

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 APRIL 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

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

32 Apologies for Absence

Apologies for absence were received from Cllr Dennis Drewitt (substituted by Cllr Terry Chivers).

33 Minutes of the Previous Meeting

The minutes of the meeting held on 6 April 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 6 April 2016.

34 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.

35 Declarations of Interest

There were no declarations of any disclosable interests.

36 **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.

37 **Planning Appeals Update Report**

In response to a question asked by Cllr Ridout about the current status of appeals since the circulation of the last report, Mr. Mike Wilmott gave a verbal update noting that three new appeals had been submitted, one appeal was forthcoming and the rest ongoing.

Cllr Clark sought clarification on the officer recommendation on planning application no. 15/01674/FUL that was shown as 'refuse'.

Mr. Wilmott confirmed that the officer recommendation had been to grant permission.

Resolved:

To note the Planning Appeals Update Report between 14/04/2016 and 31/12/2016.

38 **Planning Applications**

The Committee considered the following applications:

15/12454/OUT - Land To The North Of Sandridge Common, Sandridge Road, Melksham, Wiltshire

16/01161/FUL - Blackberries Camping Park, Farleigh Rise, Monkton Farleigh, Wiltshire, BA15 2DY

39 **15/12454/OUT - Land To The North Of Sandridge Common, Sandridge Road, Melksham, Wiltshire**

The Senior Planning Officer outlined the report that recommended that the application be deferred and delegated to the Area Development Manager subject to the prior completion of a legal agreement within the next 6 months, to cover the matters identified and conditions.

Mr. Eric Alder, Mr. Paul Widdicombe, Chairman of residents committee and Matthew White, a resident, spoke in objection to the application; at the discretion of the Chairman, Ms. Angela Hardgreaves, also a resident, spoke in objection to the application.

Cllr Terry Chivers began the debate.

Issues discussed in the course of the presentation and debate included: issues surrounding the application of the 5 year land supply principle, the impact on the character and appearance of the area, impact upon neighbouring amenity, access and highways issues, the primary education contribution and capacity for intake in local schools.

Cllr Jonathan Seed proposed, subsequently seconded by Cllr. Andrew Davis that the Committee should defer the application as per the Officer's recommendations detailed in the report and subject to any additional conditions and amendments identified and agreed.

In questioning the Senior Planning Officer, the Committee sought clarity on the implications of the application of the 5 year land supply rule and the conditions governing the primary education contribution.

In response to the above, the Senior Planning Officer explained that the withdrawal of the request from the Council's Education Team for a contribution towards primary education was because they had received updated projection figures for school age children in the area and had established that at this time in the area of this development there was capacity in the local primary school to accommodate the pupils arising from this development. He emphasised that the provision of evidence of a need was key to justifying any request for educational funding.

On the issue of the implications of the 5 year land supply rule, the Area Development Manager explained that the Core Policy 2 (CP2) sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at Market Towns. The Planning Policy Framework (NPPF) seeks to ensure that the Council demonstrates a five year housing supply for the north and west housing market area that includes Melksham.

Resolved

That the application be deferred and delegated to the Area Development Manager to grant planning permission, subject to the prior completion of a legal agreement, within the next 6 months, to cover the matters identified in section 9.10 of the report (save for the primary education contribution), and subject to the conditions set out below.

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. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;
 - (e) Means of access.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of 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.

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

1578-01 received on 16th December 2015;

302.P.1 received on 16th December 2015;

302.P.3 Rev A received on 16th December 2015; and

302.E.5.3 Rev B received on 16th December 2015.

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

5. No more than 100 dwellings shall be erected on the site.

REASON: To define the terms of the permission.

6. There shall be no development of 3-storeys or greater. To the western boundary development shall be garden to garden.

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

7. No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

9. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include
- * location and current canopy spread of all existing trees and hedgerows on the land;
 - * full details of any to be retained, together with measures for their protection in the course of development;
 - * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - * finished levels and contours;
 - * means of enclosure and boundary treatments;
 - * car park layouts;
 - * other vehicle and pedestrian access and circulation areas;
 - * all hard and soft surfacing materials;
 - * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - * arboricultural method statement;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the

matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation 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.

11. Before development takes place, a Landscape and Ecology Management Plan shall be prepared and submitted to the local planning authority for approval, including the provision of integral boxes for nesting birds and roosting bats within dwellings adjacent to the eastern and western boundaries, and around the SUDS area. The development site shall be managed and maintained in accordance with the measures set

out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

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

12. No development shall commence on site until details of a foul drainage disposal scheme has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

13. No development shall commence on site until details of a storm drainage disposal scheme has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

14. No development shall commence on site until details of a surface water management scheme for the site, based on sustainable drainage

principles 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 scheme shall subsequently be implemented in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

15. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

16. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

17. The Residential Travel Plan dated December 2015 shall be implemented in accordance with the measures set out within the hereby agreed document. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

18. Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east and 90 metres to the west.

REASON: In the interests of highway safety.

19. Prior to first occupation 2 metre wide pedestrian footways shall have been provided on the northern side of the A3102 as detailed on plan number 301/E/5/3/B. The footways so provided shall thereafter remain permanently available for use by pedestrians.

REASON: in the interests of pedestrian accessibility.

20. Prior to first occupation the vehicular access to the development including a right turning lane, pedestrian refuge and street lighting on the A3102 shall have been provided.

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

21. Details of improvements to the existing highway footway link to Lansdowne Close shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a specification for the construction of a tarmacadam footway for the first five metres beyond the western site boundary and resurfacing of the remainder of the footway.

The works, insofar as can be carried out within the extent of the existing public highway, shall be carried out in accordance with the approved details prior to the occupation of the 50th dwelling.

Any application for reserved matters approval shall include a pedestrian link within the development to the offsite link to Lansdowne Close.

REASON: In the interests of pedestrian accessibility.

22. Notwithstanding the details submitted, no development shall commence on each phase of the site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street

furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: In the interests of highway safety.

23. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: In the interests of highway safety.

24. Before any development takes place, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval. The Plan shall provide details of the measures that will be implemented during the site clearance and construction phases to prevent any harm or injury to protected species (specifically including badger, hedgehog, reptiles, amphibians and nesting birds), hedgerows and trees. The CEMP shall include details for dust suppression. Development shall be carried out in full accordance with the approved plan.

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats; and in the interests of the amenities of the area.

25. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

26. The construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner for the interests of public health and safety

27. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the

developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. No external lighting shall be installed on the site until plans showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" have been submitted to and approved in writing by the Local Planning Authority.

The details shall:

- a) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb foraging/commuting bats using the boundary hedgerows), including security lighting and lighting of footpaths (if necessary); and
- b) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

29. Demolition or construction works on the site and vehicle deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

30. No dwelling hereby approved shall be occupied until a public art scheme for the site and a timetable for installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies.

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE: The submitted Utilities Statement says at 6.1 that permeable paving will be used within the development. The applicants

should be advised that permeable paving will not be accepted for the adoptable highway areas.

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to reflect the adjacent development to the west and the fringe of town location.

INFORMATIVE: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. 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 and the control and removal of spoil and wastes. We recommend the applicant refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

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

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. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE: Bird nesting or bat roosting opportunities in new buildings, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habitat (<http://www.habibat.co.uk/>) are integral and can be fitted into the walls of buildings. They do not interfere with the human inhabitants and require no maintenance. Woodcrete products are longer-lived than traditional timber-made boxes, and there are many different products available from a range of suppliers. These types of enhancements can be generic or aimed at specific species. Nest boxes are available from a range of different suppliers; the following is a small selection to demonstrate how these boxes can be incorporated into the fabric of buildings and for more information for the applicant in some cases. Enhancements can also be provided for other species such as amphibians and reptiles, hedgehogs and invertebrates. Further information can be found at:

<http://www.ecosurv.co.uk/product/bird-box-range>

<http://www.habibat.co.uk/bird-boxes/>

<http://www.birdbrickhouses.co.uk/page53.html>

<http://www.nhbs.com/title/188492/habi-sabi-starling-box>

<http://www.nhbs.com/title/184737/starling-box-smooth-brick>

<http://www.nhbs.com/title/184740/starling-box-custom-brick-facing>

http://swift-conservation.org/swift_bricks.htm

<http://www.ibstock.com/sustainability-ecozone.asp>

http://www.ciria.com/buildinggreener/complementary_features.htm
<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>

INFORMATIVE: Proposals show intention to form a new outfall and discharge to an ordinary watercourse – this including discharge rates will require a separate Land Drainage Consent application and approval. This is a separate legislation requirement and granting of planning permission does not give automatic LDC – in fact gaining LDC may require alteration of any planning application/approval documentation.

40 **16/01161/FUL - Blackberries Camping Park, Farleigh Rise, Monkton Farleigh, Wiltshire, BA15 2DY**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Mr. John Veal spoke in objection to the application and Ms. Beryl Orchard spoke in support of the application.

Cllr Trevor Carbin spoke as the local member and noted that having gone through the application he could find no justifiable grounds for refusal

Issues discussed in the course of the presentation and debate included: the impact on neighbouring amenity and the issue of noise pollution; the planning policy on Green Belt and relevant implications; and highways issues.

Cllr Trevor Carbin proposed subsequently seconded by Cllr Pip Ridout that the application be approved subject to an amendment of condition 8.

Resolved

To approve the application subject to the following conditions:

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

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

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

Location Plan received on 5 February 2016; 'Proposed block plan' received on 5 February 2016; 'Proposed reception building' – north and east elevations and floor plan received on 5 February 2016; 'Proposed reception building' – south and west elevations and roof plan received on 5 February 2016; 'Proposed new toilet and shower facility' – south and west elevations received on 5 February 2016; 'Proposed new toilet and shower facility' – north and east elevations received on 5 February 2016; 'Proposed new toilet and shower facility' – floor plan received on 5 February 2016

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

3. In accordance with the details submitted and assessed under this application no more than 15 pitches (either tents or pods or caravans) shall be sited and in use on the land at any time.

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

4. Any gates shall be set back 10 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: For the sake of consistency, the avoidance of any doubt and highway safety.

5. The existing visibility splays between the edge of the carriageway and a line extending back to a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 90 metres towards the east and north-western corner of the site frontage towards the west shall be permanently kept free of obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: For the sake of consistency, the avoidance of any doubt and highway safety.

6. The approved details of refuse storage and external lighting under planning permission W/13/00050/FUL shall be maintained in accordance with those details in perpetuity. There shall be no additional external lighting.

REASON: For the sake of consistency, the avoidance of any doubt and protecting the rural amenities.

7. All shrubs, trees and hedge planting as approved under planning permission W/13/00050/FUL shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: For the sake of consistency, the avoidance of any doubt and protecting the rural amenities.

8. There shall be no further use of pitches 11-15 until a management plan for the operation of the site has been submitted to and approved in writing by the local planning authority in consultation with Monkton Farleigh Parish Council. The management plan shall be submitted within 1 month of the planning permission hereby granted. The management plan shall include details such as the reception hours, measures to control noise generation and guest arrival times. The site management shall be carried out in accordance with the approved details thereafter.

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

1. **INFORMATIVE:** Please note that this consent does not override the statutory protection afforded to any protected species. 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. 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 visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2. **INFORMATIVE:** The applicant is advised that 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). This protection extends to individuals of the species and their roost features, whether occupied or not. Please note that this consent does not override the statutory protection afforded to any such species. If bats or evidence of bats is found at any stage of development, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

3. **INFORMATIVE:** The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

4. **INFORMATIVE:** All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May)

and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

5. INFORMATIVE: Under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Woodland, hedgerows, scrub and individual trees are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.41 pm)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic Services, direct line 01225 718089, e-mail <mailto:Shirley.Agyeman@wiltshire.gov.uk>

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