on ecology:

The application has been submitted with a detailed ecological assessment of the site and it's potential. This has been considered by the Council's ecology team and they raise no objection. Their comments are set out verbatim within section 7.

The submission sets out an outline scheme for mitigation and enhancement to nesting birds, hedgehog and badger species and bats; and subject to securing full and final details it is concluded that the ecological impact of the development would be neutral.

- Impact on drainage:

The application site is located in a non-sewered area and therefore it would be necessary for any development to deal with foul water drainage within the site. The applicant has suggested that this is an unknown detail at this stage. In principle it is considered that there is likely to be a solution and in the worst case scenario the proposals may require a septic tank. Whilst not ideal, full details of a drainage solution could be adequately controlled by condition.

The site is relatively flat and located within flood zone 1, the lowest probability of fluvial flood risk. The site is not known to be at any risk of surface water (pluvial) flooding, although there is some blanket ground water flooding issues within this part of Wiltshire. The applicant has suggested that soakaways would be employed as a means of dealing with surface water drainage. This is a clay landscape and so the use of soakaways may not necessarily be a realistic solution for the site. However this is a low density scheme and the full details of the extent of impermeable surfaces and roofs are yet to be determined. On balance, it is considered that this is a matter that could be controlled by condition which would influence the final hard landscaping scheme so as to ensure that greenfield run-off rates are not affected and so that there is no increased flood risk created either to the development or neighbouring land owners.

In addition to the above, it is necessary to record that there is a rising main running through the site and the agent has confirmed that the proposals have already been discussed with Wessex Water so as to ensure that the indicative layout meets with their requirements of avoiding building over their systems or within any easement strips. Notwithstanding this, in light of the Wessex Water comments an informative would be necessary should the application be approved.

- Other material considerations:

Residential amenity – at this stage there is very limited information to enable a proper appraisal of such matters in recognition that the application is made in outline and the plans are indicative of a layout and there are no elevation treatments. However given the siting to the north of the only existing residential property, the distances involved and the intervening landscaping and potential enhancements, residential amenity impacts is not considered a significant point at this stage.

Community Infrastructure Levy – The proposal is likely to be liable to CIL and this would address any potential impacts on the local infrastructure. An informative on this matter would be necessary should permission be granted.

Sustainable construction – The submissions has been made indicating a desire to secure passive solar gain. This is to be encouraged as far as practically possible. WCS CP41 and the government’s technical standards announcements made in March 2015 mean that the Council could secure energy performance equivalent to Code for Sustainable Homes level 4 over and above building regulations standards via a planning condition.

- The Planning Balance:

The proposal is located in an open countryside located and would be contrary to CP1 and CP2 of the development plan in regards to the delivery of new housing. However it is acknowledged that the Council cannot at this time demonstrate a 5 year land supply with the necessary buffer. The current land supply is 5.13 years and therefore it is duly argued that the shortfall is nominal. In light of paragraph 49 of the NPPF being in force, development plan policies relating to the supply of housing (e.g. CP1 and CP2) cannot be afforded full weight. They do however remain a material consideration though and do weigh against the scheme in the overall planning balance.

The shortfall in the 5 year housing land supply relevant to the N&W HMA is not significant and the Council has been taking significant steps to improve housing supply and delivery. This is likely to continue into 2017 with a significant number of houses being approved, or resolutions to grant having been made, since the April 2016 base date of that 5.13 year land supply. In this context it is considered that CP1 and CP2 may be afforded significant weight in any planning balance.

Nonetheless, paragraph 14 of the NPPF is currently engaged which states that *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.”*

In terms of positive benefit, the proposal offers the delivery of a two dwellings in a relatively isolated location in proximity to disparate development only. The benefit is considered to be limited due to the small number of dwellings, which would not address any specific identified local need. The proposal would provide some economic benefit through the transitory construction period; however that is merely commensurate with the construction of a pair of dwellings. This is considered to have limited weight.

In terms of neutral impacts the proposal, and subject to conditions, could comply with ecological policy requirements on ecological/biodiversity enhancement. The dwellings could be provided so as to create a satisfactory level of amenity for future occupiers and the existing neighbouring property and avoid any adverse impact on highway safety.

Furthermore, the site and development proposal could be adequately drained, although the ground water flooding records, clay geology and lack of information is a concern.

However it is considered that in addition to being contrary to the housing delivery strategy of the development plan; being located outside of the defined settlement boundaries and within an open countryside location there are negative impacts which weigh against this application.

The proposal would cause a material change to the rural character at this point through the loss of openness and the introduction of residential development and the inevitable domestic paraphernalia contrary to CP51 and CP57 of the development plan. This is an environmental

and social consideration within the overall sustainability of the proposal and weighs against the scheme.

The site given its location and relationship/distance to local services and facilities would likely result in reliance placed on private motor vehicles for most journeys contrary to CP60 and CP61 of the development plan. This is an environmental and social consideration within the overall sustainability of the proposal and weighs against the scheme.

10. Conclusion (The Planning Balance)

Returning to paragraph 14 it sets out that planning permission ought to be granted unless the adverse impacts would *significantly and demonstrably outweigh* the benefits. This has been considered in the context of the NPPF as a whole and for the reasons outlined above it is assessed that the benefits of this proposal are very limited and modest and the cumulative adverse impacts do, for the reasons set out above, significant and demonstrably outweigh them.

The conflict with CP1 and CP2 of the development plan are significant and clear and in the context of the very limited shortfall in 5 year land supply the adverse impact of this ought to not be afforded full weight, but should be afforded significant weight. This in combination with the associated conflict with policies CP51, CP57, CP60 and CP61 represent significant and demonstrable adverse impacts which clearly outweigh the limited benefit of providing only 2 additional dwellings that would not appear to meet specific local need and the transitory economic benefits from construction. In light of the above, the proposal is not considered to be sustainable development.

RECOMMENDATION Refuse.

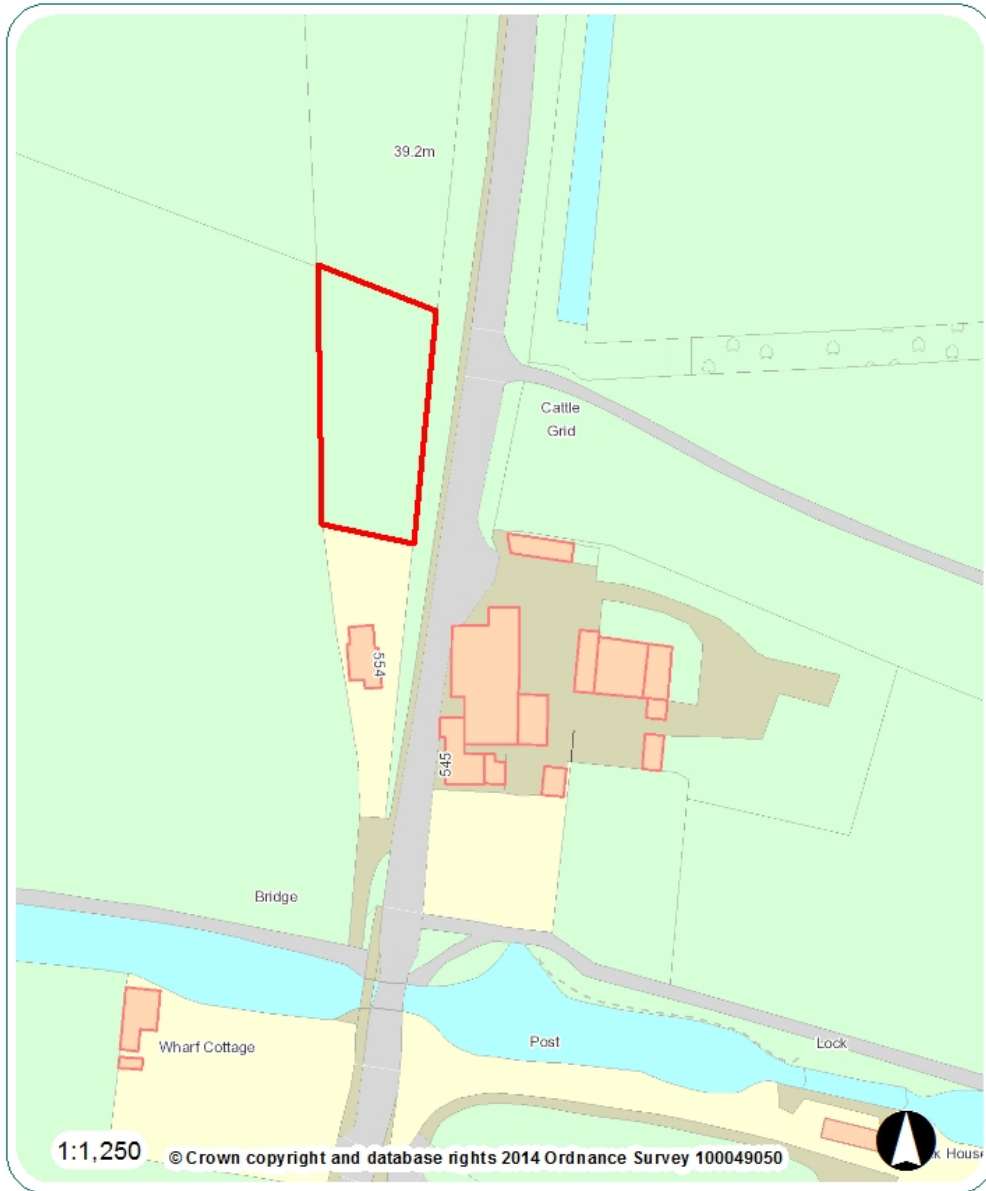
Having regard to all the submissions and relevant policies, including the policies of the NPPF taken as a whole, and mindful of the nominal 5-year housing land supply shortfall, this application is considered to be an inappropriate, unsustainable form of development which would have an adverse impact on the character and appearance of the area and highway impacts cumulatively would significantly and demonstrably outweigh the benefit of providing two additional dwellings in an open countryside location and the provision of employment created through construction processes. As such the proposal is not considered to represent sustainable development being contrary to CP1, CP2, CP51, CP57, CP60, and CP61 of the Wiltshire Core Strategy 2015 and the policies of the NPPF taken as a whole.

INFORMATIVE:

This application was determined against the following plans:

Site Location Plan, BDS-20-06-16 (Illustrated Layout), and BDS-20-06-16 (Topographic Survey) received on 5 July 2016.

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REPORT FOR WESTERN AREA PLANNING COMMITTEES

Report No. 2

Date of Meeting	11 January 2017
Application Number	16/06057/FUL
Site Address	Land NW of Crossways Farm Ashton Common
Proposal	Use of the site for car boot sales for 6 additional days over and above the 14 days allowed under permitted development rights
Applicant	Mr Peter Townsend
Town/Parish Council	STEEPLE ASHTON
Electoral Division	SUMMERHAM AND SEEND – Councillor Seed
Grid Ref	388842 158232
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Seed has requested that the application be called-in and considered by the Planning Committee if officers are minded to support it and for the elected members to consider the following key matters:

- Highway Access Impacts
- Visual Impacts
- Noise Impacts

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 to consider are:

- Principle of Development.
- Impact on Highway Safety
- Impact on the Living Conditions of Neighbouring Residents
- Impact on the Character of the Area
- Impact on the Vitality and Viability of Trowbridge Town Centre

3. Site Description

The site is an agricultural field approximately 4.2 ha in size located at Stoney Gutter off Ashton Road and just north of Crossways Farm. Access to the field is via 2 gated entrances off Ashton Road. The field is bordered by well-established hedges and trees and surrounded by agricultural land. The nearest residential dwelling is Crossways Farm located approximately 25 metres from the southern edge of the site and on the opposite side of the road. The agricultural land is classed as grade 4 which is considered poor quality agricultural land.

A traffic controlled junction with the A350 (a primary route network) is located to the southeast approximately 75 metres from the site exit.

4. Planning History

W/08/01550/FUL Use of field for car boot sales up to 40 days per year - Refused

The refusal reason is reproduced below:

'The proposal is contrary to Structure Plan Policy T8 since the proposed development derives access in close proximity to a junction with a National Primary Route outside a built up area where no overriding national or local need for the development has been substantiated.'

5. The Proposal

This application seeks use of the 4.2ha field for 6 additional days per calendar year for car boot sales over and above the 14 days allowed under permitted development rights (Schedule 2, Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015) for 'the holding of a market'. The car boot sales are held on Sunday mornings. Opening times are 6am to 1pm. Stallholders arrive between 6am and 8am. No buyers are admitted after 12am. The event attracts up to 400 vehicles including stallholders and buyers on most sale days. Entrance to the site is via the western gate while vehicles exit the site from the eastern gate.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) - Core Policy 28 – Spatial Strategy: Trowbridge Community Area; Core Policy 38 – Retail and leisure; Core Policy 51– Landscape; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport; and Core Policy 61 – Transport and New Development

National Planning Policy Framework (NPPF) especially sections 3. Supporting a prosperous rural economy; and 11. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG) and Noise Policy Statement for England (NPSE)

Supplementary Planning Guidance Wiltshire Local Transport Plan 2011- 2026

7. Summary of Consultation Responses

Steeple Ashton Parish Council: Objects not only to this application on the basis of traffic chaos, but also to the existing 14 days car boot sales take place. The Parish Council would like to point out that if the proposed development along Ashton Road goes ahead then together with the car boot sale traffic, the current phased Stoney Gutter traffic light system will only lead to even more chaos. The short time the lights stay on green does not allow enough time for traffic to navigate the crossroads when leaving Ashton Road. This is especially true when there is one or more right turning vehicles. The main issues are:

1. Right turners needing to wait for oncoming traffic to clear before they can proceed means that sometimes only that vehicle can navigate the junction on green when leaving Ashton Road;
2. This leads to frustration from vehicles behind, leading to them navigating the junction on amber or even red.
3. Drivers not familiar with the junction do not adhere to the signs telling Right turners to wait for oncoming traffic. Residents with local knowledge are aware that people regularly ignore this instruction, so proceed with utmost caution, otherwise there would be more accidents there.

Wiltshire Highway Authority: No objection

Wiltshire Environmental Health: No objection

8. Publicity

The application was publicised via site notices and individual letters sent to neighbouring properties within close proximity of the site. Following the publicity exercises, no third party representations have been received.

9. Planning Considerations

9.1 Principle of Development - Paragraph 28 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. The site is located outside the defined limits of development in the open countryside where development is strictly controlled. However under class B of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) the land can be and currently is used for 'the holding of a market' for up to 14 days per calendar year. This application seeks to extend this period by an additional 6 days to up to a total of 20 days per calendar year.

Permitted development rights allow the site to be used for up to 14 days per calendar year for car boot sales and therefore there can be no objection to the use of the site for such activities during any given 14 days per annum. The key determining issue is whether the proposed extension in the number of days the car boot sale takes place (from 14 to 20 days per calendar year) is acceptable in planning terms. The following sections deal with highway safety, impact on neighbour amenity and character of the area respectively.

9.2 Impact on Highway Safety - Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. At a local policy context, Core Policy 61 titled 'Transport and New Development' requires new development to be served by a safe access to the highway.

The car boot sales are held on Sunday mornings and can attract up to 400 cars per event including stallholders and visitors. Separate gateways are used for vehicles entering and exiting the site to avoid traffic movement conflicts. The entrance lane along the western edge of the site allows for a long queuing area within the site (approximately 100 metres in length) before vehicles have to stop and pay to avoid traffic queuing along the public highway. On sale days there are also up to 5 traffic site marshals to direct traffic. The Council's highways officer has raised no objection to the proposed development and accident records provided by the Council's highway team indicate that within the last three years, there have been 2 serious accidents in the local area and 6 slight accidents. Of these recorded accidents, there was only one on a Sunday morning and there is no evidence to indicate that the accident was associated with use of the site for car boot sales.

As far as highway safety and the flow of traffic along public highways are concerned, the Council's highways officer reports no objection. There have been no recorded highway accidents directly connected or resulting from the use of the site for car boot sales whilst it has operated for 14 days per calendar year over the past three years and the proposed 6 additional day events does not trigger a highway based objection.

Should members be minded to grant permission, and to further assist with the proper on site marshalling of traffic, it is recommended that a planning informative be imposed recommending that a marshal be placed at the site exit where traffic joins the public highway.

The events are held on Sunday morning when vehicle traffic levels are generally lower than other days and after due consideration of the site operations, the access arrangements, the proposed limited extension of 6 additional days per year, it is duly submitted that there would be no severe cumulative impacts on highway safety grounds, and consequently, the application is supported by officers.

9.3 Impact on the Living Conditions of Neighbouring Residents - Planning Policy Guidance advises that noise it is a material planning consideration. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those

affected. This level of noise impact will depend on how various factors combine in any particular situation. These factors include, amongst others, the level of any continuous or non-continuous sources of noise, the number of noise events, and the frequency and pattern of noise occurrences. The Council's public protection team have been consulted and have confirmed no objection.

WCS Core Policy 57 titled 'Ensuring High Quality Design and Place Shaping' requires that new development proposals have regard to the compatibility of adjoining buildings and uses including the consideration of pollution such as noise.

Permitted development rights allow the site to be used for up to 14 days per calendar year for events such as car boot sales without requiring planning permission. This application seeks to increase the number events per calendar year by 6 additional days. Although it is recognised that the number of events would increase, the use of the site for 6 additional days / car boot sale events per year would not result in a substantive harmful impact on the living conditions of neighbouring residents, in terms of increased noise pollution or increased frequency of noise pollution that would otherwise justify a planning refusal.

9.4 Impact on the Character of the Area – Core Policy 51 titled 'Landscape' states that development should protect, conserve and where possible enhance landscape character and avoid harmful impacts upon landscape character with any negative impacts mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced.

The use of the site for car boot sales for a maximum of 20 days throughout the year would not result in a permanent change or detrimental impact to the appearance of the area or significantly harm the use of the field for agricultural purposes.

9.5 Impact on the Vitality and Viability of Trowbridge Town Centre – WCS Core Policy 38 titled 'Retail and leisure' directs retail development to town centre locations in order to support the vitality of town centres. The restricted and limited use of the site for 6 additional car boot sale events per year would have no substantive impact on the vitality and viability of Trowbridge town centre and as such the development would not be contrary to Core Policy 38.

10. Conclusion (The Planning Balance)

Permitted development rights allow the use of the site as a car boot sale market for up to 14 days per calendar year. This application seeks the Council's permission to use of the site for an additional 6 days per year. The cumulative impact of this on highway safety would not be severe and the scheme would not result in a significant increase in noise pollution or demonstrable harm to adjacent residents or character of the area. Whilst the concerns of the Parish Council have been carefully considered, the scheme is considered to be in accordance with both national and local planning policy and is recommended for approval.

RECOMMENDATION: APPROVE, subject to the following conditions and informative

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 scale 1:2500, Site plan

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

3. The development hereby approved shall be limited to a maximum of 20 car boot sales in any calendar year.

REASON: In the interests of the character, appearance and amenities of the area.

INFORMATIVE TO APPLICANT:

In order to assist vehicles leaving the site in a safe manner, at least one traffic marshal should be available and positioned at the exit point.

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Wiltshire Council
Western Area Planning Committee
11th January 2017

Planning Appeals Received between 02/12/2016 and 16/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overtun at Cttee
16/05783/OUT	Land to the North of Pound Lane, Semington, Wiltshire	SENINGTON	The erection of 75 dwellings including 30% affordable homes, with ancillary public open space and play areas and access from Pound Lane (Outline Application relating to access)	DEL	Inquiry	Refuse	06/12/2016	No
16/05906/FUL	Site adjoining 7 Stuart Close, Hilperton, Trowbridge, Wiltshire BA14 7NF	HILPERTON	Erection of one bedroom detached dwelling revised proposal (15/04323/FUL)	DEL	Written Representations	Refuse	14/12/2016	No
16/06505/OUT	Land South Of Bury House, Green Lane Codford, BA12 0NY	CODFORD	Outline application for the erection of one detached dwelling	COMM	Written Representations	Approve	14/12/2016	Yes

Planning Appeals Decided between 02/12/2016 and 16/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/06581/FUL	8 Fulmar Close Bowerhill, Wiltshire SN12 6XU	MELKSHAM WITHOUT	Proposed new roof to detached garage with ancillary accommodation	COMM	House Holder Appeal	Approve	Allowed with Conditions	06/12/2016	No

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