REPORT FOR STRATEGIC PLANNING COMMITTEE

<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>10 February 2016</th>
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<tbody>
<tr>
<td>Application Number</td>
<td>15/08374/FUL</td>
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<tr>
<td>Site Address</td>
<td>Land Adjacent 89 Bath Road, Warminster, Wiltshire, BA12 8PA</td>
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<tr>
<td>Proposal</td>
<td>Change of use of land to 4 Romani Gypsy pitches and associated works including 4 mobile homes, 4 dayrooms, 4 touring caravans, hard standing and new access</td>
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<tr>
<td>Applicant</td>
<td>Mr J. Barney</td>
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<td>Town/Parish Council</td>
<td>WARMINSTER</td>
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<td>Electoral Division</td>
<td>WARMINSTER WEST : Cllr Ridout</td>
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<tr>
<td>Grid Ref</td>
<td>386658  145692</td>
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<tr>
<td>Type of application</td>
<td>Full Planning</td>
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<td>Case Officer</td>
<td>Matthew Perks</td>
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Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Ridout for consideration of the visual impact on the surrounding area, relationship to adjoining properties, design, environmental impact and flooding, and because the site is outside of development limits.

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

Whilst the Core Strategy has now been adopted new traveller sites will remain as a strategic issue rather than a local issue until the Gypsy and Traveller DPD currently being worked on is adopted.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be granted.
2. Report Summary

The proposals for the establishment of a four-pitch site for gypsies are considered in terms of the Wiltshire Core Strategy that was adopted in January 2015. The key policy is Core Policy 47. This must also be read in conjunction with national policy in the form of the Planning Policy for Traveller Sites (2015) and the National Planning Policy Framework.

Neighbour objections and Consultee response are considered with the recommendation for approval based on the conclusion that the site is acceptable where the proposals accord with CP47, subject to the imposition of appropriate conditions and would not give rise to significant harm to other planning interests.

Neighbourhood Responses: 13 objectors submitted responses.

Warminster Town Council - Objects to the proposals for the reasons cited within section 7 below.

3. Site Description

The application site of some 0.5 ha in extent is situated to the south of Bath Road, Warminster. Access would be directly off of Bath Road. Cold Harbour Lane passes to the south of the site, extending westwards and serving the adjacent playing fields which are separated from the site by a hedge and well-established trees.

Site levels rise towards the west by approximately 1.2m from a low point on the eastern boundary. To the south-east there is a dwelling and across Bath Road a linear arrangement of dwellings lies to the south-east of Furnax Lane, the access to the industrial estate. To the south beyond Cold Harbour Lane there are agricultural fields (now within the West Warminster Urban Extension strategic allocation (Core Policies 2 and 31 of the WCS)).

Warminster town development limits lie some 250m to the west. The West Warminster Urban Extension strategic allocation also extends from the eastern side of the adjacent playing fields along Bath Road.

4. Planning History

<table>
<thead>
<tr>
<th>Application</th>
<th>Description</th>
<th>Outcome</th>
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<tr>
<td>W/80/00772/HIS</td>
<td>One dwelling</td>
<td>Refused August 1980</td>
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<tr>
<td>W/92/01029/OUT</td>
<td>Residential development</td>
<td>Refused September 1992, dismissed on Appeal</td>
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<tr>
<td>14/10457/FUL</td>
<td>Change of use of land to 4 Romani Gypsy pitches and associated works including 4 mobile homes, 4 dayrooms, 4 touring caravans, 1 septic tank, hard standing and new access: Withdrawn.</td>
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5. The Proposal

The application is a re-submission of similar proposals made under application 14/10457/FUL which was withdrawn at the request of the applicant.
The proposal is for 4 pitches, to be occupied by Gypsies/Travellers. Each pitch would be occupied by a mobile home, day room and touring caravan. The layout provides for parking and turning areas, with access off of Bath Road.

The dayrooms of brick under clay tiles would occupy footprints of 6m x 5m and have ridge heights of 4m.

6. Planning Policy

Wiltshire Core Strategy (adopted January 20th 2015):

Core Policy 1: Settlement Strategy;
Core Policy 2: Delivery Strategy;
Core Policy 3: Infrastructure Requirements;
Core Policy 47: Meeting the needs of Gypsies and Travellers;
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape;
Core Policy 57: Ensuring high quality design and place-shaping;
Core Policy 60: Sustainable Transport;
Core Policy 61: Transport and development; and
Core Policy 67: Flood Risk.

Appendix D saved policies of the West Wiltshire District Plan 1st Alteration (2004)

U1a: Foul Water Disposal is relevant.

Emerging Gypsy & Traveller DPD

National Policy

National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites (2015)

National Planning Practice Guidance (PPG) is also a material consideration

7. Consultations

Warminster Town Council

The Town Council recommends refusal. Based on considerable local knowledge of the area there are severe concerns on the water table problem, where the gas and water mains are, the access onto Bath Road; and that there is no main drainage to connect into. There would be a detrimental impact on the visual amenity of this important area of historic interest close to Minster Church.

Wiltshire Council Archaeologist

During consultation on the previous application 14/10457/FUL an archaeological investigation was requested and follow-up works were undertaken. The archaeologist therefore notes that she has previously commented on the archaeological interest in the area. A total of six trenches were excavated across the site, four of which were negative. In two trenches there was evidence for post-medieval activity which possibly represents former quarrying and infilling in the 19th and 20th century. Based on the low significance of the archaeological remains identified within the site, the
archaeologist does not consider that any further archaeological investigation is necessary and there are no further recommendations in relation to this application.

**Wiltshire Council Drainage**

The Drainage Officer initially objected where plans still showed on-site foul drainage. Two further revisions of plans were submitted with services in the final plan being routed off site into Bath Road. Objections were removed and conditions imposed. The Officer also commented on the submission of a separate document containing a drainage objection.

Details are discussed further in Section 9 below.

**Wiltshire Council Ecologist**

The Ecologist supports the application but notes that the recommendations for mitigation and enhancements made in section 4 of the submitted Ecological Appraisal and Bat Survey Report dated 20 August 2015 by TP-Ecology Ltd must be implemented. The management of the retained hedgerows and trees, and newly created landscaped areas also needs to be confirmed. The Officer therefore recommends that a Landscape and Ecology Management Plan (LEMP) should also be required by a condition.

The detailed comments of the Ecologist and the proposed conditions are considered in more detail in Section 9.

**Wiltshire Council Environmental Protection**

No objections/new observations.

**Environment Agency**

The Agency was again consulted, but did not provide new comments. The response to the previous application was however no objection. The agency noted that the site lies within Flood Zone 1, and is therefore outside an area at risk of fluvial flooding (flooding from the river – The Were). The site is less than 1 ha in area and the NPPF does not require proposals in such locations to be supported with a Flood Risk Assessment. The EA however noted that the LPA can reasonably request the developer to submit information about the flood hazard from local sources of flooding at the site of the proposed development. This is a decision for the LPA in consultation with their drainage / flood risk engineers. An informative regarding pollution control during development was suggested.

(Note: Council’s Drainage Officer did request an FRA at the time of the previous application and this was submitted in support of the current proposals)

**Wiltshire Council Highways**

The officer notes that the site was subject to the earlier planning application 14/10457FUL and that the proposed access and achievable visibility is identical to that of the previous application. The officer therefore reiterates the earlier highway recommendation of no objection. (The previous comments were that the officer noted that it is physically possible to provide the visibility splays indicated on the submitted plans, although this will involve replacement of some sections of the existing hedge on a new alignment. Those splays comply with published standards. Although there
is no footway on the development side of Bath Road, the proposed visibility splay will also enable pedestrians to safely cross to the footway on the other side. Ample parking and turning facilities are proposed on site. In view of these considerations there is no highway objection to this application subject to conditions in relation to the splay, gates and surfacing of the access being imposed.)

Wiltshire Council Rights of Way Officer

The Officer was re-consulted but did not have any further comments. No objections were raised previously.

Wiltshire Council Spatial Plans

The officer notes that the application is a re-submission of 14/10457/FUL which was withdrawn due to the presence of gas and water mains under the land in question. It is understood that easements have been agreed with the undertakers and incorporated into the layout plans. The council’s drainage officer’s initial objections on drainage were noted and the proposal modified to overcome the drainage officer’s objection, and in order to meet Core Strategy CP47 i and iii requirements without which the application would not be supported. (Planning Officer Note: These drainage comments were made prior to the submission of revised plans). In terms of all other Core Policy 47 requirements the officer had no further comments and outside of the further work on drainage and flood alleviation the proposal was found to be generally in accordance with that policy.

With regard to overall need, the pitch requirement for the North and West Housing Market Area in Core Strategy Core Policy 47 for 2011-16 has been met. The residual need for additional pitches in the 2014 GTAA for 2014-19 now stands at 3. The proposal would thus result in an overprovision of 1 pitch against GTAA requirements, if permitted. However in the revised government guidance Planning Policy for Traveller Sites at paragraph 11 it is clear that criteria based policies should be applied where there is no need but applications nevertheless come forward. Prospective occupants will have to meet the revised definition of gypsies and travellers as per Annex 1 to the 2015 PPTS.

Wales and West Utilities

Following consultation and various exchanges between the Utility Company and the applicant the location of the gas line that traverses the area was established and revised plans to the approval of WWU submitted.

Wessex Water

Notes that new connections will be required and that the 6m easement has been indicated on the plans. No objection made.

8. Publicity

The following is a summary of the objections received:

- This is a resubmission of 14/10457/FUL and does not appear to have been changed significantly to address the issues then identified;
- Site is very close to the River Were tributaries and is well known locally as a flood plain area.
- The site is outside Warminster's development limits in terms of strategic plan; development.
- Site should be considered as part of the town strategic plan;
- Site of 4 pitches on a private gated site would be largest development in the present settlement and would increase the settlement size by nearly 50%;
- Site would totally change the character of the area;
- The road is extremely busy and previous Highways surveys close to this location have shown vehicles significantly exceed the 30mph speed limit' Has got worse since 50mph limit was reduced;
- No consideration of extra traffic from Western Urban Extension;
- No crossing to other side of road, or footpath;
- Drainage would go along a private access road Cold Harbour Lane and require permission (original plans);
- Was Wessex Water consulted on capacities?
- Site doesn’t meet criteria for a Gypsy site – close to existing community on busy road, unsafe access, high water table unsuitable for septic tanks, Close to road/sports field and therefore noise nuisance for occupants of site;
- Not an allocated Romani Gypsy site and Wiltshire requirements have already been met;
- Does Council have funding to keep Cold Harbour Lane clear if there is dumping?
- Increase in flooding hazard on Bath Road;
- Site is not necessary;
- Council has not promoted collaboration with the local community and sought to promote peaceful and integrated co-existence between the site and local community
- Site not shown as CP35 employment area on Council’s plans and would be a business;
- Outside Western Development and Warminster Strategic Plan;
- Never been an identified need for a Romani Gypsies or Travellers site in the Warminster area.
- Loss of trees/hedge and habitat impact on ecology;
- Previous applications for access refused;
- Site is green belt and outside town limits;
- Site has history of refused residential planning applications as well as withdrawal;
- Flood risk, dwellings in surrounding area flooded in recent times (2008, 2014 and 2015 images submitted);
- Application should be accompanied by an ecology study (especially in relation to bats);
- This is agricultural land outside of any development boundary and should be retained as such;
- Has any study been carried out to establish a need?;
- The site slopes towards the neighbouring properties to the east – potential for contamination by drainage water including to well on adjacent property;
- local schools full;
- loss of privacy at 16, 18 and 89 Bath Road;
- not a sustainable proposal and low design standard;
- Visual impact on approach to Warminster near Cold Harbour “hamlet”;
- Increased danger for school pupils using Bath Road/Cold Harbour Lane to reach grounds;
– Dispute highway conclusions on access. The access is dangerous and notwithstanding advantage of Gypsies/Travellers in planning law a risk of lives due to highway issues unacceptable;
– Images showing results of an accident in 2012 submitted;
– Motorists tend to exceed the speed limit along this stretch;
– Satisfied that mains drainage is now proposed but details of connections not provided;
– Adjacent properties identified by Environment Agency as subject to flooding, how can this site be outside of the EA Flood Zone?
– Nearest mobile home only 40m away from neighbouring dwelling at 89 Bath Road will cause loss of amenity from noise, also from children's' play area;
– Location of gas pipeline not identified and may need whole development to move closer to 89 Bath Road;
– Potential business use by applicant;
– No collaboration with local health services has taken place;
– No arrangement for schooling has been made so potential long distances for children to travel;
– High pressure gas main traverses the site;
– Has a full ecology survey been carried out on the site?;
– Noise nuisance and light pollution; and
– No consideration given to surface water run-off.

A separate document “Objections to Proposal on Grounds of Surface Water Drainage” prepared by Clive Onions, Consulting Civil Engineer was submitted on behalf of neighbours. This document “highlights the need for the hydrological impact of the development to be considered and assurances given that flooding will not be made worse off-site”. It points out that water drains onto the site from surrounding land and this should be considered. The document argues that there the Flood Risk Assessment should deal with a surface and foul water drainage strategies as well as potential impacts of flooding on emergency access to Warminster, impacts of changed levels on site and safe management of the 1:100 year run-off.

9. Planning Considerations

The National Planning Policy Framework states that ‘planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. Core Policy 47 of the Wiltshire Core Strategy is the key development plan policy relevant to Gypsy and Traveller sites.

Following the withdrawal of the previous application, primarily to deal with the question of the location of the gas pipeline to the western end of the site, the agent has submitted additional documentation to address other matters identified under the previous application. All documentation now submitted alongside plans includes:
– A Flood Risk Assessment;
– An Ecological Appraisal and Bat Survey Report;
– A Tree Survey and Assessment;
– A Tree Constraints Plan; and
– An Archaeology report.

The Spatial Plans Officer advises that, In terms of overall need, the pitch requirement for the North and West Housing Market Area in Core Strategy Core Policy 47 for 2011-16 has been met. The residual need for additional pitches in the 2014 GTAA for
2014-19 now stands at 3. The proposal would thus result in an overprovision of 1 pitch against GTAA requirements, if permitted.

However it is also noted that the revised Planning Policy Traveller Site 2015 guidance from the Government at paragraph 11 states that: “Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.”

The site is currently vacant land within 250m of Warminster development limits. It is furthermore adjacent to the West Warminster Urban Extension strategic allocation boundary (on the opposite side of Cold Harbour Lane) which is also shown as extending along Bath Road to the west in the future, from the opposite side of the adjacent sports fields. At present the setting is the semi-rural periphery that includes a mixture of housing, the sports field, open land to the south, and the nearby industrial estates to the north. The proposal is for four Gypsy pitches and associated works to allow for the siting of four mobile homes, four dayrooms, and four touring caravans.

The council is satisfied that the applicant, Mr Barney has traveller status. It is understood that Mr Barney was also previously resident at “Ernie’s Yard”. Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition would need to be imposed on any approval to ensure that the Council retains effective control so that all future occupiers of all of the pitches satisfy the definition of a traveller as set out in the revised Planning Policy for Traveller Sites, 2015. This definition has changed from 2012 and now reads: “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

In the light of Para 11 to the PPTS and given current site provision within the housing market area, the application falls to be considered under the locational criteria applicable to Core Policy 47.

**Locational criteria**

The adopted Core Strategy provides 9 locational criteria in CP47 (Meeting the needs of Gypsies and Travellers) which guide development:-

- *No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*

Flooding is a matter that has been strongly raised in neighbour responses and the Town Council objection. Neighbours have also submitted a document “Objections to Proposal on Grounds of Surface Water Drainage” which argues that surface and foul water drainage strategies should be in place prior to any consideration of the application. A number of photographs were also submitted showing flooding of Bath Road, nearby properties and the lower sections of the site during sustained wet periods.
The submission of the Flood Risk Assessment with the application was not a requirement in terms of NPPF criteria, as confirmed by the Environment Agency. (The NPPF criteria are that site-specific flood risk assessments are required for proposals of 1 ha. or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency) and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.) The FRA was submitted at the request of Council’s Drainage Officer notwithstanding the NPPF criteria, given local flooding reports.

The final submitted plans indicate foul and surface water drainage to off-site. The Drainage Officer removed initial objections to onsite systems and has recommended conditions.

The Drainage Officer considered the submitted objection document and observed that the Drainage section has had a consistent approach that this site would need to deal with foul and storm drainage by way of proper systems including foul water to go to the public and storm drainage to be controlled and discharged to a watercourse at an agreed rate with storage to limit to greenfield run off rate. This is the reason for the suggested conditions. It is also noted that objectors point out that flows are getting onto it from the fields. However the fields form part of the council’s strategic development area for which there is a separate outline planning submission. The FRA which accompanies that other site proposes changes to the storm water regime, including holding ponds, reduction in peak flow rate etc. which would remove/alter some of the water sources being quoted.

In short, given the detailed investigation of the matter, and the current revised proposals, it is considered that there are no demonstrable reasons on drainage grounds for objecting to the application.

**ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users**

The current site access is off of Cold Harbour Lane. As the intersection with Bath Road is unable to meet highway safety requirements, a new entrance to the site is proposed directly onto Bath Road. This would involve partial removal/replacement of the existing hedge to provide an access and cutting back to provide visibility splays in both the northern and southerly directions of Bath Road. The entrance would be via a drop kerb onto tarmac to gates set back from the roadway.

The Highway Officer noted that the site was subject to the earlier planning application 14/10457FUL and access is proposed as before. The access and highway safety were also matters strongly raised by objectors and the Town Council. The Officer reiterates the view that the proposed visibility splays are acceptable. As before this view is disputed by an objector. There were however detailed exchanges under the previous application where the officer responded directly to an objector on this subject. The officer’s opinion remains as before. Objectors have again also referenced previous application refusals in the vicinity on highways grounds. In
planning terms each case must be considered on its merits. The current Policy environment is also a consideration, with the NPPF in Paragraph 32 asserting that local planning authorities should only refuse applications on transport/highway safety grounds where “the residual cumulative impacts of development are severe”. The highway officer is also satisfied (as per the consultation on 14/10457FUL) with the visibility splays as they relate to allowing pedestrians to cross to the pedestrian walkway, as well as on-site arrangements for parking and manoeuvring of vehicles. (Pedestrian safety was an issue raised in objections). It is thus considered that there are no highway grounds for refusal.

iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The site is the proximity of established residential and industrial urban development and related services. Drainage, as noted above, is a particular consideration which can be addressed by way of conditions.

With regard to the issues of the water and gas pipelines crossing the site, final plans have been revised to reflect easements as required by the utility providers. The low pressure (confirmed by the provider) gas pipeline location was established on site by Wales and West Utilities following a number of discussions between the provider, the agent and the LPA. WWU was consulted on the final plan and is satisfied with the location of the day room buildings.

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

As noted above the highway officer is satisfied with on-site parking and manoeuvring spaces.

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

The site is set in the context of existing urban fringe development with residential and industrial uses beyond to the east across Bath Road and a dwelling to the east, with the school sports ground to the west and farmland to the south. The future West Warminster Urban Extension lies to the south on the opposite side of Cold Harbour Lane and extends along Bath Road to the west from the opposite side of the adjacent sports fields. The locality is considered to accord with the PPTS requirement under Para 25 that “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”

Whilst the site falls outside of current development limits in terms of Core Policy 1 and 2 in the Core Strategy as pointed out by objectors it is nevertheless close to existing town limits and Core Policy 47 is an “exception policy” (Core Policy 2, par 4.25) where the principle of development outside of development limits is accepted.

The site is furthermore roughly 900m away from Warminster town centre, and is therefore within walking or cycling distance of essential services including schools
and health services. The site is therefore not ‘away from existing settlements’ and is considered to be in a sustainable location. In this regard a number of recent planning and appeal decisions have approved sites in more remote localities.

**vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.**

The site is currently largely surrounded by hedges or mature trees, barring the south eastern boundary where a ditch and wire post fence define the edge of the property. Ordnance Survey sheets show a sliver of land between the site and the neighbouring property on which a dwelling is located. The proposals indicate the planting of a new landscaping belt of natural species as a buffer and screen between the ditch and the neighbouring property to the east.

The vegetation to the Bath Road boundary would be replaced and/or reinforced where relocated to provide for the visibility splay and to provide a screen to the road and properties on the opposite side. The road itself lies in the intervening space between the site and street facing frontages of those dwellings.

The nearest mobile home unit would be some 38m from the dwelling to the east. Thus, although the units would be set on rising ground relative to the neighbouring dwelling and there would be a degree of impact on outlook, the separation distances would be wholly adequate in terms of privacy, and this would be enhanced by the planting proposals. In accordance with best practice for Gypsy and Traveller Site Design, a children’s play area is indicated beyond the proposed 6m wide landscaping belt to the north west of the dwelling. This would effectively be an open garden area serving the site and not a formalised play space such as that that would be associated with a public playground, being a safe play area serving the four pitches only.

The site has no special landscape designation, not being Green Belt or within an Area of Outstanding Natural Beauty. The proposals include replacement hedging to the road frontage (further discussed in ecology section below). This would result in the loss of planting to the road boundary which it is proposed to replace with an indigenous species hedge, effectively continuing the hedge line from the property to the east but in order to provide the sight lines necessary for safe access.

Neighbour objections include concerns that the site would be used for commercial business purposes. An appropriate condition would ensure that the residential use only is permitted. Design issues were also raised, but the proposal involves a change of use where standard mobile home and touring caravan criteria would have to be met, and the proposed day rooms are of a design widely accepted in the County. Potential light pollution should be addressed by way of a condition.

The proposal is effectively for residential accommodation and it would therefore be anticipated that the access would function in terms of traffic levels and hours to serve the units as would be the case in a residential cul de sac with four properties exiting onto a lit roadway.
vii. Adequate levels of privacy should be provided for occupiers

As noted above, although the site is set on rising ground relative to the nearest dwelling, separation distances are wholly adequate. The public road separates the site from dwellings to the north. The orientation of the mobile home siting is furthermore such that side elevations of the nearest units would face the neighbouring dwelling to the east, with windows orientated to face at 90 deg away from the dwelling. Given current and proposed screening in conjunction with these factors, no unacceptable privacy issues are therefore anticipated for occupants or neighbours.

viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements

The site would be effectively occupied by four residential mobile homes with the only permanent structures being the relatively modest day rooms, which accord with similar designs accepted elsewhere within the County (maximum ridge heights would be 4m). The site would be well screened from the surrounds upon completion of planting and in terms of existing hedges and trees. The site is within the semi-urban fringe of Warminster and a residential use is not incompatible with the surrounds to the north and east (and the future West Warminster Urban Extension). Core Policy 47 is an “exception policy” in the Core Strategy, where such development on land outside of current policy limits can be allowed provided that the relevant criteria are met. The development is of limited scale and landscaping proposals address issues of screening and impact on the street scene approach to Warminster.

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

The site does not have any national/international designation. An “Ecological Appraisal and Bat Survey Report”, a tree survey and assessment and a tree constraints plan have been submitted in support of the application to address ecological considerations specific to the site. The Ecological appraisal considers the site to be of local value with the potential for ecological enhancement. Mitigation and enhancement measures proposed include native plant and tree species along with the use of hedgerows and trees to maintain connection to the wider landscape. The appraisal recommends that the mitigation and enhancement measures contained within it should be included as a planning condition.

The Ecologist notes that, although the site layout plans do not clearly show the retention of the existing Ash trees along Bath Road on the eastern boundary of the application site the agent has confirmed by email dated 21st October 2015 that “The hedgerow along Bath Road will be retained thinned in order to allow for sufficient visibility splays, and will be planted up (immediately behind the hedge, so away from Bath Rd.) so as to minimise any loss of hedgerow, as recommended in the ecological appraisal and tree survey reports.”

The Tree Constraints Plan recommends the removal of two Ash trees on Bath Road to make way for the proposed site access road and visibility splay and indicates that other trees can be retained outside of the visibility splay area. The Ecologist has recommended two conditions, one to ensure implementation of the mitigation measures in the Ecological Appraisal and Bat Survey and another to require the submission of a Landscape and Environment Management Plan prior to
development. It is considered that these conditions would address ecological issues and ensure implementation and ongoing management of habitats on the site.

10. Conclusion

The proposals are considered to accord with Core Policy 47 of the Wiltshire Core Strategy in terms of the applicable criteria, and appropriate conditions would address issues of drainage, highway safety and ecology. The site is in a sustainable location in terms of NPPF policies, and the proposals accord generally with the government’s policies in the Planning Policy for Traveller Sites and its relevant matters. There is access to local services, education and health care facilities in relatively close proximity to the site. A number of local objections have been received, in particular in relation to flooding and highways matters, but also in relation to other issues. It is however considered that, provided appropriate conditions are made applicable, the application can be recommended for permission and there is no reasonable reason to conclude otherwise.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (DCLG, 2015).
   REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

3. There shall be no more than 4 pitches on the site and on each of the pitches no more than 2 caravans shall be stationed at any time and of these, only 1 caravan on each pitch shall be a static caravan, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
   REASON: In order to define the terms of this permission.

4. 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.
   REASON: To ensure that the development can be adequately drained.
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.

No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

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

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

The development hereby approved shall be carried out in accordance with the recommendations made in section 4 of the Ecological Appraisal and Bat Survey Report dated 20th August 2015 prepared by TP-Ecology Ltd. as submitted with the planning application.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any site clearance or preparation or any other work in association with the development hereby approved. The content of the LEMP shall include, but not necessarily be limited to, the following information:

a) Full specification of vegetation and habitats to be created, including locally native species of local provenance and locally characteristic species;

b) Description and evaluation of features to be managed; including locations shown on a site map which shall include details of trees and hedgerows to be retained;

c) Aims and objectives of management;

d) Appropriate management options for achieving aims and objectives;

e) Preparation of an annual work schedule;

f) Details of the body or organisation responsible for implementation of the plan;

g) Ongoing monitoring and remedial measures;

h) Timeframe for reviewing the plan; and

i) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.
The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features for the lifetime of the development.

10 No part of the development hereby permitted shall be first brought into use 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 highway safety.

11 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided, with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

12 Any gates shall be set back 12.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

13 The development hereby permitted shall not be first brought into use until the first 12.5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14 No commercial activities shall take place on the land, including the storage of materials and no burning of materials shall take place on open ground.

REASON: In order to define the terms of this permission, protect the rural scene and character of the area, and protect the amenities of the area and neighbour uses.

15 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In order to define the terms of this permission and protect the character of the area.

16 Prior to the first occupation of the development hereby approved, details of any external lighting shall be submitted 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 preventing light pollution and nuisance.
The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan registered on 21 August 2015;
- 1450/02 REV E (Site Layout) registered on 22 December 2015;
- 1450/03 (Day Room Elevations) registered on 21 August 2015;
- JB15-FSW rev. A (Drainage) registered on 13 October 2015;

It being noted for the avoidance of doubt that the landscaping including tree and hedgerow retention/planting shall be in accordance with the details to be submitted in respect of Condition 9 above.

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

INFORMATIVES:

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 the 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. More information is available on Council's website.

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

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