

<b>Date of Meeting</b>	April 2 <sup>nd</sup> 2015
<b>Application Number</b>	14/09837/FUL
<b>Site Address</b>	Land South West Of Car Park, Station Road, Devizes
<b>Proposal</b>	Formation of a vehicular access off Station Road car park to land at Castle Farm (Amended location of access to development of leisure park approved under implemented planning permission K/13235/O).
<b>Applicant</b>	Mr Nigel Grist
<b>Town/Parish Council</b>	DEVIZES
<b>Division</b>	DEVIZES NORTH
<b>Grid Ref</b>	400080 161469
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

### Reason for the application being considered by Committee

Councillor Sue Evans has called this application into committee to consider:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking
- Biodiversity report only dealt with protected species
- Traffic Management

#### 1. Purpose of Report

This report considers the application and recommends that planning permission is granted subject to conditions.

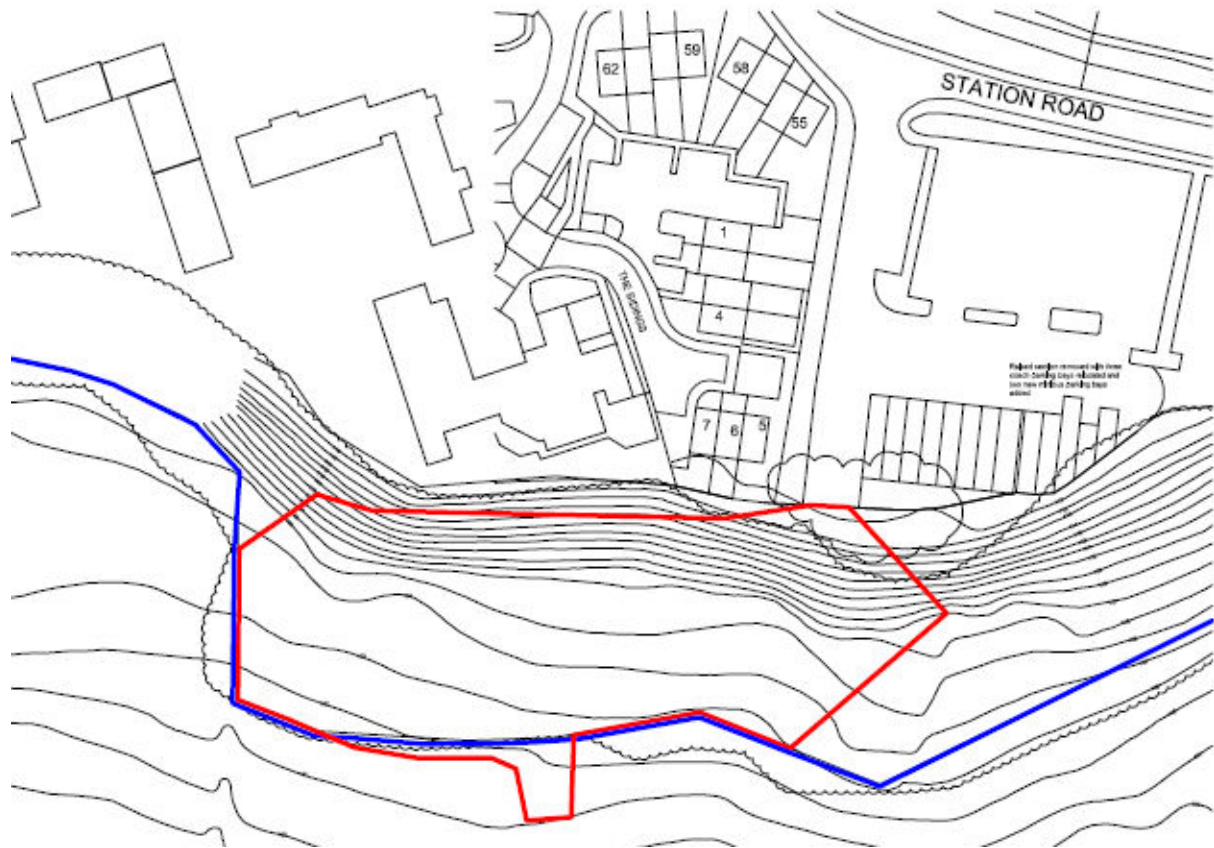
#### 2. Report Summary

The main issues considered in this report are as follows:

- The existing planning status of the site
- Impact on the character and appearance of the area
- Impact on trees and ecology
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking

#### 3. Site Description

The application site is located to the southwest of the Station Road Car Park in Devizes. The site comprises a steep embankment located between the Station Road Car Park, The Sidings and Elizabeth House (to the north) and Castle Farm (to the south). The application site is in the ownership of the council and the applicant has signed Certificate B on the planning application form and advised the council of the application.



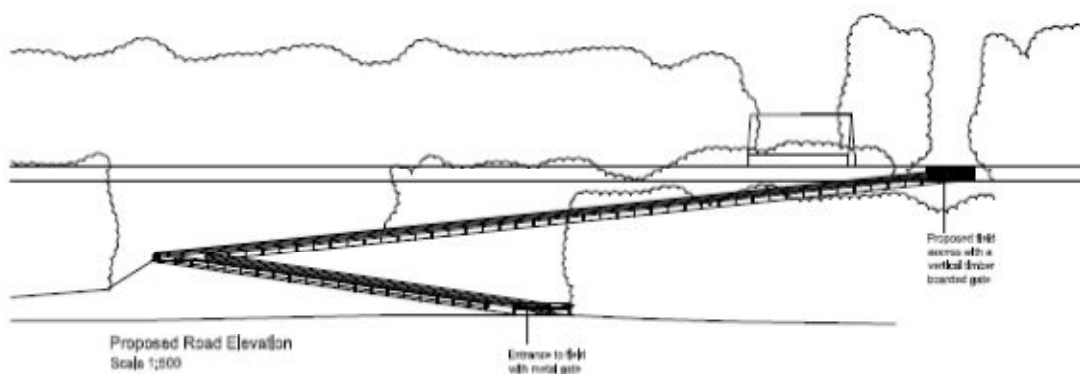
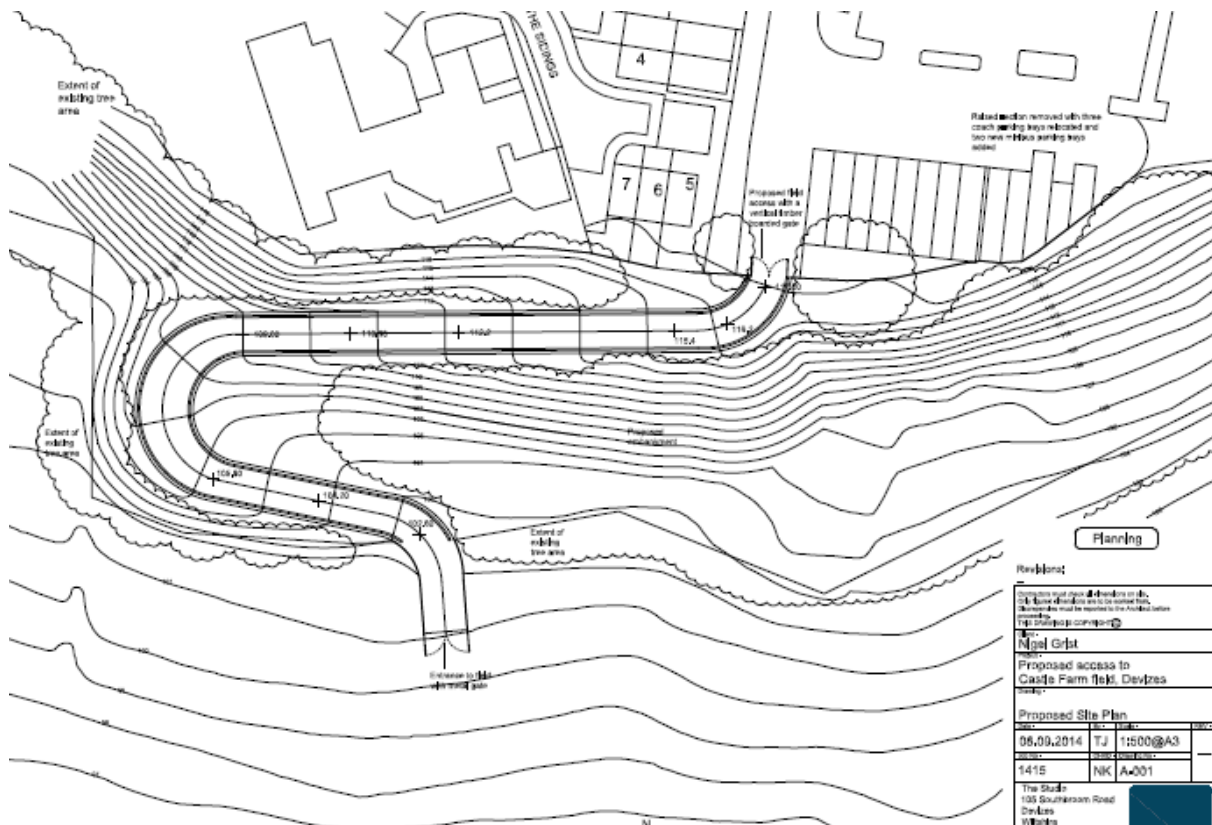
Site Location Plan

#### 4. Planning History

<p>K/13235/O</p>	<p>LEISURE PARK, INCLUDING GOLF COURSE, EDUCATION CENTRE, RURAL CRAFT CENTRE, EQUESTRIAN CENTRE, PLAY AREA, 500 SEAT (MAXIMUM) AMPHITHEATRE, LAKE AND CONSTRUCTION OF NEW ACCESS.</p>	<p>Full planning permission granted in 1991 subject to conditions</p>
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#### 5. The Proposal

The application proposes the creation of a vehicular access from the Station Road Car Park to Castle Farm. The land to the south of the application site has planning permission for a leisure park which was approved under planning permission reference K/13235/O granted in January 1991. The proposal would provide an alternative access to Castle Farm to that approved under the above planning permission. The proposed access is located approximately 80m to the west of that previously approved.



Plan and elevation of access



Original Planning Permission

## **6. Planning Policy**

### **Development Plan context**

The Wiltshire Core Strategy (WCS) was adopted at a special council meeting on January 20<sup>th</sup> 2015 and as such, it can be afforded 'Full Weight' in planning terms.

The following WCS policies are relevant to this application: Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 3 – Infrastructure; Core Policy 12 – Spatial Strategy: Deizes Community Area; Core Policy 36: Economic Regeneration Core Policy 38: Retail and Leisure; Core Policy 39 – Tourist Development; Core Policy 40: Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities; Core Policy 41- Sustainable construction and low carbon energy; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 – Landscape; Core Policy 52 - Green infrastructure; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 58 – Ensuring the conservation of the historic environment; Core Policy 60 - Sustainable transport; Core Policy 61 - Transport and development; Core Policy 62 - Development impacts on the transport network; Core Policy 63 - Transport strategies; Core Policy 64 - Demand management; Core Policy 65 - Movement of goods; Core Policy 66 - Strategic transport network; Core Policy 67 - Flood risk; Core Policy 68 - Water Resources.

The Development Plan also includes a number of policies carried over from the Kennet Local Plan and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs. For the avoidance of any doubt, the still saved policies of the Kennet Local Plan are listed in Appendix D of the Core Strategy.

**Neighbourhood Planning** – The Deizes Neighbourhood Plan has been through the regulatory processes associated with consultation (Reg 14, 15 and 16) and will now be examined by an independent 'examiner' (Reg 17).

### **National Planning Policy context**

The **National Planning Policy Framework (NPPF)** was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the

presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

The NPPF is clear in stating that '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where "*the residual cumulative impacts of development are severe*".

**Planning Practice Guidance (PPG)** provides guidance on the interpretation of the NPPF.

## 7. Consultation responses

**Wiltshire Council Landscape Officer** – no in principle landscape objections given the extant permission on the site. Raised concerns about land stability, pedestrian access, woodland character but agreed that these issues could be dealt with by condition.

**Wiltshire Council Tree Officer** – no objection to loss of self sown trees

**Wiltshire Council Transport Officer** – no objection given extant permission and agreement for re-provision of car parking within the Station Road Car Park.

**Wiltshire Council Ecology Officer** – no objection given the extant permission but would require a planting buffer to the south of the site to ensure a continued wildlife corridor.

**Devizes Town Council** - object to the application on the basis that the town council does not believe that the appropriate consultation has taken place as a number of properties who would be impacted by the proposals have not been contacted. In addition the town council consider that the biodiversity report is very limited and there is no discussion with regard to traffic flow. They also advised that Wiltshire Council being the owners of Station Road car park are currently undertaking a review across the county and it would be inappropriate to compromise that review by agreeing this access. The Town Council also requested that the Council investigate the validity of the planning permission for the leisure park.

## 8. Publicity

A site notice was placed at the entrance to the car park and letters were sent to neighbouring occupiers. 13 letters of objection were received on the following summarised grounds:

- Consultation on application not wide enough
- Likely to be further requests for more roads to the valley
- Environmental effects not fully explored
- Traffic impacts not assessed
- Planning permission is likely to lead to further applications to develop the land
- The complexity of proposed engineering works for the road seems excessive for access to nature reserve
- Traffic and pollution
- Not clear what future aspirations for the land are
- Is the permission for the leisure park still relevant
- Construction could impinge upon the outcome of the current Wiltshire Council Parking Review
- Access will open up site for development and spoil the country side
- An application for the road cannot be considered in isolation

- Application is premature and incomplete
- Applicant has no right of access over road
- More logical to secure access through Hillworth Road or down the existing Webb's Lane.

1 letter of support was received regarding the use of the lake for angling.

## **9. Planning Considerations**

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

### **9.1 Principle of development - The existing planning status of the site**

Planning permission was granted in 1991 for a leisure park. This permission was technically implemented through the construction of the lake which formed part of the proposals. The lake is clearly visible in aerial photography of the area. The remainder of the development was never fully implemented and the site remains in agricultural use.

The application proposes an alternative access to a site which already has the benefit of planning permission and therefore constitutes a valid fall-back position. Therefore the principal consideration is the suitability of this access relative to the fall back position of the previously approved access that also came from this car park.

Objections to the application have highlighted the possibility of revoking the planning permission. Section 97 TCPA 1990 provides a procedure for the revocation or modification of planning permissions. Planning permission vests development rights in the land, and the local planning authority have no power simply to withdraw a permission unilaterally. The authority must demonstrate that it is expedient to revoke the planning permission, having regard to the development plan and to any other material considerations.

The exercise of the power is subject to liability to pay compensation under Section 107 in respect of expenditure rendered abortive by the order and for any other loss or damage directly attributable to the revocation or modification.

The implications of the cost of compensation are a material consideration in determining whether to revoke or modify.

The order must be confirmed by the Secretary of State, unless it is agreed by all parties likely to be affected by it.

The power may be exercised only up until the time any permitted operational development or change of use is completed, and the revocation or modification has no effect against any operations already carried out (subs.(4)). Where it is too late to rely upon the powers under this section, Section 102 of the Act gives power to make a discontinuance order. Again, the authority must show that discontinuance is expedient having regard to the development plan and to any other material considerations.

Alternatively, if the person with the necessary interest in the land agrees that the permission should not be further implemented, he may enter into a s106 agreement to that effect.

### **9.2 Impact on the character and appearance of the area**

The access road is down the steep former railway embankment located between the car park and Castle Farm and would result in the loss of trees and vegetation. The council's tree officer has raised no objection to the loss of the self sown trees currently on site and their replacement with native species as proposed by the applicant. There is no objection to the visual impact of the scheme in light of its connection to the wider development of the area adjacent the site subject to conditions securing the landscaping of the embankment and the planting of a tree belt to the south of the application site. Therefore the proposed

development is considered to be in accordance with Core Policy 51 and 57 of the adopted Wiltshire Core Strategy.

### **9.3 Impact on trees and ecology**

As discussed in the paragraph above there is no objection to the loss of the trees on the embankment as they are self sown and are themselves of only medium conservation value. However, the trees on this site form part of a continuous wooded belt that is valuable as a connective corridor between habitats to the east of the application site and the habitats associated with the canal. Therefore the council ecologist has requested that additional planting is carried out at the southern edges of both the eastern and western edges of the woodland area in order to buffer the area of works and reduce the impact of disturbance on commuting wildlife in advance of the start of the works to remove the existing trees and regrade the slope. In addition it is recommended that a culvert is installed under the road running roughly east to west, to ensure greater connectivity once construction is completed. Subject to conditions the proposed development is considered to be in accordance with Core Policy 50: Biodiversity and Geodiversity of the adopted Wiltshire Core Strategy.

### **9.4 Impact on the amenities of adjoining occupiers**

The application currently under consideration relates solely to the creation of an alternative access route to Castle Farm and not the wider development of Castle Farm. The impact of the uses permitted under the application for the Leisure Park on residential amenity were assessed when that application was determined. Therefore it must be considered whether the siting of this access would have an acceptable impact on residential amenity taking the fall back position of the permitted access into account. The proposed access road is located to the south of the Sidings and Elizabeth House (which were developed following the grant of planning permission for the leisure park) and runs closer to these residential properties than the internal road network previously approved. The proposed road is at a lower level and approximately 10m from the boundary with these neighbouring residential properties and a further 10m from the properties themselves. A landscape buffer is proposed between the road and the residential properties. Overall it is considered that the proposed access road would not have an unacceptable adverse impact on residential amenity in accordance with Core Policy 57 of the adopted Core Strategy.

### **9.5 Impact on highway safety and parking**

The proposed access to the site would use the western most entrance to Station Road Car Park and follow the western boundary of the Car Park where a new entrance to the site would be created in the south western corner of the site. The proposed access road turns west on entering site, switches back and then enters the farm to the south of Elizabeth House.

The access would displace a number of parking spaces with the Station Road Car Park but colleagues in transport have raised no objection to this on the basis that the council's estates management team who manage this council owned and operated car park have advised that the spaces can be relocated elsewhere on the site.

In addition it is noted that the impact on the surrounding highway network would be the same as if the permitted access was brought into use.

Therefore it is considered that the proposed access would not conflict with the transport policies in the adopted Wiltshire Core Strategy, namely Policy 60, 61, 62 and 64.

## **10. Conclusion**

**The proposed access road is considered to be acceptable considering the impacts in light of the fall back position.**

## RECOMMENDATION

### Approve with conditions

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

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

2. No development shall commence on site until 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:-

a) location and current canopy spread of all existing trees and hedgerows on the land;

b) full details of any to be retained, together with measures for their protection in the course of development;

c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

d) finished levels and contours;

e) means of enclosure;

f) all hard and soft surfacing materials;

g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

l) A 5.5m wide tree belt consisting of trees of a size and species and density to be agreed in writing with the Local Planning Authority, shall be planted to the south of the southern boundary of the site in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the connective wildlife corridor which the site currently contributes to.

3. The tree belt along the southern boundary as detailed in the approved details of landscaping shall be carried out in advance of clearance of the site for development; 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.

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the connective wildlife corridor which the site currently contributes to.

4. All soft landscaping within the red line boundary of the site comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the access road; 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.

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the connective wildlife corridor which the site currently contributes to.

5. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.

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

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage 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 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 and to minimise unnecessary light spillage above and outside the development site.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

A00 Location Plan, received 31 October 2014

A01 Survey Plan, received 31 October 2014

A001 Proposed Site Plan, received 31 October 2014

A201 Proposed Road Elevation and Field Access Elevation, received 31 October 2014

A301 Proposed Access Section A-A, received 18 December 2014

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