

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 8 April 2015
Time: 3.00 pm

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@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 Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice-Chair)	Cllr Horace Prickett
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr Jonathon Seed
Cllr Andrew Davis	Cllr Roy While
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Stephen Oldrieve
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Fleur de Rhé-Philippe	Cllr Graham Payne
Cllr Russell Hawker	Cllr Jerry Wickham
Cllr Keith Humphries	

RECORDING AND BROADCASTING NOTIFICATION

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on the Council's website along with this agenda and available on request.

If you have any queries please contact Democratic Services using the contact details above.

AGENDA

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 25 February 2015.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate Director) no later than 5pm on Wednesday **1st April 2015**. 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 **14/11851/OUT - Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster, BA12 7DY** (*Pages 13 - 26*)

- 6b **15/00420/FUL - 68 Berryfield Park, Melksham, SN12 6EE** (*Pages 27 - 46*)

- 6c **15/00661/FUL - Whaddon, Hilperton, Trowbridge Wiltshire BA14 6NR** (*Pages 47 - 56*)

7 **Urgent Items**

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

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 FEBRUARY 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

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

23 Apologies for Absence

There were no apologies for absence.

24 Minutes of the Previous Meeting

The minutes of the meeting held on the 4 February 2015 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 4 February 2015.**

25 Chairman's Announcements

There were no Chairman's Announcements.

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

26 Declarations of Interest

Councillor Ernie Clark stated that when application 14/1180/FUL was considered by Hilperton Parish Council, he had not taken part in the debate and abstained from a vote. He confirmed that he would be considering the matter at this meeting with an open mind.

Councillor Jonathon Seed stated that he was acquainted with members of the extended family involved in application 14/1180/FUL, but that as they were not close friends and that he had no pecuniary interest in the matter, he would be considering the matter at this meeting with an open mind.

27 Public Participation and Councillors' Questions

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

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

28 **14/11880/FUL - Whaddon Grove Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR**

Public participation:

Mr Tucker and Mr Pearce spoke in support of the application.

The Senior Planning Officer outlined the report which recommended that the application for approval subject to conditions – including a recommended amendment to the condition in the report restricting hours of operation so that they corresponded with those in the original application. Therefore it was recommended that the wording of condition 6 should read as follows:

The use hereby approved shall only take place during the hours of 08:0 and 18:00 Monday to Friday, 08:00 and 13:00 Saturdays and not at all on Sundays, bank or public holidays.

Councillor Ernie Clark, as the local member, spoke in relation to the application.

Members of the public were invited to speak on the application as listed above.

Issues discussed in the course of the debate included: the impact on amenity of neighbours, the operation of the business, the access to the site, the position of the business, the previous use of the building, the proximity to other buildings, the relevance of planning policies supporting rural life, the times of use, the impact of noise, the storage of materials, that character of the area and the appropriateness of the location of the business.

Councillor Ernie Clark proposed, and Councillor Dennis Drewett seconded, that the application be refused as the proposed development would result in an adverse impact on the amenity and character of the area, contrary to core policy 48.

The proposal, being put to vote, was lost. Councillor Ernie Clark's vote for the motion to refuse was recorded.

In the subsequent debate it was noted that, as the application was retrospective, condition one did not apply and should be removed.

Councillor Jonathon Seed proposed and Councillor Pip Ridout seconded that the permission should be granted in line with the officers amended recommendations.

At the end of the debate the meeting;

Resolved to approve permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LDC.1873_002, LDC.1873_001, LDC.1873_003 and LDC.1873_004 received the 16th December 2014.

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

2. 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), there shall be no additions / extensions/external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

4. No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

5. The use hereby approved shall only take place during the hours of 08:0 and 18:00 Monday to Friday, 08:00 and 13:00 Saturdays and not at all on Sundays, bank or public holidays.

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.

6. All external windows and doors as detailed on Drawing Number LDC.1873_004 shall be kept closed at all times apart from when allowing access and egress.

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.

7. All building services and machinery shall be so sited, designed and maintained so that the noise does not exceed 5dB below the existing background level as measured at the nearest noise-sensitive dwelling and assessed in accordance with BS4142 2014

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.

8. No sound-amplifying equipment, loudspeaker, or public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

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.

9. The occupation of the site hereby permitted shall only be by the following persons Benjamin Tucker and Harry Tucker in association with the business known as Fallen Furniture. When the site ceases to be occupied by Benjamin Tucker or Harry Tucker for the use of the building in association with the business known as Fallen Furniture, the use hereby permitted shall cease [and all materials and equipment brought on to the premises in connection with the use shall be removed and the land/building restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

INFORMATIVE: The applicant is advised to seek professional advice with regard to the provision of suitable dust extraction equipment in order to further protect the health and safety of employees.

Admin Note: Councillor Ernie Clark's vote was recorded against the permission.

29 **14/12030/DP3 - Holt Primary School, The Gravel, Holt, BA14 6RA**

Public participation:

Mr Hepworth and Mr Nelson spoke in objection to the application.

The Senior Planning Officer outlined the report which recommended that the application for approval subject to conditions.

Members of the public were invited to speak on the application as listed above.

Issues discussed in the course of the debate included: the location of the application, the position within the conservation area, the layout of the site, the removal of existing temporary buildings and a tree, the access to site for construction vehicles, the traffic implications, that the construction should take place over the holiday period, that the construction works access would be temporary and that the removal of the hedge would not need permission.

Following confirmation from the officer that the school could not be compelled by condition to build the solar panels, it was agreed that an informative could be included to encourage the school to build the solar panels as indicated in the plan drawings.

At the end of the debate the meeting;

Resolved to approve 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 extension hereby approved shall be carried out in accordance with the materials detailed on the planning application form validated by the Local Planning Authority on 6th January 2015**

REASON: In the interest of the character and appearance of the area.

- 3. The mobile classroom to be removed as shown on drawing number 16975 G0 S1 1001 A received by the Local Planning Authority on 5th January 2015 shall be removed within 8 months of occupation of the extension hereby approved.**

REASON: To improve the quality of the area

4. The extension hereby approved shall achieve BREAAAM 'Very Good' standards and shall not be occupied until a post construction stage certificate has been issued for it certifying that the 'Very Good' standard has been achieved.

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

5. Demolition or construction works shall only take place between 08:00 hours to 18:00 hours Mondays to Fridays and between 08:30 hours to 13:00 hours on Saturdays and no works shall be undertaken at any time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity

6. The construction works shall be carried out in accordance with Drawing Number 16975 G0 SI 1002 received by the Local Planning Authority on 16th February 2015. Once the extension has been completed, the construction works access shall be stopped up, the hedge shall be replanted and the area highlighted in Green on Drawing Number 16975 G0 SI 1002 received by the Local Planning Authority on 16th February 2015 shall be made good.

REASON: In the interest of neighbouring amenity and impact upon the character and appearance of the area.

7. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1697-G0-S1-: 1000, 1001-A received on 5th January 2015
 - LG1666-D-: 001,002,003 received on 5th January 2015
 - 1697-G2-GA-: 100-A, 101-A, 200, 201-A received on 5th January 2015
 - 16975 G0 SI 1002 received on 16th February 2015.

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

INFORMATIVE: The attention of the applicant is drawn to the requirements of the Western Area Planning Committee for a timetable to be submitted to the Local Planning Authority detailing when the installation of the solar panels detailed on the approved plans will take place.

30 14/11269/REM - Garden of 27 Forest Road, Melksham, SN12 7AA

Public participation:

Mr Webb spoke in objection to the application, and Mr Harlow spoke in support of the application.

The Senior Planning Officer outlined the report which recommended that the application for approval subject to conditions.

Members of the public were invited to speak on the application as listed above.

Issues discussed in the course of the debate included: that outline permission had already been granted, that reserved matters were requested to come back to Committee, the access to the site, the location in relationship to existing buildings, the height of the proposal in relation to other dwellings and that the proposal is lower than that previously refused, the layout of the proposals and the impact of the existing permission for access, how conditions from the original application could deal with some of the concerns of the neighbours including seeking a badger survey.

In the course of the debate, attention was drawn to the fact that condition 13 in the original permission should be referred to in the informative.

At the end of the debate the meeting;

Resolved to approve permission subject to the following conditions:

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

Revised All Plans – Received 9 February 2015

Design and Access Statement – Received 27 November 2014

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

INFORMATIVE: The applicant is advised that all conditions and informative appended to W/11/03043/OUT (see attached decision notice) still apply and conditions 4, 5, 6, 7, 8, 12 and 13 will be required to be discharged before the commencement of any development on site.

31 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.17 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935, e-mail william.oulton@wiltshire.gov.uk
Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	08 April 2015
Application Number	14/11851/OUT
Site Address	Kingsdown Farm, Lords Hill, Longbridge Deverill, Warminster BA12 7DY
Proposal	Erection of an agricultural workers dwelling (Outline application with all matters reserved)
Applicant	Mr & Mrs Phillips
Town/Parish Council	SUTTON VENY
Ward	WARMINSTER WITHOUT
Grid Ref	389208 139116
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 Fleur de Rhe-Philippe for consideration of the relationship to adjoining properties and inappropriate siting.

1. Purpose of Report

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

2. Report Summary

The key issues to be considered are whether or not the financial and functional tests to support an agricultural worker dwelling are met, and if so whether the development would have an acceptable impact on the character and landscape of the area of outstanding natural beauty (AONB).

Neighbourhood Responses: 9 replies were received, including 1 objection, 7 letters of support and 1 “no objection”.

Sutton Veny Parish Council – Notes agricultural need but has concerns with locality (further discussed within section 7 below).

Longbridge Deverill Parish Council - objects to the location (also further discussed within section 7 below. Note: The site lies within Sutton Veny Parish Council boundaries, but Longbridge Deverill PC lies to the west in fairly close proximity).

3. Site Description

The application site is located within the nationally important landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The site is furthermore within a designated area of archaeological potential. The specific area on which it is proposed to erect the dwelling is in an elevated locality some 420m south of an existing dwelling with an agricultural occupancy condition, also under the ownership of the applicant. The site is in close proximity to a redundant reservoir and cluster of trees. The curtilage measures approximately 29.5m x 27m forming part of fenced land containing the wooded area.

The property is some 2.5km south east of Longbridge Deverill and to the east of the A350 from where access would be gained over by-ways/tracks in relatively poor condition.

4. Planning History

W/05/01858/FUL	Farmhouse and garage : Permission : 20 February 2006
W/09/01142/FUL	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings : Refused : 16 July, 2009 and Appeal dismissed
W/10/02377/FUL	Erect two livestock buildings, straw storage building, dung store, hardened tracks and passageways and the re-profiling of land adjacent to facilitate new buildings (revision of W/09/01142/FUL) : Permission : 20 October 2010

5. The Proposal

The application is for outline planning permission with all matters reserved. Indicative details are for a dwelling with a 12m x 6.5m footprint plus a "T"- extension of 6m x 7m. Accommodation is also indicatively proposed to the roof-space. The indicative height of the building is approximately 6m above adjacent ground level.

6. Local Planning Policy

Wiltshire Core Strategy – the following policies are relevant:
Core Policy 1: Settlement Strategy; Core Policy 48: Supporting Rural Life; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 60: Sustainable Transport

The National Planning Policy Framework supports sustainable development.

7. Summary of consultation responses

Sutton Veny Parish Council

The Parish Council commented as follows:

"By a narrow majority of Councillors, the following comments are given:-

Whilst appreciating the requirement of the worker's dwelling it was felt that this is the wrong location, given that it would be widely visible in an AONB and it would change the local scene."

Longbridge Deverill Parish Council

(The site lies within Sutton Veny Parish Council boundaries, but Longbridge Deverill PC lies to the west in fairly close proximity)

Objected on the following grounds:

1. The development is on the most visible location on the farm land.
2. The development should be much closer to the farmhouse and its associated outbuildings.

Wiltshire Council Highway Officer

There are no highway objections on the basis that the proposal is justifiable on agricultural grounds. If not, refusal is recommended on the grounds that the proposed development is outside any defined housing policy boundary and is contrary to local and national sustainable transport policy guidance.

Wiltshire Council Archaeologist

Given the small scale of the development, it is not considered necessary for any pre-determination archaeological investigations to be undertaken. However an archaeological investigation is recommended as a condition of any planning approval, likely in the form of an evaluation trench across the footprint of the dwelling. Depending on the results of the evaluation it may be necessary for further mitigation to be carried out.

AONB Team

The AONB objects to the proposal.

The Officer notes that the proposed dwelling is some distance from the animal housing and questions the accuracy of the details in relation to the development that has taken place on the property. The dwelling would therefore be isolated contrary to policy. It appears that the existing screening of the scrub is somewhat over-estimated, particularly given that the study hasn't been done in winter when the leaves are off the trees. This suggests that the LVIA is under-estimating the impacts of the proposed development. A full application with all details rather than an outline proposal would have been preferable given the AONB setting, The officer questions the case for an additional farm-worker dwelling on the site to serve animal welfare, given the history and reasoning behind the existing dwelling.

Wiltshire Council Agricultural Advisor

The advisor notes that the applicants own the freehold of 299 hectares (739 acres) at Kingsdown Farm. In addition to the freehold land the applicants also occupy a further 167 ha (413 acres) of land. The farming practice is the production of beef cattle from a herd of suckler cows. At present some 388 breeding cows are kept, producing single suckled calves each year. The herd is calved year round; the cows are kept outdoors for as long as possible and then brought in for calving for six to eight weeks. The long calving period ensures that there is a continuity of supply of offspring for sale. Cattle are sold at market.

The land use is split between arable and forage production. Current cropping comprises 52 ha (128 acres) of winter oilseed rape, 105 ha (259 acres) of spring barley with 105 ha of stubble turnips preceding the spring barley; 53 ha (131 acres) of winter wheat; and 256 ha (633 acres) of permanent and temporary pasture. Contractors are used for forage harvesting and to drill, spray and combine the arable crops; all other cultivations and field operations are undertaken by farm labour. Harvested grain is part utilised in a mill and mix for the cattle

feed and part sold. The herd of suckler cows will be expanded to 470 head over the next 18 months through the retention of suitable heifers and through the selective purchase of additional breeding cows.

The applicants purchased Kingsdown Farm in 2000. There are two main buildings on the farm, one is used as a covered yard to accommodate store cattle with the second used part for calving and part as a grain store. The applicants also have an extant planning permission for two additional covered yards, a store for bulk fodder and a dung store.

Existing accommodation is the present dwelling at the farm, completed in 2009 and subject to an agricultural occupancy condition. The applicants occupy this dwelling. Both applicants work on the unit full time, together with two full time employees and part time assistance at peak periods. The proposed dwelling is for accommodation for a full time herd manager in addition to the existing staff.

The advisor's detailed assessment is discussed in Section 10 below.

Wiltshire Council Ecologist

The Officer noted that an Extended Phase 1 Habitat Survey was submitted with the application. The officer furthermore notes the content thereof. The Extended Phase 1 Habitat Survey report concludes that the habitats present on site are considered to be of low ecological value and the potential for protected species is negligible. However, precautionary methods for site clearance are recommended with regard to the low risk of finding nesting birds and reptiles. The report also refers to the retention and protection of all "mature trees on the site boundaries" and refers to BS5387:2012. It also recommends a sensitive landscape design that could provide enhancements for biodiversity in accordance with Chapter 11 of the National Planning Policy Framework.

The application site is within an isolated patch of scrub adjacent to a covered reservoir that is surrounded by an arable field. It is grazed with livestock (sheep present in photographs of the site in the Extended Phase 1 Habitat Survey report) and does not contain any notable plants or priority habitat. The main ecological issues are the likely presence of nesting birds and reptiles, and precautionary site clearance methods are recommended in section 6.1 of the Extended Phase 1 Habitat Survey report.

There is potential to create new habitat as part of the proposed development, particularly hedgerows associated with the proposed new driveway to the dwelling.

The Officer therefore recommends that development be carried out in accordance with Section 6.1 of the Extended phase 1 Habitat Survey report and that the landscaping scheme for the site incorporates the creation of new, native, species-rich hedgerows.

8. Publicity

Of the nine responses received there was one objection, on the grounds of the location on an elevated site, particularly considering the site history where the prominent farmyard was approved.

Supporting letters were on the grounds of the need for agricultural workers' dwellings, the nature of the farming activity on site, the locality (for health & safety reasons should not be in existing farmyard area) and the need to support the future development of the farm.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Requirement for agricultural justification for a dwelling in the open countryside

Core Policy 48 (Supporting rural life) of the WCS states that “Outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported *where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.*”

The Council's Agricultural Advisor notes that the application for the dwelling is associated with the existing suckler cow enterprise. In terms of National Policy, the NPPF in paragraph 55 of the NPPF states:

“Local planning authorities should avoid new isolated homes in the countryside *unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside*”

The manager would occupy the proposed dwelling as part of their conditions of employment. Under the NPPF (and CS Policy 48) it is therefore relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the enterprise.

The Advisor notes that the principal business at the holding is the production of store cattle from a herd of suckler cows. Suckler cows require close attention immediately before, during and after calving; in addition neonatal calves require close attention in the first few weeks of life. At present, including replacement heifers there are some 440 calvings at the farm buildings in any year. The advisor's view is therefore that the current quantity of calvings presents an essential need for an additional worker on the holding at most times, in order to provide a more even distribution of workload.

With regard to the financial assessment requirements of CP 48 (and whilst there is no express reference in the NPPF to a requirement for this for either an existing or proposed business which will operate in association with rural dwellings), such an assessment is critical to forming an opinion on the continuation of the “essential need”. In this case the essential need would only continue through the operation of the business. If the business

does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no “essential need” for its presence.

The Advisor has considered the profit and loss accounts for the last three trading periods that were submitted in support of the application. The accounts show the business was profitable in the most recent trading period. The level of profit is sufficient, in the Advisor’s opinion, for the business to enable viability.

On general matters, the Advisor notes that the planning application is for outline permission only. However, the indicative Gross Internal Area (GIA) of the proposed dwelling of approximately 140m² is considered to be in line with the essential need as identified. Further, the proposed dwelling is shown located away from the farm buildings, along the access track to the farm; the location appears to be out of sight and sound of the buildings and therefore the accommodated livestock. The location has however been identified in order to minimise the visual impact of the proposed dwelling.

The advisor concludes that the existing business presents an essential need for an additional worker at the holding. The existing business is profitable and the level of profit enables viability.

In view of the evaluation by the Advisor it is considered that there is an agricultural justification for the new dwelling to serve the farming business.

9.2 AONB & Countryside setting

The site lies within the Cranborne Chase and West Wiltshire Downs AONB. The NPPF in Paragraph 115 states that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*” This is reinforced in Core Policy 51 (Landscape) which requires that “Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape settings*
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*
- iv. Visually sensitive skylines, soils, geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise,*

and motion;

viii. Landscape functions including places to live, work, relax and recreate, and

ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

The dwelling would be sited on what is a high point in the local topography and therefore has the potential to be visible in the wider surrounds and thus be contrary to requirements for the protection of the nationally important AONB landscape. It is characterised by a mixed wooded and scrubby area set around a redundant reservoir. The dwelling would be located within a cleared section at the south eastern corner of the wooded area.

The application has been supported by an extensive and detailed Landscape and Visual Impact Assessment.

The relevant images and plans used in the analysis will be displayed at Committee to demonstrate the conclusions, but the key considerations of the analysis to be read in conjunction with these are as follows:

Drawing No. 1007/PL15 analyses the potential visual impact of the site and indicates the viewpoints discussed below, assessments identifies the “Zone of Visual Influence” of the proposal. This is shown edged and shaded in yellow on the plan and is confined to a corridor of view from glimpses over and through the roadside hedge along the A350 when travelling south and views travelling south on the public byway from Haycombe Hill Farm.

The photographs on Drawing Nos. 1007/PL13 and PL14 show the views towards the Application Site at a time the vegetation is fully in leaf. Whilst noting that the images were taken in summer, the author considered that during winter this vegetation will be dense enough, especially along the southern and western boundaries of the reservoir site, to screen and filter views. There will however be the possibility of a fleeting glimpse from points on the busy A350 as shown.

The image of Drawing No. 1007/PL13 includes four viewpoints taken from and adjacent to the A350 from Rook Hill at the south, past the Application Site to the west, to the southern edge of Longbridge Deverill at the entrance to Field Barn Farm. There are no views of the Application Site from the south (Viewpoint 1) and southbound views from the A350, plus views over and through the roadside hedge at the lay-by on the road and farm gateway are very limited. Travelling south from Longbridge Deverill (Viewpoint 4), the vegetation around the reservoir is seen on the horizon, the potential visual impact is assessed as insignificant in the LVIA.

Other viewpoints from locally accessible areas are shown on Drawing No. 1007/PL14 contains a series of views from the public byway running approximately 800m north east of the Application Site on a low ridge looking back across a small open valley. From each of the representative viewpoints the Application/Reservoir Site is seen at the top of Parsonage Down on the horizon. To the immediate left of the vegetated reservoir site an existing spoil/silage mound can be seen.

The site of the proposed dwelling lies to the right of the mound against the backdrop of existing vegetation. The potential visual impact from Viewpoints 5 to 8 inclusive is considered to be minimal.

The LVIA concludes that *“From the foregoing Visibility Photographs the potential visual impact from views on the A350 varies from **Insignificant/Low** as the viewer approaches the site, a higher impact is not indicated as the majority of the road users will be in vehicles, perhaps the occasional cyclist, there is no pedestrian route and horse riders are rare on this busy road, and the duration of view will, in the majority of cases, be very short. These views will have less impact once the recently planted roadside hedge has become more established.”*

Over and above these considerations, there are no neighbouring dwellings (other than that of the applicant) in close proximity and views from any settled properties would be from some distance and of limited impact.

The site and surrounds were visited by the case officer in order to assess the LVIA statements. The A350 fleeting and limited views are confirmed and the views from the By-way 800m distant would indeed have the treed reservoir as a backdrop. It is considered furthermore that the analysis confirms that, notwithstanding the elevated location, the local topography is such that impact on the wider landscape would be limited.

A further consideration is however the fact that the existing farmhouse and agricultural buildings form a cluster of development to the north of the site. Consultees raise the question of why the new dwelling should not be located within this cluster. The case argued by the applicant is that of health and safety for children within the future household should the dwelling be located within what would be a busy farmyard complex. Some weight could be attached to this argument, but on its own it is not considered to carry sufficient weight to justify the relative separation of the proposed building and the existing complex. However, the existing cluster of buildings presently forms a highly visual grouping particularly when seen in approaches from the north along the A350. Seen in the context of the relatively limited views of the application site from the wider surrounds, it is considered that the siting is in fact preferable to a further addition to the massing of the existing cluster. The application site is within wholly reasonable proximity to the farmyard, linked by a well established (albeit fairly low standard) access road. The screening and backdrop offered by the vegetation and trees surrounding the old reservoir site further limit the likelihood of the dwelling being prominent in the landscape. For these reasons the siting is considered to be acceptable and not harmful to the AONB landscape.

9.3 Other Considerations

There are no highway objections unless the dwelling does not meet the requirements for an agricultural occupancy. The Agricultural advisor has confirmed that it does. The Ecologist has raised no objections subject to conditions.

11. Conclusion

Where it has been demonstrated that there is an agricultural justification for the dwelling and the location is acceptable within the AONB setting and there are no other planning reasons

militating against approval it is recommended that Planning Permission is granted subject to relevant conditions.

RECOMMENDATION

Grant permission subject to the following conditions:

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

- 3 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.

- 4 The development shall be carried out in accordance with the following approved plans:

Drawing: Site Location Plan received on 12 December 2014; and

Drawing: Proposals Plan and Cross Sections received on 12 December 2014 (in respect of red-outline site plan)

Read together with any plans subsequently approved under and Application for the Approval of Reserved Matters.

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

- 5 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: The dwelling in this location is only permitted on the basis of the special agricultural justification presented and any dwelling must remain, in terms of the amount of accommodation provided, commensurate to the essential agricultural need. This will ensure that the amenity of the area and appearance of the AONB will be protected and enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in light of the on-going essential agricultural need at any given period.

7 The Gross Internal Area (GIA) of the proposed dwelling shall not exceed 140m² in extent and the maximum ridge height shall be 6m above adjacent ground level.

REASON: In order to reflect the special justification and essential need demonstrated; and to define the terms of this permission.

8 No development shall commence on site until details of the existing and proposed site levels, including no raising of ground levels and details of the proposed ground floor slab levels, have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of visual amenity.

9 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

10 The landscaping details provided in accordance with Condition 2 shall include details of habitat creation to enhance the biodiversity value of the site to include native, species-rich hedgerow creation with locally characteristic species.

REASON: To provide biodiversity enhancements in accordance with paragraph 118 of the National Planning Policy.

11 The development hereby approved shall be carried out in accordance with the recommendations made in section 6.1 of the Extended Phase 1 Habitat Survey report dated November 2014 prepared by Sedgehill Ecology Ltd, unless otherwise agreed in writing with the local planning authority.

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

- 12 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.

- 13 No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

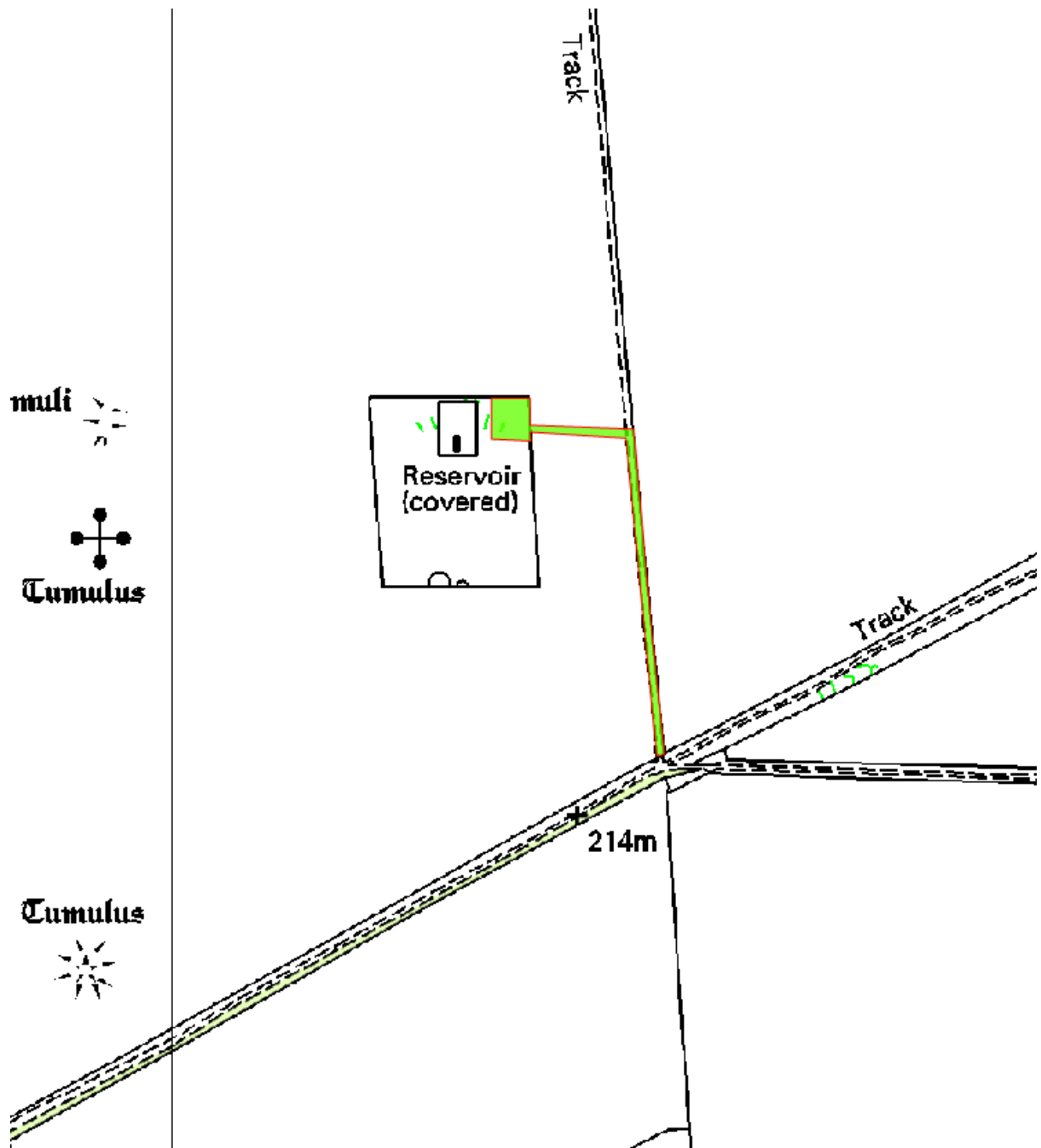
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

- 14 Informatives:

The Archaeological investigation work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	8 th April 2015
Application Number	15/00420/FUL
Site Address	68 Berryfield Park, Melksham, SN12 6EE
Proposal	Demolition of number 68 Berryfield Park to provide access to create 8 dwellings to the rear of 65 - 72 Berryfield Park
Applicant	Selwood Housing - Mr Mick Latham
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT SOUTH
Grid Ref	389826 162249
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called into Planning Committee for consideration by Roy While the local member.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

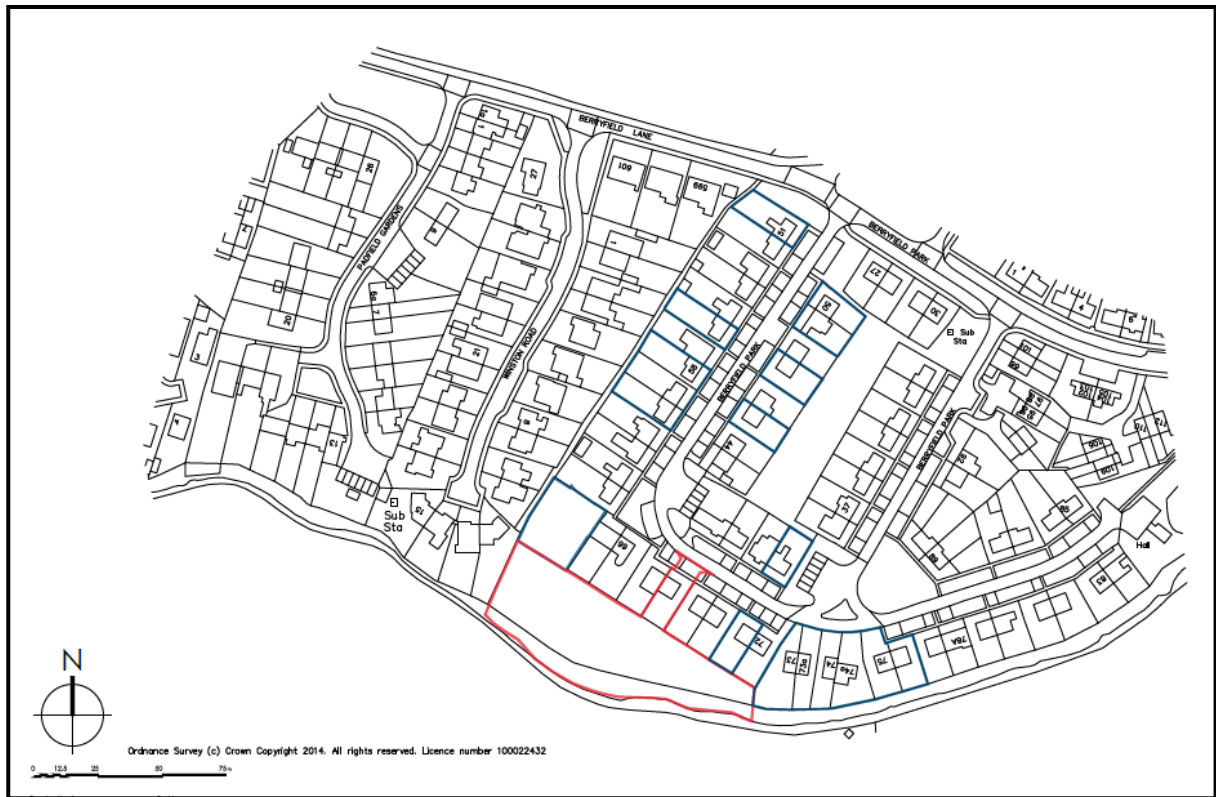
The main issue to consider is whether the proposal at this small village represents a sustainable form of development for which planning permission ought to be granted.

3. Site Description

The site is located on the edge of the built environment of Berryfield Park, on land informally used as recreation space. The application site is located on the southern extent of Berryfield, a settlement situated approximately 1.6km to the south of Melksham town centre. The site boundary to the north, east and west is formed by existing residential dwellings that front onto Berryfield Park and Winston Road. To the south the site is bordered by Berryfield Brook, beyond which the land is used for agricultural purposes. The site is generally with a shallow slope down to the brook to the south. Boundary features are a mixture of post and wire fencing, timber fencing and an element of small trees running along the brook.

The application site currently comprises of undeveloped green space and number 68 Berryfield Park, a semi-detached property. There is currently no vehicular access to the greenfield part of the application site from the highway however, number 68 Berryfield Park benefits from an off-road parking space accessed from the carriageway.

Under the West Wiltshire District Plan, Berryfield had a limit of development and the site was located within this. Berryfield is now identified as a small village within the adopted Wiltshire Core Strategy and no longer has a limit of development, so the proposed development now falls outside of any limits of development (LOD).



Site Location Plan - The site is identified in the red outline, the land outlined in blue are other properties within the vicinity in the applicant's ownership.



4. The Proposal

The application is for the demolition of number 68 Berryfield Park to provide access to create 8 new dwellings to the rear of 65 - 72 Berryfield Park. The proposed units would be:

- 4 no. one-bedroom dwellings;
- 2 no. two-bedroom dwellings; and,
- 2 no. three bedroom dwellings.

The proposed development would create on face value three sets of semi-detached properties; however plots 1 to 4 would be made up of four 1 bedroom flats, two at ground floor and two at first floor.

In order to provide access to the site, no. 68 Berryfield Park would be demolished. It is proposed to construct a new priority junction on the southern side of Berryfield Park where the access road would form the minor arm. This arm would continue into the site and would lead to a proposed parking area for residents of and visitors to the proposed development.



Site Layout Plan

5. Local Planning Policy

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. Core Policy 2 states that development outside of LODs will only be permitted where it is infill within the existing built-up area of a small village, or where it has either been identified through (i) community led planning documents including neighbourhood plans, or (ii) a subsequent development plan document which identifies specific sites for development, or (iii) whether it falls within one of the 'exception policies' listed in paragraph 4.25. These 'exception policies' include Core Policy 44 – Rural exceptions sites, which allows for the granting of planning permission for small scale residential developments of affordable housing sites of 10 units or less on sites adjoining, within or well related to existing settlements.

Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. The identity of these separate communities will need to be preserved through the planning process. Berryfield is considered separately and is identified as a small village. However, it is recognised that both Berryfield and Bowerhill have strong functional links to Melksham and have important individual characteristics which should be protected, where practicable.

The site lies on the edge of Berryfield, a village that had a limit of development in the previous West Wiltshire District Plan that included this site, but is now identified in the Core Strategy as a small village outside of any Limits of Development (LOD), where policy seeks to restrict new build residential development to infill, or affordable housing as an exception, as set out above.

Core Policy 15 requires the provision of at least 2370 new homes in the Melksham Community Area up to 2026, of which 130 homes will be provided in the surrounding community area and 51 still remain to be identified.

National Planning Policy context.

The NPPF describes the presumption in favour of sustainable development to be the “golden thread” running through plan-making and decision taking.

6. Summary of consultation responses

Melksham Without Parish Council – 18/2/2015 - The Council noted that many of the issues previously raised during the public consultation period had now been addressed, these included concerns relating to ecology, the nearby brook and potential risk of flooding.

Due to the concerns of residents of obtrusive lighting causing disturbance at the rear of existing properties, the Council would like to see a tenancy condition imposed restricting the use of security lighting at the rear of new dwellings. The Council would like to see a Site Traffic Management scheme put in place to prevent construction traffic using a circuitous route through Berryfield Park. The Council would like to see a condition imposed restricting construction to 8.30am to 5.30pm Monday to Friday, and Saturday 8.30am to 1pm only. The Council support a 20mph speed limit restriction on Berryfield Park, which is noted is a private road owned by Selwood Housing.

Wiltshire Council Spatial Planning – It is considered that this application can be determined using Core Policies 1 and 2 of the Core Strategy; Berryfield is a 'small village' and the limits of development have been removed. Core Policy 1 allows for modest

development at small villages to meet local needs and to contribute to the vitality of the village. Core Policy 2 considers that appropriate development at small villages should be in the form of infill which it describes as 'the filling of a small gap that is only large enough for not more than a few dwellings, generally only one dwelling'. It is considered that the proposed development of 8 dwellings in this location is modest in the context of Berryfield and that this location could be argued to be infill development within the existing urban area of the village. Core Policy 44 is relevant for sites outside of settlement boundaries and outside of the urban footprint of small villages.

Wiltshire Council Housing Team – As stated on the application form, Selwood are detailing these units as social housing units, which would be for affordable rent. It is noted that Selwood had been advised in pre application advice that the area could be considered more within the village area rather than outside it and therefore not as an exception site. It was considered to fit more within the built area of the overall village than not but obviously, the Council has now adopted the WCS which classifies Berryfield without a settlement boundary. It is confirmed that there is demonstrable need for affordable housing in this location, currently statistics on the Housing Register show Berryfield and surrounding villages with 35 households in priority need; therefore it is considered that the provision 8 affordable homes in this location is supported.

Wiltshire Council Ecologist – No objection subject to appropriate conditions. The majority of the comments from residents objecting to the application are very general about the impact on wildlife, mentioning deer, bats, hedgehogs, buzzards, foxes and a heron. One specific comment refers to bats being present on the site and that "*no bat survey has been carried out, as this can only be carried out in the summer*". Some species are afforded more protection than others. If granted consent the development would have to progress in line with current statutory requirements for the protection of animals. It is considered that no further activity surveys are necessary of the building or site in this instance.

The methodology and findings of the submitted report are generally satisfactory and there is no requirement for further survey or assessment.

The existing dwelling is of modern construction and has no suitable features for use or access by roosting bats.

The Berryfield Brook lies adjacent to the site and was briefly surveyed as part of the walkover survey and assessment. The banks of the brook were considered to be suitable for species but no signs were found. The banks of the brook are described as comprising dense scrub, which could potentially provide suitable resting up habitat for otters during the summer/autumn months when the vegetation is at its highest.

It is recommended that a 6metre buffer zone along the length of the bank should be maintained this will provide adequate mitigation for species.

The Ecological Survey concludes that overall the application site has limited potential for other protected species, as the majority of the site comprises agriculturally improved grassland that is mown several times a year. However, the scrub around the periphery of the site, particularly along the southern edge adjacent to the brook, does have potential for reptiles, amphibians, nesting birds and hedgehogs.

The Ecological Survey report also recommends that a sensitive lighting scheme is required to limit light spillage into the brook and retained habitats. A sensitive lighting scheme should be submitted by condition.

All enhancements recommended in the Ecological Survey report should be included within the LEMP, as well as additional enhancements in the form of integral bat boxes/tubes and bird nest boxes within the new dwellings, as a condition of planning consent. As an enhancement, roosting and nesting opportunities can be incorporated into buildings at very little cost.

Wiltshire Council Highways - The site is accessed over a private road with wide verges and footways set back from the carriageway. Access is to be achieved by demolishing an existing dwelling. Adequate visibility can be achieved from the proposed access across the grass verges either side and the development meets the minimum parking standards contained in the Wiltshire Parking strategy. In view of the above there is no highway objection to raise, subject to the imposition of conditions in the interest of highway safety.

Environment Agency – Raise no objection to the proposed development subject to the imposition of conditions and informatives being included in any planning permission granted.

Wiltshire Council Land Drainage Engineer - Supports the application subject to conditions. The application form states foul disposal will be to the main sewer and that storm drainage disposal will be through a sewer and soakaway, but the site is within 20m of a water course and within the FRZ 2/3 of that watercourse. The FRA suggests that the dwellings proposed are in FRZ 1 area with a set floor level to provide dwelling with flood protection.

There is a public foul and storm sewer that crosses the site and are therefore likely to require diversion (ref. extract of Wessex records in FRA). It is acknowledged that there is normally a no build over/near requirement of Wessex infrastructure. It is recommended that this is resolved now in to assure that further revisions are not required. There are no details of proposed drainage systems included on submissions drawings as this is a full submission it should include this information.

There is no information of proposed soakaways which, are considered unlikely to work due to proximity of the water course and FRZ 2/3 within the site. The FRA indicates ground becomes saturated in wet weather and that soil is clay thus soakaways would not work but permeability testing had not been undertaken to date. FRA suggests a discharge from site without any attenuation, a normal requirement is for post development run-off to match pre-development rate.

Wessex Water - no objections stated. Advised on the following matters:

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Protection of Existing Assets - A public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public surface water sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public surface water sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact the Sewer Protection Team to discuss further 01225 526333.

Separate Sewer Systems - Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Wiltshire Fire and Rescue Service - make recommendation for use of domestic sprinklers and other measures in order to improve safety and property loss in the event of a fire; in accordance with the requirements identified under B5 of Approved Document B relating to The Building Regulations 2010 and the recommendations to improve safety and reduce property loss in the event of fire.

Wiltshire Council Education Team - As the proposal is below 10 units, there would be no need for S106 contributions re: Education.

7. Publicity

The application has been advertised by letter to local residents, by site notice and within the local press; the following is a summary of the responses made by residents of 7 local properties to date at the time of writing this report:

- Residents are strongly opposed to this planning application;
- The environmental impact would be detrimental to this area; the site is home to a variety of wildlife, including a number of bats, hedgehogs, foxes, deer, buzzards and even a regular heron who visits;
- There are bats on this site and no bat survey has been carried out, as this can only be carried out in the summer;
- Object to the loss of the playing field, there are very few areas in Berryfield Park where children can safely play without the risk of cars; the field is used for birthday parties, ball games and camping activities; the field is used as a playing field for the local children; and the land is also frequently used on a daily basis by dog walkers;
- There will be a significant amount of land leftover that will still be easily accessible after the build, although the only access to the land is across private gardens, Selwood have been informed that if the build goes ahead that that this will be fenced off;
- With reference to Melksham Without Parish Council's planning policy - recreational space 5.4 where recreational or social land is already in existence it should not be encroached upon in any way as a result of development and green spaces should not be eroded. The council strongly objects to the diminution of any recreational facilities;
- After rainfall, the land becomes boggy (as well as existing back gardens) and strong concern is raised at the impact and water-clogged state of existing gardens if this land is built on, as this would decrease the area for water to drain away on to;
- There is an increased risk of flooding from the extra hard surfaces, more flooding might occur if more buildings are built as the rain drains off this estate into this area;
- The sewer drains on the estate are always blocking the site where the proposed houses are to be built are prone to be flooded as the site was flooded last winter with rainwater;
- Has a flood assessment been carried out on the drainage ditch that runs from the north to the south;
- Object as there will be an impact on the privacy of both our garden and home taken away; the gardens will directly overlook each other;

- The extra noise from these homes and possibly bonfires, dogs, cars will take away the peacefulness of the countryside;
- if the proposed canal is built this will take away a children's play area and if this one is built further recreation space will be lost, leaving only one small play space for the whole of the estate children;
- noise, loss of privacy, loss of light;
- Concerns that emergency services would not be able to get to the homes easily, especially fire services;
- Concerned that the footpath area could be used for dumping rubbish and who would pay for this to be removed;
- The design and layout of the development is not in-keeping with the area;
- Living on a street with two blind corners, this is quite hazardous when driving, although existing residents are aware of this and tend to be courteous and considerate helping each other out; during the weekends and evenings the street is very busy with many cars parked on them, the addition will cause more congestion and hazards;
- The proposed road access is only 10 metres away from a ninety degree bend on one side and 40 metres on the other side; because of the lack of parking residents have to park on the highways thus creating more blind spots;
- Deeds state responsibility for the highway, this is concerning as who will be responsible for damage caused by construction traffic; where will construction workers park?
- Comments received following the submission of an additional transport detail comments made identify that the design off the road access does not take into account the vehicles that park on the road at nights and weekends, the report does not give a true reflection of the situation during weekends and evenings; the access would not be sufficient to accommodate emergency vehicles; it would be detrimental to the area, due to the wildlife and the loss of open space for children; there is sufficient social housing in the area.

8. Planning Considerations

Main Issues

The principle issues of the proposed development are considered to be:

- 1) Principle of the development;
- 2) Visual Impact including the design and layout;
- 3) Flood and drainage issues;
- 4) Neighbour amenity, including loss of privacy, loss of light, noise;
- 5) Ecology, impact on wildlife;
- 6) Loss of recreational space; and
- 7) Highways safety.

8.1 Principle of the Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. Core Policy 2 states that development in small villages with no Limits of Development (LODs) will be restricted to infill, or only be permitted where it has been identified through

community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. An exception is made for affordable housing that is supported by the local community and is well related to the existing settlement.

Comments from the strategy officer consider that this application should be assessed under Core Policies 1 and 2 of the Core Strategy. Berryfield is a 'small village' and Core Policy 1 allows for modest development at small villages to meet local needs and to contribute to the vitality of the village. Core Policy 2 considers that appropriate development at small villages should be in the form of infill which it describes as 'the filling of a small gap that is only large enough for not more than a few dwellings, generally only one dwelling'.

In this instance the proposed development of 8 dwellings in this location is considered modest in the context of Berryfield, although it may be stretching a point to describe it as 'infill'. However, it is clearly well-related to the existing built development and is solely for affordable housing. It could therefore be considered under 'exceptions' Core Policy 44. In either case, the location of the site, its relationship to the existing built form, and the strong functional links to Melksham make it a sustainable site suitable for development for affordable housing in principle.

Comments from the housing officer identify that statistics on the Housing Register show Berryfield and surrounding villages with 35 households in priority need, therefore it is established that there is a need for new housing and that this project would go towards providing for that need. On balance the proposal is therefore considered to meet the requirements of the WCS.

8.2 Visual Impact including the design and layout

Comments have been received from local residents suggesting that the scale and design of the proposed properties would be out of keeping with the context of the local area. The existing residential units within the area are predominantly two storey dwellings finished in a reddish brown brick with concrete tiles to the roofs. They are a relatively modern, honest 20th century addition within the landscape and are not of such a high architectural merit so as to create a character and style that should be reproduced faithfully.

However, the proposed dwellings have been designed to respect the existing character and context of the area and would provide an additional 8 new units that would not detract from the architectural form of Berryfield Park estate. The proposed density and scale respects that as existing and the use of materials has also been chosen to reflect the predominant materials used within Berryfield Park.



Looking at the site from outside the village, the properties would be seen against the backdrop of the existing houses on Berryfield Park, which are of a similar scale and design. The concerns and objections of the local residents are acknowledged but in this instance it is considered that the proposed development would not create a detrimental visual impact to the character or appearance of the area.

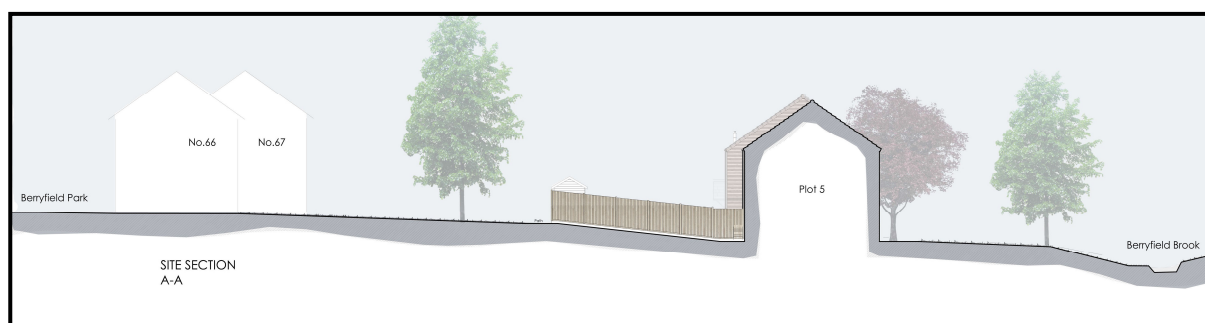
8.3 Flood and drainage issues

Concerns have been raised by local residents at the potential for flooding on the site; they have alleged that during inclement weather the site is currently prone to flooding, through poor drainage and they have raised concerns that the creation of so much hard surfacing will exacerbate this problem. However, the Council's Drainage Engineers consider that the matter can be satisfactorily resolved through an appropriate sustainable surface water drainage system (SUDs) which it is considered can be reasonably conditioned for.

8.4 Neighbour amenity, including loss of privacy, loss of light, noise;

Objections have been raised by residents at the potential impact on existing neighbouring properties. Concerns suggest that there will be a loss of light, loss of views, noise from potential inhabitants, loss of privacy and loss of peacefulness of the countryside.

It is acknowledged that there will be a loss of views for some of the properties that currently enjoy them to the south into the countryside; however these are not material planning considerations. Equally with regards to the potential of noise impact from neighbouring properties, it is considered that this would be dealt with under separate legislation and would not constitute a reason for refusing this proposed development.



Site section

As can be seen from the proposed cross section the new development would be set down in level from the existing properties and would be set at such a distance that it would be unlikely to lead to a significant impact through loss of light.

The proposed new dwellings would sit approximately 23.4 metres elevation to elevation with the existing properties. Guidance suggests an acceptable distance of between 20 and 21 metres elevation to elevation; and when taking into consideration the drop in levels the proposed development would not have a significant impact through overlooking of the existing dwellings themselves. The proposed dwellings would also sit at approximately 9.9 metres from the rear elevation to the proposed rear boundary and 11.3 metres to the existing rear boundary of the existing properties. Guidance on acceptable distances between existing boundaries and proposed new dwellings is between 10 and 11 metres therefore again it is considered that the proposed development would not have a significant impact through overlooking issues.

8.5 Ecology, impact on wildlife

Concerns have been raised that the development would significantly impact on local wildlife, which it is reported has been sighted on the land. It has been claimed that deer, bats, buzzards, hedgehogs, foxes, and a heron have all been using the land. The majority of the comments from residents objecting to the application are very general about the impact on wildlife, mentioning deer, bats, hedgehogs, buzzards, foxes and a heron. One specific comment refers to bats being present on the site and that “*no bat survey has been carried out, as this can only be carried out in the summer*”.

Comments from the Wiltshire Ecologist make no objection in principle, subject to conditions. They identify that deer and foxes are not given the same weight in terms of planning policy, as they are not considered to be rare and are therefore not given UK BAP priority species status, and they are not legally protected other than for welfare reasons (e.g. Wild Mammals Act).

Hedgehogs are recognised as being under threat nationally due to a population decline and are therefore listed as a priority species under Section 41 of the Natural Environment and Rural Communities Act 2006. They may be present on site and are considered in the ecological information submitted as part of the application with recommendations for mitigation (site clearance and provision of hedgehog boxes).

Bats are European protected species and therefore have a higher legal protection. An inspection of the building proposed for demolition has been undertaken in accordance with published best practice guidance. This type of survey can be undertaken at any time of year. No further activity surveys are necessary of the building, and if these were required, then they would need to be undertaken during the optimal season between May – August when bats are active during the summer (particularly where a maternity roost is suspected). A general activity survey of the site is also not required, as the suitable foraging/commuting habitats are being retained – the Berryfield Brook corridor. A general activity survey would normally be carried out once a month between April/May to September, but the impact of the proposal does not warrant this level of survey effort.

The Heron that visits the site is likely to be using the brook to forage and the site does not provide suitable habitat for breeding. The brook is not affected by the proposed development. Buzzards are a relatively common bird of prey that is not recognised as being under threat nationally and do not have priority species status. Buzzards would be protected if they were breeding on site, but there are no suitable trees for nesting.

The scrub along the northern edge of the brook provides shelter for a range of species, including nesting birds, reptiles and hedgehogs, and may also provide suitable habitat for otters and water voles. The scrub effectively screens the brook from the rest of the site and prevents access by dogs and children (it is noted that the site is well-used by dog walkers and children).

If planning permission were granted it would have to be implemented in line with current statutory requirements for the protection of wild animals, including foxes. Therefore, on balance it is considered that the proposed development would be acceptable subject to the imposition of conditions safeguarding species and their environment.

8.6 Loss of recreational space

It is acknowledged that the site is used informally by local residents for dog walking and more than likely for other informal recreational purposes as well. It offers a location for children to play in relative safety and one which probably enjoys a good degree of natural

surveillance from the existing properties in this area. However, it has been identified that the applicant owns the land and could restrict access now without requiring planning consent and that the use of the land is informal.

The proposed development will remove a significant portion of the land from being used for recreation purposes, although a section to the west of the site would be retained. Objectors have indicated that the piece to be retained would not be accessible as persons would have to cross private land to reach it and this would be fenced off. This is a civil issue between the applicant and any adjoining landowners. However, it is apparent that there would be more than sufficient opportunity to create an access point on the remaining piece of land without necessarily crossing any adjoining landowner's property. It is considered that access would not be an issue in this instance. The Council's attention has also been drawn to two recent similar cases, which went to appeal, where the loss of recreational land was not considered an issue by the Planning Inspectorate.

In a similar case where planning consent was refused partially on the loss of open space/recreation area (reference Appeal: APP/Y3940/A/14/2223496 Garage site and vacant land, Tynings Way, Westwood, Wiltshire BA15 2BS); the appeal site was not designated as a high or low quality open space and only offered limited potential for recreation, as in this case. Accordingly, the Inspector was not persuaded that it was a valuable community space. In reaching this opinion it was acknowledged that the level of public support for the open space was strong. However, the weight that could be attributed to these objections was tempered as the current use of the site by the public had been permitted through the goodwill of the landowner and the site was not designated as a village green or open space.

On balance, the site will still retain some informal recreation area that could be used by local residents at the discretion of the landowner. There remain other open areas within the village and in addition open countryside is literally adjacent to the site. The village retains strong links to the facilities of Melksham and the facilities that this service hub does contain. It is therefore considered that the limited loss of the open space through development of the proposed dwellings would not in this instance constitute an overriding reason for refusal.

8.7 Highways safety

Berryfield Park is a privately owned road, providing access to a number of residential dwellings. The carriageway varies in width between 4.6m and 4.8m, across the proposed access location the carriageway measures 4.6m in width. Berryfield Park is subject to a speed limit of 30mph, however, due to the geometry of the road (proximity of near 90 degree bends both to the east and west), vehicle speeds across the proposed access were observed to be much lower than this. There is an existing provision of footways adjacent to the carriageway, which typically measure between 1.0m and 2.0m in width.

The position of the proposed access onto Berryfield Park affords a good level of existing visibility. The achievable visibility splays from a set-back distance of 2.4m are in excess of 43m, the required stopping sight distance for a design speed of 30mph based upon guidance set out in *Manual for Streets* (MfS). The proposed site access junction incorporates 6m radii. The internal access road would be 5.5m wide, a sufficient width for two large vehicles to pass based upon guidance contained within MfS, with a 2.1m footway adjoining the northern side of the carriageway. Within the parking area, aisle widths of 6.0m would be provided to enable vehicles to manoeuvre into and out of the perpendicular car parking spaces and a turning head capable of accommodating large refuse vehicles is provided.

Concerns have been expressed by local residents at the potential impact the development may have on highways safety within the area. Residents have identified that there is a high degree of on-street parking out of working hours that takes place within this housing estate.

However, a traffic report has been carried out that considers, based on Trip Rate Information Computer System (TRICS) data that the development proposed would not create a significant increase in level of traffic movements. From the analysis carried out it could be seen that the predicted traffic generated by the development is low during the peak hours. Furthermore, no allowance has been made for the site's extant trip generation. Whilst the trip generation of number 68 Berryfield Park would be at a low level, there would nevertheless be an off-setting against the proposed development. The volume of additional vehicle movements associated with the proposed development is not considered to be significant or 'severe' in reference to the National Planning Policy Framework, and is very unlikely to have a detrimental effect on the operation or functionality of Berryfield Park, Semington Road and the surrounding local highway network.

This view is supported by the Wiltshire Council Highways Officer who confirms that adequate visibility can be achieved from the proposed access across the grass verges either side and the development meets the minimum parking standards contained in the Wiltshire Parking strategy. As such there is no highway objection to raise, subject to the imposition of appropriately worded conditions being attached to any permission granted.

9. Conclusion

Subject to the imposition of appropriate conditions it is considered that the proposed development would not result in a significant adverse impact on ecology within the area or on highways safety. Further benefits have been identified as achievable by the Ecologist which are not onerous to the viability of the development proposed and would enhance the area with opportunities for protected species potentially using the area. The proposal has been considered in relation to the potential impact on the amenity of neighbouring properties. It is considered unlikely that the development would have a significant impact through either overlooking or loss of light. Noise pollution is not considered an issue in this instance and lighting can be controlled through condition. It is therefore considered that the proposed development would not have a significant impact on neighbour amenity in this instance.

In planning policy terms the site is located at a settlement regarded in the Core Strategy as a 'small village' that no longer has limits of development set out for it in the development plan.; However, it is considered to be in a sustainable location and both core policy 44 and the NPPF does allow for affordable housing to take place in this type of location where, as in this case, the impacts are acceptable. It is bounded by existing residential properties on three sides and hence is extremely well related to the village. Furthermore it is visually well contained and its development would have no wider landscape impact. Whilst the site may currently be used as informal recreation area, at the land owners discretion, the Council cannot guarantee that this would continue and there is still land available for informal recreation in the vicinity. Furthermore, the development would also provide additional community benefits for the area through the provision of additional affordable housing (socially rented) within the area. It is considered to develop the site would not harm the character and appearance of the existing built environment or harm the scenic quality of the wider countryside. The site would provide much needed affordable housing and would contribute towards the Council's 5 year land supply. It is therefore recommended that planning consent be granted, subject to conditions.

RECOMMENDATION

Approve subject to conditions

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

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

2. No development shall commence on site until details 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. 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, B, C, E, F and Part 2, Class A shall take place on the dwellinghouses 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; and in the interests of creating a sustainable form of development that will not have a detrimental impact on the surface water drainage and flooding within the area.

4. The development hereby permitted shall be carried out in complete accordance with the Flood Risk Assessment prepared by Barnaby Associates (Revision 1 dated 14th January 2015). Finished floor levels shall be set no lower than 36.0m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON – In order to reduce the risk of flooding to the proposed development and future occupants.

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

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

6. No development shall commence until a surface water drainage scheme for the site (including surface water from any access / driveway or any hard surface to be created), based on sustainable drainage principles (incorporating sustainable drainage details and permeability test results to BRE365) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme. The approved and implemented scheme shall be maintained as such in perpetuity.

REASON: To ensure that the site can be adequately drained

7. 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 the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of road safety and amenity.

8. No development shall commence until an amended site layout plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the exact location of a new robust fence at the northern limit of the buffer area to the Berryfield Brook (entitled "6 metre vole buffer zone from bank on site layout plan 3774/002 Rev H). The scheme shall be implemented in accordance with the approved details and maintained as such in perpetuity.

REASON: In the interests of biodiversity.

9. No development shall commence until, a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. The Plan shall provide details of the following:
 - a. Installation of fencing at northern edge of 6m buffer area to prevent access during construction and to protect the buffer area during the course of construction.
 - b. Sensitive site clearance to take account of potential presence of nesting birds, amphibians, reptiles and hedgehogs
 - c. Site compounds and storage of materials outside the 6m buffer area
 - d. Implementation of recommendations in section 7.5 of Ecological Survey report by Michael Woods Associates dated January 2015

Development shall be carried out in full accordance with the approved CEMP.

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

10. No development shall take place on site, until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include the following:
 - e. Implementation of recommendations in sections 7.5 and 7.6 of Ecological Survey report by Michael Woods Associates dated January 2015
 - f. Enhancements for nesting birds, roosting bats, reptiles, amphibians and hedgehogs; including the installation of integral bat boxes/tubes and nest boxes for House sparrows, Starlings and Swifts within the new dwellings
 - g. Landscaping scheme, including a wildflower seed mix within the grassed part of the 6m buffer area to the Berryfield Brook, retention of the majority of the scrub within the 6m buffer area with planting of additional tree and shrub species to provide fruit, berries and seeds for wildlife, and appropriate native riparian species on the bank of the brook; this shall include species names, species provenance, supplier details, location on site, preparation and planting methodologies, aftercare and maintenance
 - h. Maintenance of the fencing to protect the 6m buffer zone and prevent access by residents and dogs
 - i. Long-term management of retained and newly created habitats

The approved plan shall be complied with during and after the completion of the development hereby approved.

REASON: To ensure the enhancement and appropriate management of priority habitats and mitigation for protected species.

11. No external lighting shall be installed on site until plans showing the type of light appliances, the height and position of fittings, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority.

REASON: to minimise light spillage into the adjacent brook corridor habitats to maintain dark foraging and commuting corridors for bats, in the interests of biodiversity.

12. The development hereby permitted shall be carried out in accordance with the following approved plans: 3774 – 001 Rev B Site Location Plan; 3774 – 002 Rev H Site Plan; 3774 – 004 Plans and Elevation Plots 1-4; 3774 – 005 Plans and Elevations Plots 5-6; 3774 – 006 Plans and Elevations Plots 7-8; 3774 – 007 Site section and Street Scene; 3774 – 008 Roof Plans; The Application Form, the Transport Technical Assessment; The Ecological Survey (January 2015); The Flood Risk Assessment and Drainage Strategy (January 2015).

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

Informative

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence). Please see the Council's website for further information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm> or visit <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Informative

There are public storm and foul water sewers crossing the site, for which the sewerage undertaker normally operates a no build over/near with a clear zone each side of the sewer. The applicant should seek confirmation as soon as possible from the undertaker on this issue with shown layout and whether the undertaker will require formal diversion of their apparatus under a Water Industry Act agreement to achieve the current layout

There will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course to cover any permanent and/or temporary works to form the outfall prior to construction of any Stormwater drainage works on site as required under the Land Drainage Act 1991 in order to comply with LDC legislation – please note that if changes are required to drainage proposals to obtain LDC you may need to apply for variations of any planning approved scheme

Informative

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public surface water sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public surface water sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Informative

When discharging the surface water condition, the following is expected:

- i. Whilst submitting technical details and design calculations may help illustrate that surface water management can be achieved, there also needs to be a supporting formal strategy report which explains the technical information presented and can be readily understood by the non-technical reader. If the development comes forward in discreet phases, each phase will need to be supported by 'phase specific' documents.
- ii. Adequate attenuation arrangements should be provided from the outset of development ensuring that no uncontrolled surface water is permitted from the site at any stage of development.
- iii. Any outflow from the site must be limited to existing run-off rates and volumes and discharged incrementally for all return periods up to and including the critical 1 in 100 year event.
- iv. Sufficient attenuation volume must be provided within the site to hold the surface water run-off from the developed site up to the critical 1 in a 100 event, including 30% allowance for climate change for the lifetime of the

development. Attenuation areas must not be situated in areas at risk from flooding (i.e. fluvial, surface water, ground water etc.). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

- v. Exceedance flow occurs during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion could flow uncontrolled onto land under other ownership or into a watercourse/floodplain. CIRIA good practice guide for designing for exceedance in urban drainage (C635) requires that the run-off from the site during the critical 1 in 100 year storm plus climate change allowance must not be permitted to flow uncontrolled from the site (unless alternative arrangements have been made) and must not reach unsafe depths on site. For surcharge / flooding from the system (which is indicated by the preliminary calculations within the FRA), overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.
- vi. Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- vii. The adoption and maintenance of the drainage system for the lifetime of the system must be addressed and clearly stated.

Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Mude which is designated as 'main river'. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483421.

Informative

There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively. This would apply, for example, to the existing overland flow paths shown on the Flood Map for Surface Water. Water Efficiency and Climate Change

Informative

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

- j. the use of plant and machinery
- k. oils/chemicals and materials
- l. the use and routing of heavy plant and vehicles
- m. the location and form of work and storage areas and compounds
- n. the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

ITEM 2 – 15/00420/FUL - 68 Berryfield Park Melksham



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.3

Date of Meeting	8 April 2015
Application Number	15/00661/FUL
Site Address	Whaddon, Hilperton, Trowbridge Wiltshire BA14 6NR
Proposal	Change of Use of Agricultural Building to B8 Storage and B2 General Industrial Use Ancillary to Engineering Works
Applicant	Trojan Engineering
Town/Parish Council	HILPERTON
Ward	HILPERTON
Grid Ref	387911 161470
Type of application	Full Planning
Case Officer	Alison Hall

Reason for the application being considered by Committee

1. Purpose of Report

This application has been called in by Councillor Clark on the grounds of impact on neighbouring amenity and continued industrialisation of the area.

2. Report Summary

The issues to consider are:

- The principle of development and impact on the character of the area
- Impact on neighbouring amenity
- Impact on the highway

3. Site Description

The site is located to the north west of Whaddon Lane. The nearest residential property is Long Byre which is located to the east of the site.

The existing business of Trojan Engineering is located in the building to the west of Long Byre. Trojan Engineering have been operating from the site since 1989 and manufactures steel/metal work for residential and commercial clients. The existing building total floor area is 312sqm.

4. Planning History

Original change of use granted in 1993 for a temporary period of 3 years. .

APP/F3925/A/05/1189023 – Change of use from agricultural storage to B8 Storage – Appeal allowed

W/06/1148/EUD – Certificate of Lawful use as a steel fabrication workshop – Certificate of Lawfulness granted.

5. The Proposal

This application seeks permission for the conversion of the adjacent former agricultural store building to the west for the use as B2 (Industrial) and B8 (Storage) and would comprise of an enclosed area for spray painting of the products, an additional workshop area and storage of materials for the existing business use. A total of 123.5sqm of B8 storage would be created, 80.75sqm of flexible storage and spraying area and 137.75sqm of B2 workshop space.

Minor alterations would be required to the building to enclose the current open bays. The applicants state that the business operations would not be expanded and the additional space is required to ensure the existing business operations are carried out in a safer manner for employees and in relation to neighbouring amenity and character of the area. No additional traffic movements would be generated as a result of this development, the applicants state that movements would actually reduce as the additional storage space would negate the need for as many materials deliveries to the site as currently due to the lack of on site storage steel is ordered in on a daily basis.

The applicants state that the existing building is now full to capacity due to the equipment, materials and products expanding and this has resulted in some materials having to be stored outside of the building. The proposed works would ensure that all works associated with the business were internal and therefore no external storage or works would occur.

The principle of B8 storage has been established on the site as a result of the 2005 appeal.

In addition the applicants have confirmed that they would be willing to agree to conditions limiting working hours and delivery times.

The conditions suggested would limit working hours to 07:30-18:00 Monday to Friday 08:00-13:00 on Saturdays and not at all on Sundays or Bank/Public Holidays.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) Adopted 20th January 2015

CP2 Delivery Strategy

CP57 Ensuring High Quality Design and Place Shaping

CP48 Supporting Rural Life

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2014 (PPG)

7. Summary of consultation responses

Hilperton Parish Council – Neither object nor support. They would have concerns if there was an increase of traffic on Whaddon Lane.

Wiltshire Council Highways – No objection. Development would not increase traffic.

Wiltshire Council Environmental Protection – No objection subject to conditions

Wiltshire Fire and Rescue – No objection but suggest an informative relating to sprinklers

8. Publicity

The application has been advertised by site notice and the adjacent residential property was notified directly by letter.

A total of 11 letters of representation from 5 neighbouring residents have been received which raise concerns relating to noise, odour, traffic, waste storage, outside storage, working hours, previous contamination of building through the storage of agricultural fertiliser, outdoor storage/works visual impact.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development and impact on the character of the area

The application site is located adjacent to the existing business known as Trojan Engineering. Trojan Engineering has operated from the site since 1989 and a certificate of lawful use was granted in 2006 for the B2 use.

This application seeks the conversion of an existing rural building previously used as agricultural storage to B2/B8 use in association with the existing business use.

CP48 of the Wiltshire Core Strategy states:

Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:

- i. The building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and*
- ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and*
- iii. The building can be served by adequate access and infrastructure; and*
- iv. The site has reasonable access to local services or*
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding*

The building is structurally sound and would only require the infilling of the open ends of the building to provide an enclosed building to serve the uses proposed.

The uses proposed would be contained within the building. As stated by the applicant in their supporting statement the change of use is required to ensure that all works and storage are contained within buildings rather than being undertaken externally as currently occurs.

Therefore in relation to the character and appearance of the area the proposal would result in an enhancement as storage and works would not be undertaken outside of the building and all would contain them within buildings that are still reflective of the agricultural setting.

The site is located within a rural hamlet and is therefore not directly served by local services. However the site is located within 3km of Hilperton local services and 4km of Staverton and 5km of Trowbridge. It is therefore considered that the site is within reasonable proximity of a range of local facilities.

The principle of the change of use is therefore in line with CP48 subject to other material considerations such as impact on neighbouring amenity and highways are discussed in further detail below.

9.2 Impact on neighbouring amenity

CP48 and CP57 seek to ensure that the amenity of neighbouring residents is maintained. The existing business use was granted through a certificate of lawfulness and therefore there are no planning conditions to control the limits of the use.

This application seeks an extension to the existing business use to improve working arrangements and remove the need for operations and storage to be undertaken outside of the building.

The nearest residential dwellings are Long Byre located approximately 36m to the east, Grove Gates located approximately 80m to the east, Rectory Barn located approximately 80m to the south east, The Old Rectory located approximately 97m to the south east and Whaddon Farm located approximately 100m to the south.

Approximately 100m to the south east of the site is 78a Whaddon which was granted permission under reference W/11/03231/FUL for the change of use of former agricultural buildings to B8 and B2 uses.

The proposed building to be converted would contain the B2 workshop and spraying areas to the southern half of the building with the storage B8 element to the northern half. The existing B2 use is within approximately 12m of the nearest residential property the building subject to this application would be separated by approximately 36m. The opening elements to the building would be located on the western elevation with the eastern elevation that faces towards the neighbouring dwelling having no openings.

At present the existing business use at the site is not controlled by planning condition. This application offers the opportunity to regulate and control elements of the operations to ensure that neighbouring amenity is maintained specifically in relation to working hours, works being carried outside of the building and the visual amenity of outside works and storage.

The Council's Environmental Protection Team has been consulted on the proposals. They comment that they have reviewed the proposals and have visited the site. They note the concerns raised by a local residents and witnessed that the company do currently carry out spray painting outside of their existing buildings. The proposals are therefore an opportunity

to improve upon this situation and contain the business operations within the buildings. They have therefore recommended conditions relating to the submission and approval of details of the extraction system to be used to serve the spray booths, limit the operations to within the buildings and no storage or works to be carried outside of the buildings, hours of working to be restricted.

In addition to the conditions recommended by the Environmental Health Officer it is considered reasonable to remove permitted development rights from the site to ensure that the council retain control over future works.

It is considered that given the separation distance from the site and subject to the conditions recommended the proposed change of use to B2/B8 use would not result in an adverse impact on neighbouring amenity and would present an opportunity to improve the existing working arrangements at the site to the benefit of neighbouring amenity in accordance with CP48 and CP57.

9.3 Impact on the Highway

The site is accessed from Whaddon Lane which is a single track road with some passing places.

The application document "Supporting Statement" explains presently the business has over spilled into the outdoor space and that the proposals seek to "enable the re-ordering of the business to create a more efficient and safer working environment for employees and improve the appearance of the site by creating additional storage space" rather than to expand the existing business.

The applicant has also supplied the following supporting information :-

- Existing deliveries comprise;
 - 3x steel deliveries per week (Rigid truck)
 - 2x galvanising lorry per month (articulated)
 - Average of 3x transit-style van deliveries per day.
- The additional storage floor area is expected to reduce the frequency of material deliveries as Trojan are currently unable to store materials and must order steel in on a job by job basis.

The highways officer has been consulted who states that they have no highway grounds to object to the proposed development.

A condition has been recommended to ensure the outside space cannot revert to being used for the business and therefore preventing any expansion without planning involvement.

The highways officer also provided further comments in response to the concerns raised over the suitability of Whaddon Lane to accommodate additional vehicular traffic. In the 2005 appeal decision for storage units the Inspector's stated that a modest rise in daily vehicle movements would not have a significant impact on the road (Whaddon Lane) or the junction with Hill Street Church Street. The highway consultation responses to subsequent planning applications accessed via Whaddon Lane would have given and will give significant consideration to this appeal decision.

The applicants confirmed that vehicle movements would not increase and would actually reduce due to the additional storage negating the need for daily steel deliveries as presently occurs. In addition they have agreed should permission be granted to limit the delivery times to 08:00 – 16:00 Monday to Friday and not at all on Saturdays, Sundays or Bank/Public holidays and that a condition restricting outside storage and processes.

10. Conclusion

It is therefore considered that the proposed development would provide an opportunity to regulate the currently unregulated business use at the site. The proposal would convert an existing rural building with minimal changes required. The proposal subject to conditions would not result in an adverse impact on neighbouring amenity in relation to noise, dust or amenity. In addition as the existing operations and storage that are carried outside of the building would no longer be required the proposed development would result in an enhancement to the character and appearance of the area. The development would not give rise to increased vehicle movements and operating times could be controlled by planning condition to improve the amenity of neighbouring residents and would not give rise to an adverse impact on the highway.

RECOMMENDATION

Approval subject to conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LDC.1754_005A, LDC.1754_007, LDC.1754_001

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

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

4. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site, and no outside burning of materials or waste shall take place at the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

5. No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

6. The use hereby permitted shall only take place between the hours of 07:30 in the morning and 18:00 in the evening from Mondays to Fridays and between 08:00 in the morning and 13:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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.

7. Any spraying shall be restricted to the designated spray booths identified on the approved plans. No spraying shall commence on site until details of the extraction system, including the filtration system to serve the spray booths (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the designated spray booths being first used for spraying and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

8. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund. The development shall not be first brought into use until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment

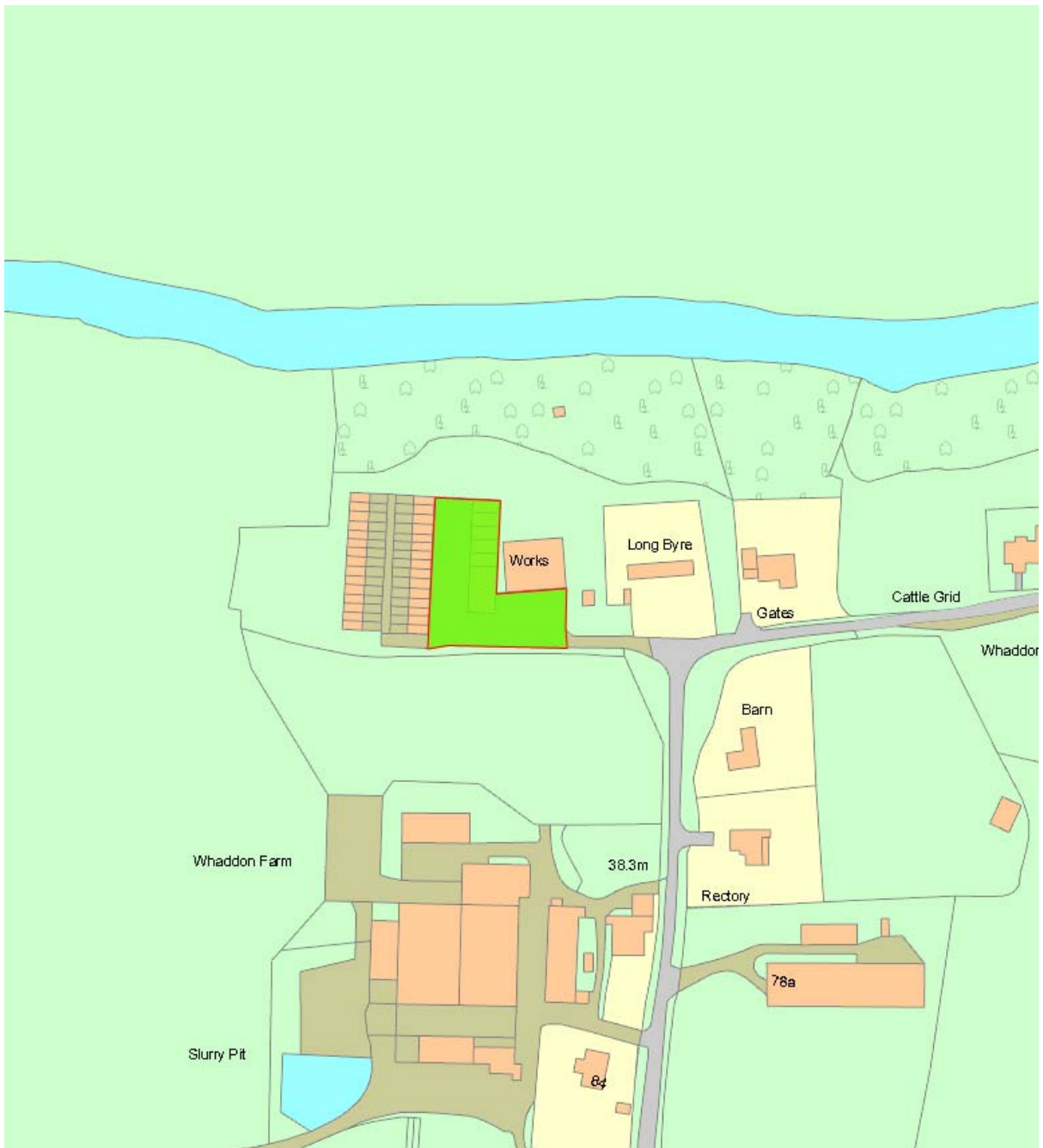
INFORMATIVE TO APPLICANT

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE TO APPLICANT

The track which is the site access is also a public bridleway (HILP19). This must be kept clear of vehicles and materials at all times so users can freely pass along here.

ITEM 3 – 15/00661/FUL – Whaddon Hilperton



This page is intentionally left blank