

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 13 September 2017 **PLEASE NOTE CHANGE OF TIME**
Time: 2.30 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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

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Membership:

Cllr Fleur de Rhé-Philipe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice Chairman)	Cllr Christopher Newbury
Cllr Clare Cape	Cllr James Sheppard
Cllr Ernie Clark	Cllr Tony Trotman
Cllr Andrew Davis	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ian Blair-Pilling	Cllr Ruth Hopkinson
Cllr Matthew Dean	Cllr Chris Hurst
Cllr Christopher Devine	Cllr Nick Murry
Cllr Sarah Gibson	Cllr Stewart Palmen
Cllr David Halik	Cllr Graham Wright
Cllr Russell Hawker	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

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 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 19 July 2017. (Copy attached)

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 Chairman.

5 **Public Participation** (*Pages 27 - 28*)

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 2.20pm 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 6 September 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 8 September 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.

Questions submitted by Cllr Ernie Clarke together with responses are attached. Details of any further 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 Appeals and Updates** (*Pages 29 - 30*)

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

7 **17/03219/REM - Land at Junction of Blenheim Road And Salisbury Road, Marlborough, SN8 4FD - Construction of 168 new 1,2 3,4 & 5 bedroom dwellings (to include 67 (40%) affordable homes) and associated highways and engineering works, landscaping and open space** (*Pages 31 - 46*)

A report by the Case Officer is attached.

8 **17/02371/FUL - Land to the rear of The Paddock, Heath Lane, Startley, Chippenham, Wiltshire, SN15 5HH - Change of use of land to a residential Gypsy and Traveller caravan site, consisting of 3 permanent pitches, including construction of utility/dayroom and associated works** (*Pages 47 - 62*)

A report by the Case Officer is attached.

9 **16/11850/FUL - Land At White Horse View, Hisomley, Dilton Marsh, Wiltshire - Application for the change of use of land to accommodate two. additional Gypsy pitches comprising, 2 mobile homes, 2 touring caravans, 2 dayrooms and associated works** (*Pages 63 - 76*)

A report by the Case Officer is attached.

10 **16/11414/FUL - Land opposite 6 Hawkeridge Road, Heywood, Wiltshire, BA13 4LE - 1 no. Gypsy Traveller pitch and associated works including, 1**

no. mobile home, 1 no. touring caravan, 1 no. dayroom and amendments to the existing dayroom. (Pages 77 - 88)

A report by the Case Officer is attached.

11 Date of Next Meeting

To note that the next meeting is scheduled to be held on Wednesday 11 October 2017, starting at 10.30am, in the Council Chamber at County Hall, Trowbridge.

12 Urgent Items

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

Part II

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

None

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STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 19 JULY 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice Chairman), Cllr Clare Cape, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr Matthew Dean (Substitute)

Also Present:

Cllr David Halik, Cllr Nick Murry, Cllr Tony Jackson and Cllr Howard Greenman

38 Apologies

An apology for absence was received from Cllr James Sheppard who was substituted by Cllr Matthew Dean.

39 Minutes of the Previous Meeting

Resolved:

To approve and sign as a correct record the minutes of the previous meeting held on 21 June 2017, subject to the inclusion of apologies received from Cllr Derek Brown OBE.

40 Declarations of Interest

Cllr Andrew Davis declared a non pecuniary interest because of his membership of both Warminster Town Council and Wiltshire Council and having attended a number of events and functions organised by the applicant.

41 Chairman's Announcements

There were no Chairman's announcements.

42 Public Participation

The rules of public participation were noted.

43 Planning Appeals and Updates

An update on planning appeals and decisions was received.

Resolved:

44

To note the update.

15/11886/FUL - Land over Railway Line, End of Parsonage Way, Chippenham, Wiltshire, SN15 3LR - Construction of a Bridge Across the London to Bristol Railway Line, as an Extension to Parsonage Way so as to Serve the Proposed Housing Development at Rawlings Green

Public Participation

The following members of the public spoke against the proposal:

Mr Chris Caswill, a local resident
Cllr David Mannering, on behalf of Langley Burrell Parish Council

The following member of the public spoke in support of the proposal:

Mr Peter Frampton, the agent

The Committee received a presentation from the Case Officer which set out the issues in respect of the application, with a recommendation that planning permission should be granted, subject to conditions. The Case Officer also reported late observations received.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Howard Greenman, the local Member, who suggested that consideration of the application was premature bearing in mind that there were site ownership issues still to be determined and also highway problems to be resolved at Junction 17 with increasing pressure of traffic flows. He considered that the application should be deferred until these issues had been resolved.

Members also heard the views of Cllr Nick Murry who also thought that consideration of this application was premature and also highlighted the traffic problems in the area.

During discussion, the concerns raised by the Langley Burrell Parish Council were acknowledged. However, it was noted that even if the Neighbourhood Plan was afforded more weight it would have to accord with the Core Strategy and the Chippenham Site Allocations Plan (CSAP). The development was therefore acceptable and not in conflict with the Neighbourhood Plan.

During discussion, although Members appreciated the highway concerns expressed, were mindful that work on Junction 17 was due to be completed by December 2017 whilst work on the provision of the bridge was not scheduled to start until Spring 2018.

On the proposal of Cllr Tony Trotman, which was seconded by Cllr Fred Westmoreland,

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 No development shall commence on site until details of the external materials and appearance of the development hereby approved has 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 proposed application contains insufficient information and the matter raised above require 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 Prior to the commencement of the development full details of the structural design of the bridge, including cladding and exposed surface materials, arrangements for surface water drainage, lighting, lining and signing shall have been submitted to and approved in writing by the Local Planning Authority; the bridge shall be constructed in accordance with the approved details.**

REASON: To ensure a structurally and aesthetically acceptable design.

- 4 Prior to the commencement of the development details of the alignment of the road over the railway bridge, and the design speed to be used, shall be submitted to and approved by the Local Planning Authority. The alignment shall be in accordance with the standards set out in Design Manual for Roads and Bridges. VOLUME 6 ROAD GEOMETRY. SECTION 1. PART 1. TD 9/93, and have regard to DfT Circular 01/2013.**

REASON: To ensure that any future road across the bridge can be designed to a safe and appropriate speed standard, and be compatible with the bridge design.

- 5 Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the**

approved CTMP. The CTMP shall include, but not be limited to, details of the access haul routes to the eastern side of the railway line, the arrangements for the main site compound (including access thereto and manoeuvring of lorries), craneage arrangements and timings for deliveries.

REASON: In the interests of highway safety and to ensure that inappropriate haul routes to the site are avoided.

- 6** The bridge, when completed, shall remain barriered to vehicles unless and until permitted development on the east side of the bridge requires vehicular access over the bridge.

REASON: In order to avoid unwanted encampment or parking in an area where a formal turning facility will not be provided, and in the interests of highway safety.

- 7** No development shall commence on site until a scheme of 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;
- retained historic landscape features and proposed restoration, where relevant.
- details and location of any new or replacement trees, 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 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.

- 8** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the bridge or the substantial completion of the bridge 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.

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

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

PF/9517.01- Site Location Plan- Received 08 December 2015

CB-001- Proposed Plan- Received 08 December 2015

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

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority

before commencement of work.

INFORMATIVE TO APPLICANT:

The proposed bridge will be subject to a legal agreement in respect of its adoption as highway and its future maintenance; the agreement will be made under the provisions of s38 and s278 of Highways Act, and the agreement should be concluded prior to the commencement of the works. The agreement will include a specific commitment to meet the costs of remediating unacceptable differential settlement at the bridge approaches, for a period of at least ten years.

- 45 **17/01124/OUT - Land South & South East of Tascroft Court & North of Cannimore Track, Tascroft Court, Warminster, Wiltshire, BA12 7RA - Outline planning application (with all matters reserved except for access) for a new hotel resort (comprising Class C1, D1 and D2 uses) and to include a water park, business conference facility and an immersive animal experience; landscaping; highways infrastructure including car parking, new pedestrian and vehicular access and servicing arrangements; plant; associated development; and requiring: the stopping up, creation and improvement of footpaths, improvements to bridleways, site clearance works, the installation of new services and infrastructure, earthworks and engineering works, and other ancillary works and activities.**

Public Participation

The following members of the public spoke in support of the proposal:

Ms Mandy Patterson, Acting Chief Executive Officer, Inspire

Mr Bob Montgomery, Chief Executive Officer, Longleat Enterprises Ltd, the applicant

Mr Geoffrey Wheating, Lead Consultant for Public Consultation, Longleat Enterprises Ltd, the applicant

The Committee received a presentation from the Case Officer which set out the issues in respect of the application, with a recommendation that planning permission should be granted, subject to conditions and to no objections being raised by Highways England.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Tony Jackson, the local Member, who supported the application but sought clarification regarding the proposed footpath diversion. The Case Officer explained the proposed diversion which

would be subject to a separate procedure as set out in Section 257 of the Town & Country Planning Act 1990.

During discussion, Members referred to the site visit held immediately prior to this meeting and several of them stated that there was a specific need for a large conference facility in Wiltshire. However, some concern was expressed about traffic management issues and it was noted that the Council's Highways Engineer raised no objections, subject to conditions and a planning agreement, but a response was still awaited from Highways England.

On the proposal of Cllr Andrew Davis, which was seconded by Cllr Fred Westmoreland,

Resolved:

That subject to Highways England raising no objections, the Associate Director Economic Development and Planning be authorised to grant planning permission using delegated powers, subject to the conditions set out below and any additional and reasonable conditions required by Highways England.

In the event that Highways England objects, the Associate Director Economic Development and Planning be authorised to negotiate minor amendments, and using delegated powers, grant planning permission with or without additional and reasonable conditions. In the event that the objection can only be addressed through non-minor amendments or that the objection cannot be addressed at all, the application be referred back to the Strategic Planning Committee.

Conditions

- 1 The development hereby permitted shall be begun either before the expiration of five 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of five 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 details of the 'layout of the development' to be submitted under condition no. 2 shall be broadly in accordance with the Proposed Land Use Plan (no. PL02 (rev 1)) dated 24 March 2017.

REASON: To clarify the terms of the planning permission and to accord with the documentation that supported the application, this in the interests of amenity.

- 5 The details of the 'scale of the development' to be submitted under condition no. 2 shall be strictly in accordance with the Scale and Massing Plan (no. PL03 (Rev 1)) dated 24 March 2017. In particular, buildings/structures to be erected in 'Zone B' shown on the Plan shall not exceed 22m in height and project above 184m AOD; and buildings/structures in 'Zone A' shall not exceed 8m in height and project above 188m AOD.

REASON: To clarify the terms of the planning permission and to accord with the documentation that supported the application, this in the interests of amenity.

- 6 The details of the 'layout of the development' and the 'appearance of the development' to be submitted under condition no. 2 shall include plans of all proposed earthworks including screen bunds. The details shall include the proposed grading and mounding of land areas and the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be first occupied by guests or visitors until such time as the earthworks have been carried out in accordance with the details approved.

REASON: Earthworks and screen bunds are proposed but there is insufficient detail in the outline application to enable approval of the details at this stage. Detailed approval is required at the reserved matters stage in the interests of ensuring the amenities

of the site and surroundings are safeguarded.

- 7 The details of the 'layout of the development' to be submitted under condition no. 2 shall include internal vehicular accesses, turning spaces and parking provision in accordance with the standards set out in the Wiltshire Council Local Transport Plan 2011-2026, or any plan replacing this. No part of the development shall be first occupied by guests or first used by visitors until the internal accesses, turning areas and parking spaces have been completed in accordance with the approved plans. The areas shall be maintained for their planned purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 No part of the development hereby approved shall be first occupied or first used by paying guests or visitors until the 'means of access to the site' has been completed and all associated works carried out fully in accordance with the details set out in drawing no 0745-010 Rev C by KTC dated 17/01/17 ('Proposed Junction Improvements for Folly Lane/A362 Junction') and drawing no. 0745-009 Rev A by KTC dated 17/01/17 ('Proposed Entrance Layout from Folly Lane') forming part of the Design and Access Statement by Longleat Enterprises Ltd dated February 2017, and drawing no. 'Figure A2' by KTC dated 04/17 ('Potential Junction Improvements to Cley Hill Roundabout').

REASON: To accord with the terms of the planning application, and to ensure highway safety and maintain the free flow of traffic on the wider highway network.

- 9 Prior to Folly Lane being used by any construction traffic associated with the development hereby approved, a survey of the whole route of Folly Lane to be used in connection with the development shall be carried out in accordance with a scheme which shall have been first submitted to and approved in writing by the local planning authority. The scheme shall make provision for survey techniques which allow for the local planning authority to retain both a photographic record of the carriageway and roadside verges (hard and soft) and a non-invasive structural test of the integrity of the road. The results of surveys shall be provided to the local planning authority for ratification within 1 month of completion.

REASON: In the interests of highway safety, and to ensure that damage caused by construction traffic can be identified, on a comparative basis, and addressed through appropriate highway law.

- 10 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 or of any of the buildings by guests or visitors, 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.

- 11 The 'multi-purpose entertainment and immersive animal experience' elements of the development hereby approved shall function as ancillary to the hotel and conference facilities only and shall not operate as standalone destinations / visitor attractions in their own right.

REASON: To accord with the terms of the application, and to safeguard the amenities of the locality and to avoid inconvenience being caused by additional traffic to users of the wider highway network.

- 12 Prior to the first use by paying guests or visitors of the buildings to be erected in the 'multi-purpose entertainment and associated parkland, associated development area' on the Proposed Land Use Plan, an Event Management Plan for this area shall be submitted to the local planning authority for approval in writing. The Event Management Plan will set out in generic terms the types of events that will be held, and that will not be held, in that area. For those to be held it will define how the events will be managed, this in terms of controlling numbers of guests/visitors at the events and the management of those guests before, during and after the events. Thereafter events at the site shall be managed in accordance with the approved Event Management Plan.

REASON: The application contains insufficient information to finalise an Event Management Plan at this time. The Plan is required to safeguard the amenities of the locality and to avoid inconvenience being caused by additional traffic to users of the wider highway network.

- 13 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 the paragraphs above shall have effect until the expiration of five years].

REASON: To safeguard and protect trees to be retained in the interests of amenity.

- 14 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority before first occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Details of the Management Company responsible for implementing the plan
- b) Consolidation of all mitigation elements relevant to the LEMP from the Ecological Impact Assessment Ecosulis, February 2017, Version 8
- c) The extent of all ecological and landscape features to be managed located up on a scaled plan
- d) Aims of management for each feature
- e) Management prescriptions for each feature
- f) Monitoring, including monitoring of dormouse boxes
- g) 5 year work schedule capable of being rolled forward
- h) Mechanism for reviewing the plan

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.

- 15 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage details have been submitted to and approved in writing by the local planning authority. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)". The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed without further approval under this condition.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 16 (a) Prior to first use of the hotel, the water park and the conference facilities by paying guests and/or visitors an Operational Noise Management Plan (ONMP) and an Event Noise Management Plan (ENMP) for these elements shall be submitted to the local planning authority for approval in writing. Thereafter these elements of the development shall be managed strictly in accordance with the terms and limitations set out in the approved Plans.
- (b) Prior to commencement of the immersive animal experience elements of the development hereby approved an Operational Noise Management Plan (ONMP) for these elements shall be submitted to the local planning authority

for approval in writing. Thereafter these elements of the development shall be managed strictly in accordance with the terms and limitations set out in the approved Plan.

- (c) Notwithstanding (a) and (b) above, at all times all building services, plant and machinery forming any part of the development shall be so sited and designed in order to achieve a Level of -10dB below the lowest measured background noise level, determined to be LA90 (15min)dB at the nearest noise sensitive receptor. For the purposes of this condition, measurements and assessments shall be carried out in accordance with BS4142:2014.

REASON: In the interests of amenity.

- 17 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 brought into use or 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.

- 18 Disposal of foul water from the site shall be strictly in accordance with off-site network 'Option 1' or 'Option 4' as set out in the Drainage Strategy (revision 1) by Burohappold Engineering dated 19 June 2017.

REASON: To accord with the terms of the application and to ensure adequate capacity in the wider foul water network.

- 19 No development shall commence on site (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) 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) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) On-going 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 a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority 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.

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

- 20 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any)
- The loading and unloading of equipment and materials
- The location and use of generators and temporary site accommodation
- Pile driving (If it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard amenity.

- 21 No construction or demolition work using machinery or power tools shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To safeguard amenity.

- 22 In the event of a stopping-up or diversion order being made in relation to right of way WARM66, within 12 months of it being stopped-up or diverted the proposed separate 'new' right of way between Folly Lane and WARM1 shall be provided in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. Thereafter, the new right of way will become a definitive right of way and retained as such thereafter.

REASON: To accord with the terms of the planning permission and ensure continued and beneficial connectivity within the local rights of way network.

- 23 During construction and thereafter air quality management controls shall be implemented in accordance with the 'mitigation measures' set out in the Air Quality Assessment report by Burohappold Engineering dated Feb 2017 and forming part of the planning application.

REASON: To comply with the terms of the application and to ensure existing air quality levels are maintained.

- 24 The development hereby approved shall be constructed and thereafter operated strictly in accordance with the 'Travel Plan Measures' set out in the Framework Travel Plan by Key Transport Consultants Ltd dated February 2017 and accompanying the planning application. Thereafter the Travel Plan Measures shall be monitored and reviewed in accordance with the 'Monitoring and Review' programme also set out in the Framework Travel Plan; and results of surveys and copies of the monitoring reports shall be made available to the local planning authority when requested. Should the reports recommend changes to the Framework Travel Plan then such changes shall be first agreed in writing with the local planning authority prior to implementation.

REASON: To accord with the terms of the application, and in the interests of highway safety and transport sustainability.

- 25 No part of the hotel building hereby approved shall be commenced until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme).

No building shall be occupied until a final Certificate has been issued certifying that the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved for the development.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

- 26 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors; and
 - d. potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
3. 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 in (3) 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 written consent of the local planning authority. The scheme shall be implemented

as

approved.

REASON: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

- 27** The details reserved by this planning permission (the 'reserved matters') shall incorporate the ecology mitigation measures set out in the Ecological Impact Assessment (Issue 8 - 19 June 2017) by Ecosulis and forming part of the application.

REASON: To safeguard ecology interests.

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

PL01 (rev 0) dated 10/01/17 - Site Location Plan
PL02 (rev 1) dated 24/03/17 - Land Use Parameter Plan
PL03 (rev 1) dated 24/03/17 - Scale and Massing Plan
PL04 (rev 1) dated 04/04/17 - Access & Movement Parameter Plan (footpaths)
PL05 (rev 1) dated 24/03/17 - Access & Movement Parameter Plan (vehicles)
PL06 (rev 1) dated 24/03/17 - Indicative Master Plan
0745-007A dated 17/01/17 - Proposed Entrance Layout from Folly Lane
0745-009A dated 17/01/17 - Proposed Entrance Layout from Folly Lane
Fig A2 dated 04/17 - Potential Junction Improvements to Cley Hill Roundabout

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

- 29** **INFORMATIVE TO APPLICANT:**
Definitive public right of way 'WARM66' crosses the site. No works affecting this right of way and/or no stopping-up of this right of way may commence unless or until a stopping-up or diversion order has come into effect. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be presumed that the granting of this planning permission will automatically be followed by the making of the order.

If Wiltshire Council makes an order and any objections to it cannot be resolved, the matter will be referred to the Secretary of State for determination. The Planning Inspectorate will make the determination on behalf of the Secretary of State.

30 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/communityinfrastructurelevy.

31 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/communityinfrastructurelevy.

46 Date of Next Meeting

Resolved:

To note that the next meeting of this Committee is scheduled to be held on Wednesday 16 August 2017, starting at 10.30am, in the Council Chamber at County Hall, Trowbridge.

47 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 11.30 am - 1.00 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

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Strategic Planning Committee – September 13th 2017

Questions submitted by Cllr Ernie Clark

Question

What progress is being made by Wiltshire Council with regard to the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017?

Response

The Government requires the Council as local planning authority to publish a Brownfield Land Register by 31st December 2017 and thereafter review it annually. Unfortunately, the Government did not release the data standards that they require Councils to use in the compilation of the Register, and the Planning Practice Guidance on its preparation until July 28th 2017. The Department of Communities and Local Government has organised training sessions in August and officers will commence compilation of the register once the training has been undertaken, in time for compilation of the Register by the end of the year.

Question

More specifically, what sites in the county are anticipated to be listed under part 2 of the register?

Response

At this stage, it is not envisaged that any sites will be listed in Part 2 of the Register in the first publication.

Question

Will all these sites be incorporated into the draft DPD before it goes for inspection in public?

Response

As no sites are envisaged for listing in Part 2, the publication of the Brownfield Register will not require any changes to the draft Wiltshire Sites Housing Allocation Plan.

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**Wiltshire Council
Strategic Planning Committee
13th September 2017**

Planning Appeals Received between 07/07/2017 and 01/09/2017 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overtturn at Cttee

Planning Appeals Decided between 07/07/2017 and 01/09/2017 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
14/10433/OUT	Land North & East of Barrow Farm Chippenham Wiltshire, SN15 5LX	LANGLEY BURRELL	Residential Development for up to 500 Dwellings (C3), Two New Roundabout Accesses, Two Form Primary School (D1), up to 4000m2 of Employment (B1), up to 500m2 of Assembly & Leisure (D2), up to 300m2 Retail Uses (A1), Play Areas, Open Space, Landscaping, Drainage & Ancillary Works	SPC	Inquiry	Refuse	Withdrawn	13/07/2017	Not appropriate for either party to apply for costs

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 September 2017
Application Number	17/03219/REM
Site Address	Land at Junction of Blenheim Road And Salisbury Road, Marlborough, SN8 4FD
Proposal	Construction of 168 new 1,2 3,4 & 5 bedroom dwellings (to include 67 (40%) affordable homes) and associated highways and engineering works, landscaping and open space
Applicant	Redrow Homes South West
Town/Parish Council	MARLBOROUGH
Electoral Division	MARLBOROUGH WEST – Councillor Nick Fogg
Grid Ref	419438 168506
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee as the scheme is classed as a small-scale major development that has strategic implications, as it is the sole site allocated for residential development in the Marlborough Community Area and the outline application was considered by this committee.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant approval of reserved matters.

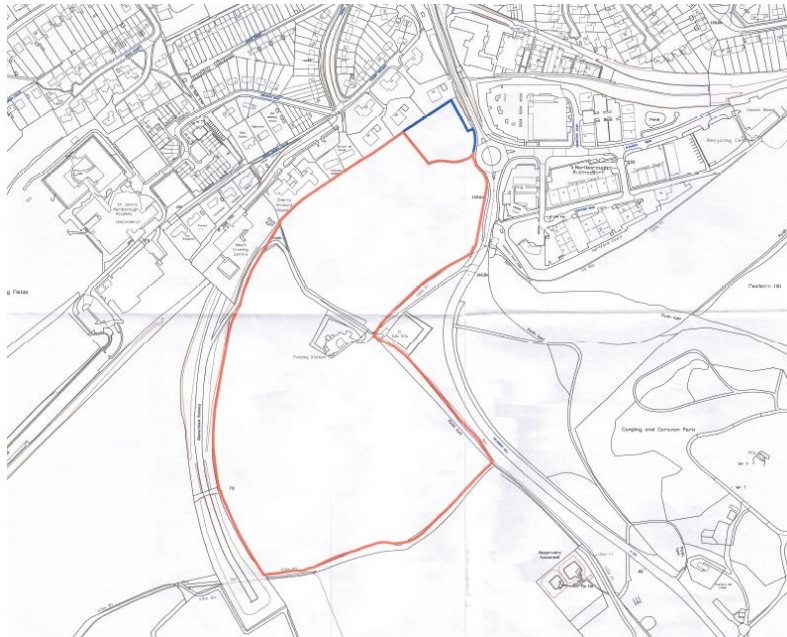
2. Report Summary

The key issues for consideration are the proposed details of 'layout', 'scale' 'appearance' and 'landscaping' of the development.

3. Site Description

The application site comprises 14.3 hectares of agricultural land to the south of Marlborough. The site is immediately west of the Marlborough Business Park and adjoins the A346 Salisbury Road. The northern boundary of the site adjoins the residential areas of Upper Churchfields, Cherry Orchard and Orchard Road alongside St John's Academy. Agricultural land lies to the south and west of the site. A water pumping station (Thames Water) and electricity substation are also adjacent to the site boundary, lying at the end of a track which connects on to Salisbury Road.

The application site adjoins the Limits of Development of Marlborough, as delineated on Inset Map 6 of the former Kennet Local Plan (saved by the WCS). Marlborough and its surroundings lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Public Right of Way (PRoW) ref MARL30 runs through the centre of the site.



Site Location Plan

4. Planning History

The WCS allocates sites and broad allocations for growth that are strategically important for the delivery of the Plan for Wiltshire. The site which is the subject of this application is a strategic site and therefore there is a presumption in favour of residential development on this site for up to 220 dwellings. Core Policy 2 of the WCS specifically mentions that proposals for residential development at the site will be supported in accordance with the Area Strategy outlined within Core Policy 14 and the requirements in the development templates presented within Appendix A of the WCS.

The development template for the site identifies the following key objectives:

- To deliver housing growth to help maintain and enhance the town's role as a service and tourist centre, and help to meet local needs.
- To deliver a high quality, sustainable and mixed use urban extension providing 40% affordable housing and a suitable mix of housing in line with core policies 45 and 46.
- Create development that relates well to the town, ensuring minimal impact upon Marlborough's rich built, historic and landscape assets" (WCS, p248).

In accordance with the above, outline planning permission, reference 15/02026/OUT, was granted on the 29th July 2016 'for up to 175 dwellings (Use Class C3), hotel (C1), new access from Salisbury Road, open space, landscaping, ecological mitigation, drainage works and ancillary works'. The 'access' was considered as part of the outline planning application with the other matters of 'appearance', 'landscaping', 'layout' and 'scale' reserved for future consideration.

The outline planning permission is subject to conditions and a section 106 legal agreement which will secure the required level of affordable housing, financial contributions towards public open space, education facilities, healthcare facilities, waste/recycling facilities, improvements to on and off site highway infrastructure, and a programme for the management and maintenance of the surface water scheme.

5. The Proposal

This application seeks reserved matters consent for the details of:-

- “**layout**” (means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development),
- ‘**appearance**’ (the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture),
- ‘**scale**’ (the height, width and length of each building proposed within the development in relation to its surroundings), and
- ‘**landscaping**’ (the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated).

The proposal as originally submitted was for the construction of 167 new 1,2 3,4 & 5 bedroom dwellings (to include 66 (40%) affordable homes) and associated highways and engineering works, landscaping and open space. The application has been amended and now proposes 168 dwellings (to include 67 affordable dwellings (40%)). The number of smaller dwellings across the site has been increased in response to the Town Council’s request for more smaller open market dwellings. The scheme includes 15 x 1 bed flats, 90 x 2-3 bedroom houses, and 63 x 4 bedroom houses.



Proposed Site Layout

The application is supported by the following reports:

- Design and Access Statement
- Arboricultural Impact Assessment & Method Statement by ACD Environmental (ref RED20987aia-ams / Rev C: 29.08.2017)
- Landscape Management and Maintenance Plan by ACD Environmental (ref RED20987-man Rev E)
- Tree Report by ACD Environmental (ref RED20987tr).
- Ecological Management Plan (August 2017) by ead ecology (ref P758/EMP/V2)

6. Planning Policy

The **National Planning Policy Framework (NPPF)** with particular regard to Chapters 1 'Building a strong, competitive economy', 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring Good Design', 11 'Conserving and Enhancing the Natural Environment' and 12 'Conserving and Enhancing the Historic Environment'.

The adopted **Wiltshire Core Strategy**, in particular:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 14 Spatial Strategy: Marlborough Community Area;
- Core Policy 40 Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities;
- 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 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 59 Stonehenge and Avebury World Heritage Sites;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- Appendix A: Development Templates for Strategic Allocations;
- HC34 Recreation Provision on Large Housing Sites (Appendix D saved Kennet Local Plan policy);
- HC37 Demand for Education (Appendix D saved Kennet Local Plan policy).

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

Wiltshire and Swindon Waste Core Strategy 2006 – 2026 (July 2009).

The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019.

7. Consultations

Wales & West Utilities – No objection, general advice and guidance provided.

Fisher German (Pipelines Protection) – No observations received, general advice and guidance provided during the outline planning application.

Thames Water – reaffirmed the need for conditions to ensure appropriate infrastructure is in place to deal with foul waste from the development and to ensure the water abstraction source within the site (Source Zone Protection 1) is not detrimentally affected by the proposed development. The required conditions have been imposed on the outline planning permission (conditions 24, 26 & 27) which will need to be satisfied prior to the commencement of the development.

Environment Agency – No observations received. No objection provided to the outline planning application, subject to conditions which have been imposed on the outline planning permission.

NHS England – reaffirmed the need for a financial contribution to support the development of surgery premises capacity in the Marlborough area. The legal agreement attached to the outline planning permission will secure the required contribution.

Natural England – A series of recommendations have been provided to improve the quality of the development. In particular trees should be given adequate space to grow and be positioned outside private residential properties, and there should be improved landscaping along the A346.

Natural England also stated that a landscape and ecological management plan and a lighting strategy should be submitted for the whole development site to reduce any impact to the AONB, bats and other protected species. These will be secured via conditions imposed on the outline planning permission.

Historic England – No objection was provided to the revised proposal. It was suggested that the views of the views of the Council's conservation and archaeological advisers be obtained.

Wiltshire Council's Drainage Engineer – supports the proposal provided the conditions recommended by Thames Water are addressed.

Wiltshire Council Highways – No objection to the amended scheme.

Wiltshire Council Rights of Way Officer – No objection.

Wiltshire Council New Housing Team – No objection – the S106 requires that 40% of the units are provided as affordable housing. The proposal to provide 67 affordable units within a scheme of 168 dwellings is in accordance with the section 106 agreement. The distribution of the affordable housing has been questioned; however this has been amended during the assessment of the application to improve the overall design and distribution of the affordable housing.

Wiltshire Council Public Protection team – No objection but highlighted that the conditions of the outline planning permission (i.e. the requirement for a noise assessment and environmental impact assessment etc.) will need to be addressed prior to the commencement of the development.

Wiltshire Council Landscape and Design Officer – No objection to the layout of the development but further details/revisions required to the proposed earthworks and soil management and disposal to the south of the site which can be secured via condition.

Wiltshire Council Ecologist – No objection to the amended scheme, subject to conditions to secure a timeframe for the provision of the wildflower meadow / ecological mitigation area.

Wiltshire Council Arboricultural Officer – No objection.

Wiltshire Council Archaeologist – No objection, an archaeological programme of excavation is underway in relation to the outline permission.

Marlborough Town Council – “Marlborough Town Council has no objections to this application and welcomes it subject to the following:

(i) As evidenced by the recent independently produced Housing Needs Analysis, commissioned as part of the Marlborough Area Neighbourhood Plan, there is clear local need for smaller houses. The Town Council suggests that 8 of the detached houses are replaced with 16, 2-3 bedroomed terraced houses of which at least 3 will be affordable and for sale.

(ii) As assured by Redrow Homes Ltd, we can look forward to the development of the hotel coming to fruition and public access to the meadow”.

Marlborough Town Council provided no objection to the revised proposal: - “Councillors welcome the move to include a revised housing mix based on evidence from the Housing Needs Analysis for Marlborough and also welcome progress towards the building of a hotel, but express their dismay at the lack of public access to the meadow”.

Savernake Parish Council – Object to the application for the following reasons:

- The traffic impact, there are already frequent tailbacks on the A346;
- The car parking complies with requirements but local experience is of insufficient parking for residents needs, which impacts on local roads;
- It is unclear how construction work will be monitored to prevent contamination of the local water supply.

Wiltshire Police Crime Prevention Design Officer – No objection in principle but requested amendments to the layout to ensure individual properties and parking spaces are safe and secure to prevent crime. No observations received on the amended proposal.

The Ramblers Association – No observations received.

8. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the publicity 8 letters have been received raising the following concerns:

- More work is required to provide an update traffic survey. Since this application was first considered the amount of traffic on the A346 has increased. Up to date traffic figures are required to determine if traffic lights are required on the roundabout opposite the business Park.

- There are frequent long hold-ups coming into Marlborough from Cadley and traffic lights could be programmed to prevent these delays and the cost of a scheme paid for by the developer.
- Marlborough's roads are increasing becoming a car park - especially the Salisbury hill road where this development is planned.
- The towns infrastructure cannot cope with so many new houses. The GP surgery is massively over subscribed and patients can wait a full month for an appointment.
- With 167 houses placed in an area, with a natural bottle-neck due to the old railway bridge at Salisbury road, and such a level of cars pouring out into this area at all times, the only result will be constant traffic gridlock.
- Loss of farmland is also of serious concern.
- Work has already started in the larger field - great trenches have been dug out
- Chain-link fencing is being placed - a major and immediate threat for wildlife
- Of the 40% 'Affordable'-this is open to interpretation - at Marlborough prices this will mean they will be out of the reach of most young or local people
- The pathway along Salisbury Road up to the Tesco roundabout from Prior Court is in a poor condition. The development will result in the increased use of the pathway and should provide a contribution for the widening and improvement of the pathway.
- There are 8 tall terrace houses in the north-east corner of the site which is not acceptable and conflict with the outline planning permission.
- The tree belt to the North is owned by the dwellings not the crown estate (now Redrow). The claim that screening will be retained is not within their legal title to determine. As this growth belongs to the dwellings in Cherry Orchard.
- On top of this much of it is deciduous in nature and there does NOT provide year round cover as their report outlines. Permanent screening must be provided across the length of the north border to ensure the private enjoyment of properties.

As a result of the re-consultation exercise six further letters have been received objecting to the application. The letters focus on the highway safety impacts of the proposed development. In addition to the highway safety concerns, one resident feels the affordable housing provision is still woefully inadequate and objects to the destruction of open countryside and farmland, hedgerows and trees.

9. Planning Considerations

The principle of the proposed development has been established by outline planning permission reference 15/02026/OUT. The key planning consideration therefore is whether the proposed details of 'layout', 'scale' 'appearance' and 'landscaping' of the development are considered acceptable and in line with the parameters and conditions set by the outline planning permission.

The proposed layout has been dictated to a certain extent by the site constraints, including the site topography and landscape setting, and parameters set by the outline planning permission. The parameter plans approved as part of the outline planning permission include a Land Use and Building Height Parameter Plan, Horizontal and Vertical Parameters Plan, and an Ecological Mitigation and Enhancement Plan. These plans clearly identify the areas of the site to be developed and set a limit for the height of the development due to its sensitive location within the AONB.

The development will provide a range of house types, sizes and tenures to accommodate a variety of household types. The development will provide the maximum number of affordable homes (tenure split of rented and shared ownership) required by the WCS and the legal agreement associated with the outline planning permission. The proposed dwellings are of a variety of designs and sizes, all being two storeys, apart from the single apartment block near the entrance which is to be 2.5 storeys.

The main access will be via the roundabout on Salisbury Road and there will be a primary route through the site which will serve secondary and tertiary routes along with pedestrian pathways. The Council's Highways Development Control Officer is in support of the proposed revised layout. Permitted development rights will be removed to ensure garages cannot be converted to habitable accommodation to secure the retention of adequate parking provision, in the interests of highway safety.

The Council's Urban Design Officer indicated that the proposed development, as amended, has a clear street hierarchy and simple yet distinguished character areas are achieved in the form of the 'Greenway' and Northway and Westaway' (as detailed within the Design and Access Statement), with house typologies, gardens, landscaping and boundary treatments reinforcing these. The scheme has been revised to secure the required separation distance between existing residential properties to ensure no adverse impacts on the residential amenities of the occupiers of the adjoining neighbouring properties. The proposed layout achieves the standard back to back distances of 21m with rear garden measuring 10.5m apart from a few instances but privacy is not compromised. The applicant feels that these units will provide variety for prospective purchasers who may not wish to maintain larger gardens. In light of the site constraints and public open space within the site and adjacent public rights of way this can be accepted. It is considered reasonable to remove permitted development right to alter the dwellings in order ensure the character of the scheme is not compromised or the plots overdeveloped, and to ensure future alterations do not adversely impact on the residents of neighbouring properties.

The existing vegetation provides the development with an attractive mature green backdrop. The proposed layout seeks to retain the existing vegetation along the site boundaries where possible and there will be new planting throughout the development and a structural planting along the sites southern boundary, as detailed within the Arboricultural Impact Assessment & Method Statement and detailed landscape proposals. A Landscape Management Plan has also been submitted in accordance with condition 10 of the outline planning permission.

The scheme has been designed in accordance with the conditions, limitations and parameters of the outline planning permission to ensure the development does not have an unacceptable impact on surrounding heritage assets, the Outstanding Universal Value of the Avebury World Heritage Site or the North Wessex Downs AONB.

The Council's Landscape & Design Officer has confirmed that the detailed engineering drawings and site sections plan demonstrate that the proposed dwellings will not exceed the ceiling height parameter for built development of the maximum 160m AOD permitted within the outline planning consent (15/02026/OUT). The 160m AOD contour being the point at which glimpsed or partial views of buildings could otherwise have been possible from a number of viewpoints. The proposed development will therefore not result in harm to wider landscape character and visual interests. The application includes details of the proposed earthworks required to accommodate the development due to the sloping nature of the site. The proposed works are considered acceptable, however further details are required of the proposal to dispose of surplus soils as the proposed 1.5m high mounts within the wildflower meadow / ecological mitigation area are not considered acceptable from a landscape character perspective. A soil management and disposal plan is also considered necessary to ensure sub soil and top soil are properly separated and layered during any necessary re-profiling/re-contouring of land to protect the integrity of existing soil structure within this southern field.

The Council's Ecologist is satisfied that the development has been designed in accordance with the ecological and enhancement parameter plan approved as part of the outline planning permission. The scheme will deliver certain mitigation measures in the form of a 20m wide belt of tree planting along the southern extent of built development and a 110m wide area of

wildflower grassland to the south of the site, to ensure that wildlife populations, especially European Protected Species would not be adversely impacted as a result of the proposal. This is essential to ensure a European Protected Species licence will be granted by Natural England to allow the development to proceed. The Council's Ecologist indicated that it is important that this area remains undisturbed and managed according to the requirements of foraging and commuting bats, as well as dormice. An Ecological Management Plan has been submitted in support of this current application which is considered to be broadly acceptable, however the final details of the management of the ecological area will need to be agreed via condition 13 of the outline planning permission (which requires the approval of an Ecological Management Plan). An additional condition is however considered necessary in relation to the timeframe for the provision of the ecological mitigation area.

The Council's Drainage Engineer is in support of the proposed drainage strategy which involves a large infiltration pond near site entrance (away from the source exclusion area). Thames Water has reiterated the comments provided during the assessment of the outline application in relation to lack of capacity within the existing public sewer systems and the need to ensure the water abstraction source within the site (Source Zone Protection 1) is not detrimentally affected by the proposed development. The outline planning permission includes conditions to cover the points raised by Thames Water and will have to be addressed prior to the commencement of the development.

In terms of third party observations, the key issue raised is the impact of the proposal on highway safety. The level of affordable housing, loss of farmland and the ability of the towns existing infrastructure to be able to cope with the development have been raised. These issues were all considered and addressed prior to the granting of outline planning permission. The query in relation to land ownership is a civil matter however this issue has been raised and discussed with both interest parties. There are various on-site investigation work and archaeological investigations on-going at the site but the development has not commenced. A fence has been installed around the field boundaries which does not require planning permission.

Savernake Parish Council stated that it is unclear how construction work will be monitored to prevent contamination of the local water supply. The construction work will be controlled by a Construction Environmental Management Plan, which is a condition of the outline planning permission, to prevent contamination of the local water supply. The outline planning permission also requires details of the design of building and road foundations, and a groundwater quality monitoring report and contingency actions if required.

10. Conclusion

There is a presumption in favour of residential development on this strategic site and its development is important to the delivery of the residential development strategy of the Wiltshire Core Strategy. The principle of residential development has been established under outlined planning permission reference 15/02026/OUT for up to 175 dwellings and a hotel with access from Salisbury Road.

The details of 'layout', 'scale', 'landscaping' and 'appearance' within this current application are considered acceptable. The development has been designed in accordance with the conditions and parameters of the outline planning permission and will deliver 168 dwellings (to include 67 affordable dwellings [40%]) in accordance with the key objectives for the development of the site which is to deliver housing growth to help maintain and enhance the town's role as a service and tourist centre, and help to meet local needs. It is therefore recommended that reserved matters consent be granted.

RECOMMENDATION

That reserved matters consent be **GRANTED** subject to following conditions

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

Drawing no.RHSW.5333.SL001 Rev A (Site Location Plan), received 12.04.17
Drawing no.PL-03 Rev H (Planning Layout), received 30.08.17;
Drawing no.PL-04 (Materials Plan), received 03.08.17;
Drawing no.PL-05 (Affordable Distribution Plan), received 03.08.17;
Drawing no.PL-06 (Storey Heights Plan), received 03.08.17;
Drawing no.PL-07 Rev A (Enclosure and Surface Materials Plan), received 22.08.17;
Drawing no.PL-08 (Presentation Layout), received 03.08.17;
Drawing no.SS-01 (Site Sections and Street Scenes), received 03.08.17;

Drawing no.RED20987-03C Sheets 1 to 10 (Tree Protection Plan), received 30.08.17;
Drawing no.RED20987 10 (Landscape Masterplan), received 03.04.17;
Drawing no,RED20987 11C Sheets 1 to 9 (Landscape Proposals), received 30.08.17;
Drawing no,RED20987 15C Sheets 1 to 5 (Open Space Proposals), received 30.08.17;
Drawing no.RED20987-20C (Play Area Proposal), received 30.08.17;

Drawing no.P17136-01 Sheet 1 Issue B (Adoptable Area Lighting Environmental Calc), received 03.08.17;
Drawing no.P17136-01 Sheet 2 Issue B (Adoptable Area Lighting Environmental Calc), received 03.08.17;
Drawing no.P17136-02 Sheet 1 Issue B (Private Area Lighting Environmental Calc), received 03.08.17;
Drawing no.P17136-02 Sheet 2 Issue B (Private Area Lighting Environmental Calc), received 03.08.17;
Drawing no.P17136-03 Issue B (Private Area Lighting Environmental Calc), received 03.08.17;

Drawing no.440-P-100 Rev B (Drainage Strategy), received 30.08.17;
Drawing no.440-P-200-01 Rev B (Engineering Layout Sheet 1 of 4), received 30.08.17;
Drawing no.440-P-200-02 Rev B (Engineering Layout Sheet 2 of 4), received 30.08.17;
Drawing no.440-P-200-03 Rev B (Engineering Layout Sheet 3 of 4), received 30.08.17;
Drawing no.440-P-200-04 Rev B (Engineering Layout Sheet 4 of 4), received 30.08.17;
Drawing no.440-P-300-01 Rev A (Road Longitudinal Sections Sheet 1 of 2), received 30.08.17;
Drawing no.440-P-300-02 Rev A (Road Longitudinal Sections Sheet 2 of 2), received 30.08.17;
Drawing no.440-P-400-01 Rev B (Refuse Vehicle Tracking), received 30.08.17;
Drawing no.440-P-400-02 Rev B (Fire Tender Vehicle Tracking), received 30.08.17;

Drawing no.440-P-500 Rev D (Infiltration Basin Layout and Cross Sections), received 30.08.17;
Drawing no.440-P-600 Rev B (Flood Exceedance Routing), received 30.08.17;

Drawing no.HT-Ludlow-01 (House type Ludlow), received 03.08.17;
Drawing no.HT-Ludlow-02 (House type Ludlow), received 03.08.17;
Drawing no.HT-Ludlow-03 (House type Ludlow), received 03.08.17;
Drawing no.HT-Ludlow-04 (House type Ludlow), received 03.08.17;
Drawing no.HT-Warwick-01 (House type Warwick), received 03.08.17;
Drawing no.HT-Warwick-02 (House type Warwick), received 03.08.17;
Drawing no.HT-Amberley-01 (House type Amberley), received 03.08.17;
Drawing no.HT-Amberley-02 (House type Amberley), received 03.08.17;
Drawing no.HT-Sherbourne-01 (House type Sherbourne), received 03.08.17;
Drawing no.HT- Sherbourne-02 (House type Sherbourne), received 03.08.17;
Drawing no.HT-Marlow-01 (House type Marlow), received 03.08.17;
Drawing no.HT-Marlow-02 (House type Marlow), received 03.08.17;
Drawing no.HT-Shaftesbury-01 (House type Shaftesbury), received 03.08.17;
Drawing no.HT- Shaftesbury -02 (House type Shaftesbury), received 03.08.17;
Drawing no.HT-Camebridge-01 (House type Camebridge), received 03.08.17;
Drawing no.HT-Camebridge-02 (House type Camebridge), received 03.08.17;
Drawing no.HT-Canterbury-01 (House type Canterbury), received 03.08.17;
Drawing no.HT-Canterbury-02 (House type Canterbury), received 03.08.17;
Drawing no.HT-Henley-01 (House type Henley), received 03.08.17;
Drawing no.HT- Henley -02 (House type Henley), received 03.08.17;
Drawing no.HT-Richmond-01 Rev A (House type Richmond), received 22.0

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

- 2 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 any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority; 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.

- 3 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Impact Assessment & Method Statement by ACD Environmental (ref RED20987aia-ams / Rev C: 29.08.2017).

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 4 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 the tree protective fencing has 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: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 5 Notwithstanding the details of earthworks shown on drawings number RED20987 15C Sheets 1 to 5 (Open Space Proposals), no development shall commence on the residential part of the site until full details of the proposal to dispose of waste soils in the wildflower meadow / ecological mitigation area to the south of the site, including a soil management strategy and disposal plan, has been submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed cross-sections and contour plans, and the nature and source of the material. The development shall be carried out in accordance with the details approved under this condition.

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 and to ensure sub soil and top soil are properly separated and layered during any necessary re-profiling/re-contouring of land to protect the integrity of existing soil structure.

NOTE: The surplus soils should be evenly distributed across the site to maintain the character of the existing valley slope.

- 6 No development shall commence on the residential part of the site until a programme and timetable for the delivery of the wildflower meadow / ecological mitigation area to the south of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved under this condition.

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 adequate mitigation and compensation for protected species, priority species and priority habitats.

- 7 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 8 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

- 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the dwellings hereby permitted.

REASON: In the interests of residential amenity and privacy and to protect the character of the built environment.

- 10 **INFORMATIVE TO APPLICANT:**
The attention of the applicant is drawn to the contents of the consultation response from the Council's Public Right of Way Officer, which can be viewed on the Council's website at www.wiltshire.gov.uk

- 11 **INFORMATIVE TO APPLICANT:**
Your attention is also drawn to the conditions imposed on the outline planning permission reference 15/02026/OUT and dated 29 July 2016.

- 12 **INFORMATIVE TO APPLICANT:**
This approval of matters reserved refers only to condition 2 of outline planning permission 15/02026/OUT for the residential part of the site only, but does not by itself constitute a planning permission.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 September 2017
Application Number	17/02371/FUL
Site Address	Land to the rear of The Paddock, Heath Lane, Startley, Chippenham, Wiltshire, SN15 5HH
Proposal	Change of use of land to a residential Gypsy and Traveller caravan site, consisting of 3 permanent pitches, including construction of utility/dayroom and associated works
Applicant	Mrs MacDonald
Town/Parish Council	Great Somerford
Electoral Division	Brinkworth – Cllr T. Sturgis
Grid Ref	394515 182742
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

The application was called to committee by the Division Member as there are concerns that doubling the size of the gypsy & traveller site would be a disproportionate addition for such a small rural community. This expansion in size will also have implications with regards to landscape impact.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Highway Safety

Great Somerford Parish Council object to the proposed development. 17 letters of objection have been received.

3. Site Description

Heath Lane is a modest rural lane which serves a handful of properties and a poultry farm. The site is formerly part of a field adjacent to an existing occupied gypsy and traveller site. A hole in the existing landscaping has been provided to provide access the land and it would appear that the land is currently being used for informal storage. The boundaries of the site are defined by hedgerows and mature trees whilst the western boundary is marked are marked by sold timber feather edged fencing. The site is in pleasant countryside outside the limits of any defined settlement. In the immediate locality the development on the

4. Planning History

N/03/02421/COU Siting of two mobile homes, two touring caravans and toilet block on permanent base- **Refused and appeal dismissed**

N/04/00777/ENF Appeal against enforcement - change of use of land to caravan site – **Appeal dismissed**

N/06/03014/COU Change of use to residential gypsy site (Two pitches), including access road, two hard-standings, amenity unit, cesspit, fencing and storage shed.- **Appeal allowed**

5. The Proposal

Change of use of land to a residential Gypsy and Traveller Caravan Site, Consisting of 3 permanent pitches, including construction of utility/dayroom and associated works.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 47- Meeting the Needs of Gypsies and Travellers

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 61- Transport and Development

Core Policy 62- Development impacts on the transport network

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

Emerging Development Plan Document:

The Gypsy and Traveller DPD (*A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan*)

National Planning Policy Framework 2012 (NPPF):

Paragraphs- 7, 14 & 17

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Great Somerford Parish Council: Object for the following reasons:

- The present site started off as an illegal site but was eventually granted retrospective planning permission for residential use only in spite of objections from the Parish Council and the residents of Startley.
- The Wiltshire core strategy states that there should be no more new development in Startley
- The water supply and foul water to septic tank to the present site is inadequate
- The increase in traffic down a single track lane is unacceptable.
- The proposed site is a green field site and an unauthorised entrance has been created and the field is being used as a storage area by the present site owners without planning permission

Wiltshire Council Highways: No objection

Wiltshire Council Public Protection: No objection

Wiltshire Council Drainage: No objection

Wiltshire Council Spatial Planning:

Need

In terms of overall need Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2016-21, 22 additional pitches are required. The council's monitoring data suggests that as of May 2017, this need has already been met through grant of permissions.

Consequently PPTS paragraph 11 is engaged which is clear that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

Locational criteria

Core Policy 47 in the WCS provides locational criteria respectively:

WCS Core Policy 47 i) requires that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

The application site is within Flood Zone 1. Groundwater and surface water flood risk may also be relevant and comments should be sought from drainage colleagues and the Environment Agency to determine if a flood risk assessment is required despite the fact that the site measures under 1 ha (as per NPPF para. 103).

WCS CP47 ii) requires that the site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. Criterion iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

Highways colleagues will ascertain the impacts on the highway network and the adequacy of the existing access to serve the development of an additional 3 pitches. Paragraph 32 in the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

WCS CP47 iii) requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

Drainage colleagues and utility providers are best placed to comment. Space for waste collection should be provided on site.

WCS CP47 v) states that a site is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

Startley's status in the WCS is 'open countryside' and it is not a recognised settlement in the WCS. Great Somerford is the nearest settlement and has large village status in the WCS. Great Somerford has a school, church, village hall, a pub and a shop/post office. The village is approximately 5 minutes away by car and a bus service (Faresaver 91) can be accessed in Startley – travel time to Great Somerford is approx. 11 minutes but services are irregular. It would be unrealistic to assume that residents would walk to Great Somerford which takes approx. 30 minutes unless the bridleway at the end of Heath Lane was used but this may not be an acceptable link to the village as stated in the 2008 appeal decision.

PPTS effectively acknowledges that traveller sites in rural or semi-rural settings may be acceptable subject to scale (para. 14) but that there should be a very strict limit on new traveller site development in open countryside (para. 25). A number of traveller sites in open countryside have been permitted by the council either through decisions or through appeal.

WCS Core Policy 47 vi) requires that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. Criterion viii) states that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The 2008 appeal decision relating to the approved development states, albeit against a different policy background, that the development on the neighbouring site did have a limited harm on the character and appearance of the surrounding area but it was found to be acceptable. The decision further refers to the previous appeal where it was established that there was some erosion of the countryside scene by the addition of a further developed site. However, while every proposal has to be determined on its own merits, the countryside location of the proposal and previous Inspector's views should be taken into account in carefully assessing the effects on the character and appearance of the landscape. Further, there may be a cumulative effect from existing and proposed developments. Landscape colleagues would be best placed to comment on this, and the submitted landscape design statement. PPTS paragraph 26 is also relevant in this context.

CP47 criterion ix. requires that a site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. The site doesn't fall within a recognised designation but ecologists may wish to comment on the proposed development.

Other material considerations

PPTS provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.

The Council's Gypsy and Traveller Development Plan Document is currently under preparation. This document will allocate sites to meet the accommodation needs of travellers in Wiltshire to be evidenced in the emerging GTAA. The Local Development Scheme envisages a first consultation for late 2017. The DPD has been delayed due to difficulties finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015, Environment Select Committee in 2016 and in early 2017.

Therefore at this stage no development plan exists which allocates sites for travellers in Wiltshire.

Nonetheless, the Council completed a new Gypsy and Traveller Accommodation Assessment (GTAA) in late 2014 which is published on the Council's website. The GTAA provides evidence on need for new traveller pitches and showpeople plots for 2014-29; and forms part of the evidence supporting the emerging DPD.

For the period 2014-19, a total of 21 new pitches are required. To date, 31 pitches have been granted permissions since 2014 with 3 further pitches pending decision, including this current proposal. Technically, identified need has been met. Again, PPTS paragraph 11 applies in this instance which states that where there is no identified need, locational criteria should be used to assess proposals that come forward nevertheless. The relevant analysis is provided above.

It is understood that the application is made by family members on the adjacent site, so it may be relevant to consider the evidence established from site interviews during the 2014 GTAA, to understand if there is a personal need for additional pitches. Regarding the neighbouring site, the GTAA report notes at para. 5.35: "Staff from ORS visited The Paddock site in April/May 2014. At the time of fieldwork there was 1 family on the site comprising 1 adult and 2 teenage children. There was no evidence of concealed households or over-crowding on the site."

The GTAA demonstrates that in 2014 there was no need for additional pitches on the existing site; however, this may now have changed if the teenage children have reached legal age and wish to form their own households. The application does not provide evidence on this though.

Great Somerford and Startley Neighbourhood Plan

The proposed neighbourhood plan was submitted to the Council in September 2016 and is currently subject to independent examination. The plan makes no provisions regarding the application site and does not cover traveller matters. It does however reiterate WCS policy that Startley is not a recognised settlement and that it falls into open countryside.

Conclusion

Need for new traveller pitches has been met in the North and West HMA against the development plan requirement for 2016-21; and materially, against the requirement in the GTAA for 2014-19.

The 2014 GTAA further notes the specific evidence established during the fieldwork which points to no personal need for additional pitches although it is unclear if teenage children have now reached legal age and wish to form their own household.

Consequently PPTS paragraph 10 is invoked which states that planning proposals should be assessed against locational criteria where there is no identified need. Whether the proposal complies with locational criteria expressed in WCS Core Policy 47 will be largely dependent on other expert officer's views.

8. Publicity

The application was advertised by neighbour letter and site notice. 17 letters of objection were received, raising the following issues:

- WCS states there should be no further new development in Startley which is designated Countryside
- Noisy anti social industrial purposes currently take place on the existing gypsy site

- Only limited services and buses
- Harm to the countryside
- No lack of gypsy sites in Wiltshire
- Development will lead to excessive traffic and noise
- Sewage facilities unable to cope with the development
- Conflict with the neighbourhood plan
- Road is too narrow
- Use of the single carriage road by more vehicles will be harmful to cars and pedestrians

9. Planning Considerations

9.1 Retrospective Application

Some local residents have raised concerns as the submission is partly retrospective as the access has been partially installed. They are of the view that permission should be refused for this reason. The concerns expressed by local residents are noted, however, it is not an offence to carry out development without first obtaining planning permission. This is confirmed within the Town and Country Planning Act. Section 73A of the Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Retrospective applications are dealt with in the same way as any other planning application.

However, on 31 August 2015 the Government's Chief Planner produced a statement relating to intentional unauthorised development. This statement set out changes to national planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications. Though it is fact that the access has been partially constructed without the benefit of planning permission this is not, on its own, sufficient to refuse planning permission.

9.2 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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. On 22nd March 2017 a public hearing took place, as part of the examination into the Great Somerford Neighbourhood Plan. At the hearing the examiner requested that the Neighbourhood Plan Steering Group consider a draft policy and supporting text for residential development on the previously developed land at Broadfield Farm. The consultation on this proposed policy and supporting text has recently closed. The finalised report from the examiner has not yet been received. Due to its progress to date, this document can only be afforded limited weight.

The Council has published its intention to prepare a Gypsy and Traveller DPD and a new Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared in accordance with the commitment in the Wiltshire Core Strategy under paragraph 6.56. However, the production of the Gypsy and Traveller DPD has been delayed and due to its current stage of preparation, this document can only be afforded very limited weight.

The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Planning Policy for Traveller Sites (PPTS) are material considerations which can be accorded substantial weight.

9.3 Status of the Applicant

The applicant's Agent has confirmed that the applicant and their family satisfy the definition of a gypsy or traveller as set out in Annex 1 the PPTS. This was accepted at all subsequent appeals for the existing site and was never questioned by the Council.

The application seeks a general Gypsy and Traveller permission rather than a personal one, however, it is envisaged that the site would be occupied by members of the Applicants' family, all of whom are Gypsies.

The Council has no other evidence to contradict the statement as presented and members of the public, in their representations support the agent's statement that the applicant satisfies the definition of a gypsy or traveller. On balance it is considered that the information is in this instance acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

Moreover, planning permission runs with the land and not the applicant. A condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

9.4 Assessment of Need

Some of the neighbour representations state that there is no need for this type of accommodation in Wiltshire. It is therefore necessary to make an assessment of the need.

The WCS explains that "*provision should be made to help meet the accommodation needs of all of Wiltshire's communities, including the Gypsy and Traveller community and travelling showpeople, who normally reside in or travel through the county*". In March 2012 the government published the National Planning Policy Framework and 'Planning Policy for Travellers Sites' which was published in August 2015. These documents include the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing. Core Policy 47 reflects this approach as it identifies a requirement for new pitches for the period until 2021.

Core Policy 47 identifies the need for 66 additional permanent residential pitches (26 required in this Housing Market Area) from 2011-2016. A projection of anticipated need between 2016-2021 has also identified approximately 42 permanent residential pitches (22 in this Housing Market Area).

The updated Gypsy and Traveller Accommodation Assessment (GTAA) which has been produced to update the evidence base for the Wiltshire Core Strategy (WCS) identifies a need of 68 pitches in this Housing Market Area up to 2029, this figure being disaggregated over three 5 year periods.

Whilst the GTAA and CS have identified different requirements for pitches in the North and West HMA it is considered that the GTAA has not as yet undergone the tests through the DPD process when compared to the existing WCS underpinning evidence to CP47. Given the formal adoption of the WCS and CP47 it is considered that at this policy point in time it would be unreasonable to attach more weight to the emerging evidence of the GTAA to outweigh the current WCS policy stance.

The Planning Policy for Traveller Sites (PPFS) Policy H requires LPAs to assess applications for travellers against set national criteria. Criteria b) of paragraph 24 of this policy requires Local Planning authorities to assess the availability (or lack) of alternative

accommodation for applicants. As set out above the Council's evidence and DPD has been delayed and is not up to date. At this point in time the Council cannot confidently state that the requirement has been met and there is no unmet demand. Furthermore the requirement for pitches within this HMA is a minimum and not an upper limit. This matter weighs in favour of the proposal.

9.5 Overall Need

In terms of overall need Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2016-21, 22 additional pitches are required. The council's monitoring data suggests that as of May 2017, this need has already been met through grant of permissions.

However the Core Strategy Inspector advised that the WCS numbers should be treated as a minimum in the absence of a DPD. In addition, PPTS paragraph 11 is clear that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

PPTS also provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. As set out above - the Council's Gypsy and Traveller Development Plan Document is currently under preparation. This document will allocate sites to meet the accommodation needs of travellers in Wiltshire and the Local Development Scheme envisages a first consultation for late 2017. The DPD has been delayed due to difficulties in finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan exists which allocates sites for travellers in Wiltshire.

Though the need as set out in the Core Strategy has been met this is a minimum figure and due to the delays in preparation of the Council's Gypsy and Traveller Development Plan Document the Council cannot confidently state that the requirement has been met and there is no unmet demand. This matter weighs in favour of the proposal and the granting of a further 3 pitches would not be in conflict with local or national policies relating to the provision of Gypsy and Traveller Sites. However, there is still a requirement for the application to accord with CP47 of the CS and this is addressed in detail below.

9.7 Wiltshire Core Strategy Policy 47

This states that Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria i-ix applications will be considered favourably:

- I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable
- II. The site is served by a safe and convenient vehicular and pedestrian access.
- III. The site can be properly serviced and is supplied with essential services
- IV. The site is large enough to provide adequate vehicle parking
- V. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities.
- VI. The site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties
- VII. The site offers adequate levels of privacy

- VIII. The development is of an appropriate scale with regards to the character of its surroundings
- IX. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology

The proposal is considered to be in accordance with CP 47. For the avoidance of doubt and to demonstrate that the proposal is in accordance with CP47, the matters referred to above are discussed in more detail below.

Drainage & Stability (I)

The application seeks consent for an extension to an existing G&T site and though concerns have been raised by local residents in relation to foul water disposal on the existing site, officers are satisfied that adequate provision can be provided.

The exact details relating to foul water and surface water drainage systems have not been provided but these the details relating to on site provision will be controlled by condition. This is not uncommon and the imposition of a planning condition to require details prior to the commencement of development is usually adequate in applications such as this. No objections are raised as officers are satisfied that this can be controlled by way of condition.

Access and Highways (II & IV)

The access to the site is via single carriage way road. An increase in the number of pitches will certainly increase vehicle movements along this road. However, the additional vehicle movements generated by this application would not result in severe impact on highway safety. Consequently no highway objection is raised subject to conditions. The site provides sufficient space and facility for onsite vehicle parking and manoeuvring for residential purposes.

Essential Services (III)

The applicant has confirmed that the site is serviced by mains water and electricity. A phone line could be provided but a mobile phone could be used for both telephone and internet connection. A package sewage treatment unit would be provided for foul sewage. The site can therefore be properly serviced/supplied with essential services. The development is in accordance with criteria III.

Sustainability (V)

The site lies in close proximity to Startley and Great Somerford which is defined as a large village in the Wiltshire Core Strategy offers a range of services including Post Office, public house and school.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is accepted and well established, and in accordance with the PPTS. Policy C, paragraph 12 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community.

It is recognised that the PPTS goes on to advise that "*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*".

As set out above the site is in relatively close proximity to the village, furthermore, Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities. It is considered that the proposal is in accordance with this policy and the Inspector in the appeal decision in 2006

found that the level of accessibility to services and community facilities was acceptable for a development of this nature.

For the reasons given above it is considered that the site would provide an appropriate site for a gypsy and traveller site with regard to its sustainability credentials.

Impact on the character and appearance of the locality (VI & VIII)

The site layout ensures the retention of numerous large trees and mature landscaping towards the fringes of the site and principally on the Heath Lane frontage. This is considered to provide some site screening and mitigation of the visual impact of development. The proposal includes soft landscaping in terms of grassed areas as part of the site layout. The test applied by the Inspector on the adjacent site in 2006 was not whether there would be any harm, but whether the proposal would have an *unacceptable* impact on the character and appearance of the area. He considered that the harm was of a limited extent, tempered by the fact that the site was not readily visible from the majority of public areas and that the site was not subject to any special designations (AONB etc). Given the fact that Government policy allows for such sites to be located in rural locations, he did not consider that the harm created was unacceptable.

In effect the proposals read visually as a modest extension of the existing G & T site and would not include significant built development. The proposals are considered to be laid out in an acceptable manner and the plans ensure that the site licensing minimum layout requirements are met.

As such, it is not considered that the pitches, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Given the material consideration supporting the proposals in principle it is not considered that the visual impact and impact on the character and appearance of the locality would warrant a refusal. When applying the criteria used by the previous Inspector in relation to landscape impact, it is not considered that the harm that this development in this location creates is unacceptable. The proposal is considered to accord with this criteria of policy CP47.

Impact on Residential Amenities (VII)

Given the site layout and location of the development and position of the caravans within the site it is considered that the proposal would not result in any significant harm to existing residential amenities in the locality through noise disturbance, overlooking and loss of privacy, loss of day light or overbearing impact. Similarly it is not considered that the increased use of the access would be so significant as to result in harm to residential amenities through disturbance.

It is considered that the proposed layout provides for a sufficient level of residential amenity for future occupants of the site especially in the context of the family relationships between existing and future occupiers. Such occupancy to family members will be restricted by condition to ensure that this situation remains acceptable in residential amenity terms.

Given the proposed layout and the acceptable level of residential amenity for future and existing occupants and neighbours it is not considered that the proposed level of development is too intensive for the site circumstances and does represent an acceptable level of development. The proposal is considered to accord with CP47 of the Core Strategy.

River Quality, Biodiversity or Archaeology (IX)

The site is not located within an archaeologically sensitive area and no concerns are raised in relation to the development in relation to this matter.

Due to the nature of the application it is not entirely clear how much vegetation clearance took place to accommodate the new access but aerial imagery indicates that the site was previously used as grazing land and no significant amount of site clearance has taken place. Furthermore, the mature trees within and adjacent to the site have been retained.

Though some compensatory mitigation measures will be required to offset the loss of vegetation it is considered that this can be controlled by condition. The applicant, within the supporting statements and submitted plans indicates that additional planting is proposed. Subject to a suitably worded planning condition relating to landscaping no objection is raised.

10. Conclusion

The proposal seeks permission for a three gypsy and traveller pitches. The applicant meets the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development at this location is considered acceptable when measured against the criteria in policy CP47. The site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts have been identified. Any landscape impact in this location is limited and the harm is not unacceptable.

The increased use of the existing access together with the generation of additional traffic movements, resulting from the proposed development, would not be prejudicial to road safety. The proposal is therefore considered to be in accordance with both local and national planning policies and guidance that relate to planning for gypsy and traveller sites.

RECOMMENDATION

planning permission should be **GRANTED** 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:

TDA.2270.01- Site Location Plan- Received 25 April 2017

TDA.2266.03- Site Layout and Landscaping- Received 25 April 2017

TDA.2266.04- Proposed Day Room- Received 25 April 2017

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the 'Day Room' 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.

- 4 No development shall commence on site until details of the materials for the hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

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.

- 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 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.

- 6 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 7 Occupation and use of the Mobile home and touring caravan hereby permitted for each pitch shall be limited solely to and by close family members of the occupants of that pitch. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

8 There shall be no more than three (3) permanent pitches on the application site.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

9 No more than one (1) commercial vehicle shall be kept on each pitch for use by the occupiers of the individual caravan hereby permitted, and each vehicle shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

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

10 There shall be no more than two (2) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 on each pitch hereby approved, of which no more than one (1) shall be a static caravan or mobile home and no more than one (1) shall be a touring caravan, shall be stationed on each pitch at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

11 Prior to the commencement of development details of the works for the disposal of sewerage shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be in place prior to first use of the site.

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.

12 Prior to the commencement of development a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the land the surface water drainage shall be 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.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres

of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

17/02371/FUL
Land to the rear of The Paddock
Heath Lane
Startley
Chippenham
Wiltshire
SN15 5HH



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13/09/2017
Application Number	16/11850/FUL
Site Address	Land At White Horse View, Hisomley, Dilton Marsh, Wiltshire
Proposal	Application for the change of use of land to accommodate two. additional Gypsy pitches comprising, 2 mobile homes, 2 touring caravans, 2 dayrooms and associated works
Applicant	Mr T Ayres
Town/Parish Council	DILTON MARSH
Electoral Division	ETHANDUNE – Cllr Wickham
Grid Ref	385239 149310
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Wickham to consider visual impact upon the surrounding area, the relationship to adjoining properties and environmental/highway impacts. The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

2. Report Summary

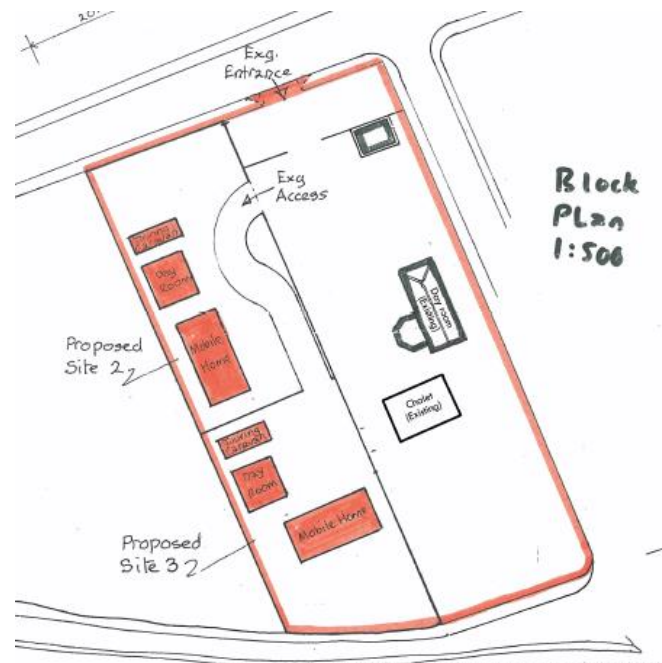
The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Highway Safety
- Residential amenity

Dilton Marsh Parish Council objects to the proposed development. One letter of objection/comment has been received.

3. Site Description

The application site is an extension to a single plot traveller site located to the south of the A3098. The site is located in the hamlet of Hisomley, approximately 600m and 1.6km from the villages of Dilton Marsh and Westbury Leigh, respectively. The plot (including the existing site) is rectangular shaped, approximately 0.31 hectares in area. The new pitches would be located on the western half of the application site. Access would be via the existing access serving the existing traveller pitch.



4. Planning History

Planning permission for the existing site (to include a day room) was granted on appeal in 2009 under reference APP/F3925/C/08/2088696 following the refusal of planning application W/08/01209/FUL. An extension to the day room was granted under application reference 13/05493/FUL.

5. The Proposal

The application seeks planning permission for the change of use of land to accommodate two additional Gypsy pitches comprising a mobile home, a touring caravan and dayroom to each site, and associated works.

6. Local Planning Policy

- Wiltshire Core Strategy
- Core Policy 1- Settlement Strategy
- Core Policy 2- Delivery Strategy
- Core Policy 47- Meeting the Needs of Gypsies and Travellers
- Core Policy 50- Biodiversity and Geodiversity
- Core Policy 51- Landscape
- Core Policy 57- Ensuring high quality design and place shaping
- Core Policy 61- Transport and Development

Emerging Development Plan Document:

The Gypsy and Traveller DPD (A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan)

National Planning Policy Framework 2012 (NPPF):
Chapter 7- Requiring Good Design
Chapter 11- Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Dilton Marsh Parish Council object to the application on the following grounds:

- The application is contrary to Core Policy 2, building in the countryside
- The Application is contrary to Core Policy 47 as the condition of safe pedestrian and vehicular access cannot be met

(Note of clarification: Subsequent to this objection the applicant withdrew a proposed extension to the existing dayroom which would, it is considered have been tantamount to converting the building in to a dwelling. It is understood that the Core Policy 2 objection above related to that withdrawn element).

Wiltshire Council Ecologist: Following an initial response wherein the ecologist requested a preliminary ecological appraisal prior to determination. The appraisal was subsequently submitted by the agent, and the Ecologist was re-consulted. The Officer has withdrawn her objection, subject to conditions. The comments are discussed in details in Section 9, below.

Wiltshire Council Public Protection: No objections.

Wiltshire Council Highways: Notes that the site was subject to a planning application for 1 pitch (08/01209/FUL) which was allowed at Appeal. The agreed access arrangement was constructed and the visibility of 2.4m by 140m was considered acceptable to serve the development. On the basis that the agreed visibility splay is maintained, there is no highway objection to the proposed development.

Wiltshire Council Spatial Plans: The need for new traveller pitches has been met in the North and West Housing Market Area against the development plan requirement for 2016-21; and materially, against the requirement in the Gypsy and Traveller Accommodation Assessment for 2014-19. The Council cannot however demonstrate a five year supply of deliverable sites due to the absence of a DPD that allocates sites. The 2014 GTAA further notes the specific evidence established during the fieldwork. The key issue is whether the proposal complies with locational criteria expressed in WCS Core Policy.

Wessex Water: No objection

8. Publicity

The application was advertised by neighbour letter and site notice. One neighbour letter was received, raising the following issues/observations:

- The neighbour is delighted that Council is considering opportunities to provide static locations for travelling families within Wiltshire in line with your authorised developments. However attention is invited changes of land use in the Hisomley Crossroads and Old Dilton area. In the last 4 years there has been one change of land use 200m metres from Hisomley Crossroads, where a field has been used to accommodate a day room, a mobile home and associated works at what is now called White Horse View. It is noted that this site has to date been sympathetically

enhanced with hedging and gardens. The earlier decision is accepted and the current coexistence between residents is good.

- Further, additionally a two further static mobile homes were given permission to be located beside the railway on the Hisomley to Upton Scudamore road. This plot has somewhat grown and been developed beyond what is in keeping with this rural area.
- The council must ensure that the cohesion within the local community of an extended site would not be detrimental to the current status quo which exists with the existing caravan sites; further development would possibly reduce this coexistence.
- The mobile homes are moveable but the day rooms represent permanent development;
- Have site design plans with exact locations of each dwelling and unit marked with access drive/roads shown been submitted for agreement?
- Does the new application stray away from the original planning application submitted 4/5 years ago and its reasons for building there for one family only currently known as White Horse View? Why is there now a need to increase the numbers of units on this rural site?
- Increase of extra traffic onto the A3098 from one exit into/out of the field/plot creating a highway hazard;
- Additional external lighting and the need to control the type and number of external lights
- Potential noise levels
- Current and proposed aesthetic look, and is it in keeping with a rural location?
- The architectural design of day rooms in keeping with a rural location- is the brick and tile type in keeping?
- Possible increase in the number of kennelled dogs and their subsequent barking issues.
- Additional storage units such as containers which do not need planning permission
- How are these planned and enforced?

9. Planning Considerations

(Note: As noted above, the application originally included a proposed extension to an existing day room. This element was subsequently withdrawn following discussions with the agent and in the light of objection from the Parish. The proposal now relates only to a change of use of land to accommodate two additional gypsy pitches comprising 2 mobile homes, 2 touring caravans, 2 dayrooms and associated works).

9.1 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.

In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Government's "Planning Policy for Traveller Sites" (PPTS: DCLG 2015) are material considerations which can be accorded substantial weight.

PPTS provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council's Gypsy and Traveller Development Plan Document is still currently

under preparation. This document will allocate sites to meet the accommodation needs of travellers in Wiltshire to be evidenced in the emerging GTAA.

The Local Development Scheme envisages a consultation on the draft plan to commence in December 2017. The DPD has been delayed due to difficulties finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan document exists which allocates sites for travellers in Wiltshire. As such the Council cannot demonstrate a five year supply of deliverable sites.

Nonetheless, the Council completed a new Gypsy and Traveller Accommodation Assessment (GTAA) in late 2014 which is published on the Council's website. The GTAA provides evidence on need for new pitches and showpeople plots for 2014-29; and forms part of the evidence supporting the emerging DPD. In terms of overall need Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2014-19, 21 additional pitches are required. Council's monitoring data suggests that as of July 2017, this need has already been met through grant of permissions. This is due to an 'oversupply' from the previous five years. Consequently PPTS paragraph 11 is engaged which states that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

Core Policy 47 in the WCS provides locational criteria as follows:-

Criterion i) requires that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

The application site is within Flood Zone 1, the zone with least likelihood of flooding in accordance with Environment Agency classifications. The new pitches would be an extension of an existing site which has been in situ for a number of years onto an immediately adjacent portion of agricultural land. No issues of drainage or instability are evident.

Criterion ii) requires that the site is served by a safe and convenient vehicular and pedestrian access.

The existing access as approved under Appeal Ref APP/F3925/C/08/2088696 would continue to be utilised. The highway officer states that, provided the agreed access arrangement and visibility splay are maintained, there are no highway objections to the proposed development. It should also be noted that Paragraph 32 in the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion iii) requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

It is proposed that that the site will be serviced by mains water and power (as an extension of the existing site). The existing site is serviced by a septic tank and it is considered reasonable to impose a condition requiring details of foul water disposal.

Criterion iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

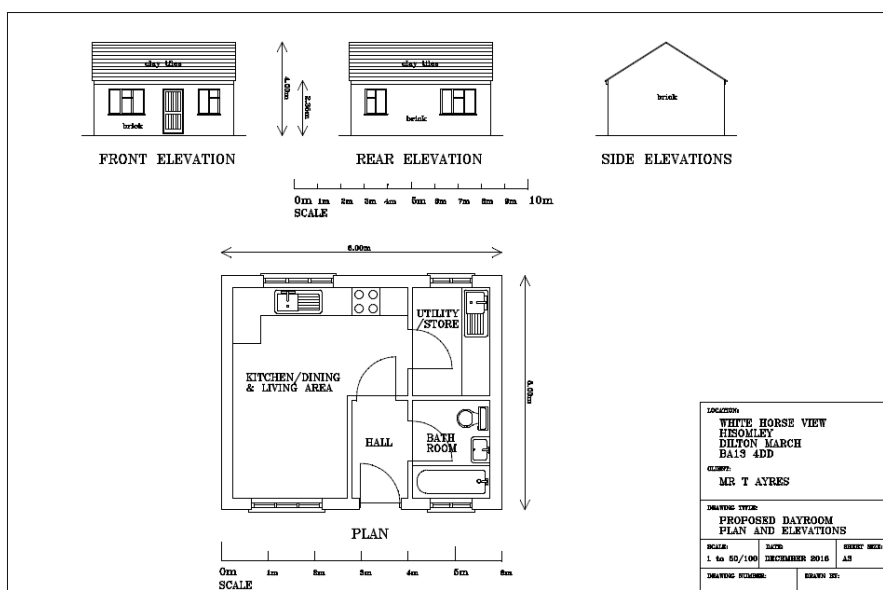
As above, the highway officer is satisfied with the proposal. Each pitch would be some 750m² in extent, providing wholly adequate amenity space and parking provision.

Criterion v) states that a site is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

At the earlier appeal decision on this site in 2009, this was a key issue and the Inspector found that the site is 'generally compatible with the principles of sustainability, satisfying the relevant criteria on this issue'. Westbury provides for key services and facilities and can be reached by car within short travel time. Dilton Marsh which has limited facilities and a school can be reached via public footpaths in 10-15 minutes. (Public right of way DMAR22 lies immediately to the east of the site). There is no public transport available but, as noted by the Inspector, this would not be a consideration of sufficient weight to justify refusal. Furthermore, at a subsequent appeal decision for two gypsy and traveller pitches at nearby Sand Pit Lane in 2014, the Inspector, in allowing the appeal, found that the site 'is not located away from existing settlements'. (W/12/00832/FUL).

Criteria vi), vii) and viii) relate to landscape and visual amenity, requiring that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings, adequate levels of privacy should be provided for occupiers and that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The extension to the existing site would be within an existing triangular field bounded by highways to the north and south west. Boundary hedges exist on all sides with the existing dayroom being visual in passing at the entrance to the site and not prominent to the wider surrounds. The site does not have any special landscape designation. The nearest dwelling is some 70m from the closest of the new sites, with screening vegetation in the intervening space. Whilst the site would be visual from within the field itself (from the western side, this is not within the public realm and, where the development would be low-profile, the planting of a hedge to the western boundary in accordance with a landscaping plan as the subject of a condition would soften the appearance from that side. The proposed day rooms (an issue raised by the neighbour) would be modest buildings of a form which has generally been accepted by Council on other traveller sites:



PPTS acknowledges that traveller sites in rural or semi-rural settings may be acceptable subject to scale (para. 14) but that there should be a very strict limit on new traveller site development in open countryside (para. 25). A number of traveller sites in open countryside have been permitted by the council either through delegated decision, at committee or through appeal. This proposal is of limited extent, providing for two new pitches. It would therefore be unreasonable to refuse planning permission on ground of scale alone in this location. It is considered that the two-pitch extension to the existing site would not introduce any unacceptable visual impact in this locality. The site is furthermore located some 115m east of Hisomley Farmhouse with Barn and Railings (Grade II Listed), with the road and hedge screening in the intervening space. The setting would therefore not be harmed. The site would not be prominently visual to views affecting the Special Landscape Area that lies beyond the road to the south. Whilst noting the neighbour comments, therefore, landscape and setting are not considered to comprise grounds for refusal.

Criterion ix requires that a site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site does not fall within any recognised landscape designation and landscape is discussed above. The ecologist has considered the submitted Preliminary Ecological Appraisal and notes that the proposed site is considered to be of local ecological value and it is considered that the proposed development will not have a negative effect upon protected species.' The PEA proposes avoidance, mitigation and enhancement measures and it is apparent that it has been undertaken on the basis that the existing site boundaries comprising hedgerow and trees, will be retained as the PEA states: *'Hedgerows will be retained and protected during the development and enhanced in the long-term.'* In terms of ecological enhancement at the application site, the PEA stipulates: *'The proposed development site has the potential for ecological enhancement. The client is keen to ecologically enhance the site and has re-laid the northern hedgerow with native species and is in agreement to maintain the native species planting with minimal management along the boundaries of the site.'* And that the *'The site will be enhanced for bats; one Schwegler 2F bat box will be installed within the mature ash tree on the northern perimeter of the site.'*

Further, Section 4.7 to 4.8 of the PEA sets out requirements for lighting at the site and suggests that a lighting specification is secured via condition. The Officer notes: *"This would be required in the event that the proposed development would entail the installation of new external artificial lighting, in which case the details of the proposed lighting must be submitted to Wiltshire Council for approval prior to the commencement of development work."*

The avoidance, mitigation and enhancement measures together with the conclusions set out in the PEA are considered by the Ecologist to appropriate and no ecological objection to the proposal is raised. However, relevant Conditions and informatives are recommended.

9.4 Status of the Applicant

According to the supporting documentation the applicant is a Romany Gypsy who occupies the existing site and fulfils the definition of Gypsies and Travellers in Annex one of Planning Policy for Traveller Sites (PPTS). The additional pitches would be for his son and daughter. The Council has no other evidence to contradict the statement. On balance it is considered that the information is in this instance acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

The GTAA report further notes the evidence established during fieldwork and states at para. 5.15: *"Staff from ORS visited the Land adjacent to Hisomley Farmhouse site in April/May*

2014. At the time of fieldwork there was 1 family living on the site comprising 3 adults and no children. The owner wants 2 additional pitches on the site for his son and daughter and there is room to accommodate this. There was no evidence of concealed households or overcrowding on the site.”

Moreover, planning permission runs with the land and not the applicant. A condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

10. Conclusion

The proposal seeks permission for change of use to allow for two gypsy/traveller pitches. The applicant is considered to meet the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development at this location is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts have been identified.

The increased use of the existing access together with the generation of additional traffic movements resulting from the proposed development is acceptable to the highway officer.

The proposal is therefore considered to be in accordance with both local and national Planning policies.

RECOMMENDATION

planning permission should be **GRANTED** 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:

Location and Block Plan 2361/1 REV B received on 5 June 2017; and

Proposed Dayroom Plan and Elevations registered on 19 January 2017.

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

- 3 No development shall commence on site until the details of the materials to be used for the external walls and roofs of the 'Day Rooms' 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.

- 4 Prior to the commencement of development a scheme of hard and soft landscaping shall have 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;

- details of hard and soft surfacing with on-site parking and turning provision.

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 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 site 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 The access to the existing and new sites shall be maintained in accordance with Condition 4 to the Planning Inspector's Appeal Decision issued under reference No, APP/F3925/C/08/2088696 dated 23 February 2009.

REASON: In the interests of highway safety.

- 7 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

REASON: Planning permission has only been granted on the basis of the provision of accommodation for gypsies and travellers and it is necessary to keep the site available to meet that need.

- 8 Occupation and use of the Mobile home and touring caravan hereby permitted for each pitch shall be limited solely to and by close family members of the occupants of the application site. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore

- necessary to keep the site available to meet that need
- 9 There shall be no more than three permanent pitches on the application site, including the existing pitch.
- REASON: In the interests of visual amenity and the amenity of occupants of the site.
- 10 No more than one commercial vehicle shall be kept on each of the three sites for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.
- REASON: In the interests of residential amenity, highway safety and the character of the countryside.
- 11 There shall be no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravans Sites Act 1968 on each of the three sites, of which no more than one shall be a static caravan or mobile home and no more than one shall be a touring caravan, shall be stationed on the site at any time.
- REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.
- 12 Prior to the commencement of development details of the extension to the works for the disposal of sewerage shall be submitted to and approved in writing by the Local Planning Authority. The approved sewerage details shall be fully implemented in accordance with the approved plans prior to the first occupation of either of the new pitches.
- REASON: 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.
- 13 The development shall be carried out in strict accordance with the recommendations stipulated in section 4 of the Preliminary Ecological Appraisal (TP-Ecology Ltd, 23rd July 2017) and the ecological enhancement measures proposed in section 4.19 shall be implemented.
- REASON: To ensure adequate protection, mitigation and enhancement for protected and priority species and priority habitats.
- 14 Prior to the installation of any new external artificial lighting a lighting plan shall be submitted to Wiltshire Council for approval in writing. The lighting plan shall illustrate the location of proposed external lighting and shall specify the type, height and position of luminaire(s) and other fixtures/fittings such as cowls, louvres or baffles; and shall demonstrate that the proposed lighting will not illuminate the hedgerows and treelines along the site boundaries through provision of a lux plot/lighting contour plan.
- REASON: To minimise light spillage and to maintain dark foraging and commuting

corridors for bats.

15 INFORMATIVES:

For the avoidance of doubt the requirements of Condition 4 to the Planning Inspector's Appeal Decision issued under reference No, APP/F3925/C/08/2088696 dated 23 February 2009 were as follows:

"No development shall commence and no caravans shall be brought onto the site until a new vehicular access has been constructed and laid out as follows:

i. The new vehicular access shall be constructed to a width of 5m from the western boundary of the site;

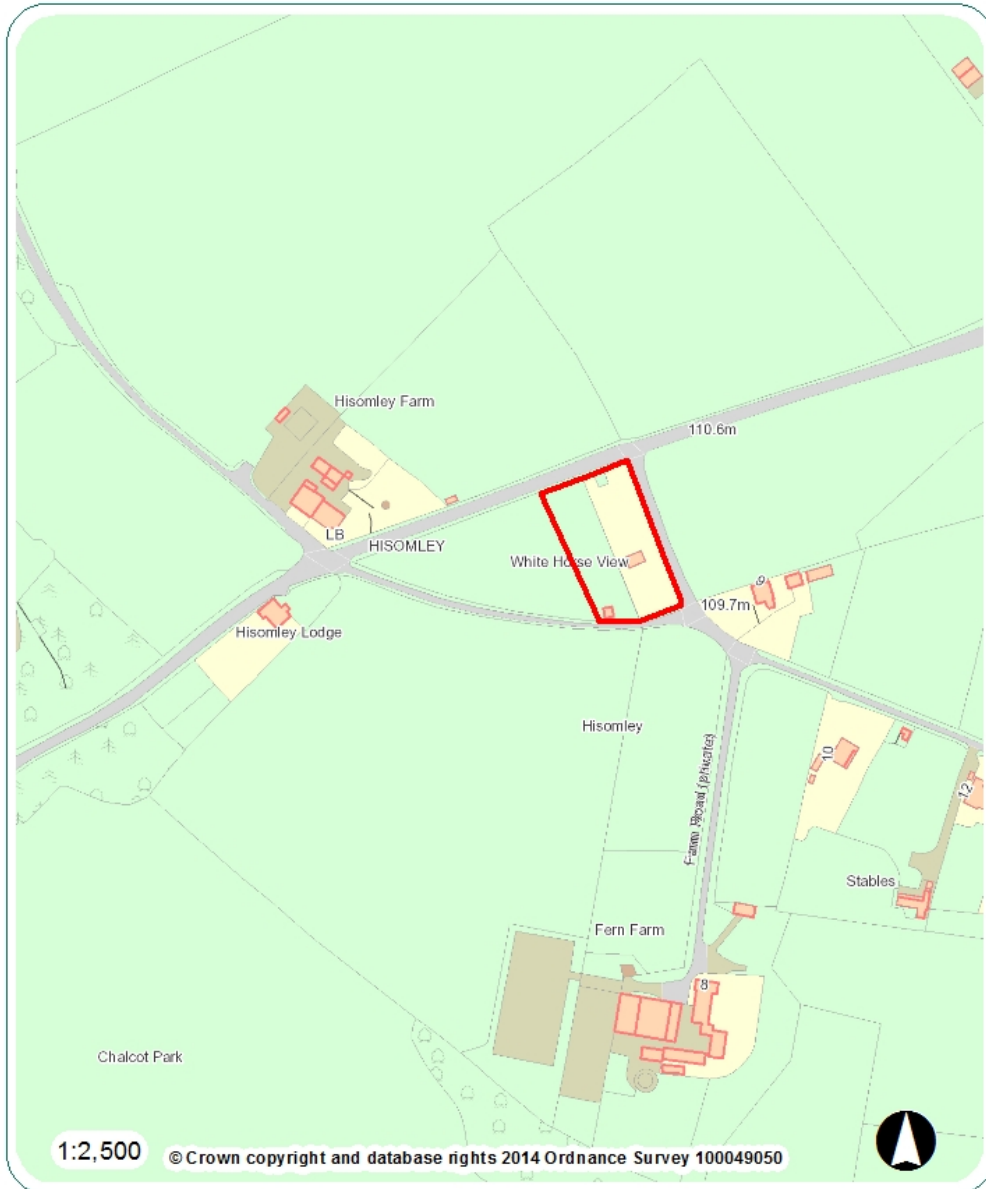
II. Any gates to this access shall be set back 5m from the edge of the carriageway and hung to open inwards;

iii. Visibility splays with intervisibility between points on X and Y axes at a height of 600mm above the adjacent carriageway/drive level shall be provided at the new point of access; the X distance measured into the site from the edge of the carriageway on the centreline of the new access shall be 204m and Y distance measured along the carriageway in both directions shall be 140m.

The access shall be retained as such thereafter."

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 September 2017
Application Number	16/11414/FUL
Site Address	Land opposite 6 Hawkeridge Road, Heywood, Wiltshire, BA13 4LE
Proposal	One Gypsy Traveller pitch and associated works including, one mobile home, one touring caravan, one dayroom and amendments to the existing dayroom.
Applicant	Mr P & B McGinley
Town/Parish Council	HEYWOOD
Electoral Division	ETHANDUNE – Cllr. J. Wickham.
Grid Ref	386122 154091
Type of application	Full Planning
Case Officer	Steven Vellance

Reason for the application being considered by Committee:

The application has been called into committee at the request of Cllr Wickham to consider the scale of development, design, bulk height, general appearance, environmental/highway impacts and over-development of the site. The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions)

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact on the character and appearance of the area
- Highway safety
- Amenity

3. Site Description

The application site is an area of rectangular land being approximately 0.20 hectares in area and located within the open countryside, sited opposite numbers 5 and 6 Hawkeridge Road,

Heywood. The site currently has planning permission for one Gypsy pitch, one mobile home, one touring caravan, one day room, garage and a shed and stable building.

4. Planning History

W/07/02452/FUL	Siting of one mobile home, septic tank and hardstanding. 3 Year temporary permission. Permission 14.02.2008.
W/11/00196/FUL	Siting of one mobile home and hard standing. 3 Year temporary permission. Permission. 22.03.2011.
W/14/08114/FUL	Change of use of land to Gypsy pitch and keeping of horses, including 1 mobile home, 1 touring caravan, and retention of existing utility shed and stables. Permission. 20.10.2014
W/15/05230/FUL	Retention of existing access, laying of hardstanding, erection of dayroom and garage. Permission. 18.11.2015

5. The Proposal

The proposal retrospectively seeks planning permission for the addition of a second gypsy traveller pitch and associated works, one touring caravan, one day room and proposed amendments to the existing day room.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 47- Meeting the Needs of Gypsies and Travellers

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 61- Transport and Development

Emerging Development Plan Document:

The Gypsy and Traveller DPD (*A new Gypsy and Traveller Accommodation Assessment (GTAA) was published in December 2014 which informs the emerging plan*)

National Planning Policy Framework 2012 (NPPF):

Chapter 7- Requiring Good Design

Chapter 11- Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

7. Summary of consultation responses

Heywood Parish Council object to the application on the following grounds:

- Plans appear to include encroachment onto land at the brook.
- Inaccuracies in the written description.
- Day rooms show placed over existing mains sewer;
- Pitch is within 8 metres of the top of the bank of Bitham Brook;
- Each pitch to be strictly defined according to use
- No burning of waste

Wiltshire Council Public Protection – No objections

Environment Agency: No objections raised and comment on the flood risk at the site, such that there should be no placement of day rooms within flood zone 3. Request that suggested planning conditions are attached to the permission.

Following on from the above initial consultation response, the agency submitted further comments, such that they had become aware that a fence already installed at the top of the bank of the watercourse on site was creating bank erosion during times of high flow. The agency requested that a planning condition be attached to ensure that measures are taken to protect the bank from further erosion.

Subsequent recent dialogue with the Environment Agency confirmed that this is the current situation and that they maintain their “No objection” to the current application.

Wessex Water: No objection. Comment on the close proximity of the development in relation to existing sewers and recommend that the applicant contact Wessex Water.

Wiltshire Council Highways. No objection.

Wiltshire Council Spatial Plans. The Officer notes that the need for new traveller pitches has been met in the North and West Housing Market Area against the development plan requirement for 2016-21; and materially, against the requirement in the Gypsy and Traveller Accommodation Assessment for 2014-19. The Council cannot however demonstrate a five year supply of deliverable sites due to the absence of a DPD that allocates sites. The 2014 GTAA further notes the specific evidence established during the fieldwork. The key issue is whether the proposal complies with locational criteria expressed in WCS Core Policy 47.

8. Publicity

The application was advertised by neighbour letter and site notice. Two representations were received raising the following points:

- No drainage, mains sewer connection.
- Plan doesn't show total numbers of touring caravans or mobile caravans.
- No existing day room.
- Reference to local planning policy for the application.
- Highway safety.
- Day rooms in flood zone.
- Overdevelopment of the site.
- Amenity issues from the site.
- Clarification in the number of homes on the site.

9. Planning Considerations

9.1 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.

In this instance the adopted Wiltshire Core Strategy, including those policies of the former West Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area. In addition, the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Government's "Planning Policy for Traveller Sites" (PPTS: DCLG 2015) are material considerations which can be accorded substantial weight.

The Planning Policy for Traveller Sites provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council's Gypsy and Traveller Development Plan Document is still currently under preparation. This document will serve to allocate sites to meet the accommodation needs of travellers in Wiltshire, which will be evidenced in the emerging GTAA.

The Local Development Scheme envisages a consultation on the draft plan to commence in December 2017. The DPD has been delayed due to difficulties finding suitable and available land. This is summarised in reports to the Council's Cabinet Capital Asset Committee in 2015 and Environment Select Committee in 2016. Therefore at this stage no development plan document exists which allocates sites for travellers in Wiltshire. As such, the Council cannot demonstrate a five year supply of deliverable sites.

Nonetheless, the Council completed a new Gypsy and Traveller Accommodation Assessment (GTAA) in late 2014 which is published on the Council's website. The GTAA provides evidence on need for new pitches and showpeople plots for 2014-29; and forms part of the evidence supporting the emerging DPD. In terms of overall need, Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2016-21, 21 additional pitches are required. Council's monitoring data suggests that as of July 2017, this need has already been met through grant of permissions. This is due to an 'oversupply' from the previous five years. Consequently The Planning Policy for Traveller Sites in paragraph 11 is engaged which states that criteria based policies should guide proposals where there is no overall need, but where proposals nevertheless are submitted.

Core Policy 47 in the WCS provides locational criteria as follows:-

Criterion i) requires that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

The application site is an existing Gypsy and Traveller site, with the use going back to 2007. The site is in the main within the Flood Zone 2 area and partially within Flood Zone 3. The Environment Agency was initially consulted within the 2007 planning application and did not raise any objections, subject to planning conditions. The emphasis has always been to keep development away from the Flood Zone 3 area, which is located around the stream itself and planning conditions reflecting this have been requested to be applied by the agency. Wessex Water noted that the development is within close proximity to existing sewers and have asked the applicant to contact them within this respect. The applicant has resolved this by moving the caravans away from the area where the public sewer pipeline runs and has reduced the size of the day rooms to accommodate this. Revised plans to this effect have been received and which also show the day room and mobile home floor levels as being 45.56 metres above Ordnance Datum level, as requested by the Environment Agency.

Criterion ii) requires that the site is served by a safe and convenient vehicular and pedestrian access.

The existing access as approved under planning permission 14/08114/FUL would continue to be utilised. This is where the site access was then proposed to be relocated to the southern aspect of the site and whereby a high level hedgerow to the north would be reduced to aid highway visibility. Both measures have been implemented and the Highways Officer within the 2014 planning application did not raise objections. Within this current application the Highways Officer has not raised any objections and it is considered reasonable and necessary to re-apply the previous planning condition ensuring that the hedgerow is maintained in its cut-back stage in the interests of highway safety. It should also be noted that within Paragraph 32 of the NPPF, it is stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion iii) requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

As the use of the site already exists, it is proposed that the newly created pitch will continue to be served by the existing mains water, electricity and mains sewer, all of which are connected on site.

Criterion iv) requires that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

The highway officer is satisfied with the proposal and has not raised any objections. Each pitch would be able to provide adequate amenity space and parking provision.

Criterion v) states that a site is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The earlier planning approvals with this site confirms that its locality is sustainable in principle. The site is located in between Westbury and Trowbridge, whereby both towns provide for key services and facilities, including schools and medical facilities. Both towns can be reached by car within a short travel time and the B3097 Hawkeridge Road is served by a bus route.

Criteria vi), vii) and viii) relate to landscape and visual amenity, requiring that a site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings; where adequate levels of privacy should be provided for occupiers; and that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The site would not be extended and is located within an existing rectangular field bounded by a highway to the west, with predominantly high level boundary fencing existing on all other sides of the site. Sporadic high level vegetation exists around the north, east and southern aspects of the site.

In the interest of amenity, the current application proposes to raise the existing low level (light coloured) brick wall to the front of the site, by extending it to have brick piers up to 2 metres in height, with metal railings being placed in between. It is further proposed that a Laurel hedge is planted behind this wall to give privacy to the site and the reduction in size of the proposed day rooms will further enhance its visual amenities. The site does not have

any special landscape designation and the nearest dwellings of 5 and 6 Hawkeridge Road, are located approximately 24 metres opposite to the site. Such boundary proposals would ensure adequate privacy for the site's occupants and safeguard the visual amenities of the two dwellings opposite. The proposed mobile homes and day rooms are modest buildings of a form which have generally been accepted by Council on other traveller sites. It is understood that two new day rooms would be brought onto the site at a later date.

The subdivision of the site is proposed to provide two pitches in total for two families. The site is considered to be large enough to accommodate this proposal and would not introduce any unacceptable visual impact. It would therefore be unreasonable to refuse planning permission on this ground alone.

Criterion ix requires that a site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site does not fall within any recognised landscape designation nor an archaeological interest zone.

The Environment Agency has been involved with the site in the sense of investigating alleged works being carried out to the river bank. Through recent contact with the agency It has been confirmed that the matter was fully investigated and monitored, with the eventual outcome being that the matter was closed with no action being taken.

Status of the Applicant

The site is occupied by persons of a Gypsy/Traveller status, this has been confirmed by additional and confidential information from the planning agent and the Council has no evidence to contradict this.

As planning permission runs with the land and not the applicant, a condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a Gypsy/Traveller as set out in national policy. The proposal therefore accords with the Planning Policy for Traveller Sites in this respect.

10. Conclusion.

The proposal seeks permission for the creation of one additional pitch at the site, thereby creating two pitches in total, with each pitch housing one family. The applicant and occupiers are considered to meet the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the DPD has not been completed which is required to add detail to the interpretation and implementation of Core Policy 47 and identify specific sites to deliver the pitch requirements set out within the policy. As this has yet to be adopted, the proposal has been assessed against the criteria within Core Policy 47 and National Policy.

The principle of the development is considered acceptable and the site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts having been identified.

The proposal is therefore considered to be in accordance with both local and national Planning policies.

RECOMMENDATION: Planning permission be granted 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:

Drawing reference PBM16-SLP Site Location Plan registered on 12.01.2017

Drawing reference 16114/01 Site Survey registered on 12.01.2017

Drawing reference 16114/02B Proposed Site Layout received on 24.08.2017

Drawing reference 16114/03RPL Dayroom Plan and Elevations received on 24.08.2017

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

3 The site shall not be occupied by persons other than gypsies and travellers as defined in Annex 1 of DCLG Planning Policy for Gypsies and Travellers, August 2015.

REASON: This planning permission has been granted on the basis that the site is occupied by gypsies and travellers and it is therefore necessary to keep the site available to meet the need.

4 There shall be no more than two permanent pitches on the application site, including the existing pitch.

REASON: In the interests of clearly defining the extent of the permission

5 The location and siting of the mobile homes and day rooms hereby approved shall continue to be located outside of the flood zone 3 area at all times.

REASON: In order to prevent any increase in the risk of flooding.

6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: In order to minimise the risk of pollution of the water environment

8 Occupation and use of the Mobile homes and touring caravans hereby permitted shall be limited solely to and by close family members of the occupants of the application site. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

10 Within three months of the granting of planning permission, a scheme for the repair of existing water bank erosion and for the prevention of further erosion, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and timetable.

REASON: To protect the integrity of the main river, and prevent unnecessary flooding.

11 Within each of the two pitches, there shall be no more than one mobile home, one touring caravan and one day room, stationed on the site at any time.

REASON: In order for the local planning authority to retain control over the number of caravans on the site, in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

12 Within three months of the granting of planning permission, the applicant shall provide elevation details of the proposed raising of the brick piers and erection of metal railings, on the front wall of the site, as highlighted within plan reference 16114/02A. All works shall be carried in accordance with the approved details.

REASON: In the interests of amenity of the area.

13 INFORMATIVE: The applicant is advised that public sewers are shown on record plans within the land identified for the proposed development, whereby it appears that development proposals may affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

14 INFORMATIVE: The European otter has been recorded on the watercourse adjacent to the development site, the Bitham Brook. The Otter is 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). The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

Please see Natural England's website for further information on protected species:
[http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standi
ngadvice/faq.aspx](http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standi
ngadvice/faq.aspx)

15 INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

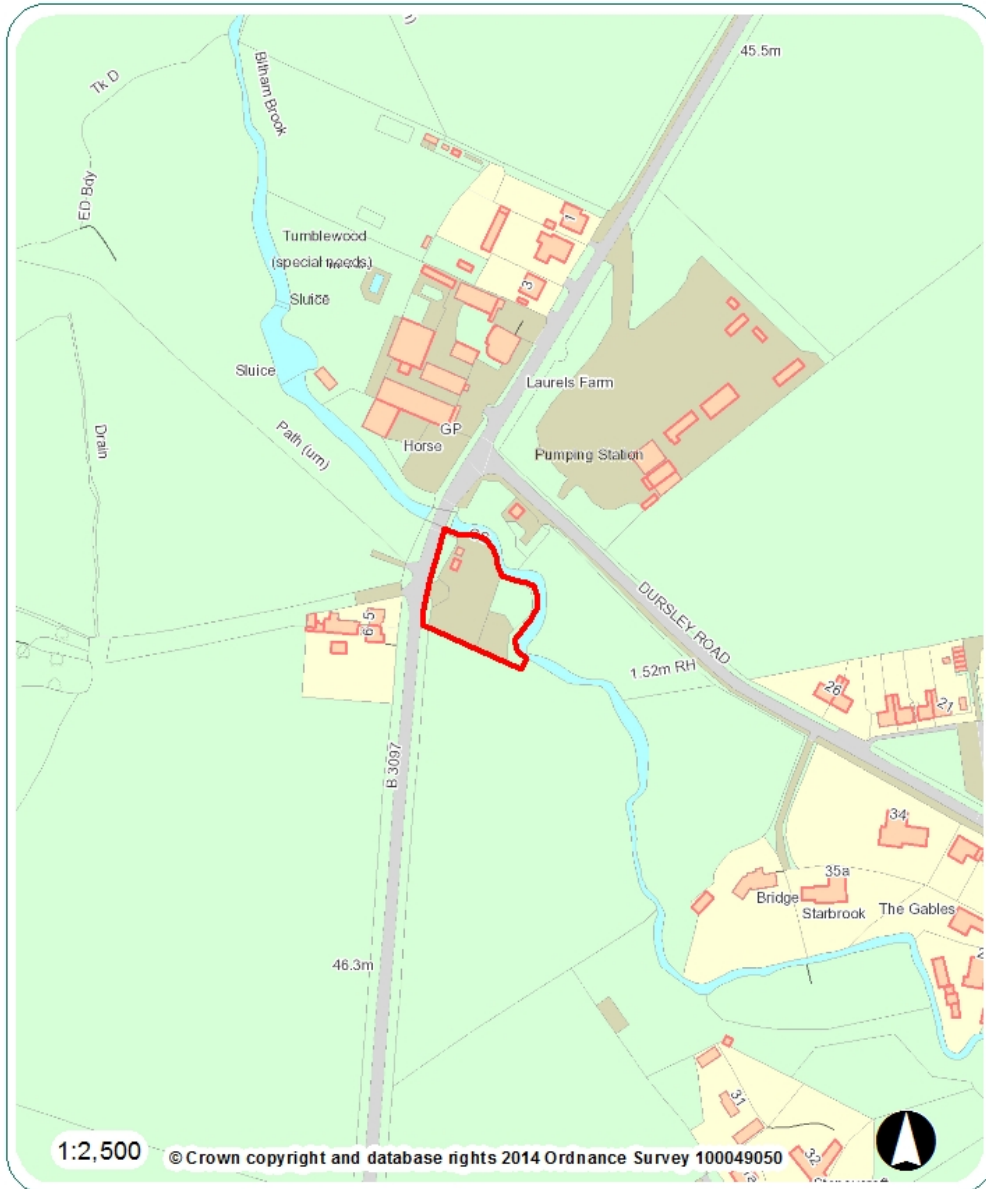
- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

16 INFORMATIVE: In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:

- " in, under, over or near a main river (including where the river is in a culvert)
- " on or near a flood defence on a main river
- " in the flood plain of a main river
- " on or near a sea defence

For further information and to check whether a permit is required please visit:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. For any further advice, please contact your local Environment Agency FRA Permitting Officer, daniel.griffin@environment-agency.gov.uk / yvonne.wiacek@environment-agency.gov.uk

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