

<b>Date of Meeting</b>	15 June 2022
<b>Application Number</b>	PL/2021/09453
<b>Site Address</b>	Land at Sunnyside, Yarnbrook Road, West Ashton BA14 6AR
<b>Proposal</b>	Addition of two extra traveller pitches, two day rooms and associated ancillary development.
<b>Applicant</b>	Mr Martin McDonagh
<b>Town/Parish Council</b>	WEST ASHTON
<b>Electoral Division</b>	SOUTHWICK – Cllr Horace Prickett
<b>Grid Ref</b>	387547 155528
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

### **Reason for the application being considered by Committee**

The application has been called into committee at the request of Cllr Horace Prickett to consider the scale of development, visual impact upon the surrounding area, relationship to adjoining properties, environmental and highway impacts and car parking.

### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

### **2. Report Summary**

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on the character of the area
- Impact on the living conditions of neighboring residents
- Impact on highway safety
- Ecology issues
- Drainage issues
- Public protection
- Other issues

### 3. Site Description

The application site extends to about 1.33 hectares and is located in a field on the south-eastern side of the A350 approximately 320m south west of the West Ashton crossroads. Vehicle and pedestrian access is via an existing driveway off of the A350. The extent of the application site was approved under application 15/10492/FUL when permission was granted for change of use of the land and erection of 2 private gypsy and traveller pitches. 2 additional pitches were approved under application 18/02671/FUL on the site. The application site is bordered by tree line hedgerows to the northeast, southwest and northwest boundaries while a wooden fence separates the site from land owned by the applicant directly to the southeast. Open fields lie directly to the north and south of the site while a stables and ménage are located to the east.



**Aerial photograph of layout of existing site**

The nearest residential properties to the site are located directly opposite and to the north, north-west and north-east fronting Yarnbrook Road between 20-80 metres distant from the site boundary.

The site is located within one of the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). The site is also located within the 'yellow' medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb 2020). East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) and is located approximately 50 metres to the south/west of the application site.



Application site in relation to Flowers Woods to south and West Ashton to the north

### Planning History

ENF/2021/00647 – Alleged breach of condition 12 of 18/02671/FUL (perimeter lighting still in place) – No decision

20/09003/FUL – Addition of four extra traveller pitches, four day rooms and associated ancillary development, together with the addition of an extra stable block and relocation of existing pitches – Withdrawn

20/00897/ENF – Alleged erection of large pre-fabricated bungalow – Case closed

20/00759/ENF – Alleged unauthorised excavation works – Case Closed

19/02547/DOC – Discharge of conditions 8 and 11 of 18/02671/FUL (The addition of two extra traveller pitches, two day rooms and associated ancillary development). – Conditions discharged

18/02671/FUL – The addition of two extra traveller pitches, two day rooms and associated ancillary development. – Approved

17/00814/ENF – Possible breach of 15/10492/FUL & 14/01798/VAR – Case closed

16/00972/ENF – Unauthorised implementation of lighting – Case closed

15/10492/FUL: Use of land as private gypsy and traveller caravan site, consisting of 2 no. pitches

each with 1 no. mobile home, 1 no. touring caravan, and 1 no. utility dayroom, plus stabling. – Refused, permission granted on appeal under reference APP/Y3940/W/16/3147108

15/01060/ENF – Siting of static caravan, mobile vans and several other vehicles – Case closed

15/00923/ENF – Breach of conditions - 14/01798/VAR regarding business operations – Case closed

14/01798/VAR: Variation of conditions 2 and 3 of W/12/01412/FUL - to allow for general Gypsy and Traveller use and to allow up to 4 caravans on site of which no more than 2 would be static caravans. – Approved

14/00160/ENF – Non-compliance with condition 2 attached to planning permission W/12/01412. Hardstanding not built in accordance with approved plans. – Case closed

W/12/01412/FUL: Change of use for one Romany Family. – Approved

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

00/01053/FUL: Produce/machinery store – Approved

92/00788/FUL: New vehicular access – Approved

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

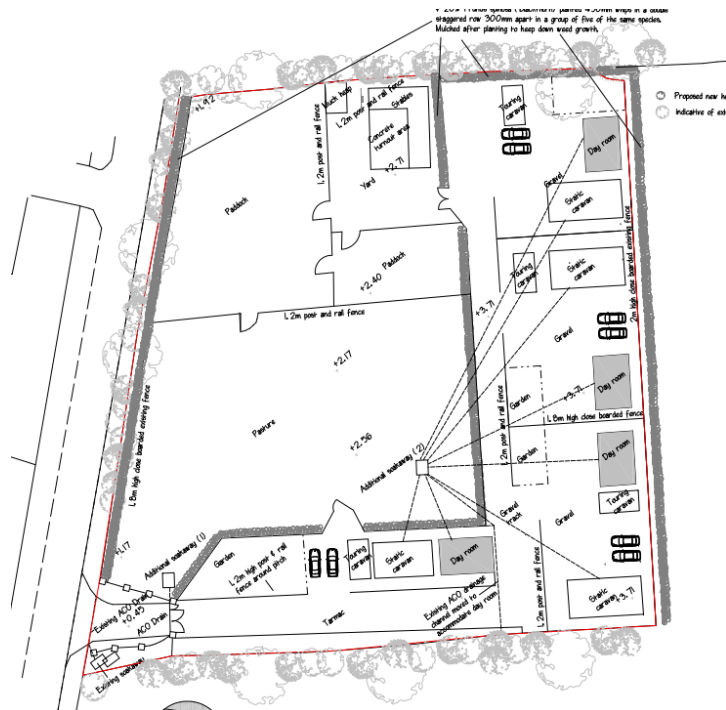
#### **4. The Proposal**

The application seeks planning permission to accommodate two additional Gypsy/Traveler pitches, so resulting in a total of 6 pitches on site. Each new pitch would comprise a mobile home, day room, touring caravan, parking and amenity space. The scheme also includes the repositioning of existing pitches on site. There are currently 7 mobile homes on site and a day room constructed adjacent to the driveway. The proposed layout seeks to regularise the site and includes granting permission for the existing day room. The additional mobile home would be removed.



**Proposed site plan**

The existing 4 pitches were approved under applications 18/02671/FUL (detailed on the drawing below) and 15/10492/FUL. Stabling on site was approved under application 15/10492/FUL however works on the stables have not commenced.



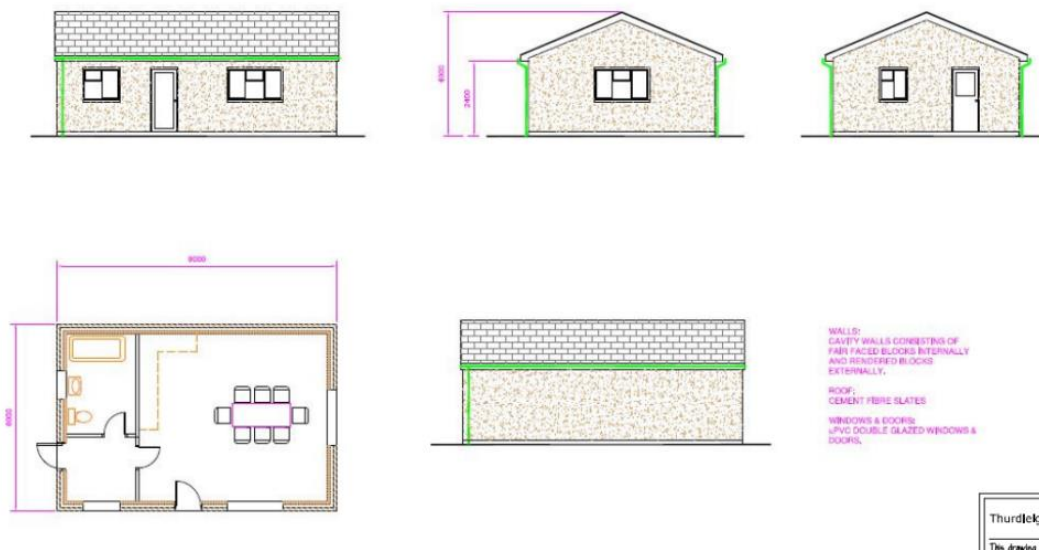
**Approved layout (application 18/02671/FUL)**

As can be seen from the above proposed site layout and that approved under application 18/02671/FUL the new pitches would be located adjacent to the existing pitches and occupy the centre of the site, expanding into the area described as pasture/paddock.



**Existing site – approximate location of new pitches**

The proposed day room would measure 9 metres by 6 metres and would be 4 metres high to the apex of the pitched roof. Walls would be rendered block work while the roof would be constructed of cement fibre slates. No details of the mobile homes or touring caravans have been submitted however the maximum size of a mobile home is 20 metres long, 6.8 metres wide and 3.05 metres in height. A touring caravan can be up to 7 metres in length.



**Proposed day room details**



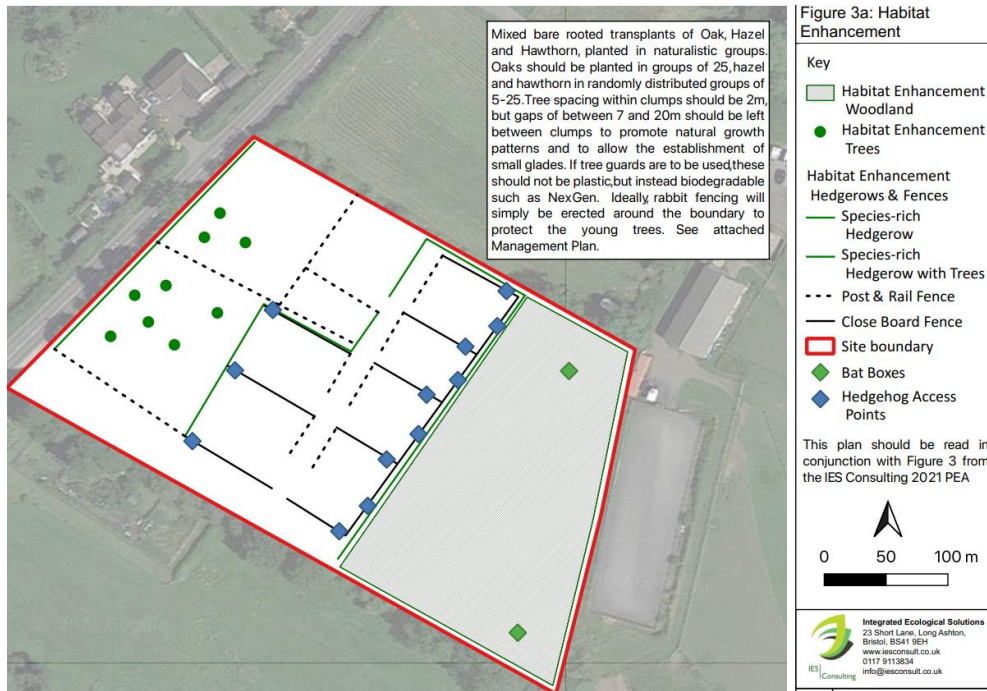
**Photo of mobile units on site**

The scheme also includes additional tree planting in the paddock/pasture and the replanting of the woodland directly to the southeast of the site (see photo below).



**Area to southeast of the site to be replanted as woodland**

Additional hedging is proposed along the south-east and north-west boundaries of the site (see proposed habitat enhancements plan below).



**Proposed habitat enhancements**

## 5. Local Planning Policy

### Wiltshire Core Strategy (WCS)

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 29: Spatial Strategy: Trowbridge community area
- 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 New Development
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk

### Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a Foul Water Disposal

### National Planning Policy Framework 2021 (the Framework)

### Other

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026
- The Wiltshire Gypsies and Travellers Development Plan Document
- Planning Policy for Traveller Sites (PPTS, 2015)



## 6. Summary of consultation responses

West Ashton Parish Council: Not supported

*'The Parish Councillors have asked that the application be called in by a member as it is not supported.'*

Wiltshire Council Spatial Team: Concludes 4 households on site meet the planning definition of Gypsy/Traveller status as defined in PPTS Annex 1 and they are lawfully living on the authorised pitches. In addition, there is also a need for 2 additional pitches to accommodate 2 Gypsy/Traveller households living on site in unauthorised pitches

Wiltshire Council Ecologist: No objection subject to conditions

Wiltshire Council Highways Officer: No objection

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Public Protection: No objection subject to conditions

*'I have reviewed PL/2021/09453 and recommend the following conditions:*

### *Noise*

*No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*

### *Air Quality*

*The desired scenario in terms of air quality and development is one that contributes to a reduction in potential air quality impacts locally. Resultantly, we would expect to see some form of ultra-low energy vehicle infrastructure provided in respect to the proposed parking, such as one that contributes to improving air quality through facilitating EV use at developments. In accordance with the Wiltshire Council Air Quality Strategy and Core Policy 55 this would be seen as contributing toward reducing vehicle emissions. We would like to see at least 1x 7 kW AC fast charger per day room/pitch. I would therefore condition the following:*

*No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.*

*Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.'*

Wessex Water: No objection

*'Wessex Water are satisfied there will be no surface water connections into the dedicated foul sewer network.'*

Natural England: No objection

*'Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.'*

## **7. Publicity**

This application was publicised via the display of a site notice as well as individually posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 2 representation letters were received commenting on the application.

- Object to more dwellings
- Increased light pollution
- No record of assessment of need supplied with the application
- Site has been either uninhabited or under-occupied
- The existing and proposed style of houses are not in keeping with the surrounding 19th century farm-labourers cottages
- Damaged brick wall at the entrance
- Surface water flooding issues along A350
- Illegal cutting down and burning of the large stand of Ash trees – lack of action by council
- Adverse impact on local biodiversity
- Lack of enforcement action/monitoring
- Unrestricted use of heavy industrial machinery for weeks on end last year
- Adverse impact on landscape character and visual amenity
- Loss of hedgerows
- A350 extremely busy highway with 50mph speed limit
- Scheme would result in additional vehicle journeys
- Harm to highway/pedestrian safety

## **8. Planning Considerations**

### 9.1 Principle of Development

#### 9.1.1 Principle of Development – Erection of 2 New Pitches

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 land on which the 2 additional pitches are proposed to be constructed was approved for change of use to private gypsy and traveller caravan site under application 15/10492/FUL, allowed on appeal. Core Policy 47 states proposals for new gypsy and traveller pitches will only be

granted where there is no conflict with other planning policies and where no barrier to development exists. The policy goes on to state that where proposals satisfy the following general criteria they will be considered favourably:

- i. 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.

The application site is located on land within Flood Zone 1. The scheme would use new and existing soakaways to drain surface water from the site. Foul drainage would drain to the existing foul sewer. The site is not located within close proximity to other hazardous land or installations. There are also no objections to the scheme from the Council's drainage team and Wessex Water.

- 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 occupants of the two additional pitches would use the existing access onto the A350. It is considered this additional use would not lead to levels of impact/harm to highway safety so as to warrant a recommendation for refusal. There are also no objections to the scheme from the Council's highways team.

- 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 already in use as a Gypsy/Traveller site and currently adequately serviced.

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

Each pitch would have space to park 2 cars off road and occupants have access to the paddock /pasture. It is therefore considered the site is large enough to provide adequate vehicle parking, including circulation space, along with residential amenity space.

- 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 located in the open countryside approximately 80 metres to the south and south-west of the village of West Ashton which is considered a Small Village in policy terms. Trowbridge, a Principal Settlement is located approx. 2.7kms to the west of the application site. All key day-to-day facilities and services can be found in Trowbridge such as surgeries, shops, schools, employment, etc. As such it is considered the site is located within reasonable distance of a range of local services and community facilities and the scheme complies with this criteria.

- 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 would occupy the same red-line area as that approved on appeal (application 15/10492/FUL). The proposed development would include, as permanent structures, two

additional day rooms. The proposal would involve the loss of some grassland in use as a paddock to form the additional areas of hardstanding for the proposed new pitches. However compensatory measures to improve landscape setting include additional tree planting in the paddock and the replanting of the woodland directly to the southeast of the site. Additional hedging is also proposed along the southeast and northwest boundaries of the site. The development would also not give rise to any loss of privacy, given separation distances from neighbouring properties.

- vii. Adequate levels of privacy should be provided for occupiers.

The nearest residential properties to the site are located between 20-80 metres to the north with properties fronting Yarnbrook Road. The site is bordered by hedgerows and trees to the northwest and northeast as such due to the existing boundary treatment and separation distances to these properties the scheme would not result in inadequate privacy for occupiers of the site.

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

The site is already in use as a private Gypsy/Traveller site and is located within close proximity to the village of West Ashton and it is considered the erection of 2 new pitches on site, subject to the proposed additional landscaping being carried out which would be conditioned on any approval, would result in no additional harm to the rural character of the area.

- 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 is located within one the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC) and within the 'yellow' medium risk zone of the TBMS. East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) and is located approximately 50 metres to the south of the site. The additional two pitches would be located within the red-line area previously approved for the traveller site. In addition the scheme includes re-planting of native trees in the same area as the former priority woodland habitat felled by the previous owner (located to the southeast and bordering the application site). It is considered the development would cause no harm to local or nationally designated sites or local biodiversity or archaeology. These issues are also discussed in greater detail below.

#### 9.1.2 Principle of Development – Status of the Applicant

The use of the site for general occupation by travellers was established under earlier applications and in particular application 15/10492/FUL where permission was granted for 2 pitches. 2 additional pitches on site were approved under application 18/02671/FUL. This application seeks to increase the number of pitches on the approved site from 4 to 6.

The Wiltshire Council Gypsy and Traveller Accommodation Assessment (GTAA) 2022-2038 identifies a need for 120 pitches for travellers that meet the planning definition. The study also identifies a need for 61 pitches for travellers that do not meet the definition. The application site is listed in the study and consists of 4 lawful pitches previously permitted, and 2 unauthorised pitches currently occupied by the applicants.

A detailed needs assessment of the site was undertaken by a third party at the request of the Council's Spatial Planning team and as part of the GTAA. This assessment concluded 4 households in the family meet the planning definition of Gypsy/Traveller as defined in PPTS Annex 1 and they are lawfully living on the authorised pitches. As such there is no identified need for accommodation for these households. However, the family also has a need for 2 pitches for traveller households that do not meet the definition of Gypsy/Traveller as they are considered to no longer have a nomadic lifestyle and are considered settled. These 2 households currently occupy the unauthorised pitches on site.

As set out above, at this site there is a mix of households that meet the definition for Gypsy/Traveller and that do not. Technically those who do not meet the planning definition should not benefit from occupying pitches on a site to be conditioned for persons that meet the definition in Annex 1 to PPTS. However, a High Court judgment (Smith vs SSHCLG, 2021), makes it clear that the accommodation needs of these 'settled' travellers must be considered in the development plan in the form of providing sites for 'culturally appropriate' accommodation. In addition to deny on site accommodation to these households, which include children, who as family members are connected to everybody else on site, may impact their human rights.

As such the personal circumstances of the applicants are a material consideration when dealing with the current application. The Government's Equality Impact Assessment into the revised PPTS definition of Travellers (see para 49-51 in the above court judgement) states –

*"The amended planning definition of Travellers would mean that where family members have ceased travelling permanently they would no longer have their site needs met separately under Planning Policy for Traveller Sites. This is likely to impact on the elderly, the disabled, women, single-parent families and those with long-term health issues within family groups, since they are most likely to be leading a permanently settled life. It may also lead to the break-up of families and couples where some family members do meet the definition and others do not, and would have a particular impact on those families involved in key life transitions, such as pregnancy, if for example families are separated. Although, local authorities would still need to consider article 8 rights (rights to private and family life, home and correspondence) in determining individual cases and may consider that it is proportionate in the circumstances to grant permission for the whole family."*

The two households that lead a permanently settled life both fall within the categories listed above. In addition, it is considered in the best interest of the children for these households to remain on site. The Council's spatial officer states –

*'At the same time, the current development plan does not allocate sites for both household categories. There are no sites allocated in the Core Strategy for nomadic travellers to meet the identified need; nor are there any park homes sites allocated for settled travellers. The emerging G&T DPD has not reached an advanced stage in the process. So the need couldn't be met anywhere else, especially from those households on the site that do not travel.'*

Therefore, in the interest of family cohesion, and lack of sites allocated in the development plan for settled and nomadic travelers, it is concluded that there is a justification for the 2 additional pitches proposed which would be occupied by existing households on site.

### 9.1.3 Principle of Development – Conclusion

The land on which the 2 additional pitches are to be constructed was approved for change of use to private gypsy and traveller caravan site under application 15/10492/FUL, allowed on appeal. The proposal also complies with the criteria set out in policy CP47 of the WCS and it is considered the proposed 2 pitches can be accommodated on site, and there would be no additional harm to the rural character of the area. In addition, following an independent assessment of the site, it can be concluded there is a need for the 2 additional pitches which would be occupied by existing households already occupying the site. As such it is considered the principle of development has been established for the erection of 2 additional pitches.

### 9.2 Impact on the Character of the Area

Core Policy 51 'Landscape' of the WCS states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Core Policy 57 'Ensuring High Quality Design and Place Shaping' requires a high standard of design in all new developments and that development respond positively to the existing townscape and landscape.

The application site extends to approximately 1.33 hectares of land located south of the village of West Ashton and adjacent the A350. The extent of the application site was approved under application 15/10492/FUL and consists of an area of gravel hardstanding on which are located existing mobile homes that belong to four authorised and two unauthorised traveller pitches. The site also includes an area of paddock grassland that comprises half the site. An unauthorised structure used as residential accommodation is also located on site adjacent the access drive.

The application site is bordered by tree line hedgerows and fence to the northeast, southwest and northwest boundaries while a wooden fence separates the site from land owned by the applicant directly to the southeast. The site slopes down towards the A350 east to west. Open fields lie directly to the north and south of the site while a stables and ménage are located to the east. Residential properties are located to the north and north-east between 20 and 80 metres distant.

The proposal involves the creation of 2 additional pitches and each pitch would include a mobile home, day room and touring caravan. The proposal would involve the loss of some grassland in use as a paddock to form the additional areas of hardstanding for the proposed new pitches. Compensatory measures to improve landscape setting include additional tree planting in the paddock/pasture and additional hedging is also proposed along the southeast and northwest boundaries of the site. In addition, woodland directly to the east of the site, which was unlawfully removed by previous owners of the site in 2016, would be restored with the planting of native species of trees.

It is acknowledged that the development would bring some change in the immediate character and appearance of the area due to the loss of pasture and addition of more residential paraphernalia. However, subject to the imposition of planning conditions to secure the additional landscape planting, supported by both the Council's ecology officer and Natural England, it is considered any additional impact on the rural character of the landscape from the erection of the two additional pitches, can be adequately mitigated. As such it is considered the development is compliant with Council policies CP51 and CP57 and policies within the Framework.

### 9.3 Impact on the Amenity of Neighbouring Residents

WCS Core Policy 57 titled: 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise, smoke, fumes, effluent, waste or litter).

The nearest residential properties to the site are located between 20 and 80 metres to the north and northwest fronting Yarnbrook Road. In particular No. 81 Yarnbrook Road is located directly opposite the site on the opposite side of the A350. The site is also screened from the northwest and northeast by an existing hedgerow and fence. Due to these separation distances and partial screening by existing hedgerows the proposed development for 2 additional pitches would have no adverse impact on the living conditions of neighbouring residents in terms of loss of privacy or overlooking.

#### 9.4 Ecology Issues

Wiltshire Core Strategy Core Policy 50 'Biodiversity & Geodiversity' requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular, must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The site is located adjacent the village of West Ashton and within one the Council's 'consultation zones' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). The site is also located within the 'yellow' medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). In addition East Flowers Wood ancient woodland/Woodside Wood County Wildlife Site (CWS) is located approximately 50 metres to the south of the application site where Bechstein's bats have been recorded. The development is subject to a Habitats Regulations Assessment due to the sites proximity to the above protected site.

The application is supported by a Preliminary Ecological Appraisal dated December 2021, Bat Transect & Static Detector Survey Report dated November 2021 and Ecological Management Plan dated February 2022. The site has areas of improved grassland adjacent to the hardstanding areas on which mobile caravans are located and there are three species poor hedgerows present at the site. The site has some limited potential to support reptiles, and it is likely small numbers of this group use the field margins as movement corridors to the wider countryside. In addition the hedgerows and scattered trees on the site have some limited potential to support breeding birds. Evidence of bat activity, in particular of lesser horseshoe bats was recorded on site, mainly with regards commuting across the site north to south with only limited foraging activity recorded. The bat survey demonstrated that the site is not used by Bechstein's or greater horseshoe bats. However, because the site is small, located adjacent the busy A350 and well lit by existing development in the area, the site does not represent optimal foraging habitat for these bat species.

Mitigation and enhancement measures proposed include removal of existing lighting on the boundaries of the site and replacement with motion-sensitive directional security lights attached to each static caravan and day room. Additional habitat would be created including the planting of a new native rich hedgerow along the southeast boundary of the site, reseeding of the grassland to provide a nectar-rich wildflower area and bolstering of the existing boundary features

through new planting. The scheme also includes the replanting of an area of woodland directly to the west of the site. This would form a buffer between the built development area and optimal foraging/commuting bat habitat to the east of the site. A hedgerow and close board fence would be placed immediately between the built development and the replanted woodland to form a barrier and restrict access to habitats to the east of the site.

With regards to the impact of the development on East Flowers Wood (south of the site), the ecology officer concludes, due to lack of footpaths between the application site and East Flowers Wood and boundary hedgerow/fencing to the south of the site, there would be no harmful recreational impacts on East Flowers Wood due to the creation of the additional pitches.

The development would result in the loss of approximately 0.1ha of improved grassland and this would lead to the loss of minor habitat for foraging bats. However, it is considered this loss would not have a significant impact on either barbastelle or lesser horseshoe bats, and subject to the imposition of conditions requiring the above mitigation measures to be put in place, the development would not result in harm to local biodiversity. There are no objections to the scheme from the Council's ecology officer or Natural England and the development complies with local and national policy.

#### 9.5 Highway Safety Issues

Paragraph 110 of the NPPF states that in assessing specific applications for development, developers should ensure that a safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Core Policy 61 of the adopted WCS seeks to ensure that all new development is capable of being served by a safe access to the highway network.

Access to the site is via a private drive off the A350 and occupants of the two additional pitches would use the existing access. Each pitch would have sufficient space to park 2 cars off road. Although it is recognised the addition of 2 pitches would lead to an increase in use of the access along the A350 it is considered this increase in use would not lead to the level of impact on highway or pedestrian safety as to recommend the application for refusal. There are no objections to the scheme from the Council's highways officer. It is therefore considered that the development would not result in an unacceptable impact to highway safety and there would be no severe residual cumulative impacts in terms of the use of the road network. On the basis of the above, the development is considered compliant with core policies CP61 and CP64 of the WCS and in particular, paragraphs 110 and 111 of the Framework.

#### 9.6 Drainage Issues

Wiltshire Core Strategy Policy 67 titled 'Flood Risk' states that all new development shall include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

In terms of surface water drainage for the new pitches, water runoff would be directed to rainwater storage tanks and any water not collected in the tanks would be directed into proposed and existing soakways. Foul water would drain to the existing foul system. Surface water drainage details for the existing pitches were discharged under planning reference 19/02547/DOC where



the submitted drainage scheme was considered acceptable. There are no objections to the scheme from the Council's drainage team and Wessex Water as such it is considered the development is acceptable and complies with policy.

### 9.7 Public Protection

Concerns were raised by third parties with regards noise and building works on-site. As such a condition would be imposed on any approval limiting works of construction to specific times. In addition, conditions would be imposed restricting any commercial/business use of the site and limiting the size of vehicle that can be parked or stored on site. The Council's public protection team have also requested a condition requiring details of a scheme of Ultra Low Energy Vehicle infrastructure to be submitted to the Council prior to commencement of development. However, such infrastructure was not requested for previous applications for traveller pitches on site as such it is not considered reasonable to request such for the 2 additional pitches for which planning permission is sought.

### 9.8 Other Issues

Third parties have raised several concerns regarding planning enforcement issues on site and the failure of the land-owner to comply with conditions imposed on previous approvals and the cutting down of trees on-site. These matters have been investigated by the Council's enforcement team and outcomes are summarised above under section 4 'Planning History'. Third parties have also commented on damage to the brick wall to the front of the site however these are issues hold very little weight in the planning balance.

## **9. Conclusion (The Planning Balance)**

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

The extent of the application site was approved under application 15/10492/FUL when permission was granted for change of use of the land and erection of 2 private gypsy and traveller pitches. Two additional pitches were approved under application 18/02671/FUL on the site. The proposal complies with the criteria set out in policy CP47 of the WCS and, following an independent assessment of the site, there is an identified need for 2 additional pitches on site. These pitches would be for households already occupying the site and would allow the households to remain with family members on site. As such the personal circumstances of these households must be given weight in the planning balance when determining the application.

In terms of neutral impacts, the supporting information demonstrates that the proposed new pitches would cause no harm to the living conditions of adjacent residents and officers are satisfied that the site can accommodate these new pitches without adversely impacting on the living conditions and amenities of the occupants. The density of the scheme is considered acceptable, and the new pitches can be accommodated on site in terms of landscape, character and visual impacts. The Council's ecologist has concluded that the development, subject to the imposition of conditions, would have no adverse impact on local biodiversity. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with.

In terms of the negative impacts of the development, the scheme would result in the loss of some pasture/paddock land, however additional screening and tree planting and creation of dark corridors would mitigate against this loss.

It is therefore considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development is considered acceptable.

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

Location plan scale 1:1250 drg no. MM01 rev A  
Dayroom details scale 1:100 drg no. MM2  
Figure 3a Habitat Enhancement scale drg no. IES/2021/015  
Proposed layout plan scale 1:500 drg no. MM03  
Proposed drainage plan scale 1:500 drg no. TP05

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

3. The site shall not be occupied by any persons other than either gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites published August 2015 or persons who identify as gypsies and travellers in line with the stipulations in the Equalities Act 2010.

REASON: Planning permission has only been granted on the basis of the provision of accommodation for gypsies and travellers as defined in this condition, and it is necessary to keep the site available to meet such need.

4. No more than twelve caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than six shall be static caravans) shall be stationed on the site at any time.

REASON: To control the number of caravans on the site and in order to safeguard interests of visual and residential amenity.

5. No commercial activities shall take place on the land, including the storage of materials used in connection with any business operated by the occupiers of the site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site and adjacent residents.

6. No vehicle over 3.5 tonnes 'gross unladen' weight shall be stationed, parked or stored on the site.

REASON: In the interests of visual amenity, highway safety and the amenity of occupants of the site and adjacent residents.

7. The development shall not be first occupied until surface water drainage arrangements are put in place in accordance with the approved Surface Water Drainage Strategy and soakaway design "Soakaway Design for Impermeable Surfaces and Static Homes at: Sunnyside, Yarnbrook Road, West Ashton, Wiltshire and Drainage Plan drg no. TPO5.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others.

8. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

9. The development hereby approved shall not be first occupied until photographic evidence has been provided to the LPA that the area of Habitat Enhancement Woodland planting as detailed in Figure 3a: Habitat Enhancement (IES Consulting, Feb 2022) in the eastern part of the site, has been implemented. This must include the double row of species-rich hedgerow illustrated on Figure 3a which divides the main development area from the Core Buffer Bat Habitat in the eastern part of the site and all woodland planting which will form the newly planted Core Bat Habitat.

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

10. All planting and subsequent management shall be undertaken in accordance with the Ecological Management Plan (IES Consulting, February 2022) and Figure 3a: Habitat Enhancement (IES Consulting, February 2022) for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of ecological features retained and created by the development, for the benefit of biodiversity for the lifetime of the scheme.

11. Prior to the first occupation of the pitches hereby approved, additional information to enable the sensitive lighting regime on-site as detailed in the Bat Transect & Static Detector Survey Report V1 (IES Consulting Ltd, November 2021) shall be provided, including a marked-up plan, and submitted to the LPA for approval. The marked-up plan must specify light levels (luminaires) and the exact locations of all fittings. The lighting shall be installed in accordance with the approved additional information and marked-up plan, and it shall be retained and maintained as approved thereafter.

REASON: To ensure there is an overall reduction in lighting across the site and that the boundary features are reinstated as dark corridors.

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

REASON: In the interests of highway safety.

13. 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.