

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 19 March 2014
Time: 6.00 pm

Please direct any enquiries on this Agenda to Samuel Bath, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718211 or email samuel.bath@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Russell Hawker	Cllr Pip Ridout
Cllr John Knight	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While (Vice Chairman)

Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Helen Osborn
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Dennis Drewett	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe
Cllr David Jenkins	

AGENDA

1 **Apologies for Absence**

To note any apologies for absence for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 14*)

To approve and sign the minutes of the last meeting held on 5 February 2014. (copy attached.)

3 **Chairman's Announcements**

To note any announcements through the Chairman.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 12 March 2014. Please contact the officer named on the front of this agenda for

further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications**

To consider and determine the following planning applications:

6a **13/06123/FUL - Lansdowne, Littleton, Semington** (*Pages 15 - 28*)

6b **14/00096/FUL - 145 Chantry Gardens, Southwick, Trowbridge, BA14 9QP** (*Pages 29 - 38*)

6c **13/04111/FUL - Land south of East View, Green Road, Codford, BA12 0NW** (*Pages 39 - 46*)

7 **Future Meeting Arrangements**

An item to discuss and agree future meeting arrangements for the Western Area Planning Committee.

8 **Urgent Items**

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

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 FEBRUARY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Ernie Clark, Cllr Andrew Davis, Cllr John Knight, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

1 Chairman's Announcements

There were no Chairman's Announcements.

The Democratic Services Officer gave details of the exits to be used in the event of an emergency.

2 Apologies for Absence

Apologies for absence were received from Cllr Russell Hawker, who was substituted by Cllr Terry Chivers.

3 Minutes of the Previous Meeting

The minutes of the meeting held 18 December 2013 were presented and it was;

Resolved:

To sign and approve minutes of the meeting held on 28 December 2013 as a true and accurate record.

4 Declarations of Interest

A number of members declared non pecuniary interests for items at the meeting. Including;

Cllr Ernie Clark stated that he was a member of Hilperton Parish Council, and had been in attendance when the application 13/02820/FUL had been discussed. Cllr Clark stated that he had not previously voted on the application.

Cllr Christopher Newbury stated that he had been in attendance when Warminster Town Council had discussed application 13/05406/FUL. Cllr Newbury stated that he would proceed to vote with an open mind.

Cllr John Knight stated that he had been in attendance when Trowbridge Development Committee had discussed application 13/06834/VAR. Cllr Knight stated that he would proceed to vote with an open mind.

Cllr Jonathon Seed declared a personal interest, stating that he knew the applicant for application 13/06834/VAR personally. Cllr Seed stated that he would contribute to the debate and approach the matter with an open mind.

5 **Public Participation and Councillors' Questions**

The Following Question had been submitted by Cllr Ernie Clark:

Q) There seems to be confusion between different departments at Wiltshire Council as to whether a 'material commencement' has been made on construction of the Hilperton Relief Road. In planning terms, has a 'material commencement' been made, and if so, on what date? If it has been made, by what date must any S.106 funds have been allocated/spent in order that the monies do not revert to the applicant? If a 'material commencement' has not been made it is presumed that a new planning application will have to be made as the earlier permission would now have expired?

The following response was made from The Area Development Manager (Central Area), and read out by the Chairman:

A) A material commencement was made on the construction of the Hilperton Relief Road in early December 2010. Highway contributions of £50,895 were received in relation to the requirements of the associated Section 106 agreement. Unless the terms of the agreement are modified by consent between the Council and the landowner, any monies that are unspent from this sum after the expiry of 5 years from commencement are required to be reimbursed to the developer. The five year period expires in early December 2015.

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

6 **Right of Way Items**

The following Rights of Way items were discussed:

7 **The Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order**

Public Participation

Mr Francis Morland spoke in objection to the order.

Mr Roger Evans spoke in support of the order.

The Definitive Map and Highways Records Team Leader, presented the report on the Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order, which recommended the Order be forwarded to the Secretary of State for Environment Food and Rural Affairs, to confirm the extinguishment of the existing Right of Way. It was stated that after extensive evaluation, it had been determined that the existing Right of Way was “not needed for use”.

Members were given the opportunity to ask technical questions of the application of which there were none. The Chairman then invited members of the public to speak (as detailed above).

The Committee then debated the application, noting in particular the impact that closure of the path would have on the users of both the football pitch and local walkers. Members also discussed the proposed diversion and the impact that this would have on users. It was agreed that the impact of the diversion would be minimal and as a result, at the end of the debate it was;

Resolved:

That the Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order, be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination, with the recommendation that the existing Rights of Way be extinguished.

8 Planning Applications

The Committee considered the following planning applications:

9 13/02820/FUL - 202a Devizes Road, Hilperton, Trowbridge, Wilts, BA14 7QR

Public Participation

No members of the public spoke on this application.

The Area Team Leader (ATL): Central Area, outlined the officers report which recommended the application be retrospectively approved. The ATL reviewed the site description and the relevant planning policy which included West Wiltshire District Plan 1st Alteration 2004, C19 – Alterations in Conservation Areas; C31a – Design; C38 – Nuisance. The ATL outlined the consultations that had taken place, which included an objection from Hilperton Parish Council, and no objection raised from Wiltshire Council’s Drainage Engineer. The main planning considerations were summarised as the impact of the development on

Drainage, and the impact of the development on neighbours and the immediate surroundings.

Members of the Committee were invited to ask technical questions of the ATL and Drainage Engineer. The Committee in particular, questioned the installation and location of drainage on the site, with concerns about the drainage of surface water, and the drainage of water into the sewer. The answers to these questions were not readily available.

Members of the public were then given the opportunity to address the committee (as detailed above).

The Committee then entered into debate on the application, which was primarily focussed on the drainage concerns as raised previously.

At the end of the debate it was;

Resolved:

To DEFER the application, in order to allow the Drainage Engineer to review the adequacy of the drainage installed on the site and liaise with Cllr Clark.

10 **13/06123/FUL - Lansdowne, Littleton, Semington**

Public Participation

Mr Tony Phillips spoke in support of the application.

Mr Brian Smith spoke in objection to the application on behalf of Semington Parish Council.

The Area Team Leader (ATL) outlined the Officers report which recommended the application be granted planning permission subject to conditions. The ATL outlined the site details and the proposal, which included 4 additional pitches and landscaping on the site. The ATL reviewed the relevant planning policy including: West Wiltshire District Plan 1st Alteration (2004) C1: Countryside Protection; C31a: Design; C38: Nuisance; and CF12: Gypsy Caravan Sites. Some weight was also given to the Emerging Wiltshire Core Strategy (eWCS) although the document was yet to be formalised by Wiltshire Council. The main considerations were said to be CP1: Settlement Strategy; and CP47: Meeting the needs of Gypsies and Travellers. The ATL also referenced the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). The ATL reviewed the previous planning history and referred to 2 recent planning appeal decisions which were allowed by the Planning Inspectorate.

Members were given an opportunity to ask technical questions of the application. These included questions surrounding access, highways usage and the impact on the surrounding area. Members were concerned about access to

the site via an unclassified single track road, and it's suitability for regular usage. Members were also concerned about pedestrian access to the site and neighbouring village given the proximity to the A350.

After the technical questions from the Committee, members of the public were given an opportunity to address the committee (as detailed above).

Cllr Seed as local member was given the opportunity to address the committee and highlighted his objection to the application. Cllr Seed cited the impact on the countryside, impact on the neighbouring towns and parish, impact on surrounding agricultural land, unsuitable vehicular access and inadequate pedestrian access as the main concerns with the application.

Members then entered debate on the application, with particular focus on the value of a site visit. The Committee also questioned a mismatch between CP47 and CF12, in particular; the balance of requirement versus need and whether this requirement was a minimum or maximum requirement. Members debated the suitability of access to the site and pedestrian safety, and at the end;

Resolved:

To DEFER the application, in order to allow for the Highways Officer to re-assess with a detailed response to concerns of the members regarding; the suitability of the access lane and its safety implications because of the increased number of users, the unauthorised access and use of it, the use of the unclassified road for pedestrian and vehicular access, and pedestrian access along the A350 into the village.

11 13/05142/FUL - Land to the Rear of 63 Shaw Hill, Shaw, Wiltshire

Public Participation

Mr Nathan Hall spoke in objection to the application.

Mrs McNeilage spoke in objection to the application.

Dr John Brennan spoke in objection to the application.

Mr Mark Hallett spoke in support of the application.

Mr Adam Nardell spoke in objection to the application on behalf of Melksham-Without Parish Council.

The Senior Planning Officer (SPO) outlined the officer's report which recommended the application for approval. The SPO outlined the site description and the proposed development, focussing on the location of the development in relation to the surrounding countryside and neighbouring properties. The SPO also outlined the applicants plan to widen the access lane to improve both vehicular and pedestrian access along the lane. The relevant planning policy was outlined as being: the National Planning Policy Framework (2012) and West Wiltshire District Plan 1st Alteration 2004 - :C1 Open Countryside; H17 Development within Village Policy Limits; T12 Footpaths and bridleways; C31a Design; and C38 Nuisance. The main planning considerations

were summarised as being: impact on the highway, impact on the open countryside, impact on the public right of way, design considerations and impact on neighbouring amenity.

Members of the committee were given the opportunity to ask technical questions of the application. Member's questions focussed on the agreed amendment to the lane and the intrusion of the construction on the open countryside. This was confirmed as impacting 12m² of the land deemed to be open countryside.

Members of the public were given the opportunity to address the committee (as detailed above).

Cllr Chivers as local member was given the opportunity to address the committee, and objected to the application for the following reasons: scale of the development; visual impact; relationship to adjacent property; design and the environmental/highway impact. Cllr Chivers supported the Parish Council in their objection, stating that the lanes access onto the main carriageway was unsuitable and dangerous, citing a recent accident.

The Committee then debated the application, focussing on the impact of the development on open countryside and the impact of the proposed changes to access and safety of road users. Members debated the benefit of a site visit, and after discussion, a proposal to refuse the application was defeated. After further discussion the Committee;

Resolved:

To APPROVE the application subject to the following conditions:

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

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

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

Block Plan and Street Scene A21 dated 7/10/2013, Block Plan and Street Scene A01 dated 7/10/2013, Elevations proposed dwelling A24 dated 7/10/2013, Elevations refurbished No.63 A23, Dated 7/10/2013, Garage floor plans, Planting Scheme proposed A26 dated 7/10/2013, Proposed Floor Plans A22 dated 7/10/2013, Proposed Materials A27 7/10/2013, Road Layout Plan Detail A dated 7/10/2013, Road Layout

Plan Proposed dated 23/10/2013, Road Layout Plan Detail dated 7/10/2013.

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

- 3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development.

- 4. 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.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within their curtilage.**

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 enlargements.

- 6. Prior to the commencement of development details shall be submitted to and approved by the Local Planning Authority for the provision within the curtilage of No.63 Shaw Hill for the parking and turning of three vehicles; (please note a garage is not considered to be a car**

parking space). The parking and turning shall thereafter be carried out in accordance with the approved details.

REASON: To ensure sufficient off road parking is provided.

7. No development shall commence on site until details of the stopping up of all existing accesses for No.61A Shaw Hill, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interest of highways safety.

8. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces for No.61A Shaw Hill and the proposed dwelling have been completed in accordance with the details shown on the approved plan reference Road Layout Plan Detail dated 7/10/2013 and Block Plan and Street Scene A21 dated 7/10/2013. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interest of highways safety.

9. The alterations proposed for No.63 Shaw Hill shall not commence until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highways safety.

10. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), 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 until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that sufficient surface water drainage is provided on site.

11.No development shall commence on site until the widening of the access road to 5.8m has been constructed in accordance with the Road Layout Plan dated 7/10/2013.

REASON: In the interests of highway safety.

NB

Cllr Chivers vote against the application has been publicly recorded

12 **13/04201/FUL - Ellbridge Farm, Lower South Wraxall, Bradford On Avon, Wiltshire, BA15 2RR**

Public Participation

Mr Adam Tucker spoke in support of the application.

Mr David Ingram spoke in support of the application.

The Area Team Leader (ATL) outlined the report which recommended the application for refusal. The ATL stated that the application was for retrospective permission for a wooden structure on agricultural land. The ATL outlined the site description and proposals, and focussed on the relevant planning policy. This was said to be: National Planning Policy Framework (NPPF) and West Wiltshire District Plan First Alteration 2004 H19: Development in the Open Countryside. The ADM focussed on the agricultural consultants report which recommended that the business model did not support a viable prosperous and sustainable business.

Members were given the opportunity to ask technical questions of the application, and particular focus was given to the sustainability of the business given the lack of a viable business model and failure to provide additional supporting documentation to the agricultural consultant. Members also questioned the nature of the Parish Councils objection as it was mentioned that the objection was a result of a bureaucratic requirement to indicate a comment on the consultative document.

Members of the public were given an opportunity to address the Committee (as detailed above). Cllr Carbin had called the item to committee as he believed that the business supported the local economy, and was given the chance to address the committee as the local member.

After receiving comments from the public, the Committee debated the applications merit, focussing on the business' viability and contribution to the local economy. The Committee also questioned the agricultural consultant's report stating that it appeared to contradict itself. The Committee noted that the site required an occupant to manage the land, but did not agree with the consultant comments regarding the current occupants attempt to start a

business located on the site. The Committee were sympathetic with attempts to support the local economy and following debate, the Committee;

Resolved:

To APPROVE the application subject to the following conditions:

1. The occupation of the timber chalet hereby permitted shall only be by the applicant (Mr. Adam Tucker) and his resident dependants, whilst he is solely or mainly working in the locality in agriculture or in forestry. When the timber chalet ceases to be occupied by the applicant; or, he is no longer solely or mainly employed in agriculture in the locality; or, at the end of three years from the date of this permission, whichever event occurs first, the residential use hereby permitted shall cease and the timber chalet and other structures, vehicles, materials and equipment brought on to the land or works undertaken to it in connection with the use, shall be removed and the site restored to its condition before the development took place.

REASON: Permission would not normally be granted for this development because the site is in an area where residential development is not normally permitted unless there is a proven essential need for agricultural or forestry purposes; and to allow the local planning authority to review whether such a need has been established at the end of the limited period specified.

2. Within six months of the date of this permission, the accesses to the site shall have been built in accordance with the approved access plan PL3072/2A, dated 5th July 2013.

REASON: To ensure that there is satisfactory access to the development, in the interests of highway safety.

3. The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s):

**Location Plan Drawing No. PL3072/1, received 5th July 2013
Plans and Elevations Drawing No. PL3072/3, received 5th July 2013**

REASON: In order to define the terms of this permission.

13 **13/05406/FUL - 2 The Downlands, Warminster, Wilts, BA12 0BD**

Public Participation

Mr Mark Thornton spoke in objection to the application.

Mr Richard Wardell-Yerburgh spoke in objection to the application.

Mr Tony Greenouff spoke in objection to the application.
Mr Mike Turner spoke in support of the application.
Dr Michael Turner spoke in support of the application.

The Area Team Leader (ATL) outlined the officers report which recommended the application be granted with conditions. The ATL addressed a late item that had been received which was a notification of incorrect details within the officers report. The ATL made a verbal amendment to the report in section 9.2 (amending the distances stated 36m to 17m and 37m to 18m). The ADM then reviewed the design and layout of the proposals, and detailed the site description. The relevant planning policy was clarified as being the West Wiltshire District Plan 1st Alteration (2004): C31a Design and C38 Nuisance. The ATL outlined amendments that had been made to the plans in order to reduce the impact of overlooking on a neighbouring property.

The Committee were then given the opportunity to ask technical questions of the application, which included clarifying the measurements stated on the officer's report, and the possibility of permitted development rights should the application be refused.

Members of the public were given an opportunity to address the committee as detailed above, and local member Cllr Newbury was also given an opportunity to address the Committee. Cllr Newbury stated that there was a disparity between the Neighbours and the Planning department regarding the potential impact of overlooking.

After receiving submissions from the public, the Committee entered into debate, and focussed on the possibility of a site visit to overcome the conflicting opinions regarding overlooking. Members discussed the site as a possible example of overdevelopment and considered the previous planning application history as an indicator. Members also discussed the positioning of windows on the proposed development and considered the possibility of obscured glazing conditions.

At the end of the debate it was;

Resolved:

To REFUSE permission for the development for the following reasons:

- 1. The proposed two storey pool building by reason of its height, size and scale in this location would represent overdevelopment of the site and would be out of keeping of the area contrary to Policy C31a of the West Wiltshire District Plan (1st Alteration 2004).**
- 2. The proposed two storey pool building by reason of its height, size, scale and proposed roof lights would have an overbearing and unacceptable impact on the amenities of the neighbouring**

properties contrary to Policy C38 of the West Wiltshire District Plan (1st Alteration 2004).

14 13/06834/VAR - Land to the Rear of 90, 88a and 88b Dursley Road, Trowbridge, Wiltshire

Public Participation

Mr Geoffrey Taylor spoke in support of the application.

Mr Brian Toogood spoke in support of the application.

The Senior Planning Officer (SPO) outlined the officer's report which recommended the application for retrospective approval subject to conditions. The SPO outlined the site plans and proposals and discussed the consultations with various agencies. The SPO discussed the relevant planning policy, mainly the West Wiltshire District Plan 1st Alteration 2004 C31a Design, C38 Nuisance and H1 Further Housing Development within Towns. The SPO noted there had been no objections received from highways with regard to the impact on traffic as a result of the development. The SPO detailed the planning history on the site and noted the extent of applications that had previously been approved and then deviated from, resulting the retrospective permission being sought. It was noted that as a result of the deviation from the existing permission, there had been no substantial impact on any existing planning policy.

Members of the Committee were given the opportunity to ask technical questions of the application. These focussed on the level change from the approved original plan, and the retrospective application presented to the Committee.

Members of the Public were given the opportunity to address the Committee, and Cllr Chivers spoke on behalf of Cllr Payne as the local member. The main concerns were noted as being an increase in the size of the development by 11.8% beyond the reasonable size of the plot and position relative to other houses. It's significant detriment to the amenity of neighbouring properties and the visual impact upon the surrounding area as a result of the scale of the development.

Members then entered into a debate, focussing on the impact on the residential amenity, neighbouring properties and the surrounding area.

At the end of the debate it was:

Resolved;

To APPROVE the application subject to the following conditions:

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

2013-16: 01A, 02A, 03A, 04 received by the Local Planning on 31st December 2013

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

- 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated in the application form received by the Local Planning Authority on 8th April 2013 for application W/13/00618/FUL unless otherwise agreed in writing by the Local Planning Authority.**

REASON: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004

- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of 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 enlargements having regard to Saved Policy C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004

- 4. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on drawing number 2013-16 03A received on 31/12/13 unless otherwise agreed in writing by the local planning authority. The parking and turning areas shall be maintained for those purposes only at all times.**

REASON: In the interests of highway safety having regard to advice in the National Planning Policy Framework and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy.

15 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	5 February 2014
Application Number	13/06123/FUL
Site Address	Lansdowne Littleton Semington
Proposal	Retention of existing gypsy and traveller site and change of use of agricultural land to create 4 additional pitches with associated ancillary development
Applicant	Mr Felix Rooney
Town/Parish Council	SEMINGTON
Grid Ref	390584 160131
Type of application	Full Planning
Case Officer	James Taylor

Background

This application was deferred at the meeting of this planning committee on February 5th 2014 at the request of members to allow for the Council's highway officer to provide a detailed response to concerns of the members regarding;

- i) the suitability of the access lane and its safety implications because of the increased number of users,
- ii) the unauthorised access and use of it;
- iii) the use of the unclassified road for pedestrian and vehicular access, and
- iv) pedestrian access along the A350 into the village.

Additional considerations:

In response to the comments and debate at the 5 February 2014 committee meeting the agent has submitted a further plan (reference: TP 03 revision D) detailing:

- Further detail of the blocking up of the gap in the SW corner of the site (the 'unauthorised access');
- Revised hard standing detail so the internal access road, turning and parking stops short of the SW corner of the site;
- Provision of 2 passing bays along the unclassified single width access lane.

Highway officer's response to members and comments in light of additional considerations:

i) Suitability of the access lane - Currently the unclassified lane (Strangers Farm Lane) serves one dwelling, a farm and the existing traveller pitch. The proposal is for an additional 4 traveller pitches to be served by the access to the existing pitch which has good visibility onto the lane. I do not consider there will be a significant increase in vehicle movements resulting from the development, therefore I do not have concerns over the highway safety of the proposal.

Notwithstanding the above I understand the applicant/agent has offered to provide passing bays along the site frontage, one to the east of the existing access and one to the west. Vehicles from the site will be coming from and going to the east. In the event that two vehicles were to meet on this part of the lane, between the junction of the A361 and the

access into the site, it would allow them to easily pass each other or for a vehicle to pass pedestrians using this part of the lane. The proposed passing bay to the west of the access would be enjoyed by those accessing the lane further to the west/southwest of the site.

ii) The unauthorised access is a matter for the area highway office to address and I have made my colleagues aware of this matter. You have advised the applicants intend to close this access off/restore it to previous.

iii) and iv) With reference to pedestrian access on the A361 and A350, I refer to the appeal decision for the Littleton Stables site, specifically paragraph 6:

“The appeal site is close to the main road network, with an access onto the A361 just east of a roundabout junction with the A350, which gives rapid links to a good range of services and facilities at Melksham and Trowbridge. The village of Semington where there is a primary school is less than a kilometre away. It is possible to walk from the appeal site by public footpath over fields to the village and to regular bus services to the main towns. Even so, realistically, most journeys would be by car. However dependence on a car in rural areas is not unusual. It was common ground that the site is in a sustainable location and would meet the sustainability criteria set out in paragraph 11 of the PPTS. It is also reasonably close to Semington and would satisfy the requirement in paragraph 23 of the PPTS that gypsy sites should not be away from existing settlements.”

Comments to drawing TP 03 revision D:

“I can confirm that, with regards to the planning application, revision D is acceptable to me and the following conditions (or similar as you see fit) should be attached to any planning permission granted:-

Within one month of the date of this decision details of the stopping up of the unauthorised access shall have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within two months of the date of this decision, at which time the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

Within one month of the date of this decision details of the passing/waiting bay(s) shall have been submitted to and approved in writing by the Local Planning Authority. Within two months of the date of this decision the passing/waiting bay(s) shown on the plans hereby approved shall have been formed in accordance with the approved details. The passing/waiting bay(s) shall at all times thereafter be kept clear of obstructions and available for passing/parking of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

With regards to the reinstatement of the verge I will notify my colleagues in the local highways team that it is back to them and the highways enforcement team may have to get involved in this.”

Planning Officers’ comments:

1. Highway matters: Members concerns have been addressed by both the applicant and the highway officer in their comments. It is clear from these that there are no highway reasons that could be sustained for refusing this application. It is worth noting that even where highway objections have previously been raised by officers in relation to traveller sites

on the grounds of visibility, poor access and sustainability, they have not been supported at appeal by Inspectors. In this case, where no such objections are raised by officers, there are simply no justifiable highway objections to the scheme. Appropriate amendments and supplements to the suggested conditions to properly secure the highway betterments being offered by the applicant are recommended as planning conditions.

2. Wiltshire Core Strategy: Members will recall the criticism the Planning Inspector examining the Core Strategy made of the Council's evidence base for its assessment of need and of the lack of compliance with National Planning Policy Guidance (set out in 9.3 of the original report below). As a result, the Council has put forward amendments in relation to Core Policy 47 relating to gypsy and Traveller sites. These amendments include accepting that the current evidence demonstrates that there is not currently a five year supply of traveller sites in any part of the county and agreeing that the Council will apply the criteria-based policy in CP47 positively where a proposed location complies with the criteria.

The effect of these changes is that the Council is admitting that it has no 5 year land supply for gypsy and traveller sites. In these circumstances, the national guidance states that permission should be granted unless there any adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion: Officers have examined the reasons for deferral requested by members and the evidence put forward, with the additional passing bays, confirms that there are no highway grounds for refusing the application. The application complies with the criteria put forward in the Development Plan and those in the emerging core Strategy. Since the meeting in February, the Council's response to the Core Strategy Inspector on 28th February has confirmed that there is no 5 year land supply of sites for gypsies and traveller in this part of Wiltshire, or any other part. The Council has also committed to apply the criteria based policies in the Core Strategy positively.

This application meets the criteria and there are no planning grounds that can be sustained for refusal. The previous approvals on appeal of the other two adjacent sites confirm this.

Accordingly, the application is recommended for approval.

The original report is attached below. Section 9.3 needs to be read in light of the more recent developments in the Core Strategy set out above. The proposed conditions have been updated to take account of the amended plans.

Reason for the application being considered by Committee

This application has been called in by Cllr Seed, the Division Member for the following reasons:

- Scale of development;
- Visual impact upon the surrounding area;
- Relationship to adjoining properties;
- Design – bulk, height, general appearance;
- Sustainability; and
- Overdevelopment of the site

1. Purpose of Report

To recommend that planning permission be granted subject to conditions.

2. Report Summary

Semington Parish Council objects to the proposal and 5 letters of objection have been received.

3. Site Description

The application site measures approximately 1 hectare and is located to the south east of the A350/A361 junction. It is partially an approved traveller site to the eastern end, with the remainder of the site being relatively flat agricultural land. There are established landscaped boundaries to the site which have recently been supplemented with unauthorised bunding. There have also been unauthorised encroachments of the residential accommodation into the agricultural land with associated ancillary hard landscaping works. There are provisional works to create a new access in the SW corner of the site over a highway verge.

The site is located outside of any village, with the nearest settlement being Semington to the west. There are a number of public rights of way in the vicinity; in particular 2 in close proximity to the south. The access road is unclassified but leads onto the primary road network of the A361.

4. Planning History

02/01145/FUL - Two gypsy mobile homes and day room as a single family unit – Permission on 19.12.2002

07/01107/FUL - Change of materials to day room as part of single family unit – Permission on 12.07.2007

08/01952/FUL - Extension to gypsy accommodation – Permission on 12.09.2008

W/10/01736/FUL - Change section of agriculture area for domestic use to install a septic tank – Permission on 21.09.2010.

5. The Proposal

This application is a partly retrospective proposal for the creation of 4 new traveller 'pitches' on land immediately to the west of an existing lawful traveller site.

The existing 'pitch' has approval for occupation by a single traveller family, with 2 static caravans, 2 touring caravans and a dayroom. The site currently includes 3 mobile homes and the footings to a dayroom that includes a sitting room and a bedroom as per the planning approvals for the site. It is proposed to remove the existing caravans from the site retaining just the dayroom.

Of the 4 new pitches, the plans show that each would have a mobile home, a touring caravan and a dayroom; however only 2 of the potential 4 dayrooms are proposed at this time. The 2 proposed dayrooms would be single storey rendered structures with low profile concrete tile roofs. The footprint of the buildings would be 5 metres by 7 metres and contain a kitchen/seating area and a bathroom. Each site would have its own dedicated septic tank and hard standing for parking of at least 2 vehicles.

Access to the site would be via the established access to 'Lansdowne' which is onto a single width, unclassified, country lane that leads directly onto the A361 (some 120 metres away).

The proposals also detail the erection of a 4 metre thick, 1.5 metre high bund along the north and west boundaries that will be landscaped. Inside the bund a 1.8 metre high fence would be erected. The pitches would be divided by a 1.8 metre high fence. To the western end of the site, a communal children's play area and communal visitor parking facility is proposed. A service road would run on an

east/west axis along the southern side of the site adjacent to the existing hedgerow.

For the avoidance of any doubt, the application is partly retrospective as there has been the creation of a hard standing on the site including the service road base, the erection of fencing and the creation of bunding.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1: Countryside Protection; C31a: Design; C38: Nuisance; CF12: Gypsy Caravan Sites; U1a: Foul Water Disposal; U2: Surface Water Disposal.

Emerging Wiltshire Core Strategy (eWCS)

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP47: Meeting the needs of Gypsies and Travellers; CP51: Landscape; CP57: Ensuring high quality design and place-shaping; CP60: Sustainable Transport; CP61: Transport and development

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites (PPTS)

7. Consultations

Semington Parish Council: Objects - which may be summarised as follows:

- Impact on Character and Appearance of the Countryside
- Impact on the Parish from the increasing concentration of traveller pitches around Semington. The increase in mobile homes on the Lansdowne site should not be considered in isolation but in the context of the steady increase in traveller presence in the small area around the A350/361 roundabout.
- This is agricultural land and hence the need to strictly limit such development still applies.
- Represents overdevelopment in the area around the A350/361 roundabout.
- The new owners have created a second and unauthorised access from a tight corner on a very narrow public road for which there is a history of known access difficulties
- Road Safety is an issue in that foot access to local amenities (including school, post office and bus stops) requires crossing two very busy roads, i.e. the A350 (up to 20,000 cars per day) and the A361. In addition, there are no footpaths to the bus stops which are 200 metres away. There are a number of children from this site who have been registered with the local primary school.
- Application is confusing and contradictory

Wiltshire Council's Drainage: No objection. There are "no land drainage issues that require comment".

Environment Agency: No objection.

Wiltshire Council's Environmental health: No objection.

Wiltshire Council's Highways: No objection.

Wessex Water: No objection. The site lies within a non-sewered area.

8. Publicity

The application was advertised by neighbour notification letters and a site notice (which was displayed near the A361 junction). 5 objections were received which may be summarised as follows:

- Further increase in the establishment of an extended traveller community.
- Pedestrians including school children do not have pavements and will need to cross the A361 and A350 to get to school.
- Appears to be an unstated policy on the part of Wiltshire Council to allow traveller development at the A361/A350 junction with no regard to existing residents.
- Increased traffic on country lane a hazard.
- Second new vehicular access created in south west corner of site onto dangerous bend.
- Limited passing opportunities on the lane.
- There have been accidents on the lane which is dangerous.
- Plans still do not reflect the applicant's agent's statement that the new entrance will be closed off.
- Inadequate screening and landscaping with no proposals on the southern and south western boundaries.
- Storing and dumping of trade waste.
- Create access directly onto A361 instead akin to traveller site to the western side of the roundabout
- Concern that this is a commercial venture given a new sign erected renaming the site "Lansdowne Residential Park".
- Why can travellers reside outside of settlement boundaries

9. Planning Considerations

9.1 Principle of development.

Proposals need to be assessed against the local plan and then any other material considerations. The relevant local plan is policy CF12 which is permissive of such applications subject to detailed criteria. Furthermore the NPPF and PPTS are both supportive documents to such development subject to detailed considerations. In addition the emerging WCS Policy CP47 is also permissive subject to detailed criteria and requirements.

Clarification of the proposals: As existing there is planning permission for 2 mobile units, 2 touring caravans and a dayroom for occupation by a single family unit on land at the east end of the site. It is proposed to remove the mobile homes from this part of the site, leaving just the dayroom (as yet not completed beyond foundations) on the existing approved site. The partly retrospective proposals detail that 4 pitches would be created to the west all with a mobile unit and a touring unit: with 2 of the pitches having dayrooms. This would mean that the site would have five pitches in total, including a day room on the existing approved site.

9.2 Status of applicant.

The applicant and their family who are resident on the site meet the definition of a traveller as set out in national policy.

9.3 Existing level of provision and need for sites.

The site is within the North and West Wiltshire Housing Market Area (HMA) and the evidence that informed CP47 resulted in a requirement for a number of new traveller sites between 2011-2016. This requirement has been met and exceeded with planning

permissions already granted since 2011. However the Wiltshire Core Strategy Inspector has raised significant concerns about the robustness of the evidence base used by the Council in assessing the need, stating that the approach is undermined 'by the lack of clear and substantive evidence'. He is also critical of the failure of the CS to identify a supply of specific deliverable sites, noting that this does not achieve consistency with national policy.

In response, the Council has agreed to carry out a GTAA to inform a robust assessment of need. The Inspector has welcomed this and in his letter dated 23 December 2013 stated that the Council should 'also identify how, until the GTAA is complete, the Council will adopt a positive approach towards the gypsy and travelling community. In the interests of clarity, it may be necessary for the Council to acknowledge within the CS any absence of a requisite land supply until such time as the GTAA and the proposed DPD are completed'.

The Core Strategy Inspector's concerns about a lack of adequate supply has also been reflected in the two most recent appeal decisions in West Wiltshire concerning gypsy and traveller sites. In the appeal against the Littleton stables site opposite, determined in January, the Inspector confirmed '*that there must be considerable reservations as to the robustness of the current assessment. Significant weight should be given to these reservations*'. In another appeal at Dilton Marsh, also determined in January, the Inspector stated '*It seems apparent that, despite the Council's suggestion that the defined need for the area has been met by recent permanent planning permissions, there remains an unquantified need for further sites in the area at present*'

The PPTS details at paragraph 25 that where an up to date 5 year supply cannot be demonstrated, it constitutes a significant material consideration when considering the grant of temporary permissions. This is an application for permanent development and the lack of land supply and resultant need is a relevant material consideration that weighs in favour of allowing the application.

9.4 Availability of alternative accommodation for the applicants.

Whilst the Council does have its own sites, the Inspector noted at the Dilton Marsh appeal that there is a waiting list for the existing sites in the Council's area, and therefore there is no option to use these in place of the application site.

9.5 Other personal circumstances of the applicant.

The application is submitted by Mr F and Mr J Rooney. It is understood that the pitches would all be occupied by the wider family of the applicants. Within the family group there are known educational needs with 9 children identified as being of school age. A settled base will help these children receive education and it is understood that they are being registered at the local school. Furthermore the benefits of having a settled base are well established, also including access to medical facilities.

9.6 Impact on the local community.

This proposal does represent an increase in the level of traveller provision in the vicinity of this junction of the A361 and A350. There has been objection on the basis that this would be an overdevelopment in this part of the parish of Semington. However, whilst the proposal would increase the number of pitches in this immediate vicinity to 9, across Wiltshire there are a number of locations where a greater number of traveller pitches are located on one site and do not dominate the local community. However each case needs to be assessed on its own merits. The three sites at Semington are located outside of the village, are all self-contained, have a limited impact on the appearance of the area and would not of themselves or cumulatively dominate or cause any demonstrable harm to the settled community.

9.7 Criteria in Development Plan for Gypsy/Traveller Sites

Policy CF12 of the Local Plan sets out the criteria against which proposals for gypsy/traveller sites will be considered. Looking at these in turn:

Potential nuisance to adjoining land uses, particularly residential areas:

The proposals would not impact on the reasonable amenities of any existing residential units. There are no adjoining dwellings. Other traveller pitches and houses are more than 80 metres away and would not be affected.

Encroachment into open countryside/Impact on character and appearance of area:

The field is well contained, with hedgerows and now a bund on the A361 side. However the landscape is such that the site is not widely visible from distance views, and any limited impact would be solely to the immediate area. In addition the proposal includes works for the creation of a landscaped bund on the north and west boundaries to supplement the existing planting and screen views from the main roads.

The existing hedge on the southern boundary successfully screens the development site from public rights of way and the lane. A small section in the south west corner of the site has been opened up completely. From Google 'street view' it has been possible to establish that this corner was relatively open already but a post and wire fence and temporary fencing was blocking this area up. Additional planting at this point to mitigate any views from the lane and public rights of way into the site is necessary. This would be in the interests of preserving the rural amenity and landscape views. The applicant has provided a revised plan with a fence across this area. Final details can be secured by condition.

The operational development proposed on the site is low profile and no higher than 3 metres to ridge. It is therefore likely that the roofs of the day rooms and the caravans will not be widely visible and would not be significantly harmful to the landscape or rural scene at this point.

It is also noted that the site is bounded to the north and west by major A-roads and to the east by an established traveller site. On the southern boundary is a country lane. It is therefore considered to be an isolated agricultural field.

In summary, the impact on the rural scene and landscape would be negligible. It is worth noting that the Council has tried advancing arguments on landscape impact on both of the other existing traveller sites close to the A350/A361 junction. In each case, the Inspectors have dismissed these concerns, finding the sites not to be prominent, nor intruding significantly into the wider landscape.

Needs and safety of future occupants and their children

Whilst this is a material consideration, it is considered likely that children of primary school age would be unlikely (in many cases) to walk to school from this site. As an Inspector concluded recently on the Littleton Stables site opposite there is likely to be a reliance on the private car and this would address safety concerns. It is also a risk to be assessed by the applicants themselves as adults and responsible parents. In planning terms the site is considered to be safe subject to reasonable behaviour. The educational needs have been touched on earlier in this report.

Highway safety

Access to the site would be obtained via an established access which has reasonable visibility onto a single width, unclassified, country lane. Although passing spaces along this lane are limited it is circa 120 metres to the main road and before the junction onto the A361 there is an opportunity for cars to pass. The visibility onto the A361 is acceptable.

The proposals will increase traffic at this point however this will not be significant and any harm is substantially less than "severe". The NPPF details that only severe highway impacts should merit refusal on highway grounds.

Availability of Infrastructure

Infrastructure: There is water and electricity at the site and it is proposed to use non-mains for the foul disposal. This is all acceptable and neither Wessex Water nor the Environment Agency raise any issue.

Proximity of local services/sustainability

The site is located outside of any defined town or village policy limits. Local and national policy makes provision however for traveller development to be located in the countryside. It has to be acknowledged that the site has been deemed acceptable in sustainability terms within the original 2002 permission. Very recently a Planning Inspector approved a proposal to make the 'Littleton Stables' traveller site permanent. This is located directly opposite the site and has virtually identical sustainability and accessibility circumstances. The Inspector stated in that recent case that dependence on a car is not unusual in rural areas and that the sustainability criteria in paragraph 11 of the PPTS have been satisfied. Whilst each case is assessed on its own merits in light of this decision and the striking similarities on this issue then the site must be considered to be sustainable within the PPTS meaning. The Inspector at the site adjacent to Semington crematorium also reached similar conclusions.

Need to protect the best and most versatile agricultural land

The site is an isolated parcel of Grade 3 agricultural land and its use for the purpose proposed could not be defended on these grounds.

Potential flood risk

The application site lies within flood zone 1, the lowest probability of fluvial flood risk. No flood risk is posed to or from this proposal. Wiltshire Council's Drainage officers and the Environment Agency have raised no objection.

10. Conclusion

The Council cannot demonstrate a requisite land supply for traveller sites and has been urged by the Core Strategy inspector to acknowledge any current absence of such a requisite land supply. Even were this not the case, the Council is still obliged to consider applications against the criteria of its own development plan. In this case, the application satisfies the relevant criteria. As with the other two nearby sites granted on appeal, the proposed development is in a sustainable location, would cause little harm to the character and appearance of the countryside and would make a positive contribution to the supply of gypsy/traveller sites in this part of Wiltshire. Whilst the local objections have been noted and given very careful consideration, they cannot be sustained as reasons for refusal.

RECOMMENDATION

Grant planning permission subject to conditions.

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

TP-01 - Site location plan - received on 29 November 2013

TP-02 - Existing block plan - received on 29 November 2013

TP-03 Rev D - Proposed block plan - received on 27 February 2014

TP-04 - Day Room Drawings - received on 29 November 2013

TP-10 - Section A-A - received on 16 December 2013

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers Sites.

REASON: In order to define the terms of this permission.
- 3 There shall be no more than 5 pitches on the site (including the existing site as defined by planning permission W/10/01736/FUL) and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

REASON: In order to define the terms of this permission.
- 4 The day room approved under planning permission 08/01952/FUL shall be completed in accordance with the approved details and occupied as part of one of the five pitches hereby approved and in accordance with the terms of conditions 2 and 3.

REASON: For the avoidance of doubt and to define the terms of this permission.
- 5 No commercial activities shall take place on the land, including the storage of materials.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.
- 6 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the rural scene and character of the countryside.
- 7 The development hereby permitted shall cease to be occupied, all caravans, areas of hard standing and fences shall be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from any demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in below:
 - (i) Within 2 months of the date of this decision schemes for hard and soft

landscaping and foul and surface water drainage shall be submitted to the Local Planning Authority. The schemes are to include a timetable for their implementation;

(ii) The approved scheme has been carried out and completed in accordance with the approved timetable.

REASON: To ensure a satisfactory standard of development in the interests of the amenities of the area.

- 8 Pursuant to condition 7 and the landscaping scheme 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 Within one month of the date of this decision details of the passing/waiting bay(s) shall have been submitted to and approved in writing by the Local Planning Authority. Within two months of the date of this decision the passing/waiting bay(s) shown on the plans hereby approved shall have been formed in accordance with the approved details. The passing/ waiting bay(s) shall at all times thereafter be kept clear of obstructions and available for passing/parking of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

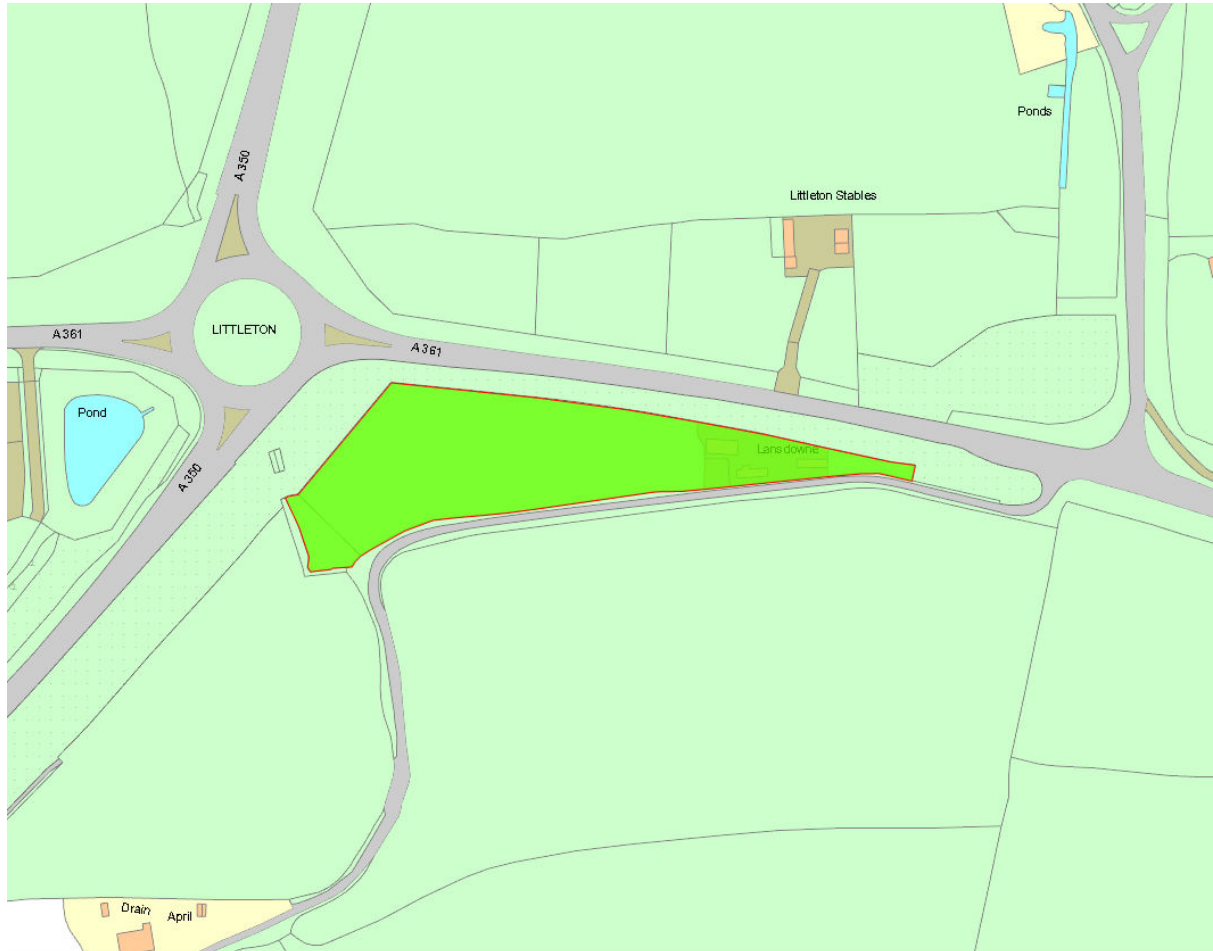
- 10 Within one month of the date of this decision details of the stopping up of the unauthorised access shall have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within two months of the date of this decision, at which time the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

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ITEM 6a – 13/06123/FUL

Landsdowne Littleton Semington



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	19 March 2014
Application Number	14/00096/FUL
Site Address	145 Chantry Gardens Southwick Trowbridge BA14 9QP
Proposal	Demolition of existing garage & erection of three bed detached dwelling in existing garden.
Applicant	Mr Roger Boor
Town/Parish Council	SOUTHWICK
Ward	SOUTHWICK
Grid Ref	383904 155457
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Horace Prickett has requested that this application is considered by Committee in the event that permission is recommended, for the following reasons:

- the scale of development,
- visual impact upon the surrounding area,
- relationship to adjoining properties,
- design (bulk, height, general appearance),
- highway impact and car parking.

1. Purpose of Report

To consider the above application and to recommend that planning permission is granted.

Advertising Responses - one neighbour objection was received.

Southwick Parish Council – objects on grounds of overdevelopment of the site and highway concerns.

2. Report Summary

This is essentially a revision to similar proposals refused under application reference W/12/01232/FUL. The key issue is therefore whether or not the reasons for refusal of

W/12/01232/FUL have been overcome. A further consideration is whether or not there have been any other changes to circumstances that warrant a re-visiting of that decision.

3. Site Description

The application site is part of the garden area of No. 145 Chantry Gardens, a double storey semi-detached property located on a corner plot at the intersection with Frome Road, Southwick. The garden space includes a garage, attached to the dwelling, which would be demolished as part of the proposed development.

The site is laid to lawn mixed with concrete paving and is enclosed by typical residential boundary features of hedging and fencing between brick pillars. The site is relatively flat.

To the south east there is a residential property. To the rear/south west is a dwelling and its associated rear garden area. Frome Road lies to the North West, and Chantry Gardens to the north east.

The application site lies within the village policy limits of Southwick.

4. Planning History

The parent property was the subject of a planning application Ref: 08/00222/FUL for the conversion and extension to the existing dwelling to form 4 one bedroom flats. Although initially refused, Permission was granted on Appeal on 11 November 2008, but was not implemented.

A subsequent application (W/12/01232/FUL) for the demolition of existing garage and the erection of detached dwelling was refused for the following reasons:-

1 The proposed development, because of its location, layout and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable reduction of private amenity space to the existing family house resulting in a cramped form of development harmful to the general amenity for occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

2 The proposed development, because of its location and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable loss of light and an overbearing presence to side facing windows, in particular that to "Bedroom 2" in the existing family dwelling harmful to the amenity of occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

3 The proposed development, because of its relationship with the existing dwelling, in particular the side facing window to "Bedroom 3" in the existing dwelling, would give rise to an unacceptable lack of privacy harmful to the general amenity for future occupants of the proposed property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

A further application for the demolition of the garage and the conversions of the existing dwelling into two 1 bed flats and extension to provide an additional 3 bed dwelling (W/12/02327/FUL) was withdrawn.

5. The Proposal

This is a full application for the erection of a detached 3-bedroom two-storey dwelling to replace an existing garage which is to be demolished. Alterations, largely to the interior, are also proposed to the existing dwelling on the site. The proposals revise those refused under application W/12/01232/FUL.

Two parking spaces for each of the existing and proposed dwellings are proposed on-site.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a Design; C38 Nuisance; H17 Village Policy Limits

National guidance

National Planning Policy Framework 2012

Technical Guidance to the National Planning Policy Framework

Emerging Core Strategy.

7. Consultations

Southwick Parish Council

Objects: "It is overdevelopment of the site. It is detrimental to the street scene. Access is dangerous and compromises highway safety. The proposed development is in close proximity to the junction with Frome Road. The proposed development is at the corner of the only entrance/exit in a cul-de-sac that comprises some 300 properties. Since 2008 a number of areas nearby have been subject to development e.g. Swan Court and The Mowlems and this has resulted in significantly increased traffic and increasing difficulty in entering Chantry Gardens. Street parking in the immediate vicinity of the proposed development is also a problem. Parking at the proposed development will mean vehicles having to reverse into a busy road thereby exacerbating the problem at this junction.

Wiltshire Fire and Rescue

Recommends a contribution in relation to fire and rescue services.

Wiltshire Council Ecologist

Demolition of garage would have a low risk for bats. No objection raised or conditions recommended.

Wessex Water

No comment, but did not object to previous application.

Wiltshire Council Highways Officer

Initial objection, but the officer discussed the matter with a second officer who had dealt with the previous application, and had raised no objections. The previous recommendation was based on Chantry Gardens not being a classified Road and that the junction, having a wide enough splay to allow good visibility for vehicles entering Chantry Gardens, would allow traffic to see any vehicles manoeuvring into or out of the proposed parking areas. Following these discussions the objection was withdrawn.

8. Publicity

One neighbour response was received. Objections are on the grounds of parking, traffic congestion, highway safety, visibility and drainage.

9. Planning Considerations

The proposal is being considered in the same Policy context as W/12/01232/FUL (i.e. The West Wiltshire District Plan, 1st Alteration 2004 and the National Planning Policy Framework). The emerging Core Strategy has progressed significantly, but has not been adopted. The Core Strategy nevertheless carried through the concept of settlement boundaries, with Southwick categorised as a “Large Village”. The principle of further development of the site has been established by virtue of the Appeal decision under planning reference 08/00222/FUL, which allowed for a total of four one bedroom flats under extended building on the site. The permission under the 08/00222/FUL application has lapsed but the history remains a planning consideration.

The revisions to the application from the previously refused proposals under reference W/12/01232/FUL are:

- The Blocking up of a window serving a 1st floor bedroom (“Bedroom 1”) in the existing dwelling, which previously faced directly onto the side elevation of the new dwelling at a separation distance of approximately 1m;
- The removal of an internal wall to make a single large bedroom out of two existing bedrooms, to enable an existing side facing window to serve the enlarged “Bedroom 1”;
- A change to the footprint of the proposed new dwelling, providing for a ground floor dining room with bedroom above to the southern elevation;
- Following discussions, a new design to the Chantry Gardens-facing frontage providing for fenestration that relates more closely to the existing dwelling on the site was provided; and
- An enlargement of the curtilage to the existing dwelling from that proposed in the previous scheme by approximately 14m² to provide for a total outdoor space of approximately 34m²

The revised proposals resolve the issue of the loss of amenity to the first floor bedroom in the existing dwelling by creating a single extended bedroom with a window not immediately obstructed by the new dwelling. The change would effectively also reduce the existing accommodation to two bedrooms plus a study at first floor level which, combined with the

additional outdoor space, would result in an amenity space of acceptable size. A rear extension to the proposed dwelling would in turn provide an effective screen to the garden space on the new property, allowing for privacy to the future occupants. It is considered that the amendments to the scheme overcome the previous reasons for refusal.

The Parish comments are noted, especially in respect of changed circumstances since 2008. It is acknowledged that the "Mowlems" development in particular will have increased overall traffic within the area. However, given the Appeal History and taking account of the advice from highways officers, it is considered that a highway safety/parking reason for refusal would not be sustainable. The four parking spaces would be on site, in positions no closer to the junction than the existing site access. There is an issue of vehicles reversing onto or off of the site, but highway officers are of the view that adequate visibility exists. Further, the refusal of W/12/01232/FUL did not include any highway/parking reason, and it would not therefore now be reasonable to introduce one where no changes to access or parking arrangements are proposed relative to that scheme.

Further, the Inspector's observations on the traffic/parking issues in the decision for 08/00222/FUL Appeal were as follows:

"Chantry Gardens is an unclassified residential road and therefore on-site turning heads are unnecessary for new vehicle accesses onto the highway. Moreover, vehicles manoeuvring in or out of parking spaces would be no closer to the junction than they are now. At the time of my visit, two cars were parked in close proximity to the appeal site, but a widened access would discourage casual parking near the junction because vehicles would no longer be likely to park in front of the spaces on the approach to the junction.

The scheme would probably give rise to only modest additional vehicle movements near the junction and the impact on safety would not be significant; it would not compromise the safe movement and free flow of traffic. In these circumstances, it cannot be a credible argument that the likely increase in traffic arising from the scheme would add significantly to congestion, inconvenience to existing households through increased on-road parking or displace parking further into Chantry Gardens, sufficient to materially harm residential amenity. I therefore intend to allow the appeal."

With regard to issues of design and the appearance in the street scene, the new building would be located along the same "building line" that is established on this side of Chantry Gardens. It would be set back relative to the "building line" of the existing dwellings to the south west facing onto Frome Road, on a footprint not significantly dissimilar to that of the flats extension permitted under the 08/00222/FUL appeal. The ridge height would match the existing dwelling and fenestration and finishes would accord with those in the vicinity. No new rear-facing windows to habitable rooms (only a bathroom window is proposed, which would be obscure glazed) would impact on the neighbouring properties to the south west, and therefore no new issues of privacy loss or unacceptable overshadowing would arise.

With regard to the contribution request from Wiltshire Fire and Rescue there is at this point no adopted policy that enables Council to require this.

In summary, the principle of additional residential development on the site has been established by virtue of previous permission granted on appeal, and prevailing policy also supports that principle. The design of the revised scheme has addressed the previous reasons for refusal,

and the changes would not introduce any new issues affecting the street scene or neighbouring properties. Highway officers have considered the parking and highway concerns raised by the Parish and the neighbouring objector, but have not objected.

10. Conclusion

In view of the above considerations Permission is recommended.

RECOMMENDATION

Permission is recommended subject to the following conditions.

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

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

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

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

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

REASON: In the interests of highway safety.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 5 Details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority before installation on the site. The development shall subsequently be carried out before occupation of the new dwelling in accordance with the approved details

REASON: In the interests of amenity

- 6 The first floor window serving the bathroom in the south west elevation to the new dwelling shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy

- 7 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

DWG 01 received on 06/01/2014; DWG 02 received on 06/01/2014;

DWG 10A received on 26/02/2014; DWG 11B received on 26/02/2014;

And DWG 12A received on 26/02/2014

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

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Item 6b - 14/00096/FUL: 145 Chantry Gardens, Southwick, Trowbridge



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	19 th March 2014
Application Number	13/04111/FUL
Site Address	Land south of East View Green Road Codford BA12 0NW
Proposal	Erection of a stable with a store
Applicant	Mr S Rogers
Town/Parish Council	CODFORD
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	396618 140292
Type of application	Full Planning
Case Officer	Steve Vellance

Reason for the application being considered by Committee :

Cllr C. Newbury has requested that this application be submitted to Committee for consideration of the scale of the development, visual impact on the surrounding area, the relationship to neighbouring properties, and to examine the relationship of the proposal to adjoining properties. The committee is further requested to consider whether the application complies with development plan policy regarding the scale of the proposal within an AoNB.

1. Purpose of Report

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

Neighbourhood Responses: One letter of objection received.

Parish Council Response: Object to the application on the grounds that the size of the proposal is too large for conventional use and that the proposal is in conflict with the development criteria of its AoNB location.

2. Report Summary

The main issues to consider are:

- Principle of the development,
- Design issues and impact upon the neighbouring amenity,
- Impact on the surrounding AoNB

3. Site Description

The application site is a 0.4 hectare area of agricultural land, accessed off Green Lane, in Codford, Wiltshire. There are no structures or buildings within the red lined site, although there are other small equestrian buildings nearby. There is a mature trees within the field,

but the site of the new building is outside of the canopy of this tree.

To the north and south of the site lie some residential properties, whilst to the east and west the area is predominantly open countryside.

4. Relevant Planning History

None.

5. The Proposal

The proposal is for the erection of a wooden stable and store. It would be located approximately within the centre of the site, to the north of the existing gated access and the nearby mature tree. The site is currently occupied by a dismantled building that appears to have formerly stood on the site.

The proposed stable would measure 8.8 metres (length) by 6.1 metres (width) with a pitched roof height of 4.2 metres. It would contain two stables and one store and would have 7 solar panels on the roof.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside; C31a Design; C38 Nuisance; E10 Equestrian

National Planning Policy Framework (NPPF)

7. Consultations

Codford Parish Council objects to the proposal on grounds that:-

- Size of the proposal is too large for conventional use.
- Proposal is in conflict with development criteria of its AoNB location.

Wiltshire Council Highways:

No objections.

Wiltshire Council Environmental Protection:

No objections raised and request that planning conditions relating to horse manure storage and removal are attached.

Cranborne Chase AoNB Landscape Advisor:

No objections or adverse comments raised with regard to the stables' impact on the surrounding AoNB land; comments were offered on the following aspects:

- 0.4 hectare size of the field is not unusual.
- Design matters of the stable.
- Effectiveness and connection of the PV panels.

8. Publicity

The application was advertised by way of site notice and letters to neighbours.

One neighbour email/letter of objection was received raising the following points:

- Concerns in relation to the design aspects of the stable,
- Size of field excessive for two horses.
- Welfare issues such as manure storage/disposal and water connection.
- Concerns over the proposed solar panels.
- Disagrees with replies in the planning application form.

9. Planning Considerations

The proposal is to provide shelter for up to two horses for recreational use, with no commercial intent.

Policy E10 relates to equestrian facilities/changes of use and is of relevance as it states in part that any proposal for stables should be sympathetically sited, so as to take into account the surroundings. In this instance, the stables would be sited fairly closely to the entrance which has some natural screening, as well as being close to the large sized mature tree located within the field. The combined effect of this natural growth is that it would offer a good level of natural screening and whilst the stables would still be visible, there would be a good level of visual mitigation. Similarly, the Cranborne Chase AoNB Officer has not raised any objections with regard to the impact of the stables on the surrounding AoNB countryside.

Policy E10 further advises that any stable proposal should not have any highway implications. The stable would be accessed off Green Lane and would utilise an existing access. The Highways Officer has not raised any objections and so this aspect is considered to be satisfactory.

The issue of neighbour amenity is an important consideration and the proposal would be sited approximately 60 to 70 metres away from the nearest residential dwelling/s to the north and south. The Environmental Protection Team of the Council have been consulted on this application and no objections raised, subject to the application of planning conditions relating to the proper management of manure waste. These conditions have been applied and it is considered that with their implementation combined with the quoted distances to the dwellings, there would not be any material harm to neighbouring amenity. This is considered to meet the requirements of Policy C38 of the District Plan, which aims to protect neighbour amenity.

Policy C31a of the District Plan states that proposals amongst other aspects will be required to respect proportion, composition, form, massing and scale. The proposed stables are approximately in accordance with stable sizing as recommended by The British Horse Society, which quotes a stable size of 12ft by 12ft per horse. Therefore taking into account the fact that there would be two horses housed within the stable, together with the store room, the proposed size is considered to be wholly acceptable in this location and setting; as is the choice of natural timber finish with clay tiles on the roof.

Other Matters.

Revised plans have corrected the slight error in relation to the type of doors to be utilised for

the scheme, all three sets of doors would be double opening and the suggested “overhang” to the front aspect by the doors has been incorporated as a design feature.

A water pipe was previously present on site for the land’s previous use and there is also a main water pipe within Green Lane, which could be accessed and utilised if required.

With regard to the proposed photovoltaic panels which would be secured to the roof of the stable building, the applicant has consulted both an energy supplier and a company specialising in the fitting of PV panels. Consequently it has been confirmed that the proposed location is acceptable and that their siting would make it achievable to connect them to services which run along Green Lane.

10. Conclusion

The primary consideration in determining a planning application is the Development Plan, whereby in this case the relevant saved policies are C31a, C38 and E10. Taking the above into full account, the application is not considered contrary to these policies as it does not cause any significant harm that would justify a refusal of planning permission.

RECOMMENDATION

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

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

- 3 No horse manure or any other materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area.

- 4 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

5. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

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

Drawing reference P-01 B received on 03 February 2013
Drawing reference P-02 received on 11 September 2013

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

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Item 6c - 13/04111/FUL: Land south of East View, Green Road, Codford



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