

Regulatory Committee

May 22nd 2008

List of Applications for Consideration

1. K/57714/O (page 6)

Outline planning application for: Erection of 18 live/work units; 14 residential dwellings, and associated works following the demolition of existing buildings.

At: Marlborough Depot Site, Salisbury Road, MARLBOROUGH

RECOMMENDATION: Defer and Delegate to Planning Services Manager to grant planning permission following completion of legal agreement

2. K/58099/F (page 23)

Full planning application for: Construction of hardened runway, with associated groundworks, hardstanding area, hanger building and portacabin

At: Upavon Airfield, UPAVON SN9 6BE

RECOMMENDATION: Approve with conditions

3. K/58410/F (page 33)

Full planning application for: Two pole barns (one for storage of farm machinery; one for storage of hay and straw)

At: Spiderweb Paddocks, Rusty Lane, SEEND SN12 6NS

RECOMMENDATION: Approve with conditions

4. K/58297/F (page 41)

Full planning application for: Change of use to Class A5 (hot food takeaway use)

At: 13, The Parade, MARLBOROUGH SN8 1NE

RECOMMENDATION: Approve with conditions

5. K/58477/F (page 45)

Full planning application for: New cold room and repositioning office (portacabin) to first floor level (Retrospective)

At: Rear of 21/22 Sidmouth Street, DEVIZES SN10 1LD

RECOMMENDATION: Refuse planning permission

6. K/58427/F (page 51)

Full planning application for: Change of use of agricultural building to retail use

At: Knights Leaze Farm, Cuckoo Corner, Urchfont SN10 4RA

RECOMMENDATION: Approve with conditions

7. K/58241/F (page 55)

Full planning application for: Single and two storey extensions to back and side of dwelling

At: Yew Tree Cottage Chute Cadley CHUTE FOREST SP11 9EB

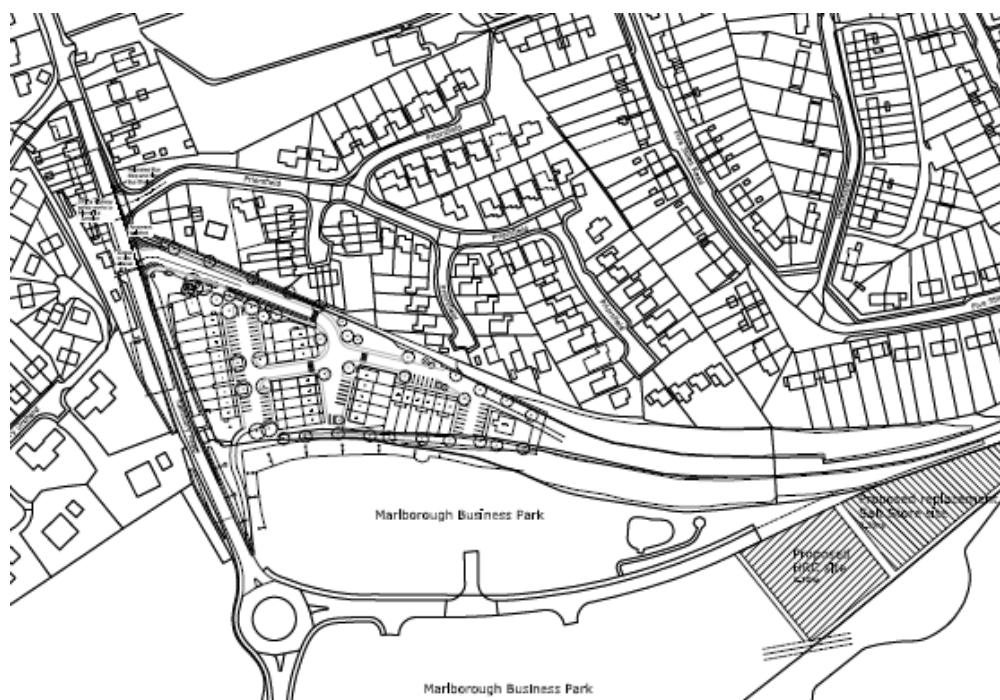
RECOMMENDATION: Approve with conditions

APPLICATION NO: K/57714/O
PARISH: MARLBOROUGH
APPLICATION TYPE: Outline Planning
PROPOSAL: Erection of 18 No. live/work units, 14 No. residential dwellings and associated works following the demolition of existing buildings.
SITE: Marlborough Depot site, Salisbury Road, Marlborough
GRID REF: 4194410 1686480
APPLICANT: Wiltshire County Council
AGENT: Nash Partnership
DATE REGISTERED: 19/11/2007
CASE OFFICER: Andrew Guest

SITE LOCATION

The application site comprises the Wiltshire County Council depot at Salisbury Road, Marlborough. It is located on the east side of Salisbury Road, on former railway land, immediately to the north of the Marlborough Business Park and to the south of Priorsfield, a residential estate. As a consequence of its former railway use, the entire application site is raised above surrounding land on an embankment. Its current use is a salt store and general storage depot with associated offices for Wiltshire County Council.

The larger part of the application site is defined in the Kennet Local Plan as a Protected Strategic Employment Site lying within the Limits of Development of Marlborough. Marlborough and its surroundings lie within an Area of Outstanding Natural Beauty.



Marlborough Business Park
Location Plan

RELEVANT SITE HISTORY

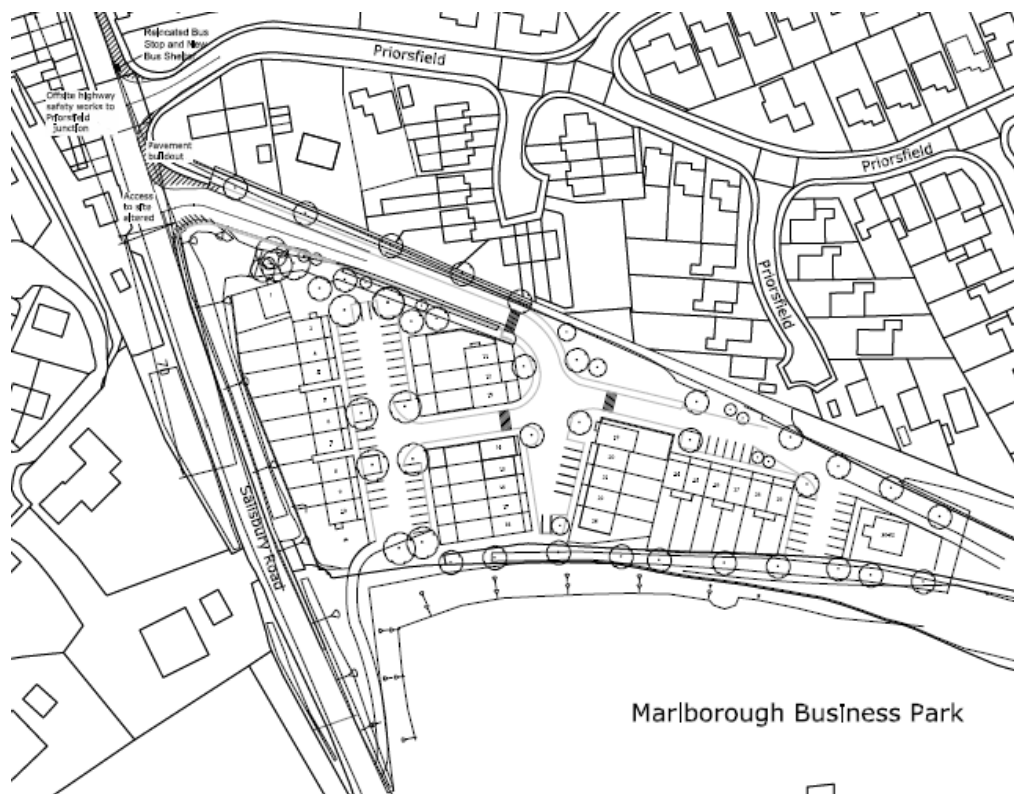
There is no relevant planning history relating to the actual application site.

The land to the immediate south of the application site comprises Marlborough Business Park which is also a Protected Strategic Employment Site. Wiltshire County Council is currently processing a planning application for the erection of a new salt store on land at Marlborough Business Park, to replace the salt store and depot at the application site. Wiltshire County Council also intends to apply for planning permission for a household recycling centre (HRC) on land at the Business Park. Whether or not the HRC proposal is pursued depends on the outcome of the application for the re-development of the existing depot as funding for the new HRC is dependent on this.

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission to clear the site and erect 14 dwellings and 18 'live/work' units, together with associated infrastructure (roads, parking, etc.). All matters are reserved except layout and means of access.

The layout utilises the existing vehicular access to the site (although modified at the point it reaches Salisbury Road in accordance with the requirements of County Highways) with the buildings mainly grouped in terrace blocks around courtyards. The housing would be made up of 11 terrace houses (2 storey) and 3 flats (2.5 storey), whilst the 'live/work' units would be all terraces (2 storey). A new cycle route would be provided for access to the south, and a potential future cycle route along the former railway line to the east.



Layout Plan

The indicative plans show landscape buffers around the edges of the site (much of which is already landscaped), and new formal planting within the courtyards within the site itself. Parking for 66 vehicles is indicated, this equating to just over 2 spaces per unit.

The access modifications involve realignment of both the junction serving the site and that serving Priorsfield. Cycle/pedestrian access is proposed from the south and east sides of the site.

No affordable housing is proposed, instead finance generated from the sale of the site would be used to deliver a new salt store and household recycling centre (HRC) for Marlborough at the adjacent business park. Financial contributions would, however, be made towards local off-site recreation facilities, local education services and to facilitate the potential future cycle route along the railway embankment at the back of the site.

The application is accompanied by a Design and Access Statement, a Contamination Report, an Arboricultural Report, a Flood Risk Assessment, a Transport Assessment, a Landscape and Visual Appraisal, a Habitat Survey and a Scheme of Community Involvement. There is also a confidential Development Appraisal.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The number of units has been reduced from 34 to 32 and the layout changed to achieve better relationships with neighbouring properties and particular features of the site. Units originally proposed to be 3 or 2.5 stories have been reduced to 2 stories, with the one exception of the block of three flats which has been reduced from 3 stories to 2.5 stories. Modifications to the access and road layout have been made to address initial objections from County Highways.

Additional reports have been prepared - namely, the Flood Risk Assessment, the Landscape and Visual Appraisal and the Development Appraisal.

ADDITIONAL STATEMENT BY APPLICANT

The Design and Access Statement says the following -

“The County Council wishes to acquire planning permission for the re-development of an existing highways depot site for a new mixed use development comprising [32] units. The scheme would have a significant employment-related component in the form of live/work units. Approximately half of the development would comprise such components, with the remainder being housing.

An important benefit of the proposals to the local community is that it will enable the creation of a new Household Recycling Centre (HRC) at the Marlborough Business Park nearby, to where the main functions of the highways depot would also be relocated. This would improve the local recycling rates, while reducing traffic to more distant HRCs.

It is felt that such a scheme represents an efficient use of public assets, and that it will ... provide a range of important planning benefits for the town of Marlborough, of which the HRC is but one”.

TOWN/PARISH COUNCIL COMMENTS

Marlborough Town Council: approve this application in principle but are concerned that the 2.5 storey dwellings will still be overbearing on existing properties at a lower elevation.

[As is evident from the “principal amendments made following submission” section above, the applicant has agreed to remove the majority of 2.5 storey units from the site, the one exception being the 3 flats which remain 2.5 stories].

Savernake Parish Council: objects to the proposed buildings on this outline application, but not to the idea of live/work units on this site providing the money from the sale of the land is used to build a HRC on the Marlborough Business Park.

The WCC depot is on high ground just north of Postern Hill. Postern Hill is in the AONB, it is part of the SSSI of Savernake Forest and many people use footpath 14 on this hill, including many visitors who use the rear entrance to the camp site. From this public right of way there is a view over the Marlborough Business Park to the WCC depot. At present the depot is screened by a hedge and trees along its southern side and there are no tall buildings on the site.

A great deal of soil was removed to lower the ground level on the land which became the business park and hence reduce the impact of these buildings on the surrounding area. The WCC depot is on raised ground with steep embankments on the south side above the business park and on the north side above the residential houses.

The proposal for the WCC depot includes 2.5 storey dwellings. Some are even called focal gateway buildings. These tall buildings should be removed from the plan. The site does not need focal buildings which will be visible from Postern Hill, the residential housing to the north of the site, the recreation ground and probably most of the places in the northern part of Marlborough.

On the plan the live/work units look too small to be of practical use. These units should be large enough to be both a dwelling and have sufficient space in the studio/workshop for a business. The existing site is registered as employment land. If the site became a site for live/work units it would not have to comply with the high density requirements of a residential site. If 20+ live/work units were erected on the site, the units could be of sufficient size to be of practical use, be kept to a low height and be units people are willing to buy and the buildings would not become prominent in the surrounding landscape. There should be sufficient money from the sale of the land for

WCC to relocate on the business park and for the HRC. There will probably not be sufficient money for a capital contribution to education purposes.

Work in a studio will probably not make noise, but there will probably be noise from some of the workshops. From both potential noise and safety aspects it is not a good idea to put residential housing which will probably have children and live/workshop units on the same site.

The existing hedge and trees along the southern side of the WCC depot must be retained and maintained by WCC. It should not be felled and/or replanted as this would take too long to grow to develop a screen. The embankments are high and steep and on safety grounds should have fencing which remains under the ownership and control of the local authority.

CONSULTATIONS

WCC Highways (Mr Wiltshire): final views awaited. Initial detailed objections likely to be addressed by amended plans.

WCC Ecologist: recommend that further surveys for protected species be undertaken, and that a condition is imposed to control Japanese Knotweed on the site.

WCC Education Officer: requires financial contribution towards local school services.

WCC Archaeologist: recommends condition.

Environment Agency: no objection subject to conditions relating to groundwater and contaminated land, and water efficiency.

Thames Water: no objection. Recommend informative.

Wiltshire Wildlife Trust: no objection.

KDC Environmental Health Officer: recommends condition requiring details of renewable energy features of the buildings to be provided at reserved matters stage.

KDC Landscape and Countryside Officer: requires ridge heights of new buildings to be as low as possible. The 2.5 storey units should be two storey with rooms in the roof only.

Plot 19 should be deleted and this area landscaped. [This amendment has now been made].

The landscape design needs to take account of the seasonal differences in the views, possibly adding an evergreen component to the understorey to reduce views into the gardens and of garden paraphernalia.

KDC Housing Officer: Accepts exceptionally that if the delivery of the HRC/salt store is a priority then the normal expectation for affordable housing can be waived in this case.

KDC Drainage Engineer: Final views awaited.

REPRESENTATIONS:

A total of eight representations have been received (from nos. 31, 35, 50, 51, 52 & 53 Priorsfield, and no. 11 River Park (2 letters)) summarised as follows :

- acknowledge that re-development will take place at some time but seek assurances that the embankments and associated trees and ecology will not be touched;
- objection to tall buildings, resulting in overlooking and overbearing. The site does not need “feature buildings” (in particular, the three flats) which would detract from wider distant views and be overbearing in relation to the adjacent bungalows in Priorsfield;
- Concern at overlooking from unit 19, [*this unit has now been deleted from the proposal*];
- request that the embankments will continue to be maintained and/or reduced to improve light levels in adjacent properties. A management plan for the future maintenance of the embankments needs to be provided;
- Concern at potential overlooking and security issues from potential future cycle route along the railway line;
- request hours of working restriction on the site during construction period in the interests of residential amenity;

POLICY CONSIDERATIONS

Policies PD1, ED7, HC5, HC7, HC30, HC34, HC37, HC42, AT9, AT10 and NR7 of the Kennet Local Plan 2011 are particularly relevant.

Central Government policy set out PPS1, PPS3 and PPS4 is also relevant.

PLANNING OFFICER'S COMMENTS

The main issues in this case are, firstly, the principle of re-development; and then, if this is accepted, the layout and design principles embodied in the scheme, its visual impact (including distant views), the benefits stemming from re-development, and highway safety.

Principle of re-development

The application site is defined in the Local Plan as a Protected Strategic Employment Site. Policy ED7 states that such sites will be protected for employment uses, and that applications for non employment generating uses will be subject to special scrutiny to ensure that the proposed use contributes to the vitality and viability of the town centre.

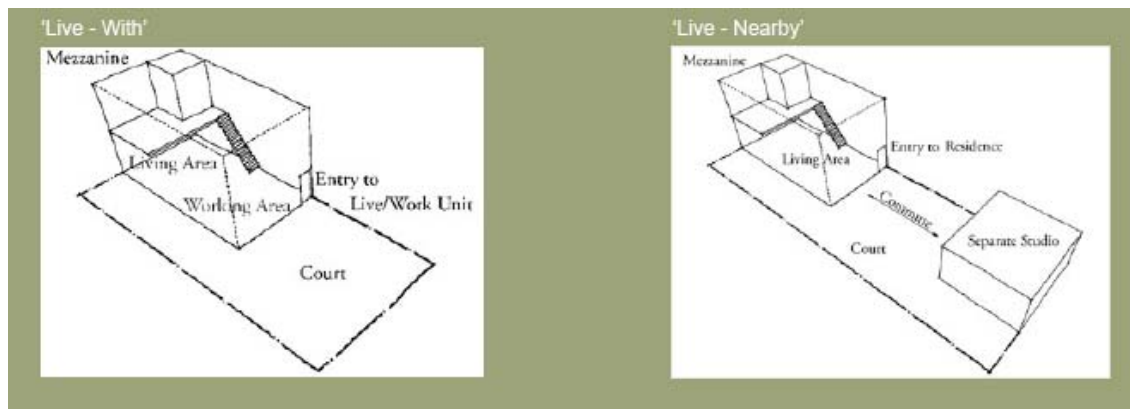
The proposal is to re-develop the site for mixed uses - namely 'live/work' units (56%) and conventional housing (44%). Clearly, the conventional housing

does not amount to an employment use, and as a consequence under the terms of Policy ED7 this application requires “special scrutiny”.

Notwithstanding that some of the site would be given over to conventional housing, the greater proportion would be 'live/work' units. Live/work units combine both residential accommodation (often over the work space) and business accommodation (normally a workshop, office or studio) to enable the occupier to both live and work in the same place. The reasons for this relatively new approach to providing business accommodation are explained in the Design and Access Statement as follows:

- the desire to avoid commuting, saving on time, cost and to reduce impacts on the environment;
- the use of the internet, fax machines, and web cams make the need to travel to meetings less necessary;
- changing household structures where parents work from home;
- affordability, not only of home and work place but also transportation and childcare.

Live/work units are, therefore, an employment providing use, and as such, meet the Policy ED7 requirement to protect at least part of this employment site for employment purposes.



Extract from D&A Statement illustrating 'live/work' concept

The remainder of the site would be given over to conventional housing which is clearly not an employment providing use. However, there are particular circumstance in this case which allow an exception to be made to the usual presumption against such development on an employment site.

Firstly, the proposed live/work units would achieve particularly efficient use of that part of the site on which they are located. A total of 18 live/work units are proposed, this equating to 18 small businesses. In contrast, the WCC depot is not a particularly efficient user of the whole site - large areas are given over to storage and parking of HGV's and related highways equipment. It is considered that the loss of part of the site to a non employment providing use can be balanced against the greater efficiencies offered by the proposed live/work units.

Secondly, the site lies next to another strategic protected employment site (namely Marlborough Business Park) which has provided an additional 1.8ha of new employment land for the town. Take-up of the business park has, however, been relatively slow, this suggesting limited immediate demand. Under these circumstances loss of part of the application site to housing is not so critical when there is evidently available employment land elsewhere in the town.

Thirdly, a principal reason for the planning application is to facilitate the delivery of a new salt store and a household recycling centre at Marlborough. Both these new facilities will require capital, which it is intended will be raised through the sale of the application site to a developer. A confidential Development Appraisal prepared by the applicant reveals that the cost of the new salt store and HRC would only just be met by the expected return from the sale of the application site for the mix of development proposed (partly due to high extraordinary costs stemming from contamination). Changing the mix with more employment accommodation is likely to undermine the viability of the entire project, and jeopardise provision of the HRC.

For these various reasons it is, therefore, considered that the proposal as a matter of principle is acceptable. Although the entire site would not be retained in employment use, much of it would (though 'live/work' units), and that area lost to housing would at least have facilitated the HRC. Future short to mid term employment needs in Marlborough can be met by other employment sites in the town, and in particular the presently under-utilised Marlborough Business Park.

Layout and Design

The layout has the majority of the buildings on the site arranged around formal landscaped courtyards. The edges of the site, where there are the naturally landscaped sides of the old railway embankment, would be improved and further landscaped. This general arrangement of the site is considered to be acceptable.

The heights of the majority of buildings on the site have been reduced to two stories since the application was first submitted. Only the three flats at the far end remain 2.5 stories, although a condition is recommended requiring this building to also be two storey in view of its prominent siting. A limit to two stories is considered essential on this site in view of its elevation and the likely harmful impact of taller buildings on distant views.

In terms of residential amenity, the layout has been revised since original submission to achieve satisfactory relationships with neighbours. Adequate margins and screen planting are proposed to ensure no adverse impacts.

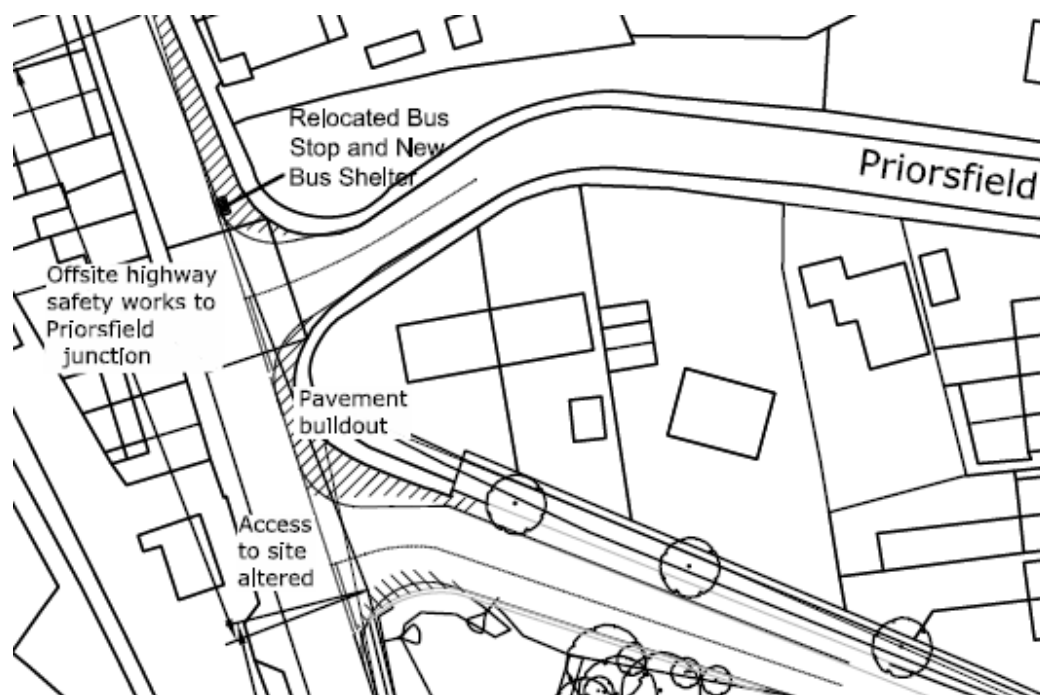
The changes to the junctions of the access to the site and Priorsfield are necessary in the interests of highway safety. They pose no amenity issues.

The scale (but not height), the external appearance and the detailed landscaping remain reserved matters, and so would be the subject of a further planning application in the event of this application gaining approval.

Highway Safety

The application is accompanied by a Transport Assessment which concludes that there is not a significant safety issue within the vicinity of the site and the likely trips generated by the proposed development would not have a significant impact on safety in the vicinity. It further points out that the site is reasonably well-served by public transport with bus stops in Salisbury Road. This is supported by County Highways in principle. Amendments to the detailed design of the junction of the site with Salisbury Road are proposed to further improve safety, together with cycle links to the south and east.

Overall it is not considered that the proposal would have a detrimental impact on road safety or that it would lead to additional congestion on the local road network.



Alterations to site access and Priorsfield junction

Section 106 agreement

The policies of the local plan and the Community Benefits from Planning SPG seek to ensure that the impacts of development on existing facilities and services are adequately mitigated through appropriate investment, facilitated by way of planning obligations (or Section 106 agreements). This proposal would in normal circumstances generate requirements for investment in four areas - recreation provision, education provision, community facilities and affordable housing.

In this case the applicant has put forward sound reasons for reducing the normal expectations. Firstly, redevelopment of this site would be subject to extraordinary costs resulting from the requirement to remove ground

contamination stemming from the historic uses. The application is accompanied by a detailed contamination report which reveals significant hydrocarbon contamination on parts of the site. The Development Appraisal concludes that the cost of decontamination is likely to be in the order of £250,000. Clearly, this extraordinary cost affects the ultimate land value, and in turn this affects the revenue that can be generated from the sale of the site.

Secondly (and leading on from the first point), the revenue generated from the sale of the site is intended to be used to fund the new salt store and HRC at the Marlborough Business Park. However, it is evident from the Development Appraisal that if the development is expected to meet all the normal obligations *and* the extraordinary costs then there would be insufficient remaining capital to meet the salt store and HRC costs. Under these circumstances the entire development would, therefore, flounder.

Finally, the provision of an HRC is in itself a community gain which will only come about as a consequence of the sale of the depot for a price which will meet the cost of the HRC and the new salt store.

Having regard to these reasons it is considered reasonable in this particular case to reduce the normal planning obligation expectation. To this end the applicant has agreed to provide the full off-site financial contribution towards recreation provision in the locality, the full financial contribution towards local education services, a financial contribution towards providing the pedestrian/cycle link through the back of the site, and a commitment to providing the HRC. The applicant will not, however, provide any affordable housing on the site.

In this particular case this is considered to be an acceptable outcome. Under normal circumstances the expectation would be for 7 of the 14 conventional houses on the site to be affordable. Instead there will be 14 conventional houses and no affordable houses, but greater certainty that the HRC will be provided. The HRC itself is a community benefit which is considered in this case to be of equal importance to affordable housing. This approach is, therefore, supported as an exception to the normal 'rule' and in view of the benefits to the Marlborough community stemming from the provision of the HRC.

Other Matters

Regarding ecology, the application is accompanied by a habitat survey which concludes that areas of botanical and ecological interest are limited, and are in any event of low nature conservation interest. A condition is recommended requiring further surveys prior to development taking place.

Conditions are recommended to ensure trees to be retained are protected during construction and that details of all service runs are provided. In principle there is no objection to the tree works proposed. A condition is also recommended requiring a management plan for retained landscaped areas to be submitted and ultimately implemented in perpetuity.

The issue of contamination has been referred to above. Again, conditions are recommended in accordance with the requirements of the Environment Agency to ensure proper processing of this matter.

Conclusion

This application, for both business and residential development, strikes the right balance between safeguarding at least part of the site for employment purposes in accordance with Policy ED7. Finance generated by the sale of the site for re-development would fund Marlborough's household recycling centre, and this is considered to be an important material consideration in this case. Although affordable housing would not be provided on the site, this is considered acceptable as an exception to the normal rule in view of the extraordinary costs *and* the other benefits which include provision of the HRC. For these reasons the application is recommended for approval.

RECOMMENDATION –

APPROVE SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT COVERING THE FOLLOWING MATTERS -

1. A FINANCIAL CONTRIBUTION TOWARDS OFF-SITE RECREATION PROVISION;
2. A FINANCIAL CONTRIBUTION TOWARDS EDUCATION SERVICES;
3. A FINANCIAL CONTRIBUTION TOWARDS PROVIDING THE PEDESTRIAN/CYCLE LINK AT THE EAST END OF THE SITE; AND
4. A COMMITMENT TO FUNDING AND PROVIDING THE MARLBOROUGH HOUSEHOLD RECYCLING CENTRE FROM THE PROCEEDS OF THE SALE OF THE SITE.

AND SUBJECT TO THE FOLLOWING CONDITIONS -

- 1 Approval of the details of the scale and appearance of the buildings, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

REASON:

This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON:

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

- 3 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.

- 4 This permission relates to the scheme of development as submitted except insofar as amended by the revised plan nos. 6169(L)003B, 6169(L)004C & 6169(L)006B from Nash Partnership received on 2 May 2008, and revised plan nos. 748283-D-008A & 748283-D-007A from Mouchel Parkman received on 1 April 2008.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 5 All of the conventional houses and 'live/work' units hereby approved shall incorporate within their designs sufficient renewable energy features to reduce carbon dioxide emissions from energy use by the owners/occupiers by 10%. The details of these renewable energy features shall be submitted to the local planning authority as part of the reserved matter relating to appearance. The development shall be carried out, and maintained thereafter, in accordance with the approved details.

REASON:

To accord with the local planning authority's policy for renewable energy.

- 6 No development shall take place until details of the materials to be used for the external walls and roofs of the buildings and the final surfacing of the roads and courtyards (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:

To secure harmonious architectural treatment.

- 7 Notwithstanding the details set out in the application particulars, none of the buildings hereby approved shall be greater than two storey unless agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory relationship with the surroundings having regard to the elevation of the site.

- 8 None of the conventional houses hereby approved shall be occupied until the 'live/work' units are completed, unless first agreed in writing by the local planning authority.

REASON:

To ensure appropriate phasing of the development in accordance with the agreed scheme.

- 9 The 'work' element of the 'live/work' units hereby permitted shall be used for business and/or storage and distribution purposes only (that is, uses falling with Classes B1 and/or B8 of the Town and Country Planning (Use Classes) Order (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

REASON:

In the interests of amenity.

- 10 The 'work' element of each 'live/work' unit hereby approved shall remain an integral part of the 'live/work' unit to which it relates, and shall not at any time be occupied separately from that 'live/work' unit as a self-contained 'work' unit.

REASON:

In the interests of amenity.

- 11 The detailed landscaping plans to be submitted as part of the landscaping reserved matter shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

- 12 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and

species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

- 13 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 14 Before any work commences on site the ground floor slab levels of each building shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 15 Before work commences on the erection of the buildings hereby approved, decontamination of the site shall take place in accordance with the recommendations of the Integrale reports accompanying the planning application.

REASON:

In the interests of the safety of the public and the environment.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until the developer has submitted to, and obtained written approval from the local planning

authority for, an amendment to the recommendations set out in the Integrable reports detailing how the unknown contamination shall be dealt with. Decontamination shall then take place in accordance with the agreed amendments.

REASON:

To prevent pollution of local water interests.

- 17 Plans of the means of disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. The plans shall specify no infiltration of surface water into the ground unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

- 18 No development approved by this permission shall commence 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 no later than the first occupation of the buildings unless otherwise agreed in writing with the local planning authority.

REASON:

In the interests of sustainable development and prudent use of natural resources.

- 19 No development shall take place until details of the treatment of all boundaries within and at the edges of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASONS:

In the interests of amenity.

- 20 No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

- 21 Within 12 months of the date the development hereby approved commences, further wildlife surveys shall be carried out for badgers, bats, reptiles and dormice (the surveys to be carried out at the appropriate time of year by a qualified ecologist). Within 2 weeks of the date the development hereby approved commences, a further wildlife survey shall be carried out for breeding

birds (again, by a qualified ecologist). The results of the surveys, and any recommendations stemming therefrom, shall be submitted to the local planning authority for approval in writing. Development shall only commence when written approval by the local planning authority has been given.

REASON:

To accord with the recommendations of the Simecology report accompanying the planning application, and in the interests of potential wildlife on the site.

- 22 Before any part of the development hereby permitted is first occupied the re-designed access shown on drawing no. 748283-D-008A and the cycle routes shown on drawing no. 748283-D-007A shall be completed in accordance with these approved plans.

REASON:

In the interests of highway safety.

- 23 Before any part of the development hereby permitted is first occupied the accesses, turning areas and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

- 24 **INFORMATIVE TO APPLICANT:**

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, ED7, HC5, HC7, HC30, HC34, HC37, HC42, AT9, AT10 and NR7; and Central Government policy set out in PPS1, PPS3, PPS4, PPS7 and PPG13.

- 25 **INFORMATIVE TO APPLICANT:**

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

- 26 **INFORMATIVE TO APPLICANT:**

A B1 Business use means a use for any of the following purposes: -
(a) as an office other than a use within Class A2 (financial and professional services).
(b) for research and development of products or processes, or
(c) for any industrial process. being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

References to Class B1 and A2 are from the Town and Country Planning (Use Classes) Order 1987.

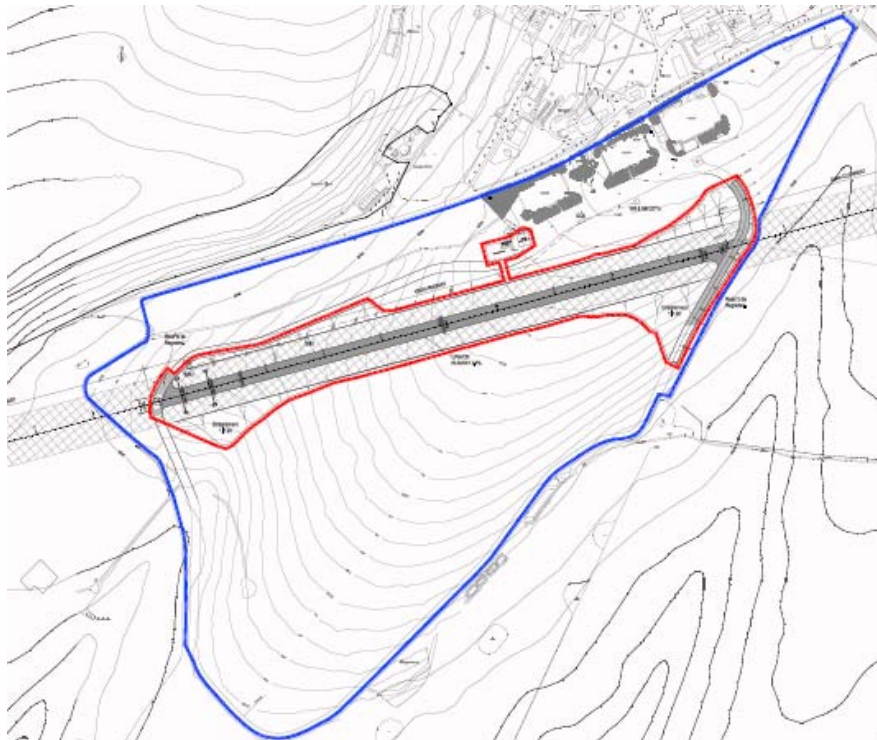
- 27 **INFORMATIVE TO APPLICANT:**
In relation to condition no. 7, the applicant is advised that the local planning authority is unlikely to object to a building with a slightly larger footprint at units 30-32 than that shown on the approved layout drawing to enable the three flats to be contained within a two storey building. This is likely to be considered acceptable under the terms of the outline planning permission.
- 28 **INFORMATIVE TO APPLICANT:**
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the development.
- 29 **INFORMATIVE TO APPLICANT:**
The applicant's attention is drawn to the informatives set out in the attached letter from the Environment Agency.

APPLICATION NO: K/58099/F
PARISH: UPAVON
APPLICATION TYPE: Full Planning
PROPOSAL: Construction of hardened runway with associated ground works, hardstanding area, hangar building and Portakabin.

SITE: Upavon Airfield Pewsey Wiltshire SN9 6BE (NGR SU 152 542)
GRID REF: 415336 154413
APPLICANT: Defence Estates
AGENT: Philippa Sanders
Enviros Consulting Ltd
DATE REGISTERED: 06/02/2008
CASE OFFICER: Rob Parker

SITE & LOCATION

This application relates to the airfield at Trenchard Lines outside Upavon. The site lies immediately to the south of the A342. The land is currently occupied by a reinforced grassed airstrip together with a number of large hangars.

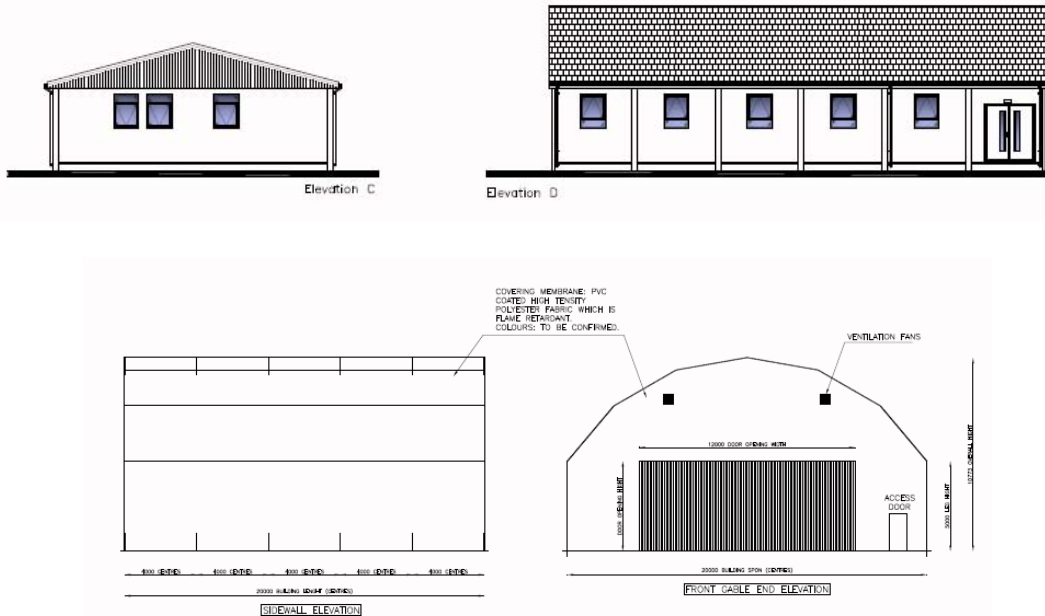


RELEVANT SITE HISTORY

K/57477/F – Construction of hardened runway with associated ground works, hardstanding area, hangar building and modular building. Application withdrawn on 19th December 2007.

DESCRIPTION OF DEVELOPMENT

The proposal is for the construction of hardened runway with associated ground works, hardstanding area, hangar building and modular building. The runway would be 1 kilometre in length and would have a width of 23 metres.



ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted an additional statement in response to objections received. This document is attached to this agenda. Comprehensive documentation relating to the proposal is available to view on the working file.

PARISH COUNCIL COMMENTS

Upavon Parish Council reports considerable local concern regarding this application on the grounds of both the recognised danger of an unmanned, radio controlled aeroplane operating close to areas of habitation and the very real possibility of the planned hard runway being used for additional aircraft movements other than just for Watchkeeper for which it is deemed necessary. Specifically, Upavon Parish Council objects on the following grounds:

1. Adequate consultation has not taken place, despite consultation being emphasised in the documentation accompanying the application. Selected individuals were invited to briefings but the parish council's offer to host a meeting for local residents was firmly rejected by Defence Estates.
2. Site options list only Upavon. Watchkeeper's predecessor, Phoenix, operated safely and exclusively from within the Larkhill and Warminster

Danger Areas. Why could a hardened runway not be located within this massive area – e.g. at Deptford Down, Blackball Firs Dropzone or Fox Covert Dropzone? The military's excuse that tracked vehicles could damage the hardened runway is not convincing; there are many areas on the plain where vehicles are prohibited.

3. The currently proposed climb out path from Upavon Airfield passes within 200 metres of the nearest dwelling in Upavon. Similarly, the climb out path from Netheravon passes directly over Fittleton. This is unacceptable on safety grounds as Watchkeeper is not licensed to fly over civilian areas and the UAV will be at its most vulnerable when taking off with a full fuel load (for maximum endurance).
4. It is debateable whether a hardened runway is actually required. The Watchkeeper project is costing £800 million, yet the Ministry of Defence claims that the UAV's undercarriage is not substantial enough to cope only with grass take-offs and landings. This argument is less than convincing, given that the gliding club operates numerous take-offs and landings regularly throughout the year without problems. Operating from a grass strip is more flexible in dealing with variable wind directions.
5. Upavon Airfield is the oldest continuously operated (since 1912) military grass airfield in the country as well as being the birth place of the Royal Flying Corps – this historic perspective deserves continued preservation.
6. The hangar and modular building will be an eyesore and are unnecessary when the existing westerly hangar is not being used by the military. The military has given various conflicting explanations for needing new buildings, firstly that the cost of converting the existing hangar is prohibitive and secondly that the building is now condemned. The parish council considers the latter explanation to be interesting, given that the building is currently leased to a civilian organisation.

Upavon Parish Council concludes that, whilst it is not in any way opposed to Watchkeeper per se, the Ministry of Defence's planning and consultation has been woefully inadequate and satisfactory answers to a number of important questions remain outstanding.

Netheravon Parish Council objects to the proposal on the following basis:

- a) Objection is raised to the hangar, modular building and hardstanding on the basis that Upavon is an historic military airfield, the oldest continually active in the United Kingdom. This is particularly relevant given that the most westerly hangar and hardstanding area is not being used.
- b) Concern is expressed regarding the proposal to land an Unmanned Air Vehicle (UAV) at Netheravon Airfield despite the fact that it is unlicensed to fly over civilian areas. The airstrip at Netheravon is parallel to the Everleigh Road so the UAV will be flying over the village, as do other

aircraft which land at the strip. The UAV will also be flying over the A303 to get to the Deptford Airstrip.

- c) Netheravon Parish Council considers that this aircraft should be flown from Knighton Down Airstrip, Larkhill as the soldiers who operate the aircraft are based there and the aircraft will be returning to Roberts Barracks, Larkhill by road after each flight. If Knighton Down is used it would not be necessary to fly over civilian areas and they will not have to use the already congested A345 to transport this very large aircraft 124 times a year.
- d) The consultation was inadequate. The parishes of Enford, Upavon and Netheravon were invited to a briefing session. The parishes of Fittleton and Figheldean were not invited. Netheravon Airfield Camp is situated in the parishes of Fittleton and Figheldean and these parishes were not consulted on this very important issue which affects them.

CONSULTATIONS

District Ecologist – no objections.

Environment Agency – no objection subject to appropriate conditions and informatives.

KDC Design & Engineering Manager – When the ground water is high it is possible that the proposed soakaway system could fail.

KDC Environmental Health – no objection in principle. The predicted noise levels, while unremarkable for military activity during the day, are high for night-time operations. Take-offs should be restricted to pre 22:00 hours to minimise sleep disruption to nearby residents.

KDC Landscape & Countryside Officer – no objection subject to the imposition of a landscape and landscape management condition to deal with the tree planting and seeding of the areas to the north of the runway/perimeter track and buildings.

Natural England – no objection, the proposal will not have a significant detrimental effect on any protected species.

Wiltshire County Archaeologist – no objection, subject to imposition of a planning condition requiring further archaeological work.

REPRESENTATIONS

One letter of objection has been received raising the following issues:

- There are fundamental errors in the justification document.
- The flood risk assessment is invalid as the location of the runway has been moved and there may be a risk of surface water running down the hill and contaminating the river which is a Site of Special Scientific Interest.

- There is potential for further noise pollution in an already very noisy area.
- There is a risk of accident due to the very intensive use of the airspace over Salisbury Plain and the lack of radar to control air movements.
- The proposals will destroy a listed site of historic interest that has remained virtually unchanged since 1927.
- There are other more suitable runways in the area – e.g. Boscombe Down.
- Why are the protected species surveys confidential? This indicates that the applicants have something to hide.
- There should be a full environmental study.
- Objection is raised to the construction of temporary buildings.
- Heavy military convoys transporting the UAV to and from Larkhill will cause highway subsidence and extra pollution.
- The proposal will cause danger to ramblers and horse riders on an adjacent public right of way because the perimeter of the airfield is unfenced.
- The proposed “Rubb” hangar will not complement the existing hangars; it is no more than a glorified tent.
- Concern is expressed regarding the thousands of heavy lorry movements on narrow roads during the construction phase.
- There will be no control over any future intensive use of the runway.
- The flight path will be too close to Upavon village for safety.

POLICY CONSIDERATIONS

The site lies in the countryside in policy terms but does not lie within any specific landscape or ecologically designated areas. Policies PD1, HH1 and NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

OFFICER COMMENTS

This is a planning application for the infrastructure required to support the Army’s new Unmanned Air Vehicle (UAV) under the project name “Watchkeeper”. The proposal is for a hardened take-off and landing strip at Upavon Airfield, together with an associated hardstanding, modular building and hangar.

An earlier planning application (K/57477/F) for the same project was withdrawn following the discovery of important archaeology beneath the route of the runway. The current application shows an amended runway alignment which enables the archaeology to be preserved in situ. The County Archaeologist is now satisfied that the proposals are acceptable.

It is not considered that the proposals would adversely affect the character or appearance of the landscape. Local topography means that the runway’s hardened surface would not be visually prominent. The proposed hangar and modular building would be modest in size and closely related to existing hangars on the site. Accordingly, the Council’s Landscape & Countryside Officer raises no objections to the proposals.

Upavon Airfield itself does not lie within an ecologically sensitive area, although the Salisbury Plain Special Area of Conservation (SAC), Special

Protection Area (SPA) and Site of Special Scientific Interest (SSSI) lie within approximately 400 metres and there are a number of County Wildlife Sites in the vicinity. Given the distance between the designated sites and the application site, the construction and operation of the proposed development is not considered likely to impact upon ecological interests and both Natural England and the District Ecologist raise no objections to the application.

Operation of Watchkeeper has the potential to increase noise levels in the area, particularly at night. However, it should be recognised that there is considerable noise from military training on Salisbury Plain and Upavon is already used as an existing airfield by powered military aircraft, notably the C-130 Hercules. For this reason it would not be reasonable to impose additional controls on the operation of the airfield, including the hours suggested by the Environmental Health Officer. Defence Estates has advised that night time launch/recovery of Watchkeeper will only occur on a very infrequent basis and will be unlikely to occur more than once in any night time period.

With regard to drainage issues, there is no technical reason why satisfactory surface water drainage cannot be achieved in this location. The Environment Agency raises no objections to the application.

Members will note the various concerns expressed by Enford and Netheravon Parish Councils. The applicant, Defence Estates, has prepared a response to many of the issues raised and that document is attached to this agenda. Officers would add the following points:

Use of Netheravon Airfield

The current planning application is for the physical infrastructure required to operate the Watchkeeper UAV at Upavon Airfield. Planning permission is not required to operate Watchkeeper at Netheravon Airfield; no physical infrastructure is required at Netheravon and there would be no material change of use. It would not be legitimate, therefore, for the Council to refuse planning permission on the safety grounds advocated by Netheravon Parish Council.

Alternative Sites

Various alternative sites have been suggested by objectors. Defence Estates has attempted to justify why these sites are not suitable. Notwithstanding this, the current application must be considered on its own merits and it would not be legitimate to refuse planning permission solely on the grounds that an alternative site would be more suitable.

Safety

Concerns have been expressed regarding the safety of Watchkeeper. However, there is no evidence at this stage to suggest that the aircraft will be unsafe and it should not be the role of the planning system to regulate aviation safety issues, not least because Upavon is already an operational airfield and the local planning authority has no means of controlling military air activity over Salisbury Plain. Defence Estates has reassured the Council that, although the take-off and landing patterns are still under development, safety

is a fundamental consideration. The Ministry of Defence is mandated to produce a safety case that establishes that the system is no more dangerous than manned aviation. This requires a safety target of 1×10^{-7} deaths or serious injuries per flying hour.

Traffic Implications

Construction of the runway will inevitably involve heavy vehicle movements. These are estimated to be 2640 HGV movements (1320 in and 1320 out), or between 6 and 8 per hour. Whilst these figures sound significant, they are small compared with existing traffic levels on the roads that construction traffic will use. Construction traffic also represents a temporary impact and it is not considered that planning permission could be legitimately refused on this basis. Once operational, Watchkeeper would be unlikely to result in a material increase in vehicle movements over and above the existing situation, even if (as objectors have suggested) the UAV is transported to and from Upavon each day.

Impact upon Historic Airfield

It is accepted that Upavon is an historic airfield dating back to World War I. However, this does not suggest that the site cannot be adapted to meet changing military needs. Contrary to the objector's suggestion the site is not listed (although three of the original buildings on the north side of the A342 are indeed listed) and there are no statutory or non-statutory designations which protect the site. It is not considered that the installation of a hardened runway and its associated buildings would harm the character or appearance of the site, or the amenities of the area in general.

Need for a Hardened Runway & New Buildings

Objectors challenge the need for a hardened runway from which to operate the UAV. They also question why new buildings are required when the existing hangars would meet the operational need. Defence Estates has responded to these issues in the letter which is attached to this agenda. Notwithstanding this, it is not the local planning authority's role to question the need for the proposal (in much the same way as it would not be legitimate to question why a householder needs the extension for which he/she is applying). The local planning authority has a statutory duty to consider the planning application as submitted and it would be impossible to substantiate a refusal on the basis that the runway and associated infrastructure is not required.

Use by Other Aircraft

Objectors have expressed concerns that the runway may be used by aircraft other than Watchkeeper. Whilst this is a legitimate concern, Defence Estates has confirmed that the design specification for the tarmac runway is based upon light usage of the UAV and not heavier or more frequent aircraft usage.

Conclusion

In conclusion, the proposed runway and its associated infrastructure is considered to be acceptable in planning terms, causing no material harm to landscape character, archaeology, ecology, highway safety or amenity. A grant of planning permission is therefore recommended, subject to appropriate conditions.

RECOMMENDATION

Approve with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

- 3 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the local planning authority in writing. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON:

To prevent pollution of the water environment.

- 4 Prior to any part of the development being brought into use, a sustainable drainage system for storm water, including source control as provided by a Geocellular system, shall be installed. The scheme shall be in full compliance with the Flood Risk Assessment prepared by White Young Green and dated January 2008. The system shall act as a soakaway and provide natural infiltration.

REASON

To minimise flood risk.

- 5 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include provision for the planting of trees to the north of the buildings and a reseeded with a grassland mix of the areas to the north of the runway/perimeter track and buildings.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 6 All landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the hangar / modular building 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.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 7 No development shall take place until details of at least 2.3 hectares of chalk grassland for scrub removal and restoration, outside of the Site of Special Scientific Interest, have been submitted to and approved in writing by the local planning authority. The submitted details shall include a plan showing the location of the chalk grassland, a methodology and timetable for its creation and measures for its long term management. The grassland shall be restored and managed in accordance with the approved details.

REASON:

To mitigate for the permanent loss of semi-improved calcareous/neutral grassland.

- 8 **INFORMATIVE TO APPLICANT:**
The applicant is advised to note that the local planning authority does not necessarily expect the replacement grassland to be sited within the boundaries of the airfield. Indeed, it may be possible to tie the replacement grassland to the Eastern Infrastructure Project and to treat it as an enhancement on Salisbury Plain in general.
- 9 **INFORMATIVE TO APPLICANT:**
Any removal of grassland and scrub habitats suitable for nesting birds must take place outside of the bird nesting season, or a survey for nesting birds carried out prior to works and avoidance measures employed as necessary.
- 10 **INFORMATIVE TO APPLICANT:**
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies PD1, HH1 & NR7.

11 **INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency and dated the 28th February 2008.

Item 3

APPLICATION NO: K/58410/F
PARISH: SEEND
APPLICATION TYPE: Full Planning
PROPOSAL: 2 pole barns, one for storage of farm machinery and one for hay and straw
SITE: Spiderweb Paddocks Rusty Lane Seend Melksham SN12 6NS
GRID REF: 394161 161319
APPLICANT: Mr & Mrs Shearmon
DATE REGISTERED: 29/03/2008
CASE OFFICER: Richard Cosker

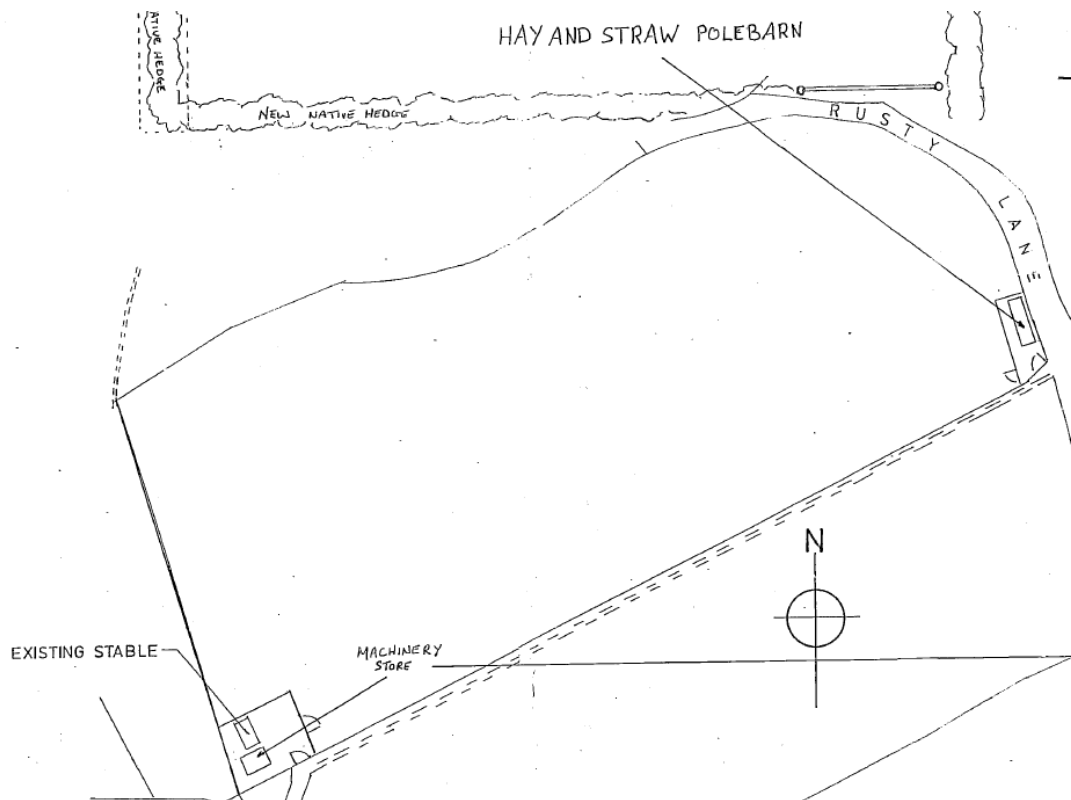
SITE & LOCATION

The application site is an area of some 3 hectares of agricultural pasture land. Vehicular access to the site is along a designated footpath/bridleway from School Lane which can be accessed from either the High Street or Bolland's hill.

The site is located on the top of the east/west ridge to the north of the village of Seend. The first part of the site is relatively level but then the land drops away steeply into the clay vale which extensive views to the north and north-west. The Kennet and Avon canal is situated within the clay vale. There are a number of public rights of way in the area including the one that is used as vehicular access to the site.



Site location



Location of machinery store (bottom left) and hay and straw barn (right)

SITE HISTORY

K/51739 – Erection of stables approved in April 2005.

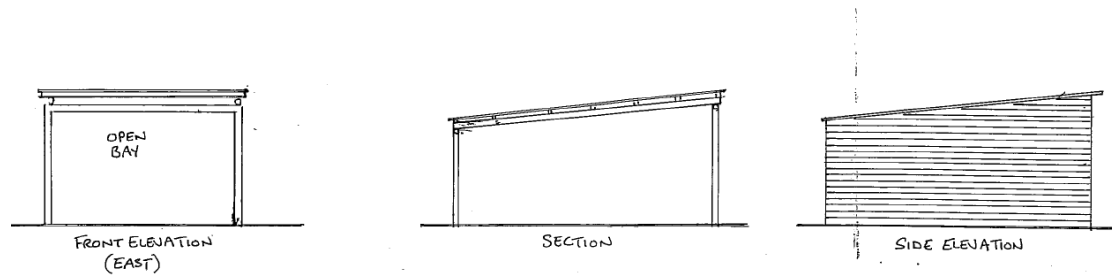
K/54873 – This application was for the construction of a 28m long pole barn on the southern boundary of the site. This application, which also included a large area of hardstanding, was refused along with a further application for the retention of a mobile home on the site in September 2006. A subsequent enforcement appeal relating to all these matters was dismissed.

K/57851 – A subsequent planning application for another 28m long pole barn was refused in 2007. This building was sited along the western boundary of the site to the north of the stable block. It was proposed that the building put be built on land partially 'cut and filled' (by about 1m) but the building would still have been on sloping land.

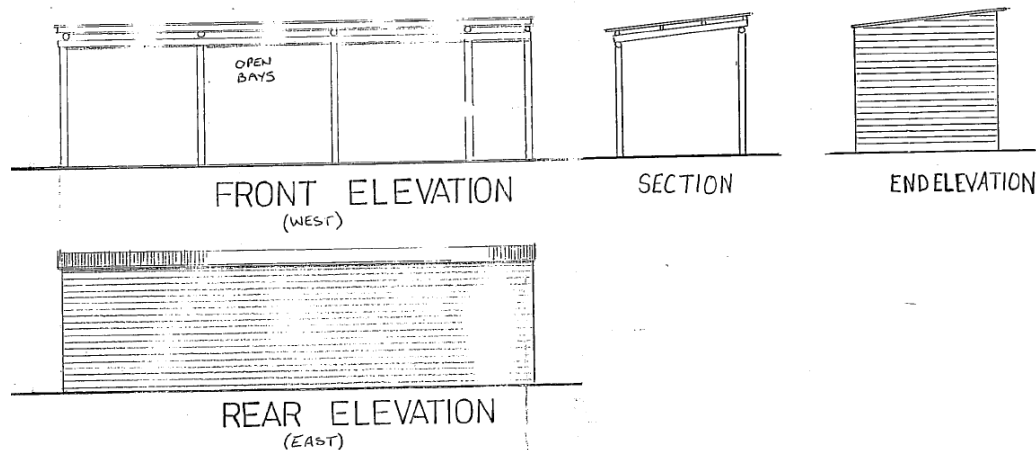
DESCRIPTION OF DEVELOPMENT

The applicant now proposes the erection of two separate buildings, one for the storage of agricultural machinery and the second for the storage of hay and straw. The machinery store would be 8m long and would be sited to the south of the stable block between it and the main entrance to the site. The second building, which would be 13.8m long, would be sited in the south eastern corner of the site. The buildings would be 4.2 m high. Both buildings would have the walls clad in green profile sheeting, with open fronts, and grey corrugated sheets for the roof.

Whilst the land where the hay and straw building would be sited is relatively level some leveling will be required with the land being built up to 40cm at the northern end. A mixed native hedgerow is proposed to form a northern and western boundary to the land around that building, although part of that planting has already been undertaken with mature hedgerow plants. Hedgerow planting is also proposed to the north and east of the machinery building and existing stable building. The applicant also proposes an area of hoggin around the hay/straw barn and around the machinery store and existing stable.



Machinery Store



Hay/straw barn

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a supporting statement with the application explaining how the buildings will be concealed from the road. They advise that they lost at least 800 bales last year due to the fact that they were unable to keep them from the adverse weather conditions. The machinery store will also shelter the equipment from the weather and make the area a lot tidier.

PRINCIPAL AMENDEDMENTS MADE SINCE SUBMISSION

Following a request by the Council's Landscape and Countryside Officer the applicants have amended the proposal to ensure the hay and straw building and the proposed re-grading works are at least 1.5m from the hedgerow.

PARISH COUNCIL COMMENTS

Seend Parish Council – the parish council have submitted extensive comments objecting to the planning application. A full copy of the comments can be viewed on the planning file but the main points raised are as follows;

1. The on-going enforcement issues have not been resolved to the satisfaction of the parish council or local residents. Non-agricultural vehicles are still on site and the applicants still live on the site in the stables.
2. The Planning Inspectorate dismissed an appeal for a pole barn and hardcore base. The enforcement notice required topsoil to be replaced and seeded with meadow mix grass.
3. The appearance of the site is appalling with a perfectly good five bar gate removed and a high sheet metal double gate erected in its place. The parish council deplores the visual impact the site has on its rural surroundings.
4. The site is 2.6ha and there is already sufficient storage on the site for the machinery and fodder needed.
5. The bridledways are no longer safe to use for other users.
6. A further gateway is shown on the plans into Rusty Lane whereas the site only ever had one onto Bradley Lane. If a new entrance has been formed then it does not have planning permission.

CONSULTATIONS

County highways (Julie Cleave) – Previously raised highway objection for the one pole barn as the need for the barn was not obvious and there was concern about the barn resulting in an increase use of the bridledway for access. Now consider the barns should not attract additional vehicle trips and raise no highway objection.

REPRESENTATIONS

A total of 7 letters of observation have been received and the comments made can be summarised as follows;

1. Further buildings along this skyline will be detrimental to the area. The skyline is being completely destroyed.
2. The barn nearest to the stable will be visible to houses in Somerset Close and therefore further detract from our previously unspoilt views.
3. Present development already detracts from the visual amenity of the area.
4. For the last two years the site has resembled a scrap yard and is totally out of keeping with the surrounding rural area.
5. Proposed pole barn seems disproportionate to the area of agricultural land it is intended to serve.
6. The barn for storing the vehicles isn't big enough for all the vehicles on the land so it will do little to tidy up the site.
7. The numerous vehicular movements along the bridledway from School Lane, many of which are clearly not for agricultural purposes, have ruined this lane for pedestrian use.
8. If one of the buildings is genuinely for parking and storing vehicles it will have to be a significant size to contain the amount of equipment littering the area.

9. What happens if the buildings are not used for stated purposes? They already use 'stable' to live in and nothing is being done to stop this.
10. Can't believe application is being considered when previous enforcement notices have not been complied with i.e. cease living on the site, return site to original state and remove lorry bodies. The council should defer the decision until the outstanding notices are complied with.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, NR6 and NR7 are considered relevant to the determination of this application.

PLANNING OFFICERS COMMENTS

The whole of the applicants land is visually very sensitive on the side of the hill on which Seend is located. Clearly therefore the impact of these proposed barns on the character and appearance of the landscape is a key consideration in determining this application. In the first instance however it is necessary to consider whether the proposed buildings are justified in agricultural terms.

In considering the justification the Council's agricultural advisor has previously stated that it is not necessary to have a building to store machinery and straw/hay, indeed this storage currently takes place in the open and this can continue. However he advises that greater depreciation and repair costs will be incurred for the machinery and whilst the hay and straw would be sheeted under tarpaulin, additional waste would inevitably result. Whilst the cost to the business would be greater, the expense of the building would not be occurred. If on the other hand, the expense of the building can be sustained by the business then its provision and use will result in far less waste and longer life for stored machinery. The buildings proposed are simple open fronted pole barn structures which will be relatively inexpensive. The applicant has advised that they have 'lost' at least 800 bales of hay and straw and are concerned about the damage being caused to their equipment in the open. They also consider the proposed buildings will help improve the appearance of the site. Your officers consider that, in this instance the need for the proposed buildings have been reasonably justified.

In terms of the visual impact of the buildings, both will be visible in short range views as the site is bounded by numerous public rights of way. Such short range views of agricultural buildings are not uncommon in the countryside. These views are certainly not considered a justifiable reason for refusing the application. In terms of the longer range views, the proposed machinery store is very well sited behind the approved stable block out of the way of such views. The area around the proposed building and the approved stable would also have a hard surface of hoggin. This area would measure approximately 19 by 23 m, much smaller than the area of hard surfacing previously subject to enforcement action, and would have a new hedgerow on the northern and eastern sides.

The hay and straw barn is certainly the most controversial building located at the eastern end of the site where currently there is no development. The intention however is to break up the bulk of the previously refused larger building and make use of the less sensitive part of the site behind the approved stables. The hay and straw building would be visible in long range view, including both from the canal towpath and from the main Melksham to Devizes Road (A365). It would however often be seen against the mature hedgerow boundary running along the eastern boundary of the site and the applicant has already undertaking some planting of mature hedge plants to the north of the building and a further hedgerow is proposed to the west of the building. This will create a more enclosed and appropriate landscape setting for the building within which a hardstanding of hoggin will again be created. Other options for the building have been investigated by officers but it is considered that this is the best option for the building and that its visual impact will not be such that would justify refusing this application.

Other issues raised by this proposal include the impact the proposed buildings would have on highway safety and convenience in relation to the use of the access track to the site which is a bridleway. The highway authority has previously objected to the proposed agricultural buildings on this site as they were concerned about the increase in use of the bridleway. They now state that it appears that the barns are justified and as such they raise no highway objection. In reality of course the machinery and hay/straw would still be on site, whether the buildings are allowed or not, thus it cannot be concluded that permitting the buildings would result in more traffic using the bridleway. With regard to the point raised by the parish council, the gate onto Rusty Lane has been there for some time and planning permission would not have been required for its creation.

Finally some of the observations received refer to enforcement matters on this site, particularly the claim that the previous two enforcement notices have not been complied with. Those previous enforcement notices required; the removal of a mobile home, cease the residential use of the site, remove a partly built pole barn (which was part of application K/54873), remove the hardcore laid to create a hard standing and cease using the site for a scaffolding business. Following non-compliance with the enforcement notices the council successfully prosecuted the applicants. Subsequently the applicants destroyed the mobile home, removed the parts of the pole barn erected, the equipment and vehicles associated with the scaffolding business were removed and they removed most of the hardstanding. Whilst the hardstanding area had not been re-seeded as required by the notice there seemed little point in this as, even if the grass became established, the legitimate use of the site by the applicants would only result in the land becoming cut up and muddy again. Local residents have been made aware that there is no requirement for the land to be returned to its former state. The applicants are entitled to use the land for agricultural purposes and that use is likely to mean parts of the land will remain muddy and cut up, they can also park agricultural vehicles used on the land without needing planning permission. It should however be noted that the area used by the applicant for storing machinery and other vehicles etc only occupies a very small part

of the site, the remaining part is very much as it was before the applicants bought the site.

The requirement to remove lorry body containers, used for storage, on the site was removed from the enforcement notice by the Planning Inspector but a subsequent enforcement notice has been served requiring their removal. The time period for complying with that notice has expired and the non-compliance with that notice will be referred to the Council's legal department to start legal proceedings. With regard to the continued residential use of the site, visits have been made to inspect the stable building to check for residential use, and to date the council does not have conclusive evidence of such a use. If such evidence is gathered then the council would pursue further prosecution proceedings.

Officers do however advise members that these previous and current enforcement matters are not relevant to the consideration of this application and that it should be considered on its own merits and that, on balance, it is considered that the proposed buildings are acceptable and planning permission should be granted.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 This permission relates only to the scheme of development shown on the revised plans received on the 30th April 2008 which shows the hay/straw barn 1.5 metres from the eastern hedgerow. The hay/straw barn shall not be built in the location shown on the 'proposed plan and elevations' drawings received on 13th March 2008.

REASON: For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 3 No development shall take place until 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:

To secure harmonious architectural treatment.

- 4 Notwithstanding the details submitted, and the landscaping already undertaken on site, no development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of soft landscaping. Those details shall include hedgerow and tree planting to form the northern and western boundaries of the area around the hay/straw barn and hedgerow and tree planting to form the eastern and northern boundaries of the area around the machinery store and existing stable building. Details shall also include species, sizes at planting, densities, location and numbers.

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

- 5 All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the first use of the approved buildings or the completion of the development whichever is the sooner. All tree and hedge planting, including that planting already undertaken on the site, 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 landscaping setting for the development.

- 6 Prior to the creation of the hard surfaced areas around the buildings hereby approved full details of the extent of these areas shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details.

REASON:

To ensure the amount of hard surfacing created is kept to the minimum reasonably necessary in the interests of the visual amenity of the site and the wider area.

- 7 INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

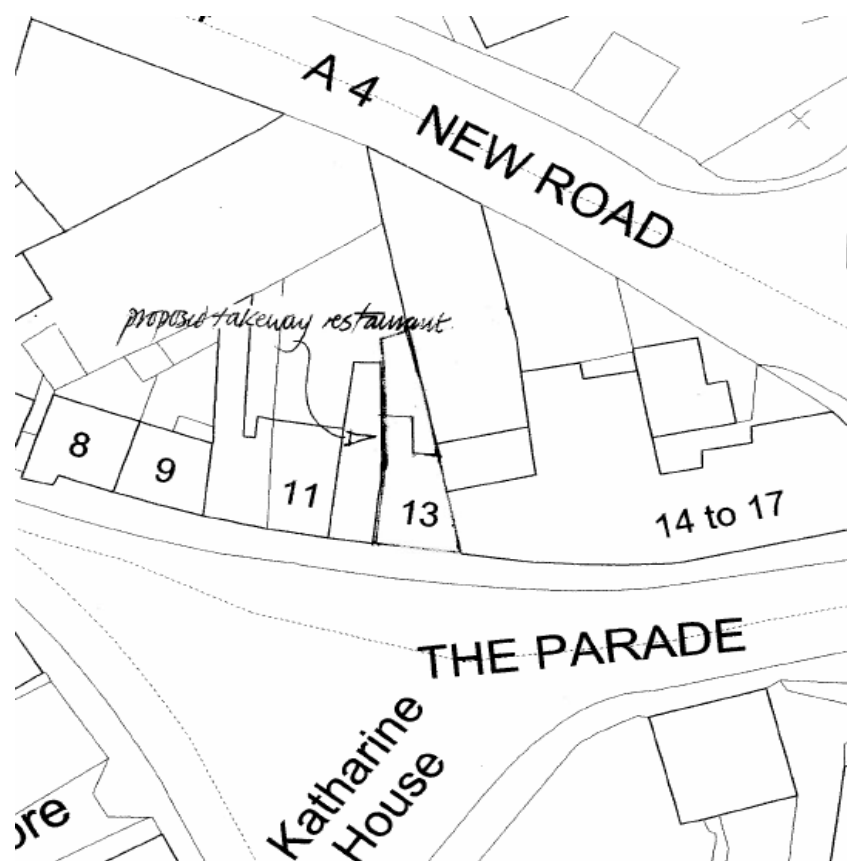
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, NR6 and NR7.

Item 4

APPLICATION NO: K/58297/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning
PROPOSAL: Change of use to class A5 use (Hot Food Takeaway).
SITE: 13 The Parade, Marlborough, Wilts, SN8 1NE
GRID REF: 419012 169161
APPLICANT: A Uddin
AGENT: Humberts
DATE REGISTERED: 13/03/2008
CASE OFFICER: Miss G Salisbury

SITE LOCATION

No. 13 The Parade is a grade II listed building occupying a street frontage position on the northern side of The Parade. The site is within the Prime Shopping Area of Marlborough Town Centre and the conservation area. It has a shop frontage on the ground floor, although its previous use since 1987 was as offices (previous to that it was a shop)



Site Location

SITE HISTORY

K/58293/LBC – Listed building consent was approved on 01/05/2008 for the demolition of the single storey rear extension, the erection of single storey rear extension, alterations to the rear elevation and chimney and internal alterations to convert 1st & 2nd floors to residential from offices. (Amendment to K/50547/LBC).

K/58302/F – There is a current planning application awaiting determination for the demolition of the single storey extension, replacement extension and change of use of the first and second floors from offices to residential. (Amendment to K/50546/F).

K/57470/F – Planning permission was refused in November 2007 to change the use to Class A5 use (hot food take-away). The reason for refusal was that the application contained insufficient information on the routing and design of extraction flues to enable the impact of the proposal on the character and appearance of the listed building, conservation area and residential amenity to be fully assessed.

K/50547/LBC – Listed building consent was approved October 2004 to demolish the single storey rear extension and erect a replacement single storey extension and internal alterations to enable floors to be used for residential purposes.

K/50546/F – Planning permission approved September 2004 for the demolition of the existing single storey extension, the erection of a replacement extension and to change of use of the first and second floors from offices to residential.

K/10359 – Change of use from shop to office approved 21/05/1987.

DESCRIPTION OF DEVELOPMENT

This is a full application to change the use of the ground floor of the building from Class A2 (Office) to Class A5 (Hot Food Take-Away).

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

At the request of the Environmental Health Officer the kitchen plan has been amended to include a separate hand wash basin. The rear elevation has also been amended to address the concerns raised by the Conservation Officer in the associated listed building consent application.

ADDITIONAL STATEMENT BY THE APPLICANT

A Design and Access Statement has been submitted in support of this application which can be viewed on the working file.

CONSULTATIONS

Marlborough Town Council – No objection.

KDC Environmental Health (Housing and Pollution) – No objection. The proposed design incorporates the latest technologies for both noise and odour

abatement. The system, correctly installed and maintained, would provide a high standard of protection to neighbouring residents and businesses.

KDC Environmental Health (Food) – No objection.

WCC Highways – No objection.

KDC Conservation Officer – No objection to amended plans.

REPRESENTATIONS

Four letters of objection have been received from neighbouring residents and businesses on the following grounds;

- The Parade does not need another take-away. Too many take-away outlets ruin the character of a town. This area is currently a pleasant mixture of shopping, services and residential properties.
- Impact on road safety. The street is narrow and parking already difficult. Parking spaces are almost permanently full. Double parking is already a problem and an additional takeaway would make the situation intolerable.
- Impact on road safety from increased deliveries causing congestion when loading and unloading.
- Any increase in the number of vehicles will increase the danger to pedestrians and other road users.
- Egress of emergency vehicles from the fire station is likely to be impeded.
- Another takeaway would encourage noise, disturbance and rowdy behaviour.
- Concern about grease getting into the main drains
- Concern about smells from the outlet and the impact of this on residential amenity and customers of nearby businesses.
- Increased litter affecting the appearance of the area.

A petition has also been received objecting to the proposed development. This contains 138 signatures of which 78 are from Marlborough and 9 from nearby properties. The objections raised repeat those specified above.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 (Development and Design) and ED18 (Prime Shopping Areas) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Policy ED18 of the Kennet Local Plan specifies that within the Prime Shopping Area (PSA) planning permission will not be granted for the change of use of ground floor premises to uses other than retail unless it makes a positive contribution to the vitality and viability of the centre.

The proposed takeaway falls within Class A5 of the Use Classes Order. Although not a retail use, the principle of the proposed use is considered acceptable, contributing to the vitality of this mixed use area, particularly in the evenings and generating more activity in the area than the existing office use.

In addition, there are two other takeaways to the left of the site. As such it would be unreasonable to resist the current proposal. Alleged market saturation is not a planning matter.

Objections have been received on the grounds of highway safety and lack of parking. However county highways has raised no objection to the proposal. There is considerable parking in the area and while it is accepted that this area is often busy it is not considered that an additional takeaway would materially worsen the existing situation.

Concern has been raised that the use will result in smells that will harmful to residential amenity and surrounding businesses. Details of the proposed extraction system to be installed to collect grease and fumes resulting from the kitchen have been submitted with this application. These have been assessed by the Council's Senior Environmental Health Officer who is satisfied that the extraction system, which incorporates the latest technologies for both noise and odour abatement, will provide a high standard of protection to neighbouring residents and businesses. A refusal on these grounds is therefore not justified.

Issues of litter and blocked drains are not planning matters and n evidence has been put forward to justify refusal on anti-social behaviour grounds.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 use hereby approved shall not commence before 0800 on any day, or finish later than 2330 on any day.

REASON:

In the interest of the amenity of neighbouring properties.

- 3 **INFORMATIVE TO APPLICANT:**
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1 and ED18.

Item 5

APPLICATION NO: K/58477/F
PARISH: DEVIZES
APPLICATION TYPE: Full Planning
PROPOSAL: New cold room and repositioning office (portacabin) to first floor level
SITE: 21/22 Sidmouth Street Devizes Wiltshire SN10 1LD
GRID REF: 400762 161441
APPLICANT: Walter Rose & Co
AGENT: Mr Christopher Sault
DATE REGISTERED: 10/04/2008
CASE OFFICER: Richard Cosker

BACKGROUND

This application has been referred to committee by Councillors Parsons and Ody.

SITE & LOCATION

The application property, which is occupied by Walter Rose & Son is situated on the southern side of Sidmouth Street at the far eastern end of the road near its junction with Gains Lane. The works subject of this planning application are sited in a yard to the rear of the property. This yard is accessed via a lane which is located two shops further to the west along Sidmouth Street.



Site location

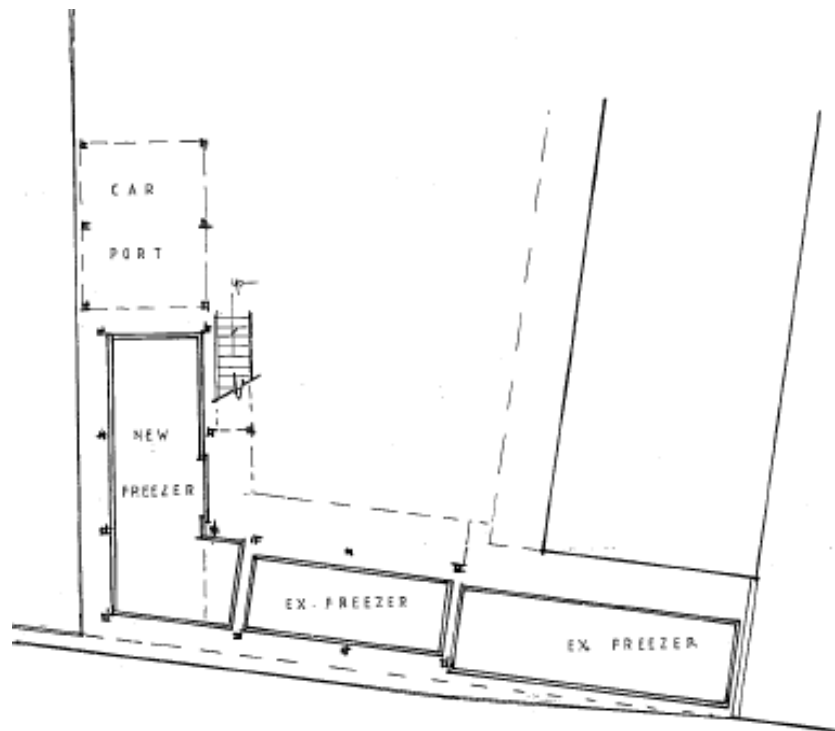
A single storey building subject of the application below (K/46620/F) runs along the length of the eastern boundary of the yard, open land lies to the west of the yard and to the south is a new residential development on the former Catley's site.

SITE HISTORY

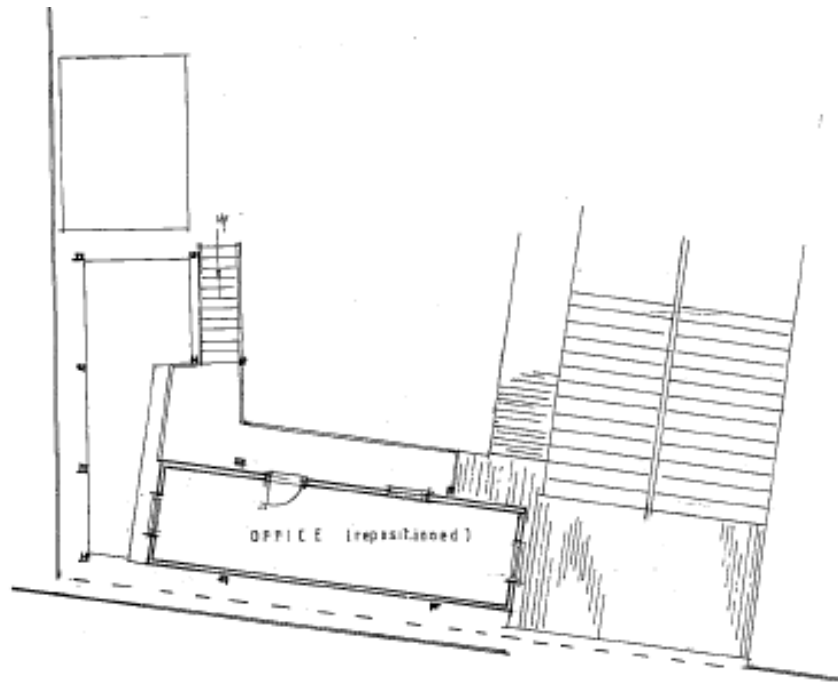
K/42620/F - This application was for alterations to the existing butcher's premises, change of use of 1 Sidmouth Street to delicatessen and change of use and alterations of buildings in the rear yard to ancillary uses, including cold rooms, freezer and preparation area.

DESCRIPTION OF DEVELOPMENT

The application is to retain three new freezer units, which run along the southern boundary of the site and partly return up the western boundary, together with a car port structure sited at the end of these freezers and a portable office building which has been sited above the freezer units. These works were carried out before Christmas without planning permission and were subject of an enforcement complaint. The applicant has stated that the office building was previously sited in the yard (at ground floor level) but this office building never benefited from planning permission.



Ground floor



First floor

As stated, the structures are in position, but this application also proposes further works to clad the office building in stained Waney Edge boarding and created a natural slate covered pitched roof on the office building.

ADDITIONAL STATEMENT BY THE APPLICANT

In the Design and Access Statement the applicants advises that extra cold stores were urgently needed and as such they were installed and the existing office building relocated on a steel frame. They advise they did not know planning permission would be required. The proposed further changes (timber cladding and slate roof) are proposed to help improve the appearance of the office building.

PRINCIPAL AMENDEDMENTS MADE SINCE SUBMISSION

None have been made.

TOWN COUNCIL COMMENTS

Devizes Town Council – No objections

CONSULTATIONS

KDC Environmental Health – Satisfied that the chiller unit is quite enough not to cause any noise complaints.

REPRESENTATIONS

One letter of representation has been received from the developer of the dwellings in the former Catley's Yard. They state that the structures have been placed tight on the boundary and a complete eyesore. They are a blot on the area that we have just completed a very attractive development. The noise from the equipment housed within the structures is very annoying to the people living in No11 Catleys Court.

Councillor Ody has also submitted a short statement as he is unable to attend the meeting where he states;

1. Sidmouth Street is a fringe location at the margin of the central retail area with a fragile patronage base which is centred around the butcher's operation.
2. The success of the business appears to be closely associated with the personal attention by its long term proprietor, on site.
3. The principal concern relates to the view along the access road; this aspect is not greatly significant or obtrusive.
4. The intrusion of the higher level unit on the neighbouring residential unit is not sufficiently great to be a determining factor.
5. The proprietor has resorted to these structures only after exhausting other options on neighbouring properties.
6. Hope the committee will decide to permit the units to remain in situ for a limited period of 2 or 3 years to allow acquisition of adjacent space. Personal preference would be to not add the cladding, as this increases its intrusion. An alternative is to paint it of use trellis and climbing plants.

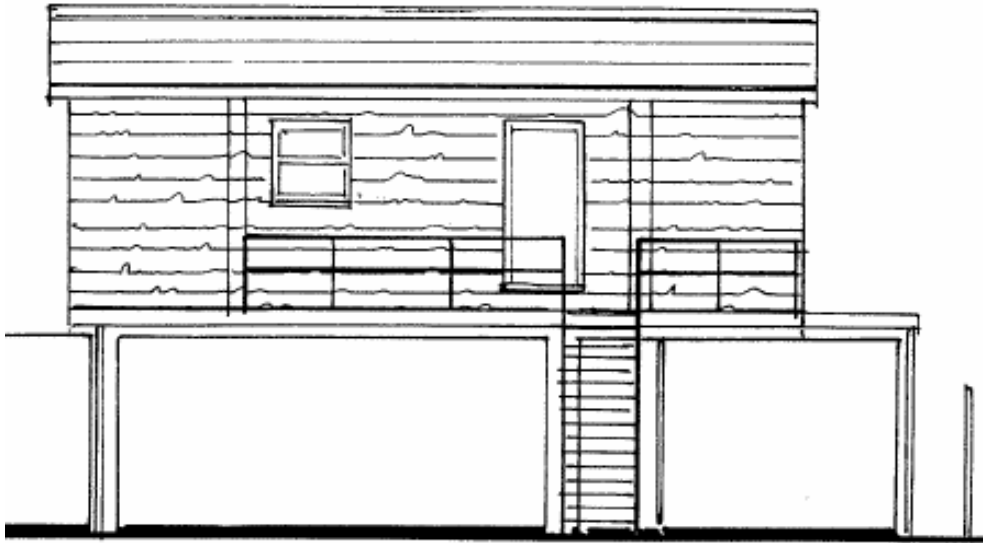
POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local plan 2011 is considered relevant to the determination of this application together with the Government's advice in PPG15 – Planning and the Historic Environment.

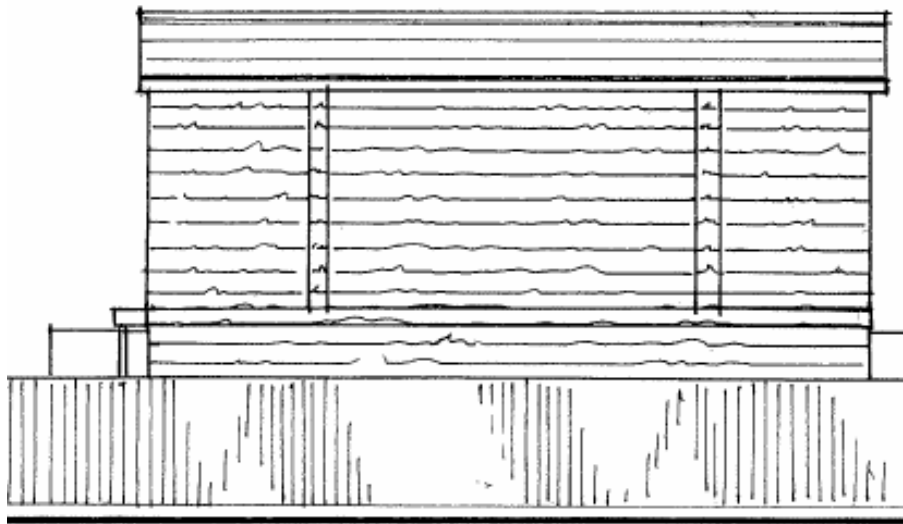
PLANNING OFFICERS COMMENTS

The main issues raised by the retention of the chiller units and the office building are the impact on the character and appearance of the conservation area and on the amenities of occupiers of the neighbouring dwellings.

Whilst the structures are sited in the rear yard of this property they are visible in views down the access road from Sidmouth Street. They are also visible in other public views from within the conservation area, including the new housing development to the south of the site and the Stanford Court public car park. The immediate area around the yard is one of mixed qualities and the chiller units at ground floor level, whilst very utilitarian in appearance, would probably be considered to be acceptable on their own. The office building at first floor level is however totally at odds with the development in the area and it is certainly not considered to preserve or enhance the character or appearance of the conservation area. The application of course is not only for the retention of the existing structures but to also clad the office building in waney edge boarding and create a slate pitched roof over it. Whilst the applicant states that this will improve the appearance of the office building, your officers consider the proposals would in fact worsen the appearance of the building, making it even more conspicuous and giving it the appearance of a 'rustic' shed on stilts. Such a proposal is also considered to be detrimental to the character and appearance of the conservation area.



Yard elevation



Elevation facing dwellings

Turning to the impact on the amenities of the occupiers of neighbouring dwellings, the structures are mostly along the southern boundary of the site adjacent to the new dwellings on the former Catley's site. The ground floor chiller units are approximately 600mm higher than the intervening close boarded fence and, on balance, it is considered that these do not cause demonstrable harm to the occupiers of that dwelling. However, the office building is a very dominant feature from both the adjacent dwellings and their gardens. Officers consider the office building has a wholly inappropriate relationship with those adjacent dwelling to the detriment of the occupiers of those dwellings. With regard to the potential impact from the noise of the freezers/chillers, the Environmental Health Department have checked the noise levels and consider that they will have no adverse impact on the occupiers of those adjacent properties.

This issue of the impact the refusal of this planning application would have on the business is a material consideration, it is not however a reason to accept

any form of development and the resulting harm caused. In this instance, since the unauthorised works have been undertaken officers have been sympathetic to the operational issues of the applicant and it was hoped that nearby premises would become available for the applicant to relocate their office facilities to. This option cannot however now be pursued, hence the applicant has submitted this application. In considering this issue it should be noted that your officers concerns relate to the office building. In accepting that the freezers/chillers could be retained officers are not suggesting a course of action that puts this business in jeopardy as extensive storage areas would be available. The issue of this size office building having to be on site solely relates to the personal needs of the applicant to have a good amount of office space on the site so he can work in the office but also be available for the shop. Many shops of this size exist without this amount of on-site office space. Officers also feel that there are other alternatives that could include building a smaller office building where the current car port structure is, which would be less harmful.

In conclusion therefore officers consider that the business and personal circumstances of the applicant are not such that they should override the considerable harm that is being caused by the structures as erected, and would be caused by the additional works proposed to the office building. It is therefore recommended that this application is refused. Members should note that whilst officers accept that, on balance, the ground floor structures are acceptable a 'split' decision cannot be issued and as such the whole scheme is refused.

RECOMMENDATION

Refuse

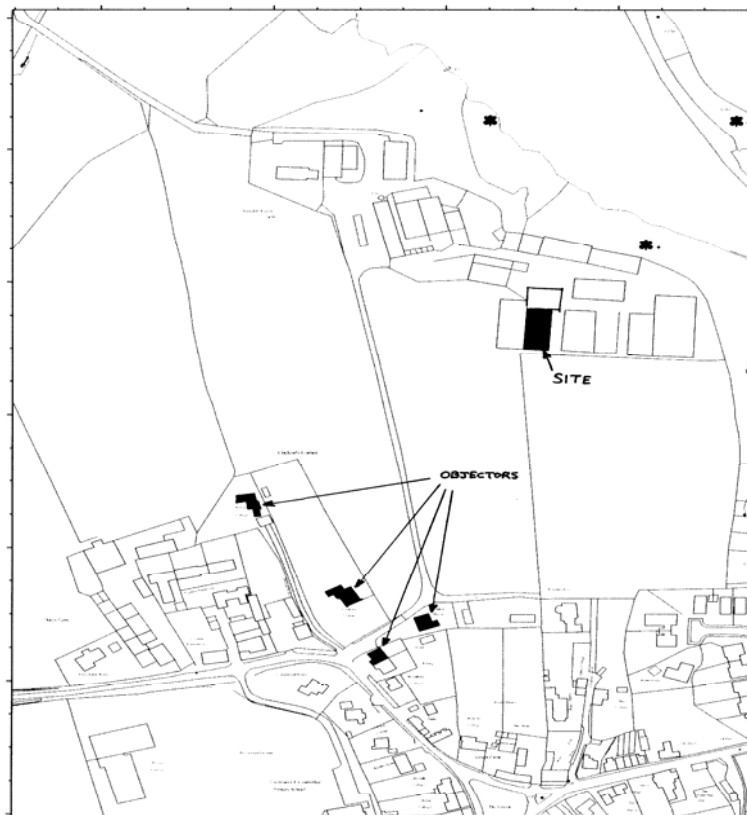
- 1 The existing structures, together with the proposed changes to the office building, would, by reason of the height, bulk, design and materials used, have a poor utilitarian appearance which would neither preserve or enhance the character or appearance of the conservation area. This is contrary to the guidance in Planning Policy Guidance Note 15 - Planning and the Historic Environment.
- 2 The existing structures, together with the proposed changes to the office building, would, by reason of the height and bulk, have a detrimental impact on the living conditions of the occupiers of the adjacent dwellings. The proposal is therefore contrary to Policy PD1 of the Kennet

Item 6

APPLICATION NO: K/58427/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning
PROPOSAL: Change of use of agricultural building to retail
SITE: Knights Leaze Farm Urchfont Devizes Wilts SN10 4RA
GRID REF: 403636 157592
APPLICANT: J & M Bodman Ltd
AGENT: Mr Christopher Sault
DATE REGISTERED: 01/04/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to an agricultural barn within the complex of farm buildings at Knights Leaze Farm in Urchfont. When starting from The Green take the road towards Potterne Wick. Approximately 150 metres from The Green the road bends sharply to the left (immediately before the access to the primary school) and the access to Knights Leaze Farm lies on the right hand side, on the outside radius of the bend.



Site Location – the access track is in the centre of the plan

SITE HISTORY

There is no relevant site history.

DESCRIPTION OF DEVELOPMENT

The proposal is for a change of use of the barn to retail for sale of hay and straw.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement, the salient points from which are as follows:

- a) None of the locally operating pet shops or agricultural centres sell hay or straw bales for use by the equine community. Knights Leaze Farm, along with others, has been selling on an informal basis to selective customers for many years.
- b) With the great increase in the number of horses in the private sector, Knights Leaze Farm has seen the opportunity to diversify and retail to individuals from the existing barn, selling hay and straw grown mainly by themselves or imported locally.
- c) It is envisaged to stack small bales of straw (3 types) and hay (5 types) around the perimeter of the barn. Customers will be able to drive in and load directly onto their trailers, pay on a cash and carry basis, and drive out.
- d) The applicants would like to start trading in September 2008, initially on Friday and Saturday (9am to 6pm) and Sunday (10am to 4pm). It is hoped to increase the weekdays as and when trade increases sufficiently to justify the extra hours.

PARISH COUNCIL COMMENTS

Urchfont Parish Council objects to the change of use on the following grounds:

1. The generation of traffic movements which are likely to increase beyond those projected in the application if the retail business is successful, upon what is already a dangerous and busy corner at Cuckoo Corner.
2. The proximity of the access road to Walnut House with consequent noise intrusion into their property especially at weekends.
3. The growing generation of commercial traffic from Knights Leaze Farm already, upon the narrow roads in the village, even without this application.

Ideally, the Parish Council would like to see alternative arrangements made to the access to Knights Leaze Farm to reduce the impact of increasing levels of commercial and agricultural traffic upon the village.

CONSULTATIONS

Wiltshire County Highways – no objections subject to the retail use being limited by condition to that set out in the application (retail of hay and straw).

REPRESENTATIONS

Four representations of objection have been received (see plan above) raising the following issues:

- a) Traffic generated by the proposed change of use will cause a highway safety hazard. Cuckoo Corner is a dangerous bend heavily trafficked by tractors and other farm vehicles, large articulated trailers taking straw and hay in and out of Knights Leaze Farm, cars, cyclists and pedestrians.
- b) Traffic generated by the proposal will have an adverse impact upon the amenities of local residents who live adjacent to the access. Retail trading between Friday and Sunday will impact upon the only period when residents have some relief from the existing agricultural and construction traffic to/from Knights Leaze Farm.

The above impacts will get worse due to intensification of the business. The figures provided in the application are simply start-up estimates.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies outside of the Limits of Development defined for Urchfont in the Kennet Local Plan 2011. Policy PD1 of the local plan is relevant to the consideration of this planning application.

PLANNING OFFICERS COMMENTS

The principal matters for consideration are the impacts upon highway safety and residential amenity. In respect of the former, the Highway Authority raises no objections to the proposal. It would be difficult, therefore, to substantiate a refusal on highway grounds. With regard to the latter, the level of traffic generated by the proposal is unlikely to be significant in comparison with the existing use of the site for agricultural purposes. As such, it is not considered that the proposal would be harmful to the amenities of residents adjacent to the access at Cuckoo Corner.

A condition is recommended to ensure that the local planning authority retains control over the goods sold, in order that the viability of retail facilities in nearby towns and villages is not adversely affected and that traffic generation is limited. Whereas the sale of hay and straw from a farm in the countryside is considered to be acceptable in principle, the sale of other goods or produce (particularly those with no links to rural activities and normally associated with town centres) may give rise to other planning issues.

With regard to the parish council's comments, the local planning authority would not be legitimate in requiring an alternative access to Knights Leaze Farm, on the basis that the majority of the traffic using the access will be serving an established lawful use.

RECOMMENDATION

Approve subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting or amending that Order with or without modification) the retail use hereby permitted shall be limited solely to the sale of hay and straw and to no other product whatsoever.

REASON:

To enable the local planning authority to retain control over the goods sold, in the interests of ensuring that the development does not harm the viability of retail facilities in nearby towns and villages and have adverse impacts on road safety and residential amenity.

- 3 **INFORMATIVE TO APPLICANT:**
The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 7:

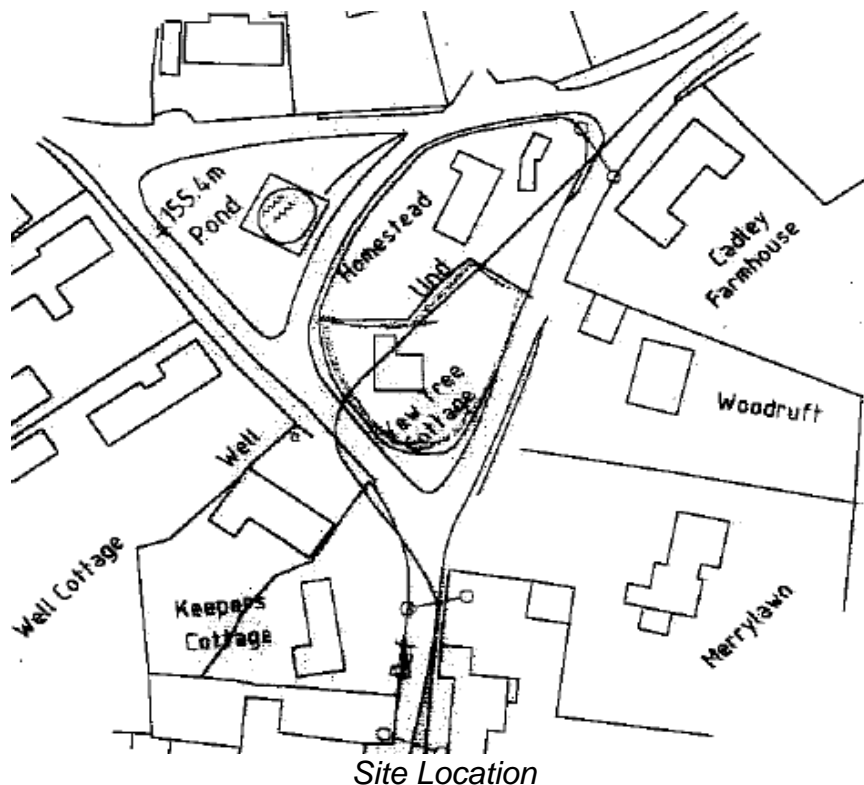
APPLICATION NO: K/58241/F
PARISH: CHUTE/CHUTE FOREST
APPLICATION TYPE: Full Planning
PROPOSAL: Single and two storey extensions on back and side
SITE: Yew Tree Cottage Chute Cadley SP11 9EB
GRID REF: 431412 153343
APPLICANT: Mr & Mrs Haigh
AGENT: Mr C L Pedlar
DATE REGISTERED: 04/03/2008
CASE OFFICER: Rachel Yeomans

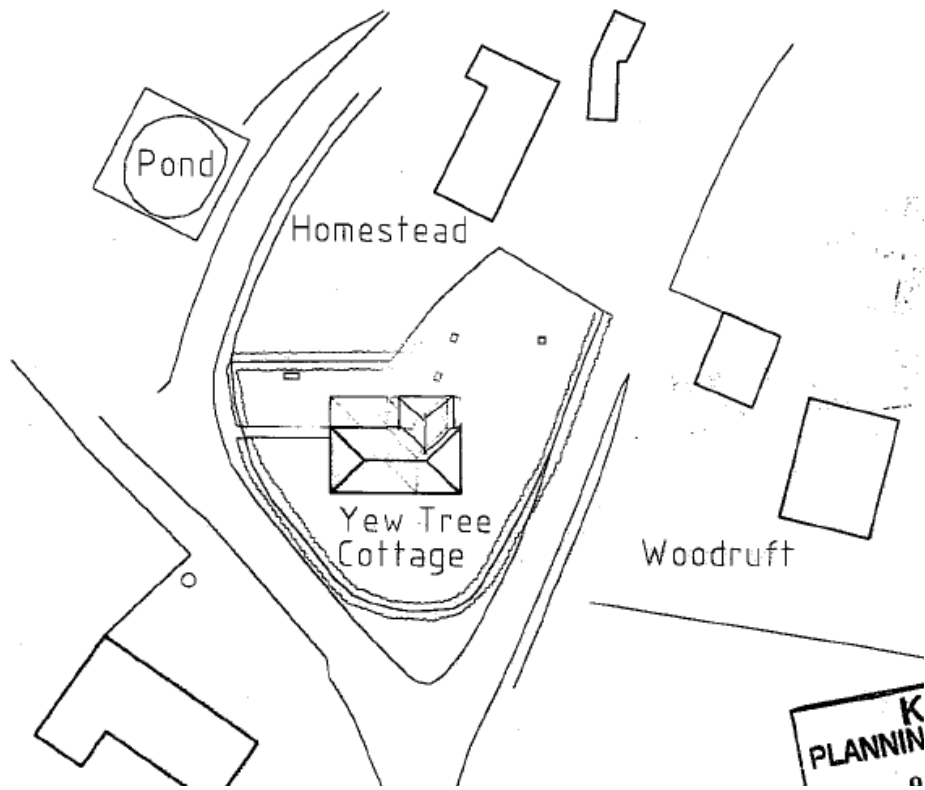
This application is presented to Regulatory Committee at the request of Councillor Veasey.

SITE & LOCATION

From Ludgershall, proceed towards Andover along the A342 for about a mile. Take the left turning into Biddesden lane, signed towards 'Chute'. Follow the road until the crossroads and take a left turning, keep following this road until reaching the T junction with the Hatchet Inn public house opposite. Turn right, then first left to Chute Cadley and as the road forks, the property can be found straight ahead of this junction.

The site occupies a prominent corner position on the triangle in the centre of the hamlet. The road rises slightly as you proceed northeasterly towards it and continues to rise to the east of the site. The site itself is relatively level.





Block Plan showing proposed extension



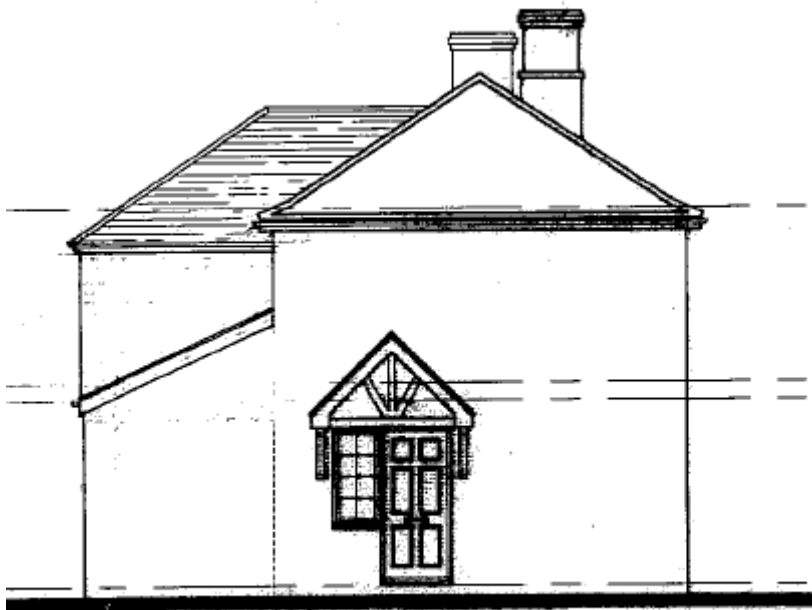
FRONT ELEVATION

Front elevation, showing extension to right



REAR ELEVATION

Rear elevation – two storey extension to left, with single storey lean-to on right



SIDE ELEVATION

Side elevation, showing depth of single and two storey extensions to left

DESCRIPTION OF DEVELOPMENT

The application proposes two-storey side extensions to the side and rear and a single storey lean-to extension at the rear. The plans above illustrate the proposals. The extension would be roofed in natural slate with matching brickwork for the walls.

PRINCIPLE AMENDMENTS

The position of the first floor element of the two storey extension has been altered slightly to improve its appearance and to enable this to be constructed from brick rather than finished in tile hanging. The width of the two storey element of the extension now proposed is some 10 cm wider than the extension shown on the originally submitted plans and the height is correspondingly approximately 10 cm higher. Written confirmation has also been provided that the mature Yew tree to the northeast of the site is to be retained.

PARISH COUNCIL COMMENTS

The application site straddles the parish boundary of Chute Forest and Chute. Both parish councils have been consulted on the application and the comments submitted from each are detailed and extensive. These can be viewed on the application file in full, or can be accessed via the Council's website www.kennet.gov.uk.

In summary, Chute Parish Council objects to the planning application for the following reasons;

- The proposed development falls short of the standards in the Conservation Area and the Village Design Statement
- The building is out of character with the rest of the village and is located in a prominent position – the addition of an extra 50% of matching frontage will further detract from the character of Chute Cadley.
- Concerns are raised about whether the front elevation can be constructed using existing bricks and whether a good match for the bricks can be found for the remainder of the extension, and whether these materials are appropriate to Chute Cadley.
- The dimensions of the development, which comes close to the road and the neighbour, need to be shown on the plan.
- No provision for off-street parking is made within the plans.
- There is insufficient space to allow access for construction vehicles and this is likely to result in obstructions, and may result in damage to trees and boundary hedges.

Chute Forest Parish Council objects to the application on the following grounds;

- The arrangement of the change from single storey to two storey over the top of the kitchen window is an unfortunate and untidy architectural and structural arrangement.
- The extensions are not subservient and the amended plans show the two storey extension larger than the originally submitted scheme.

- The application presents insufficient information to adequately consider the impact of the proposal.
- The yew tree to the north of the site should be retained
- No vehicular access nor parking is indicated in these proposals
- There are concerns that subsequent applications may follow and believe everything should be presented for consideration at the same time to allow proper consideration, e.g. access and parking alterations
- Concerns are raised about the erosion of the verge by construction vehicles etc and proposals should include details for its reinstatement.
- No dimensions are shown on the plans
- Consider that the brick finished proposed for the extension is not appropriate for this prominent position in Chute Cadley and suggest it should be colour washed.
- Concerns are raised about the ability to achieve matching finishes on all elevations.
- Suggestions have also been made as to more detailed materials considerations including the type of natural slates, hip and ridge tiles etc

REPRESENTATIONS:

One letter of objection has been received from a neighbouring resident. The concerns raised may be summarised as;

1. The proposed extensions are inappropriate for the prominent position of the site and the size of the plot. They would be overbearing and over-dominant in a very sensitive area.
2. No provision has been made for off-road parking, and the development may aggravate damage to the verges and green.

In addition, one further representation has been received which raises no objection to the application, but wishes to make the applicants aware that the foundations may disturb an underground electricity cable and wishes to ensure that electricity supply is maintained through the planning system in conjunction with Southern Electric.

POLICY CONSIDERATIONS

Kennet Local Plan - policy PD1 of the adopted Kennet Local Plan 2011 is relevant to the consideration of this application. The site lies within the conservation area and therefore guidance in Planning Policy Guidance Note 15: Planning and the Historic Environment and the adopted Conservation Area Statement are also relevant.

PLANNING OFFICER COMMENTS

The application site occupies a prominent location in the conservation area within the hamlet of Chute Cadley. The existing dwelling is a brick construction under an artificial cement tiled roof and occupies a relatively large plot. The application proposes; a two storey side extension 3.5 metres in width and the same depth and height as the existing dwelling; a two storey rear wing with hipped roof, subservient ridge line, 5.05m in width and 2.55

metres in depth and a single storey lean to extension, also measuring 2.55 metres in depth and 2.6 metres to eaves height.

Impact on Neighbour amenity

It is not considered that the proposed extensions would have a significantly greater impact on the reasonable living conditions of the neighbouring occupants than the existing dwelling on the site. The extension would include two windows at first floor level to the north and one to the east. However these would serve a bathroom, en-suite and be a secondary window to a bedroom respectively. These are a sufficient distance from the well-screened boundary with 'Homestead' to the north and 'Woodruff' to the east, so as not to cause significant overlooking or loss of privacy. Similarly, the extensions are a sufficient distance from neighbouring properties so as not to be overbearing.

Impact on Visual Amenity and the Conservation Area

Public views of the extension would be afforded from the road to the front and from the east and west of the site, where the development would be visible above the roadside hedge. In terms of the principle of the extensions, the side extension is subservient in width, 3.5 metres in length compared to the existing building length of 7 metres, and matches the roof profile of the existing dwelling. The two storey rear extension would be set in from the end elevation, with a subservient eaves and ridgeline and a relatively modest depth of 2.5 metres. The single storey lean-to would replace the existing lean-to, and would be the same depth, but would extend along the rear elevation up to the two storey extension. Although cumulatively, the extensions almost double the floorspace of the house, they are appropriate to the position and size of the plot and because careful thought has been given to their scale, design and position, they do not detract from the character or appearance of the area.

It is considered that whilst most elevations of the extension would be visible, the front elevation would be especially sensitive. In this respect, the applicants have proposed to reclaim bricks from the existing dwelling, for use in the front elevation to ensure the best match possible. If members are minded to grant planning permission the remainder of the bricks to be used for the external walls and the slate to be used for the roof can be covered by condition to ensure a good match. Officers consider that an alternative finish would appear completely at odds with the appearance of the host dwelling.

In addition, the preservation of the existing boundary hedges and mature trees are considered necessary to help mitigate and soften the impact of the extensions. Therefore if members are minded to grant planning permission, a condition is recommended requiring these to be retained, and protected during the course of construction.

In view of the above comments, the extensions would have a broadly neutral impact on the character and appearance of the conservation area and no significant harm to visual amenity would result.

Other issues

Both parish councils have made reference to the fact that the application does not include additional parking provision. The existing property already has a short driveway provided off-road parking and access into the site and this would not be affected by the proposals. References to concerns about subsequent applications are not a consideration as the current application must be determined on its planning merits.

Consequently, approval of planning permission is recommended.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 take place until details the additional bricks to be used for the external walls and natural slate to be used for the 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: To secure harmonious architectural treatment.

- 3 Notwithstanding the details shown on the submitted plans, no development shall take place until full joinery details and external finishes for all windows and doors have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

To secure harmonious architectural treatment.

- 4 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, unless agreed in writing by the local planning authority.

REASON:

To ensure existing hedges of value are protected.

- 5 In this condition "retained trees and hedges" mean the existing trees to the north of the site and the boundary hedges which are to be retained in accordance with the approved plans and details; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree or hedge shall be cut down, uprooted or destroyed, nor

shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or hedge is removed, uprooted or destroyed or dies, another tree/ hedge shall be planted at the same place and that tree/ hedge shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees and hedges shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be shown on a plan together with the size, species, position and extent of canopy of the trees and hedges which shall first be submitted to and agreed in writing by the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees and hedges on the site in the interests of visual amenity.

6 INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to Planning Policy Guidance Note 15: Planning and the Historic Environment and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

7 INFORMATIVE TO APPLICANT:

This permission does not authorise any works to trees included in the designated Conservation Area. For further advice on this matter please contact the Council's arboricultural officer on 01380 724911.

In addition, the applicant is requested to note that the Council has been advised the development may affect nearby underground power lines and is strongly recommended to secure any necessary consents from the electricity undertaker prior to commencing works.

