

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 18 June 2014
Time: 10.30 am

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@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

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	18 June	0930	Council Chamber

Membership:

Cllr Glenis Ansell	Cllr Bill Moss
Cllr Terry Chivers	Cllr Christopher Newbury
Cllr Andrew Davis (Chairman)	Cllr Anthony Trotman (Vice Chairman)
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr David Jenkins	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Bill Douglas	Cllr James Sheppard
Cllr Mary Douglas	Cllr Nick Watts
Cllr Dennis Drewett	Cllr Ian West
Cllr George Jeans	Cllr Jerry Wickham
Cllr Howard Marshall	

PART I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To consider the minutes of the meeting held on **14 May 2014**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation 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 10.20am on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 11 June 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 **14/01798/VAR: Land South of Four Winds, 81 Yarnbrook Road, West Ashton** (*Pages 13 - 26*)

7 **N/13/05525/FUL: The Paddock, Hook, Wiltshire, SN4 8EA** (*Pages 27 - 40*)

8 **Date of the Next Meeting**

To confirm the date of the next meeting as 16 July 2014.

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

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 14 MAY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Anthony Trotman (Vice Chairman), Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Trevor Carbin, Cllr Toby Sturgis and Cllr Roy While

40 Membership Changes

The following changes to the membership of the Committee following the meeting Full Council on 13 May 2014 was noted:

The following Members were removed as full members of the Committee:

Cllr Jose Green
Cllr Nick Watts

The following Members were removed as substitutes of the Committee:

Cllr Trevor Carbin
Cllr Russell Hawker
Cllr Gordon King
Cllr Phillip Whalley
Cllr Stewart Dobson

The following Members were added as full members of the Committee:

Cllr David Jenkins
Cllr Stewart Dobson

The following Members were added as substitutes of the Committee:

Cllr Bill Douglas
Cllr James Sheppard
Cllr Nick Watts
Cllr Jerry Wickham

41 Apologies for Absence

Apologies were received from Councillors Christopher Newbury and Bill Moss.

42 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 April 2014 were presented for consideration and it was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

43 **Declarations of Interest**

There were no declarations.

44 **Chairman's Announcements**

There were no announcements.

45 **Public Participation and Councillors' Questions**

There were no questions or statements received.

46 **14/00726/FUL - Cooper Avon Tyres Sports & Social Club, Melksham House, 27 Market Place, Melksham, SN12 6ES - Demolition of Modern Extensions to Melksham House, Removal of Existing Swimming Pool, Internal Alterations and Extensions to Melksham House to provide a New Community Campus including Leisure Facilities (2 Swimming Pools, Sports Hall, Fitness Suite, Activity Studio, Indoor Bowls, Climbing Wall) Public Services (Library, Multipurpose Rooms, Offices, Cafe) Health Facility and Associated Car Parking and Landscaping**

Public Participation

Mr Marvyn Davies spoke in objection to the application

Mr Steven Hulbert spoke in objection to the application.

Mr George Roberts spoke in support of the application.

Mr Roy While spoke in support of the application.

Mrs Terri Welch spoke in support of the application.

The planning officer introduced a report which recommended that the application be approved. It was stated that while the proposed considerable extensions would have a major impact on the listed building on the campus site, in accordance with the National Planning Policy Framework the public benefit of the proposal was felt to outweigh the costs, with other policy considerations detailed in the report. Key issues were stated to include the impact on the wider area, landscaping and impact upon the highway. It was noted substantial highways improvements would need to take place prior to any development on the site itself.

Members of the Committee then had the opportunity to ask technical questions regarding the application. Details were sought about the distances to the nearest properties, proposed landscaping and building materials. In response to queries it was confirmed the rear window from the proposed fitness centre was clear glass, not obscured.

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

A Local Member, Councillor Jon Hubbard, then detailed his support for the principle of the application and praised the level of consultation that had been undertaken, but requested that the Committee take note of the extant issues raised by local residents and that they took effort wherever possible to mitigate concerns including noise, overlooking and off street parking.

A debate followed, where members discussed the benefits that the community campus would bring to Melksham, and the suitability of its location. The provision of parking on the site and the possibility of the spaces closest to the residential properties being reserved for staff parking which would result in less continuous noise impact, was raised, along with assessing whether the rear window allowed any significant overlooking given the distances involved and if, in any case, a glazed window would be appropriate. The details of the proposed landscaping was also discussed.

At the conclusion of debate, it was,

Resolved:

That 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:**

MC-DKA-A-DWG: 000 P02, 0001 P02 0002 P06, 0003 P02, 0004 P01, 0020 P01, 0200 P03, 0100 P02, 0110 P02, 0201 P03, 0202 P03, 0203 P03, 0204 P03, 0210 P02, 0211 P02, 0212 P02, 0250 P02, 0251 P02, 0252 P02, 0253 P02, 1000 P05, 1001 P05, 1002 P02, 1100 P03, 1101 P02, 1200 P01, 1201 P01, 9001 P02, 9003 P02, 9004 P02, TPP,

5124342/LA/DR/100: 002/P1, 003/P1, 004/P1, 005/P1, 006/P1, 007/P1, 008/A, 009/A

5124342-ATK-DR-E: SK01 P, SK02 P

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

- 3** No development of the new building shall commence on site until details and samples of the materials to be used for the external walls, roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the Listed Buildings.

- 4** No work to the footpaths, access roads, parking and pedestrian areas shall commence on site until details and samples of the materials to be used for these have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the Listed Buildings

- 5** No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 6** No development shall commence on site until a foul and surface water drainage strategy including a timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties.

- 7** No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the overarching strategy set out in the 'Preliminary Drainage Strategy' (Halcrow Group Limited, dated 10 January 2014), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

- 8 No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, and a timetable has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

REASON: To prevent pollution of the water environment

- 9 No development or demolition shall commence on site until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include:**

The laying out and construction of the construction access including the surfacing of at least the first 20 metres of the access in a well bound consolidated material (not loose stone or gravel).

The cutting back of vegetation at the construction access to achieve visibility splays of 2.4 x 160 metres in each direction to the nearside road edge.

Temporary diversion of public footpath MELK 20 at the proposed construction compound.

Measures to prevent excessive deliveries occurring at peak hour traffic times.

A scheme of Traffic Sign Regulation and General Direction chapter 8 roadwork signing to warn of the construction access.

Signing and measures to achieve safe use of footpath MELK21 where the end of it coincides with the construction access.

Measures to prevent excessive mud being carried onto the highway and a scheme for regular road sweeping of the highway to clean any mud deposits that do occur.

Analysis of peak traffic movements associated with the construction and the impact these movements may have on the highway network. Should any detrimental impacts be shown the CMP to suggest appropriate mitigation.

Temporary traffic order to ban right turning movements into or out from the construction access.

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

REASON: In the interest of highway safety

- 10 The Blue Pool shall not be demolished until the swimming pool hereby approved is available for public use.**

REASON: To ensure there is no loss of leisure facilities

- 11 The existing football facilities shall not be demolished until a timetable detailing when and where the new football facilities will be available has been submitted to and approved in writing by the Local Planning Authority. The demolition of the football facilities shall then be carried out in accordance with the approved details.**

REASON: To ensure there is no loss of leisure facilities

- 12 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;**

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars;

and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later

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

- 13 The development hereby approved shall not be first brought into use until details of the changes to Melksham Market Place have been submitted to, approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details

REASON: The scheme is essential to enable safe and convenient access to the proposed campus development and to avoid detriment to local highway conditions on the highway network caused by traffic to and from the campus development.

- 14 The development hereby approved shall not be first brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details.

REASON: In the interests of achieving reasonable availability of on-site car parking spaces for users of the proposed development.

- 15 The development hereby approved shall not be first brought into use until the public footpath (MELK 20) running through the site has been widened, resurfaced and new lighting installed all in accordance with the approved details.

REASON: In the interests of safe and convenient pedestrian access to the proposed development.

- 16 The development hereby approved shall not be first brought into use until the vehicle parking and turning areas and the cycle parking area have been provided in accordance with the approved plans. The areas shall then be maintained and kept available for the parking and turning of cars and cycles.

REASON: In the interest of safe and convenient operation of the development and to promote sustainable patterns of travel to and from the development.

- 17 The development hereby approved shall not be first brought into use until details of a traffic calming measure for the access west of the access point to Crown House and a give way line to be located across the exit from Crown House and a timetable for the completion of these works have been submitted to and approved in writing by the Local Planning Authority. The development shall then

be carried out in accordance with the approved details.

REASON: In the interests of safe and convenient access to the proposed development.

- 18** No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

- 19** Notwithstanding the submitted information the development hereby approved shall not be first brought into use until details of the internal access road in front of the 66 space car park and a timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: To ensure coaches do not overrun the pedestrian footway.

- 20** The development hereby approved shall not be first brought into use until a boundary treatment between the service vehicle turning head and the public footpath known as MELK 20 and a timetable for its delivery has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of safe use of the public footpath.

- 21** Within 3 months of the development hereby approved first being put into use the construction access shall be fully and permanently closed to all vehicle movements, with the grass verge of the A350 being reinstated.

REASON: In the interests of highway safety, and the appearance of the area.

- 22** Within 6 months of the development hereby approved first being put into use a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should be based on the framework travel plan and shall be implemented in accordance with the approved details including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

- 23** During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity

- 24** No development shall commence on site until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:
- indications of all existing trees and hedgerows on the land;
 - details of any to be retained, together with measures for their protection in the course of development;
 - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - finished levels and contours of the land;
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

- 25** Lighting to car parks, pathways and roadways within the development boundary shall be installed in accordance with the design recommendations detailed within the Executive Summary & Recommendations & Mitigations sections of the External Lighting Impact Assessment submitted with the application.

REASON: In the interest of neighbouring amenity and the impact on

the character and appearance of the conservation area

- 26 The approved sports lighting scheme shall be designed and implemented in accordance with BS EN 12193:2003 Light & Lighting-Sporting Lighting and shall achieve a minimum Environmental Zone E2 as defined within The Institute of Lighting Engineers Guidance notes for the reduction of obtrusive light 2005 before being first brought into use.

REASON: In the interest of neighbouring amenity and the impact on the character and appearance of the conservation area

- 27 The sports floodlighting hereby approved shall not be used before 07:00 hrs or after 22:00 hrs on any day.

REASON: In the interest of neighbouring amenity

- 28 The level of noise emitted from the new plant associated with the development hereby approved shall not exceed 29 dB LA eq between the hours of 07:00 in the morning and 23:00 in the evening and 25 db LA eq at any other time when measured at any position along the boundary of the proposed development with residential properties. The assessment and measurements shall be carried out in accordance with BS4142:1997

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 29 The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'very good'. Within 6 months of the development hereby approved first being brought into use a BREEAM Certificate certifying that 'very good' status has been achieved shall be submitted to the Local Planning Authority.

REASON: In the interests of the conservation of energy resources.

- 30 Before the development hereby permitted is first occupied the first floor windows in the southern elevation serving the fitness suite shall be glazed with obscure glass only and shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 1 **INFORMATIVE TO APPLICANT:**

The applicant is reminded of the need to obtain separate listed building consent for the development hereby approved in addition to

this planning permission before works commence on site.

2 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.

3 INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following informatives requested by Wessex Water:

There must be no tree planting close to new sewers within distances prescribed by Sewers for Adoption vs 7.

Any redundant connections must be sealed at the point of connection.

If it is proposed to empty the swimming pool to the public foul sewer, the maximum rate of emptying and the chemical makeup of the discharged water should be agreed in advance with Wessex Water.

4 INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following request by the Strategic Planning Committee regarding Condition 14. The parking area adjacent to Cedar Close should be allocated to staff parking and gated.

5 INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following request by the Strategic Planning Committee regarding Condition 24. The boundary adjacent to Cedar Close should not have trees/vegetation that would restrict light and effect the amenity of residents in Cedar Close.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Report No.1

Date of Meeting	18 June 2014
Application Number	14/01798/VAR
Site Address	Land South of Four Winds, 81 Yarnbrook Road, West Ashton
Proposal	Variation of conditions 2 and 3 of W/12/01412/FUL - to allow for general Gypsy and Traveller use and to allow up to 4 caravans on site of which no more than 2 would be static caravans
Applicant	Mr J Gammell
Parish Council	WEST ASHTON
Electoral Division	SOUTHWICK
Grid Ref	387492 155547
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Horace Prickett for consideration of the scale of development, the visual impact upon the surrounding area, relationship to adjoining properties, environmental and highway impact and parking.

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector 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

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

2. Report Summary

The key issues to consider are:

- The implications for the delivery of Gypsy and Traveller sites under the emerging Core Strategy in allowing the use for general traveller occupation of two pitches;
- the effect of the increased number of units on highway safety; and
- the effect of the resultant increase in units on the rural character of the area and on neighbouring amenity.

Neighbourhood Responses: 28 letters of objection were received.

West Ashton Parish Council - Objects to the proposals for the reasons cited within section 7 below.

3. Site Description

The application site is an existing Traveller site, with permission for “...no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.” A tie for the personal use of a Mr Sherred and his family is also in place in terms of a condition imposed by the Western Area Planning Committee when the site was granted planning permission in 2012 (a condition not recommended by officers at the time). The site is situated in a field on the southern side of the A350, some 320m south west of the West Ashton crossroads in the direction of Yarnbrook. The application site is some 1500 m² in extent. Access is provided by an existing long established entrance with dropped kerbs directly off of the A350.

On the opposite side of the A350 and slightly offset lies a bungalow (no.81), with linear development beyond that towards the crossroads. West Ashton village lies to the south east of the crossroads and is linked to the site by a tarmac footway alongside the south side of the A350 that extends to Yarnbrook. Central Trowbridge is some 2.4 miles from the site.

4. Planning History

87/01795/FUL : Temporary storage compound for salvaged building materials (in the north western corner of the parent property) - Refused

92/00788/FUL : New vehicular access - Permission

00/01053/FUL : Produce/machinery store - Permission

04/00454/FUL : Storage/machinery shed – Refused

W/12/01412/FUL: Change of use for one Romany Family: Permission: 06/12/2012

5. The Proposal

The application is for a variation of conditions 2 and 3 of W/12/01412/FUL to allow for general Gypsy and Traveller use of the site by the traveller applicants, and to

allow up to 4 caravans on site of which no more than 2 would be static caravans. These conditions read as follows:

2. The use hereby permitted shall be carried on only by Mr William Sherred (the applicant), his mother and his resident dependants and shall only be occupied by them whilst they meet the definition of gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.

REASON: The personal circumstances of the applicant and his mother have been a significant material consideration that has been taken into account in the decision to grant planning permission for this use on this site.

3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) – policy CF12 Gypsy Caravan Sites

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: (PPfTS) DCLG, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

There has been extensive discussion of the draft policy in the examination of the Core Strategy and this is reflected in the exchange of letters between the Council and the Inspector since the examination, resulting in the production of an Addendum to Topic Paper 16 on Gypsies and Travellers and proposed modifications to CP 47 and its supporting text.

The Government's stated aim in the PPfTS, 2012 is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

7. Consultations

West Ashton Parish Council

In initial comments the Parish queried the accuracy of the submitted documentation. Additional supporting documentation and a more detailed plan were submitted. The Parish maintains an objection to the proposals on the following grounds:

- The original application was granted because of the specific circumstances of Mr Sherred, which have now changed. If Mr Sherred's circumstances have

indeed changed then the site should be vacated and the land returned to its original state;

- Reference to ‘.Trowbridge being only 3 miles away and served by public transport..’ when there is no public transport in West Ashton;
- The Plan is misleading in terms of the siting and orientation of the caravans;
- Dimensions of caravans are inconsistent with approved plans;
- Clarification required on septic tank;
- No information on what is actually happening on the site in terms of materials which are there, the mounds of rubble or stacks of blocks, which are unnecessary for the development requested in the application;
- Concerns with highway safety for vehicles entering and leaving this site onto the busy A350 road. The proposal is an intensification of use and new traffic lights have been installed at the West Ashton crossroads. Significant increases in speed of traffic have resulted. The new wall erected at the site entrance also appear to create a hazard;
- The new owner continues with activities on site without planning permission without action being taken. No action taken despite non-compliance with Condition 2 to W/12/01412/FUL;
- There is a question as to whether this is the correct procedure. The original condition was personal to Mr Sherred. Should an entirely new application be required? Also is the permission valid where pre-commencement conditions have not been met;
- Increased number of caravans on the site will increase the impact on neighbouring amenity. There has been no change in Policy which justifies additional units on the site. Further intensification is a possibility;
- It is noted that since the apparent change of ownership of the site, areas of existing hedging have been removed, showing little regard for the existing conditions imposed on the site. This does not meet ecological requirements;
- The application is for doubling the number of caravans on site. Policy expressly recognises the ‘gypsy nomadic lifestyle’ and therefore the need for any further static mobile home is unnecessary;
- Increased use of the access raises the level of hazard on the A350;
- There has been no enforcement of the conditions restricting the site to use by Mr Sherred and family only;
- The existing permission does not apply to Mr Gammell;
- Proposal is contrary to policies on protection of the countryside, development in the countryside, gypsy and travellers and village policy limits;
- There is no Policy justification for removing the condition restricting the use to Mr Sherred;
- The vast developments that have taken place don’t accord with what was approved;
- Investigation shows that in January 2014, Mr Sherred did not have a registered legal interest in the site as was stated in the original planning application. This should have been checked by Wiltshire Council as a material consideration to the original application and decision to refuse or grant permission. Also there are questions if this land is part of an agricultural holding;
- If new owners are to have long term ownership this would seem to conflict with the definition of a gypsy, which is someone who has a nomadic lifestyle

and it is therefore questionable whether the planning use can actually be complied with.

- Assurance should be sought that the wall that has been constructed meets highway requirements for the visibility splays of 160 metres observed from a point 2.4m back from the carriageway.

The Parish further organised and submitted a petition with 76 signatures.

If, notwithstanding the above, Permission is granted the Parish would wish to see the following conditions imposed.

- No commercial activities are to take place on the site, including the storage of materials (condition to apply to the whole site i.e. area outlined in blue on the original site plan);
- The site can only be occupied by the additional single touring caravan to permit visitors and to allow attendance at family or community events for a maximum of 7 days per year;
- There is to be no further development of the site beyond that permitted by this planning application;
- Retention of existing woodland and hedging; and
- No burning of any materials on the site (condition to apply to the whole site i.e. area outlined in blue on the original site plan).

Wiltshire Council Highways Officer

The Officer notes that Policy T8 from the Wiltshire Structure Plan 2016, (The Structure Plan has been rescinded but this Policy is carried forward to the draft Core Strategy), discourages development on the national primary route network outside of built-up areas, unless an over-riding need can be demonstrated. The Officer understands that there is an under provision of gypsy and traveller pitches in Wiltshire and therefore it would be difficult to argue the need is not demonstrated. The Officer initially requested additional plans, which were provided. The Officer subsequently had no objection subject to conditions in relation to the provision of turning space and drainage.

The officer also investigated the query raised by the Parish with regard to the sight lines and new boundary wall and confirmed that the access is satisfactory.

Wiltshire Council Strategic Planning

Officers have no comment in respect of whether or not either condition is still necessary, reasonable, and relevant apart from original comments given in respect of W/12/01412/FUL which include the need to ensure that local amenity and the environment is protected.

With regard to the provision of Traveller Sites however, the most up-to-date requirement for permanent and transit pitches is presented in the Council's proposed amendments to CP47 in the light of the Inspector's observations following the Examination in Public. The proposed amendment to CP47 states that provision should overall be made for 66 permanent pitches for Gypsies and Travellers, 25

transit pitches and five plots for Travelling Showpeople during the period 2011 to 2016. A further 42 permanent pitches should be provided over the period 2016-2022. With specific reference to the North and West Wiltshire Housing Market Area, the requirement for 2011 to 2021 is a total of 48, albeit that 27 pitches provided between 2011 and 'Jan 14 (27) would meet the immediate estimate to 2016. Thus, whilst the requirement to 2016 may have been addressed, there is a significant shortfall of 21 sites remaining to be identified to 2021.

8. Publicity

The following is a summary of the objections received:

- The site is outside of village policy limits where there is a presumption against development;
- Members of the settled community would not obtain permission for a dwelling and this site;
- Special circumstances meant that Mr Sherred was granted permission previously, and he no longer occupies the site;
- The site will become a nuisance to the surrounding area, as is evidenced from the activities that have already taken place;
- The open field on which the site sits is outside of development limits;
- The existence of the footpath does not mean that pedestrians and children would be safe on the extremely fast stretch of road;
- Public transport is not readily available as is claimed in the supporting documentation;
- Since Mr Sherred has moved on the special circumstances no longer apply and the site doesn't accord with emerging Policy 47;
- The nature of traffic along the A350 has changed since the new traffic lights were installed at A350/C49 intersections. This creates difficulties for pedestrians crossing the A350 to take children to the local school and also for those driving wishing to exit Kettle Lane onto the A350;
- The construction of the fence and the wall at the entrance obstruct views of the countryside and the wall at the entrance also appears to not meet visibility splay requirements;
- fear of anti-social behaviour in area, impact on local school;
- The accident record on this road should be investigated with Wiltshire Constabulary; and
- Mr Sherred's permission was seen as temporary, not allowing for permanent gypsy occupation;

9. Planning Considerations

9.1 Policy and recent site history

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise

Planning application W/12/01412/FUL was considered under the West Wiltshire District Plan in particular including Policy CF12 (Gypsy Caravan Sites) read in

conjunction with the NPPF, The Planning Policy for Traveller Sites (2012) and the emerging Core Strategy. The WWDP remains in effect insofar as it is in accordance with the NPPF.

The use of the land as a gypsy/traveller site without time restriction has been established by virtue of the previous decision, albeit that Committee resolved at the time to impose a condition to the effect that the permission should apply only to Mr Sherred and family. The current application proposes amending the condition to allow for general traveller use by the applicants who are travellers. The Parish has queried if this is the correct procedure. A variation of condition is an appropriate means of applying to lift the restriction that ties the occupation to Mr Sherred and his dependants only. An additional static and an additional mobile caravan are also proposed.

With regard to Policy CF12 criteria the boundaries to the site remain as before, within a field that adjoins other fields and not immediately abutting any residential property. Without being dismissive of neighbour objections regarding activities on site that have not conformed to the previous permission, it is considered that - provided that the issues of landscaping and the use of the site are addressed - one additional pitch in this location can be conditioned so as to avoid unacceptable nuisance to neighbouring property. With regard to the issue of encroachment into open countryside, whilst the site lies in a field in the countryside, the Planning Policy for Traveller Sites (2012) is permissive of sites in rural or semi-rural sites provided their scale respects that of the nearest settled community and does not dominate it.

9.2 Highway safety and proximity of services

No highway safety objections have been raised by the Highway Officer, with the existing access being utilised and given the presence of the tarmac pedestrian walkway on the same side of the road as the site. With regard to local facilities, these are limited within West Ashton (primary school) but wider services, including a filling station/public house/restaurant are situated at Yarnbrook, just over half a mile to the west, and Trowbridge provides a full range of services within 2-3 miles.

9.3 Delivery of Gypsy and Traveller sites under the emerging Core Strategy

Changed circumstances apply in relation to the Wiltshire Core Strategy which has, since the previous approval, progressed beyond the initial Examination in Public. In particular housing supply including provision of Gypsy and Traveller sites has emerged as an area in which the soundness of the emerging CS has been questioned by the Inspector.

The site is within the North and West Wiltshire Housing Market Area (N&W HMA). The housing supply evidence that informed CP47 was queried by the examining Inspector. This included queries on the provision of the number of new traveller sites. Whilst in the N&W HMA this need has been met for the period to 2016 with planning permissions already granted since 2011, there is a significant shortfall of identified sites through to 2021. The Inspector has found fault with the initial evidence base, stating in his letter of 23 December 2013 that *"...it is important for the Council to be able to show as far as is practicable and proportionate, within the proposed*

addendum, how the CS is consistent with national policy, particularly the 'Planning policy for traveller sites' (especially Policies A to D). Such work should also identify how, albeit in an interim fashion until the Gypsy and Traveller Accommodation Assessment is complete, the Council will adopt a positive approach towards the gypsy and travelling community. In the interests of clarity and to aid future decision making in the shorter term, 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."

Furthermore, the Council's assessment of need has been scrutinised at recent planning appeal decisions, with Inspectors finding that the Council has been underestimating need. By way of example, under Appeal Ref: APP/Y3940/A/13/2196160 (Littleton Stables, Semington) the Inspector in granting permission observed: *"The Council has moved a considerable way in addressing the shortfall of sites identified in 2011 and has exceeded its target provision for the North/West housing market area up to 2016. However there must be considerable reservations as to the robustness of the current assessment."*

At the time of writing and in the light of the EiP Inspector's observations, consultation is ongoing in respect of Wiltshire Council's intention to prepare a new Gypsy and Traveller Development Plan Document. The 6 week consultation period ended on Monday 19 May 2014. The consultation at this stage is not on a draft planning document *per se*, but only relates to the proposed scope of the plan, which includes a review of overall new pitch requirements based on an up to date Gypsy and Traveller Accommodation Needs Assessment. Further consultation will be undertaken in autumn 2014. The anticipated adoption of the Gypsy and Traveller DPD is May 2016.

As matters stand however, current figures record an undersupply of 21 pitches through to 2021 in the N&W HMA.

The Planning Policy for Traveller Sites (2012) Par 21 states that applications for traveller sites should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF. The permitted application W/12/01412/FUL was assessed on the criteria applicable to Policy CF12 (Gypsy Caravan Sites) and NPPF and PPfTS criteria, and was approved. Although the Western Area Committee resolved to impose a personal condition to Mr Sherred and his dependants on the basis of their perception of a personal need, the principle of a traveller site in this locality has been accepted as being in accordance with the criteria set out in policy CF12 (similar criteria are proposed in the draft replacement policy CP47). The council has a number of sites within the western area located outside of town or village policy limits, including recent examples granted on appeal at Semington, Southwick and Dilton Marsh. Objections on these grounds have proved not to be sustainable. The lack of provision of traveller sites is a material consideration and the site would provide for one additional pitch over and above that delivered under W/12/01412/FUL.

9.4 Impact on surrounding area and neighbouring amenity

The site is not in an area with any specific landscape or ecology designations and the application would result in a total of two pitches, which cannot be considered to be of a dominating scale in relation to West Ashton. Notwithstanding some clearance of the site and works to the front boundary, the mobile home and tourer parking sites is visible to a limited degree only in passing views at the access. A landscaping condition would enable Council to address issues of the loss of vegetation, protection of the existing planting to the boundaries and the maintenance of any new planting.

It is nevertheless evident from neighbour responses that an element of objection results from the site having been occupied contrary to conditions (particularly the occupancy condition) and that certain activities on site have given rise to neighbour concern and perception of nuisance. Enforcement Officers have been involved in response to queries, and this application arises as a result of the applicant's intentions to resolve matters. It is considered that conditions requiring the regularisation of activities on site, including landscaping and restricting the use would be appropriate. A specified reasonable time frame for the submission of details and the implementation of landscaping, the provision turning spaces to ensure road safety and drainage should be imposed.

The Parish has recommended a condition in relation to restricting additional visitor caravans. The PPfTS states that "Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)". Whilst such a condition was not imposed on the original W/12/01412/FUL it is considered that given the doubling of units on the site and the potential highway implications of a further intensification of the use of the access, such a condition would now be reasonable.

10. Conclusion

The additional static and mobile caravan would be located within the site area permitted under W/12/01412/FUL. It is considered that the additional accommodation (one static and one mobile caravan) does not result in any new highway safety risk and can be located on the site without undue additional harm to the surrounding area. It would also contribute towards addressing the undersupply of sites in the area as identified by the Core Strategy Inspector. As it meets the criteria set out in policy CF12 for assessing such sites, any personal condition, such as that imposed on the original permission, is not justified. Compliance with the criteria in CF12 and the acknowledged need for such sites leads to the conclusion that the proposal should be supported.

Whilst noting the Parish and neighbour comments received on road and access safety, it is also noted that the Highway Officer raises no objections following the submission of additional plans showing turning and parking area availability on the site. The officer has also confirmed that the sight lines required in terms of the

previous permission have been achieved with the construction of the new entrance and boundary treatment to the site.

Permitting gypsy traveller use without tie to an individual would, albeit to a limited degree, help to address the shortfall of sites looking forward to 2021. The fact that any approval of variation of conditions would constitute a new planning permission means that conditions can be imposed that would fully regularise the situation on site. Such conditions should include those requested by the highway officer, a new landscaping condition to address the site and boundary treatments and also to control the use of the site.

RECOMMENDATION

Permission subject to the following conditions:

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

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

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.

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.

- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 2 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

- 4 Within one month of the date of this permission, a scheme for the parking and turning of vehicles within the hatched area shown on plan reference SP1/Revision A (site layout plan) dated April 2014, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented fully in accordance with the approved details within three months of the date of this permission. The approved parking and turning area shall be retained for those purposes and kept free from obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 5 Within one month of the date of this permission a scheme for the discharge of surface water from the site (including surface water from the access/driveway/parking/turning areas), incorporating sustainable drainage details, shall be submitted to and approved in writing by the Local Planning Authority. Within three months of the date of this permission, the approved surface water drainage scheme shall be fully implemented in accordance with the approved scheme.

REASON: In the interests of highway safety.

- 6 No commercial activities shall take place on the land, including the commercial storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety.

- 7 No materials shall be burnt on site or on the adjacent field under the control of the applicant.

REASON: In order to minimise nuisance.

- 8 Within one month of the date of this permission a detailed landscaping scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include details of existing and proposed planting, all new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details and in accordance with time frames to be agreed.

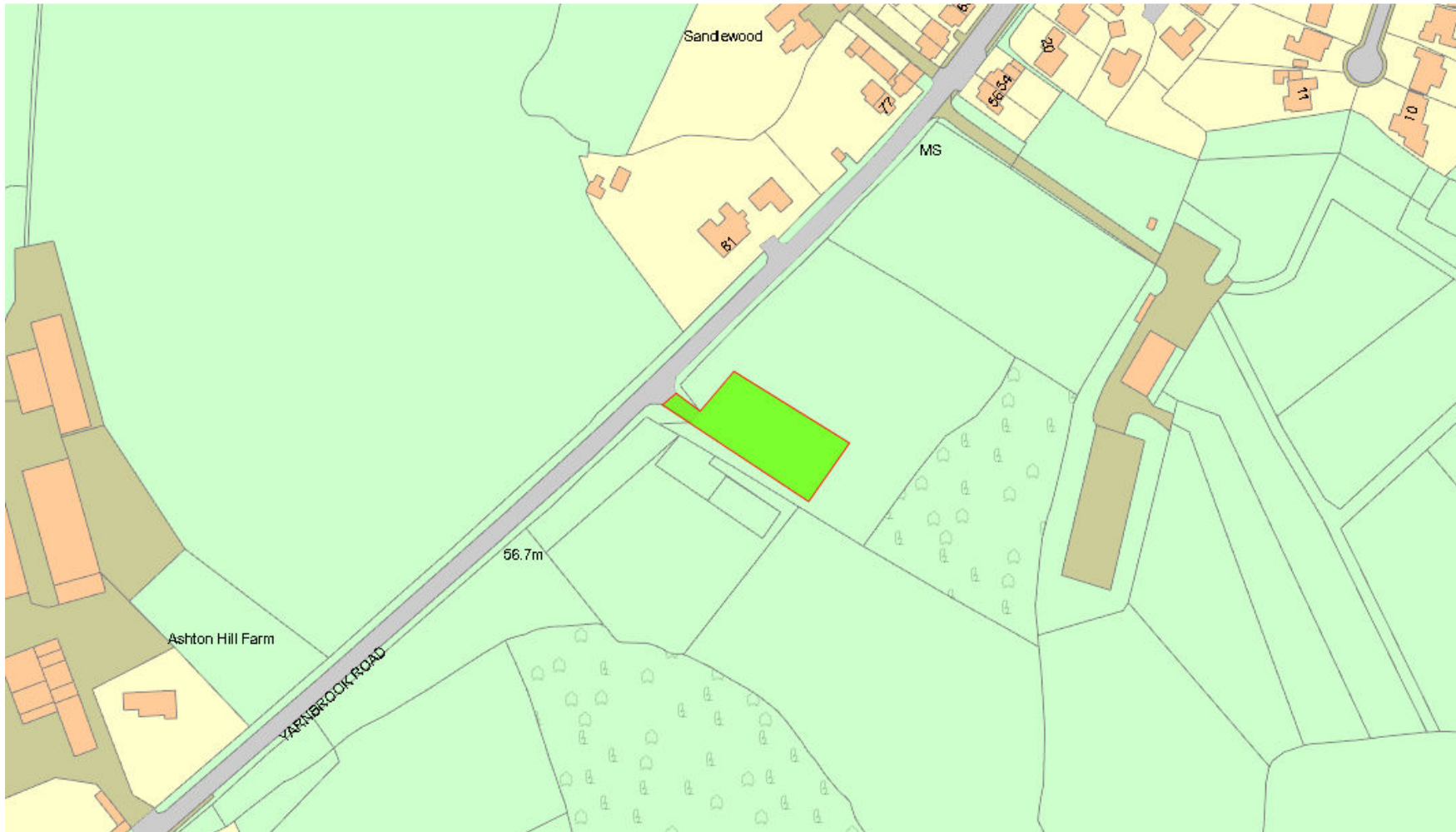
REASON: In the interests of protecting the rural character of the area.

- 9 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

- Site Location Plan: Received on 25 July 2012 (in respect of red-line area only); and
- Site Layout Plan SP1 Rev A: Received on 14 April 2014.

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

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Report No.2

Date of Meeting	18 June 2014
Application Number	N/13/05525/FUL
Site Address	The Paddock Hook Wiltshire SN4 8EA
Proposal	Siting of 2 Mobile Homes, 2 Dayrooms, 2 Touring Caravans & Hardstanding
Applicant	Mr & Mrs Richards
Town/Parish Council	Lydiard Tregoze Parish Council
Electoral Division	Royal Wootton Bassett East
Grid Ref	407749 184726
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for Committee determination by Councillor Mollie Groom to allow consideration of the sale of development; visual impact on the surrounding area; relationship to adjoining properties; design character; impact on environment and highways; and car parking.

1. Purpose of Report

To recommend approval subject to conditions.

2. Report Summary

The key issues are:-

- Principle of development
- Impact on Residential Amenities
- Highways impact
- Drainage Impact
- Impact on the Character and Appearance of the Locality

The Parish Council object to the proposals. 14 Letters of objection have been received from 9 objectors (3 objectors submitted multiple representations in part due to the timing and availability of information on the Council's website).

3. Site Description

The application site lies partly within the defined Settlement Framework Boundary for Hook with the remainder adjacent to it. Half the site forms the garden to Slough House and two mobile homes and a touring caravan were in situ at the time of the site visit. To

the north of the site is the property known as Elm House a detached 2.5 storey dwelling which is separated via a 2.1m high wooden fence and the dwelling is sited less than a metre from the boundary. To the south of the site is a bungalow, 28 Windsor Close which is set at a slightly lower level.

The site is located in and adjoining the village of Hook which is situated to the north of the M4 Motorway. The village a small settlement arranged around the C4141 which runs between Royal Wotton Bassett and Purton. The properties are of a wide range of ages but the majority are relatively modern. Surrounding the village is open agricultural land without significant mature vegetation although the site itself features mature boundary planting which screens part of the site from some neighbouring properties to the south. An open paddock lies to the west of the site and is within the applicants' ownership. The landform rises in height in a northward direction.

4. Planning History

An application (N/04/01466/OUT) for the demolition of one dwelling and erection 15 dwellings was submitted on land at 24 Hook, Hook on 20/05/2004. The application was refused and a subsequent appeal was dismissed. A subsequent application (N/04/2828/FUL) for Residential development of two dwellings and garages submitted on the 29/09/2004 was also refused. Following this a further application (N/05/00176/FUL) for the erection of two dwellings and detached garage and parking spaces was approved on the 23/03/2005. It is under this consent that the two houses adjacent the site (Elm House and Willow House) were developed.

A previous application for similar proposals as to the current application was refused consent under reference N/12/00625/FUL by decision notice 19/10/12 for the following reasons:-

The proposed development by reason of its scale, siting and location would result in an unacceptable loss of privacy and amenity to both existing occupants of Slough House, Elm House and no. 28 Windsor Close by reason of noise and nuisance from comings and goings to the pitches, but also in terms of loss of privacy and overbearing impact. Further the development would not provide an acceptable level of privacy and amenity of the proposed occupants who would be overlooked by Elm House. The proposed development thus fails to accord with Policies C3 and H9 of the adopted North Wiltshire Local Plan 2011 as well as Core Policy 47 of the emerging Wiltshire Core Strategy Pre-submission document 2012.

This decision was the subject of an appeal which was dismissed by Inspector's decision letter dated 4/9/2013. The Inspector concluded that:-

Given the harm identified on the second issue I consider that the appeal should not be allowed. The appellants have the opportunity of submitting a revised application which seeks to address the harm and there appears to be a willingness to do so having regard to the concerns of the Council and local residents. I have taken account of the other considerations of need and personal circumstances but find that they do not justify permitting the development in the form that is before me. I have considered whether the harm found could be addressed by the imposition of conditions but find that this would require a fundamental re-design of the scheme which goes beyond the scope of what could reasonably be achieved by condition, altering the nature of the development.

I am conscious of the human rights of the appellant family and the best interests of the children. This is not an enforcement case so they are not threatened with having to vacate the land at present or in the near future. There is also a desire of all affected parties to reach a solution which could lead to planning permission for an alternative scheme. In these circumstances I consider that the dismissal of this appeal is a proportionate course of action in terms of the rights engaged and that no violation of these rights would occur in doing so. I will therefore dismiss the appeal.

5. The Proposal

The proposed development is for the stationing of two mobile homes and two touring caravans with the erection of two day rooms and associated landscaping. Given the red line site application boundary for the application, the established residential curtilage to the property and the proposed site landscaping; layout and positioning of the touring caravans the proposals also include the change of use of land from agriculture to residential.

6. Planning Policy

National Planning policy Framework Paragraph 17 and Section 7 Requiring Good Quality Design
Planning Policy for Traveller Sites, March 2012

North Wiltshire Local Plan 2011
C3 Development Control Policy
H9 Gypsy Sites

Submission Draft Wiltshire Core Strategy June 2012 (As amended by Schedule of Proposed Modifications April 2014)

Core Policy 47

The Schedule of Proposed Modifications and Inspector's Proposed Modifications should be read in conjunction with the Wiltshire Core Strategy Pre-Submission Document (February 2012) WCS/01 and the previously consulted on Schedules of Proposed Changes (September 2012 EXAM/04 and August 2013 EXAM/56. A 'tracked changes' version EXAM/34 EXAM/34B (April 2014) of the Core Strategy that contains all the modifications to the Core Strategy submitted to the Inspector has also been made available. Also of relevance is EXAM 87 Addendum to Topic Paper 16 Gypsies and Travellers (February 2014).

7. Consultations

Wiltshire & Swindon Biological Records Centre identified Records of Bats nearby.

Private Sector Housing Team Identify that the site would be the subject of a caravan sites licence, the proposed layout as it stands would conflict with normal site licence conditions in terms of proximity of the mobile homes and the touring caravans to the site boundary.

Lydiard Tregoze Parish Council – Object on the grounds that the proposal is very little changed from previously refused scheme that were dismissed at appeal; the proposal is contrary to policy C3 iii, v, vii, viii; Localised flooding; Personal Circumstances of the family are not material planning considerations; Previous objections and submissions

made in respect of earlier application and appeal are reiterated.

Highways Officers adhere to previous comments made in respect of previous proposals on the basis that in transport terms the proposals have not changed substantively. No objection is raised.

14 letters of objection in total to the scheme proposals were received from local residents. Of these 3 objectors submitted multiple representations in part due to the timing and availability of information supporting the application on the Council's website. Objections submitted raised the following concerns:-

- The proposal is out of character with the locality and is visually prominent from adjacent properties resulting in visual harm
- The site layout proposals have not responded to the objections and concerns of the Inspector considering the previous scheme proposals.
- The application is not supported by the necessary site layout, landscaping and drainage details.
- Inadequate service infrastructure to accommodate development – foul & surface water drainage.
- Loss of light
- Noise disturbance
- Concern over security
- Increased vehicular traffic
- Lack of fire protection measures
- Inadequate public consultation
- Devaluation of property and harm to human rights
- Potential business operation at the site should be restricted
- Need to control proliferation of structures on site
- How will rubbish generation and collection at the site be controlled
- Concerned that touring caravans will become permanent accommodation
- Concern that the mobile homes will lead to built dwellings
- Detriment to visual amenity from neighbouring properties
- Loss of privacy to neighbouring residential properties from overlooking
- Sets a precedent for other “garden grabbing” proposals
- The proposed landscaping scheme is insufficient to screen the development from neighbouring properties and will result in loss of daylight
- The details of the proposed landscaping scheme do not represent good horticultural practice that will sustain the proposed planting in the long term
- The landscaping scheme does not address current business activity in site
- The proposed drainage scheme is inadequate and will not function as planned resulting in stagnant standing water
- Inadequate site access for the proposed vehicular traffic and concern of on street parking resulting in a highway hazard
- The proposals result in harm to the character and appearance of the Paddocks itself which is very high quality.

8. Publicity

The application was advertised by Site Notice, neighbour notification and Parish Council notification.

9. Planning Considerations

Principle of development

The application site is located partially within and partially adjoining the settlement framework boundary for the village of Hook and under the Council's adopted and emerging planning policies alongside national planning policy guidance this is an appropriate location for Gypsy and Traveller site provision.

The consideration and determination of the previous application and related appeal is a material planning consideration. In this context the Inspector considering that appeal, did not oppose the development on the grounds that the application site was unacceptable in principle and contrary to national and local planning policy.

Development within existing residential curtilages has been the subject of amended national planning policy as set out in the NPPF. Residential gardens are no longer defined as previously developed land and therefore by definition appropriate for further development. In practice this means that proposals must be considered on their individual merits and in the context that there may be more preferable sites and locations available. There are material circumstances relevant to this application which would indicate that this is not the case in this instance. There are relevant material personal circumstances that result in the need for the provision of additional accommodation for close family members and that is not in dispute.

In addition the Wiltshire Core Strategy Inspector in his 10th Procedural letter following the Public Examination into the submission draft document queried the basis for the Council's assessed need and existing pitch provision within Wiltshire for Gypsy and Traveller sites. The Council has made additional submissions as of February 2014 in response and revised its submissions in this respect. It is acknowledged that over the life of the Core Strategy the need for provision is greater than previously projected as demand is higher than assessed and available provision more restricted as set out in EXAM 87 Addendum to Topic Paper 16.

It should however be noted that this is a small family site and the proposals are specific in this respect, additional provision to accommodate need arising from close family members. Conditions restricting occupancy to close family are proposed and have been agreed by the applicant in this respect.

Impact on Residential Amenities

The principle issue raised in objection to the previous site proposal and considered by the Inspector in relation to the previous application and related appeal was in respect of the impact of the proposals on:-

- The existing residential amenities of neighbouring properties adjoining the site
- The existing residential amenities of the occupants of The Paddocks
- The future residential amenities of the occupants of the proposed mobile home accommodation.

The concerns arose from overlooking to and from neighbouring properties; disturbance from vehicular traffic movements given the position of the vehicular access in relation to neighbouring properties; overbearing impact and inadequate privacy as result of the proximity of the mobile homes in relation to the Paddocks.

The Inspector considering the appeal found that the vehicular access arrangements did not result in such significant harm to residential amenities of neighbouring properties that the development should be refused.

The Inspector considered the proposed arrangement between the mobile homes and the Paddocks itself as acceptable only on the basis of occupancy by close family members and suggested a condition would be appropriate to address this matter.

With respect to the relationship between the mobile homes and neighbouring properties the Inspector concluded that:-

“16. Dealing with the impact on the living conditions of the occupiers of Elm House and Willow House to the north, I was able to view the appeal site from the rear of these properties. From the first floor bedroom window of the former it is possible to see some of the features that exist on the appeal site at present but apart from Mr Richards damaged caravan these are oblique views only. The proposed development would bring about some marked changes. Whilst the first mobile home closest The Paddock would not significantly impinge on outlook the second one and the 2 dayrooms sited as shown would. The separation distances would still be considerable but the closest dayroom would have its front elevation, containing a living room window, facing towards the rear of Elm House. The second dayroom, two touring caravans and the extended hardstanding would also add significantly to the development in view from the rear windows of Elm House and Willow House. I consider that this situation would cause some material harm to the outlook and privacy of the occupiers of these properties contrary to criterion iii) of Policy C3 and criterion ii) of Policy H9 of the LP.

17. As regards the living conditions of those occupying the mobile homes I consider that they would experience some overlooking from the rear of Elm House which would not be ideal. However given that they would be aware of the situation before moving in and the degree of separation I do not find against the development on this basis.”

It is in this respect that the applicant developed proposals for landscaping the site including boundary treatments to mitigate overlooking concerns to Elm House and landscaping to the rear of the property to address concerns in respect of outlook and privacy from the rear of Elm House and Willow House. The proposals were submitted at the Hearing into the appeal but this was opposed by the Council given that the proposals had not been available for assessment and consideration in advance by interested parties, a position which the Inspector accepted. Officers consider that on balance and subject to appropriate conditions for the long term retention and maintenance of the landscaping including replacement planting to address any die back that concerns over loss of and harm to residential amenities are largely overcome. In this context it is necessary to balance the assessed harm not only against the proposed mitigation but also the need for the development and the personal circumstances of the applicant. Such personal circumstances whilst not a standard material planning consideration is relevant in this instance.

Furthermore the comments of the Private Sector Housing Team re: site licensing are that a licence is likely to be required and there is a need to reposition the mobile homes and touring caravans (if used for sleeping – which is not the case with this application) further away from than the site boundaries than currently proposed. The need arises of concerns of fire hazard risks. It is not considered that the revised position further away from the site boundaries as required under the site licence conditions would result in

such harm to residential amenities that consent ought to be refused. At the time of writing the report the matter has been put to the agent for the application and they have confirmed that revised plans will be submitted to address the requirements prior to the committee meeting. The matter will be reported as additional observations.

Highways impact

This matter was raised with and considered by the Inspector in relation to the previous appeal and no objections on the basis of inadequate or unsafe access were raised. Highways Officers raise no objections in this respect either. Whilst the C4141 is a straight road with a bend on rising land to the north of the site and traffic tends to move quite quickly along the road it is subject to speed restrictions in this location. The access whilst gated includes wide visibility splays and room for vehicles to move off highway before entering the site. There are many accesses to residential properties on this section of road and it is not considered by officers that the proposals result in such a significant change of circumstances and highway safety concerns such that consent ought to be refused.

Drainage Impact

This matter was raised with and considered by the Inspector in relation to the previous appeal and no objections on the basis of flood risk or inadequate drainage were raised. It should be noted that in relation to the previous scheme proposals detailed submissions in respect of drainage were made to address the issue of localised flooding, foul and surface water drainage. The Council's drainage officers have approved the details and raise no objections in this respect. The proposals have not changed with respect to drainage requirements and therefore the approved details remain relevant and acceptable. It is therefore considered that despite local concerns the matter has been satisfactorily addressed and there is no sound basis of objection or refusal of the application in relation to drainage.

Impact on the Character and Appearance of the Locality

Given the location of the proposed development partially within and partially without the defined settlement framework boundary and the layout of the proposals to include substantial landscaping and the stationing of two touring caravans to the rear of the property there will be a change to the character of the immediate locality. Effectively this will be from agricultural to residential character. The scale of the change is however relatively limited in extent. The landform in the immediately locality is undulating and there is significant boundary planting immediately to the south. The proposals include further landscaping provision in order to mitigate visual impact.

As noted by the Inspector the outlook from neighbouring properties will be affected but given the proposed landscaping it is not now considered that this results in such significant harm to residential amenity that the application should be refused. The private views of individual properties in terms of character and appearance are not protected by the planning system as this would have the potential to restrict development in almost all instances. In addition it is proposed that the scope for further development be restricted by the use of condition in terms of the removal of permitted development rights and restrictions to site layout based on the submitted plans (where amended if necessary as a consequence of any requirement for Site Licensing). The significance of the change in character must also be assessed not only against these factors but also the need for development and personal circumstances relevant in this instance. On balance it is not considered that the harm is so significant as to warrant refusal of the application.

Additional Matters

Objections have been raised in respect of the impact of the proposals on property values. This is not a material planning consideration and forms no basis for determination. Concerns and queries are raised in respect of waste collection but this is not considered to be any different from the existing or any other residential development in the locality. Objections are raised over security measures but the proposals are not considered to raise any material planning objection in this regard or any planning consideration different from any other form of residential development. Concerns are raised in respect of fire prevention measures but these would be addressed under site licence conditions and the applicant has been asked to address this in terms of site layout requirements, this will be reported as a late item.

Objections are raised in respect of current and possible future employment use of the site. The future situation will be controlled by conditions restricting commercial activities at the site. The current situation has been the subject of an Enforcement Investigation and no breach of planning control has been identified. The short term storage of materials within vehicles, i.e. overnight and the parking of vehicles of limited size on site that are used for employment purposes, is not considered unacceptable or harmful to the character and amenity of the locality or neighbouring residential properties such that consent ought to be refused. Such situations exist for a range of residents and small scale ancillary use of homes for work related purposes is entirely normal throughout the community and largely de minimis in planning terms. This provides no sound basis for refusal of planning permission subject to the conditions restricting activities that are proposed.

Finally concerns are raised over the possibility of the mobile homes becoming permanent built residential accommodation and the touring caravans being permanently occupied. Further built residential development at the site would need to be the subject of a full planning application and would be considered on the basis of all material planning considerations, consent for the current proposals forms no precedent in this respect. Similarly the use and occupancy of the touring caravans is subject to planning control and would need to be the subject of a full application. Human Rights have been raised by one objector but it is not considered that the development proposals raise any matters in this respect that are different from any other development proposal such that affect normal consideration and determination of the application.

10. Conclusion

The principle objections to the previous scheme proposals related to the impact on existing neighbouring residential amenities. It is considered that the proposed scheme alterations and use of appropriate conditions addresses these concerns adequately particularly when considered in the context of the Inspector's decision in relation to the previous scheme proposals. It is considered that the impact of the scheme proposals on the character and appearance of the locality is so significant when balanced against other material considerations and the form and layout of the proposals use of conditions and proposed landscaping such that consent ought to be refused. Other material planning considerations including drainage are considered to have been satisfactorily addressed. On balance it is considered that the scheme proposals are can now be granted planning permission.

RECOMMENDATION

Approve Subject to Conditions:-

WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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.

WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the amenity buildings 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.

WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

3) 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.

WC7 SUBMISSION OF DETAILS OF EARTHWORKS

4) Within six months of the date of this permission details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including 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 [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

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

WC11 ERECTION OF SCREEN WALLS / FENCES TO PREVENT OVERLOOKING

5) The screen walls, fences and/or plating shown on the approved plans hereby permitted shall be erected within 3 months of the date of this permission and shall be retained and maintained as such at all times thereafter.

Reason: To prevent overlooking & loss of privacy to neighbouring property.

WE6 NO GARAGES / OUTBUILDINGS

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

WE8 NO FENCES / WALLS / GATES

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site OR forward of any wall of the dwelling(s) (including a rear or side wall)] which fronts onto a highway, carriageway or footpath].

REASON: In the interests of visual amenity.

WJ4 GYPSIES AND TRAVELLERS

8) 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 (DCLG, 2012).

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) No more than two commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and shall not exceed 3.5 tonnes in weight.

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

10) Except for the keeping of commercial vehicles as defined in condition 7, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

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

11) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan) shall be stationed on the site at any time. At no time shall the two touring caravans hereby permitted be used as permanent occupation.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3, NE15 and H9 of the North Wiltshire Local Plan 2011.

12) 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 property known as The Paddocks. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

WM13 APPROVED PLANS

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

TDA.1956.02 Dated 15/4/14

0914/03 Dated 28/3/14

Site Location Plan Dated 28/3/14

1219/03 Dated 28/3/14

1219/01 Dated 17/3/14

3551/500 17/3/14

Design & Access Dated 12/3/14

Cole Easdon Consultants Micro Drainage Details 17/3/14

TDA/1956/RhC/10.13 Dated 15/4/14

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

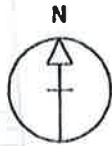
Background Documents Used in the Preparation of this Report:

Application Documentation.

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INDEX MAP PLAN



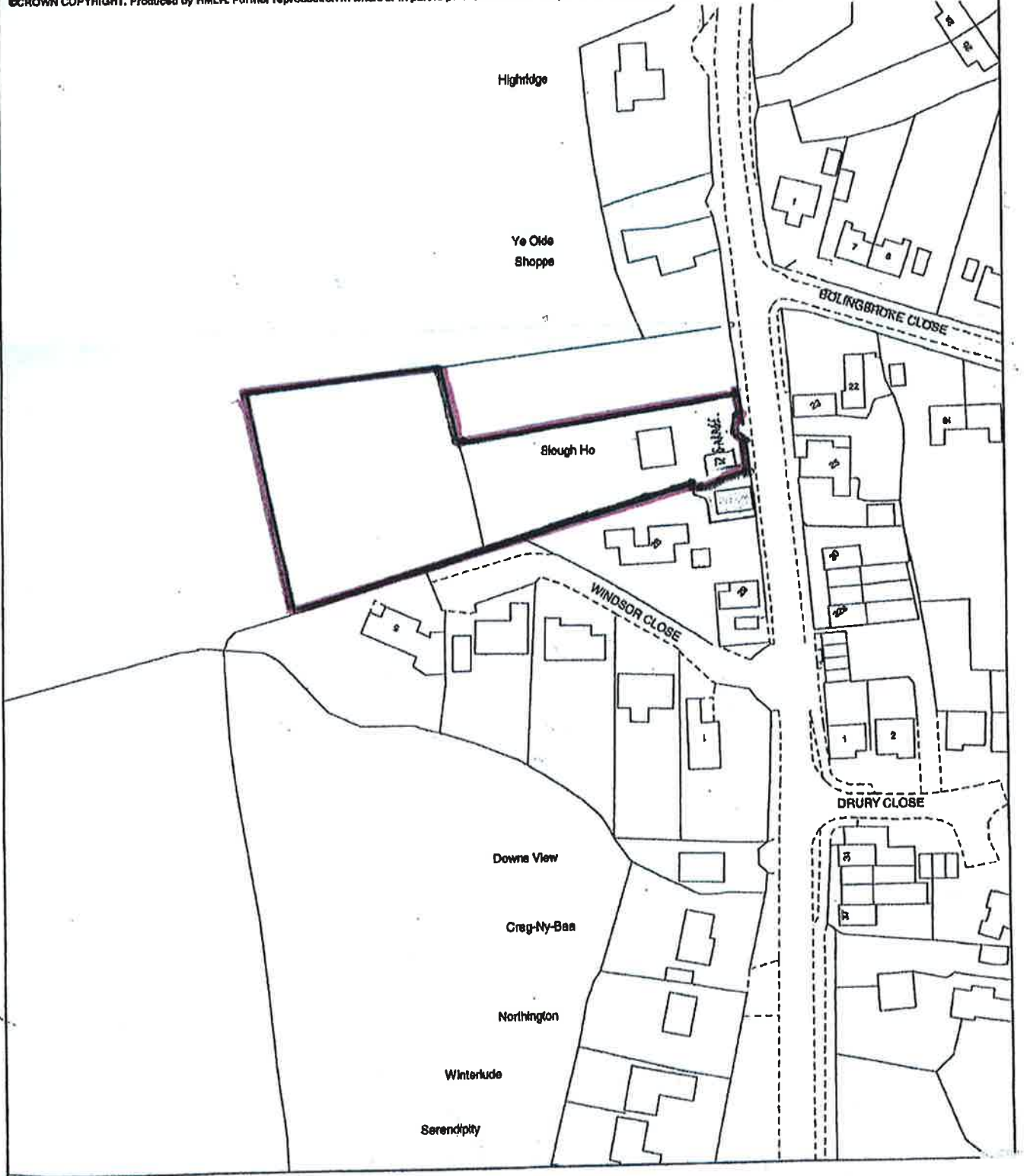
Plan prepared on 02/02/2008 at 00:00:01

ORDNANCE SURVEY MAP REFERENCE:

SU0764NE

SCALE 1:1250

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This plan should be read in conjunction with result P17EYEB

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