

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 10 July 2019
Time: 3.00 pm

Please direct any enquiries on this Agenda to Craig Player, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713191 or email craig.player@wiltshire.gov.uk

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Gavin Grant	Cllr Ashley O'Neill
Cllr Howard Greenman	

Substitutes:

Cllr Ben Anderson	Cllr Jacqui Lay
Cllr Bill Douglas	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Nick Murry
Cllr Bob Jones MBE	Cllr Philip Whalley

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 12 June 2019.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 03 July 2019 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 05 July 2019. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 9 - 10*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning application:

7a **18/04322/FUL - Limetree Farm, Middle Common, Kington Langley**
(*Pages 11 - 26*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 12 JUNE 2019 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Ashley O'Neill

32 **Apologies**

Apologies were received from Cllr Chris Hurst.

33 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 March 2019 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

34 **Declarations of Interest**

There were no declarations of interest.

35 **Chairman's Announcements**

There were no Chairman's announcements.

36 **Public Participation**

The Committee noted the rules on public participation.

37 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

38 **The Wiltshire Council (Parish of Ashton Keynes) Path no.41 Definitive Map and Statement Modification Order 2018**

Public participation

Alvin Lindley, the landowner, spoke in objection to the application.

Dave Wingrove, Chairman of Ashton Keynes Parish Council, spoke in support of the application.

The Rights of Way Officer, Janice Green, introduced a report which recommended that the “The Wiltshire Council (Parish of Ashton Keynes) Path no.41 Definitive Map and Statement Modification Order 2018”, made under Section 53 of the Wildlife and Countryside Act 1981, be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Key issues highlighted included: whether the claimed path was dedicated as a public path by the landowner and acceptance of the route by the public, as required at common law and the use of permissive path signage on the claimed path.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the historic maps detailed in the report.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Chuck Berry, Division Member, spoke regarding the application with the main point focusing on use of the path by local residents.

The Rights of Way Officer addressed some of the issues raised by the public and local members with the main points focusing on the present landowner seeking to correctly identify and align recorded public rights of way over the land following its purchase in 2015, with the assistance of the Wiltshire Council Rights of Way Department, (the definitive map being without prejudice to the existence of additional unrecorded public rights); ,permissive path signage and the landowner depositing with Wiltshire Council a plan and statement (Form CA16) under Section 31(6) of the Highways Act 1980, in April 2016 to negative the intention to dedicate additional rights of way over the land from that date onwards.

At the start of the debate a proposal was moved by Cllr Chuck Berry, seconded by Cllr Howard Greenman to forward the Order to the Secretary of State for Environment, Food and Rural Affairs, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

During the debate the main points raised were regarding permissive signage and the accuracy of the report.

Resolved

That “The Wiltshire Council (Parish of Ashton Keynes) Path no.41 Definitive Map and Statement Modification Order 2018”, made under Section 53 of the Wildlife and Countryside Act 1981 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

39 Planning Applications

The Committee considered the following application:

40 18/09895/FUL - The Hullavington Arms, The Street, Hullavington

Public participation

Bob Acott, local resident, spoke in objection to the application.

Cliff White, local resident, spoke in objection to the application.

Simon Clarke, local resident, spoke in objection to the application.

Maggie Bawden, Chairman of Hullavington Parish Council, spoke in objection to the application.

Ben Pearce, the agent, spoke in support to the application.

The Planning Officer, Simon Smith, introduced a report which recommended granting planning permission, subject to conditions, for the erection of one dwelling with associated parking and car port, access and landscaping.

Key issues highlighted included: principle of development; impact on the scale and character of the existing site/buildings; impact on the context and character of the surrounding area; impact on heritage assets; impact on neighbour amenity; parking/highways concerns and the emerging Hullavington Neighbourhood Development Plan.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the emerging Hullavington Neighbourhood Development Plan; impact on the scale and character of the existing site/buildings and parking/highways concerns.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Toby Sturgis, on behalf of the Division Member, spoke regarding the application with the main points focusing on the impact on the context and character of the surrounding area; impact on heritage assets; the emerging

Hullavington Neighbourhood Development Plan and the Hullavington Neighbourhood Development Plan framework boundary.

The Planning Officer addressed some of the issues raised by the public and local members with the main point focusing on the emerging Hullavington Neighbourhood Development Plan.

At the start of the debate a proposal was moved by Cllr Toby Sturgis, seconded by Cllr Gavin Grant to refuse planning permission contrary to the officer report by reason of its location outside of the settlement boundary as defined by the emerging Hullavington Neighbourhood Development Plan and being contrary to Policies 1 and 3 of the Hullavington Neighbourhood Development Plan.

During the debate the main points raised were the impact on the context and character of the surrounding area; impact on heritage assets; impact on neighbour amenity and the Hullavington Neighbourhood Development Plan.

Resolved

Contrary to the Officer recommendation, that planning permission is refused for the following reason:

The proposed development, by reason of its location outside of the settlement boundary as defined by the emerging Hullavington Neighbourhood Development Plan and being contrary to Policies 1 and 3 of the Hullavington Neighbourhood Development Plan, is contrary to the development plan and therefore unacceptable in principle.

41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail craig.player@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

**Wiltshire Council
Northern Area Planning Committee
10th July 2019**

There are no Planning Appeals Received between 31/05/2019 and 28/06/2019

Planning Appeals Decided between 31/05/2019 and 28/06/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/05429/FUL	Land at Ridgeway Farm (to the rear of Athelstan Park) Crudwell, Wiltshire	CRUDWELL	Full planning application for the erection of 36 residential dwellings and associated works.	DEL	Written Reps	Refuse	Dismissed	05/06/2019	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	10 th July 2019
Application Number	18/04322/FUL
Site Address	Limetree Farm, Middle Common, KingtonLangley, Wiltshire, SN15 5NW
Proposal	Erection of general purpose (equestrian and agricultural) building (Resubmission of 17/09061/FUL)
Applicant	Mr and Mrs Livock
Town/Parish Council	Kington Langley
Electoral Division	Kington
Grid Ref	392195 176736
Type of application	Full Planning
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

The application has been called to Committee by Councillor Howard Greenman committee to consider drainage, highways and lighting impact.

2. Report Summary

Issues to be addressed:

- Principle of the development.
- Impact on landscape and ecology.
- Impact on heritage assets
- Impact on neighbours' amenity.
- Drainage

14 letters of objection received together with a Heritage Statement and letter from a firm of solicitors have been received together with 2 letters of support.

Kington Langley Parish Council originally supported the application, but subsequently changed that concern, pending resolution of Landscape policy CP51 requirements.

3. Site Description

The site for the new barn to be built is currently sloped grass land used for grazing horses. The land slopes down both east to west and north to south with a drop of several metres. To the west is a mature hedge line principally made up of mature trees and to the east is open fields in grazing use.

To the north is a riding arena (approx. 25m) with mature hedge boundaries and further to the north is an existing barn used for horses approx. 95m away. Limetree Farm house is approx. 125m away to the north also

Kington Langley Conservation area is also to the north, but includes a considerable part of land as a natural buffer to its built form..

4. Planning History

Relevant planning history is as follows:

N/04/02223/FUL – Use of land for the training and exercising of dressage horses and for stabling up to 12 horses on livery and holding of dressage competitions on a restricted number of days – granted subject to a temporary consent until 30th Oct 2006.

N/06/03126/S73A – Removal of temporary consent – Granted

17/09061/FUL – Erection of general purpose (equestrian and agricultural) building - Withdrawn

5. The Proposal

The proposal is a revision to a withdrawn application (17/09061/FUL) and is for a very similar barn to now be positioned at approx. 90 degrees and approx. 120m from the nearest listed building. The building is approx. 75m long and 30m wide with the shorter side facing the heritage assets of the listed buildings and the Kington Langley Conservation Area. The roof will have skylights on the eastern side and solar panels on the western side. The building is to be sunk into the ground by approx. between 3 and 5m, rendering it likely that merely the top 2.5m or so being visible above ground when viewed from the north. The building is asymmetric with the shorter roof slope on the side nearest to Lime Tree Farm.

6. Planning Policy

Wiltshire Core Strategy

CP34 – Additional Employment Land

CP50 – Biodiversity and Geodiversity

CP51 - Landscape

CP57 – Ensuring High Quality Design and Place Shaping

CP58 - Ensuring the Conservation of the Historic Environment

CP61 - Transport and Development

National Planning Policy Framework (2019)

Particularly sections 12, 15 and 16.

7. Consultations

Kington Langley Parish Council - originally was in support of this amended application with the proviso that Cllr Greenman liaises with the Planning Officer to discuss issues raised in the neighbour's objections are fully considered in reaching a decision.

However, they subsequently changed their comments to the following: *Kington Langley Parish Council having studied this application cannot see that Core Policy 51 has been adhered to. The Parish Council reiterates that it is comfortable in supporting this application subject to satisfactorily dealing with these matters.*

Core Policy 51 - Landscape – *Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. In particular Light Pollution must not be introduced, as this would contradict Core Strategy policy 51 vii –. **Tranquillity and the need to protect against intrusion from light pollution, noise and motion.***

It appears that there is no mention of lighting on this application, or drainage intentions.

Also, as mentioned in previous comments - The new approach must go straight from the entrance to the equestrian facility and not interfere with neighbouring properties. As well as any thoroughfare should not have an adverse impact on the neighbouring property.

It would be appreciated if the above could be taken into consideration when deliberating over the additional plans.

Landscape Officer - states: *The previously proposed location for this new building would have resulted in the loss of historic field boundaries delineated by hedgerows and trees. This specific issue formed the basis of my landscape objection for 18/04322/FUL, as outlined within my consultation response dated 11.06.2018.*

The latest amended plans illustrate that the proposed location (as illustrated on the submitted 'Proposed Site Plan' dwg. no. 2888/502 - Sept 2018) for this new building will retain the historic field boundary hedgerows. I do not raise any observations or comments pertaining to potential landscape or visual effects in addition to those previously raised within my landscape consultation response (dated 18.01.2018) for the very first proposed location. The comments and observations of my earlier landscape consultation response for 17/09061/FUL (recommending no objection), may be relied upon for this latest proposed location.

The only further observation I offer is that the revised proposal will generate a large amount of subsoil and potentially corn brash type bedrock from the deep excavations now proposed to lower the building. I suggest the LPA should establish where this excavated material is intended to be disposed.

Wessex Water - has no objections.

Ecologist -With regard to the ecology on the site of the proposed new barn the Council's Ecology Officer states : *Thank you for forwarding on this ecology report. The findings are supported and I would recommend that conditions be applied to secure artificial lighting only by prior agreement of the details with the LPA, provision of biodiversity enhancement (bat / bird boxes, with details to be submitted for approval) and protection of the adjacent hedgerow with*

measures within the ecology report to protect the potential bat roost feature in the ash tree within the hedge being followed.

With regard to the ecology in respect of the modern barn to be demolished the Council's Ecology Officer states: I have reviewed the submitted information against mapping (OS and aerial) along with photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

The following survey reports by Wessex Ecology have been reviewed:

- 1. Bat Survey 2018 Phase 1 Ecological Assessment, Site of Proposed Equestrian Building; Land at Lime Tree Farm, Kington Langley, Chippenham, Wiltshire, SN15 5NW.*
- 2. Bat Roost Search & Assessment, Site of Proposed Barn Demolition and Residential Development, Lime Tree Farm, Kington Langley, Chippenham, Wiltshire, SN15 5NW.*

*Due to the location of this application site and potential for a number of protected species a precautionary method of working will be required to ensure that there is no contravention of either European or UK wildlife legislation. The two buildings on-site have been assessed for bats; the steel building that is being demolished has no signs of recent activity while the adjacent stone barn is being retained. There is one mature ash tree within the hedgerow on the western boundary that may be removed, and has potential for roosting bats. There will be restrictions in terms of lighting due to the records of light sensitive bat species (lesser horseshoe and *Myotis* spp.). If any works are proposed to the stone barn, a detailed assessment will be required.*

In terms of the current proposals, the following conditions are necessary to ensure that the permission complies with legislation:

Conditions

- 1. Prior to the start of construction, an Ecological Construction Method Statement (ECMS) to include a bat strategy for the site will be submitted for the approval of the LPA's ecologist. This must include precautionary measures including (but not exclusively) a methodology of the removal of all structures or features with any potential to support roosting bats. It will also provide details of all precautionary measures for reptiles, breeding birds and common amphibians. The ECMS will provide details of further surveys for the mature ash tree (within the hedgerow on the western boundary) if works to the tree are proposed. A plan must be included which provides details and locations of Heras fencing protection for the retained hedgerow/trees and the plan will include the number, design and show the locations of bat and bird boxes and any other features designed specifically for enhancement of the site for biodiversity.*
- 2. No external lighting will be installed within the site unless prior agreement with the LPA is obtained by separate submission.*

INFORMATIVE

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats

and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

Public Protection - does not object subject to conditions.

Highway Engineer - state: *I am in receipt of the email from Marc Willis with a more detailed description of the expected vehicular movements at Lime Tree Farm. I am satisfied with the description of the expected vehicle movements and with the expected level of DIY livery reduced the movements will be similar in number to that of the existing use. Should there be an increase it is the opinion of the LHA that any increase would not lead to a significant impact on the public highway.*

I would recommend conditions that could restrict or eliminate DIY livery, if this is to no longer be a part of the business plan, in order to ensure that any increase in vehicle movements is kept to a minimal highway impact.

Therefore I raise no highway objection to the principle of the development

Conservation Officer - does not object, commenting that:

I confirm that the works on balance will cause a neutral impact on the setting of the Listed Building and the Conservation Area.

The building being sunk into the landscape and being some considerable distance from the listed building and the works will include the removal of a twentieth century agricultural building in close proximity to the Listed Farm House which will offset any perceived harm to the setting of this building.

The Simple Agricultural form of the proposed building is considered appropriate bearing in mind the agricultural use of the land concerned and will help ensure the land remains in such use.

And.....Further to my site visit on Friday 11th January 2019, I have now looked at the large scale section drawings and latest measurements for the proposed barn.

The scheme shows that the new barn will be dug into the ground so that the visible gable will be less than 2m high. Providing the colour and finish of the building materials, are agreed, together with the position and type of lighting, I do not consider this proposal to harm the setting of the heritage assets. The proposed use replaces an existing barn and will perpetuate a rural business. I have no objections to the proposed scheme

8. Publicity

The application was advertised by way of site notice and neighbour notification.

Fourteen (14) letters of objection received (one neighbour writing several letters of objection including employing external parties to write representations on their behalf) –raising the following concerns:

- Concern about engineering aspects of the scheme as the water table sits just under 1m and the building is set into the ground by approx. 4.5m which may lead to underpinning, tanking etc
- Failure to address previous concerns of the Conservation Officer on application 17/09061/FUL – concerns related to the design of the building and to the principle of extending the built development beyond the historic “built envelope” of the village.
- Clear harm to 2 identified Heritage Assets – Limetree Farm House and the Kington Langley conservation area.
- 2 principle effects – The creation of built form within the former fields to the south of Limetree Farmhouse and the resulting effect on views to and from the LB & The extension of the built form beyond the historic building line and harm to the significance of the Conservation Area.
- The conservation officer said that the building is of poor design and too big a scale and bulk.
- Anticipate an objection from the conservation officer still as the buildings is still in the same location. (*Officer – the building has been turned through 90 degrees, moved westwards and sunk into the ground*).
- Lack of context of other buildings shown on plans.
- Harm to heritage assets at the very heart of the application. This will be exacerbated by lighting internally and externally.
- Limited public benefit – based on benefitting the “rural economy”. The business appears to be moving from another location in the village so any public benefit already exists. It would be better to redevelop the existing site. It is not clear how much of the business is to be transferred.
- The views over the fields will be altered and that is how the house (Limetree Farm) was designed.
- The Forge Field Judgement requires that there is vigorous assessment of alternative sites if harm is identified.
- The setting of the Listed Building is not improved by the revised siting of the proposed building.
- Lack of lighting detail, which should be submitted up front. There is no street lighting in the village so far.
- The existing barn should be refurbished and enlarged.
- Poor access.
- Potential floodlighting of the existing arena (Note from planning officer: Floodlighting of the arena would require a separate planning application).

9.Planning Considerations

Principle of the development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. The development plan consists of the Wiltshire Core Strategy (adopted January 2015) and any saved policies of the North Wiltshire Local Plan 2011.

Relevant policies are as follows:

Wiltshire Core Strategy (Jan 2015): CP34, CP50, CP51, CP57, CP58, CP61

NPPF (revised Feb 2019) particularly sections 12, 15 and 16.

The proposal is a revision to a withdrawn application (17/09061/FUL) and is for a very similar barn to now be positioned at approx. 90 degrees and approx. 120m from the nearest listed building. The building is approx. 75m long and 30m wide with the shorter side facing the heritage assets of the listed buildings and the Kington Langley Conservation Area. The roof will have skylights on the eastern side and solar panels on the western side. The building is to be sunk into the ground by approx. between 3 and 5m so that it is likely that only the top 2.5m or so will be visible above ground when viewed from the north. The building is asymmetric with the shorter roof slope on the side nearest to Lime Tree Farm.

The building will contain 24 stables, associated wash boxes etc, with stores and a large storage area for hay and machinery together with an indoor horse-walker.

The principle of the development as an agricultural style barn in the open countryside is considered to be acceptable. The detailed aspects of the proposal and its impacts are considered in separate sections below.

Impact on heritage assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

The site does not lie in the Kington Langley Conservation Area but is approximately 30m from its outer boundary. The development will therefore have some effect on the character and appearance of the Conservation Area.. The building has been designed to be sunk down in order to reduce its impact. Only the top 2.5 m or so of the building (approximately) will be visible and at some distance, together with the ability to reduce the glow from the lights and time control them. A suitably worded condition can achieve this.

The Conservation officer agrees that this siting and orientation has an acceptable impact on the character and setting of the conservation area. She has identified no harm. The Conservation Areas in Wiltshire are often identified with a significant landscape buffer around them and the Kington Langley Conservation Area is no exception. The immediate area is land in equestrian/agricultural use and is already developed to some extent by hardstanding, riding arenas and a modern barn.

It is considered by the planning officer that the impact will be less than substantial on the harm scale and, given the above, at the very lower end (taking into account its design, being sunk down) and, in accordance with the NPPF para 196 this harm must be weighed against any public benefit of the proposal. The public benefit is set out below.

With regard to the impact of the proposal on the setting of the grade II listed farmhouse (Lime Tree Farm) this has been assessed by the conservation officer to be neutral given the revised siting and height (above ground level) of the proposal and its distance together with intervening vegetation of mature hedging. Unlike the withdrawn application (17/09061/FUL), the building only has a small section across any open view from the farmhouse. Previously it was not the view for the occupiers that formed the objection, but the open setting from the listed building with a full length building across it that caused harm. The comments of the Solicitors who have written in with regard to the lack of need for a visual connection to cause harm (*Catesby Estates Ltd v Steer Secretary of State for Communities and Local Government v Steer* (2018) EWCA Civ 1697) are noted. It is considered that the distance and design and lowering of the building into the ground are the factors which affect the impact on the setting and this has been found to be acceptable.

Whilst the conservation officer attributes no harm to the proposal's effect on the heritage assets, even if a less than substantial impact is attributed, this is outweighed by the public benefit of allowing what is essentially a rural business to expand in a location where employment opportunities can be created. This business format has been provided by the applicant and involves creating a state of the art equine stud facility as well as having competition horses on site. The business currently employs 2 full time local staff members, one of whom is an apprentice and it is anticipated that a further 2 full-time employees would be required together with some additional part-time work. It is considered that providing this level of potentially local, rural employment together with the enterprising nature of the stud business is a public benefit that could weigh against any harm that could be identified – although it should be noted that the Council's Conservation officer found no harm.

The neighbour's concerns are understood and have been taken into consideration, including a site visit to further assess any impact. The applicant has made adjustments both to lessen the impact on the conservation area and listed building, but also the outlook of those residents.

Ecology

The Council's Ecologist objected to the originally proposed siting of the building as it removed a significant amount of established hedgerow. The proposed building has now been moved so that no tree in the hedgerow is affected.

Notwithstanding this 2 ecology surveys have been submitted: A Phase 1 survey in connection with siting of the proposed barn (assessing for badgers, bats, nesting birds, reptiles and great crested newts). The submitted report makes recommendations, which should be included as a condition, but the ecologist raises no further concerns.

The 2nd survey was to deal with potential bats in the existing modern barn, which is to be demolished as part of the proposal (To be controlled by way of planning condition). After significant work by the applicant the ecologist has removed any objection to removal of the barn,

subject to conditions. The ecology matters on the site are therefore considered to have been dealt with.

Landscape

The Landscape Officer raises no concerns with this amended siting of the proposed barn other than querying how the the spoil from the ground lowering is to be disposed of. This can be controlled by way of condition. The application site does not include any existing trees or other landscape features considered important to landscape character which would be lost or placed at risk as a result of this development. It is not considered that there will be any opportunity for any shared inter-visibility from either the public road or public land stretching along 'The Common' (north of Lime Tree Farm) with the proposed new building. There will be no shared inter-visibility with the rural public rights of way network to the north of the village.

The proposed development site sits within a strong wooded pastoral landscape structure, which helps to filter and screen the proposed site (even without the benefit of leaf cover, during winter months) from public visual receptors using the nearest public footpaths to the west and east of the site.

There is some potential for some wider and longer distance views towards the site from the south, extending from the northern edge of Chippenham across the shallow Stein Brook Valley from the Dog Kennel Plantation and Birds Marsh Wood direction. However, the local topography and strong intervening pattern of mature hedgerows and woodland blocks, and wooded linear strips that enclose fields and line the small watercourse and tributary ditches heavily restrict available opportunities for shared inter-visibility with the site, even during winter months.

Highways

Details of the likely traffic movements and the business operation of the site have been supplied. Highways do not object to the level of traffic likely to be generated subject to conditions that could restrict or eliminate DIY livery, if this is to no longer be a part of the business plan, in order to ensure that any increase in vehicle movements is kept to a minimal highway impact.

Impact on neighbours' amenity.

The nearest dwelling is more than 100m away and set on slightly higher land than the application site. Whilst it is accepted that the outlook from this property will be somewhat altered, it would not result in an unacceptable impact upon the amenities of the occupiers. In such circumstances, it is not considered that a reason refusal could be sustained on the grounds of amenity, especially since it is a generally held planning principle that there is no right to a view. It is considered that the positioning (at right angles and to the side of the outlook) and setting down of the building in the landscape will sufficiently mitigate against any harm. The amendments made to the proposal have overcome the concerns raised by officers to the proposal 17/09061/FUL. It is considered that the proposal will comply with policy CP57 of the Wiltshire Core Strategy and the advice in NPPF2.

Drainage

The applicant has submitted a foul and surface water drainage strategy (Issues 1&2 March 2019), which has satisfied the drainage engineer so that he does not object subject to drainage related conditions and subsequent Land Drainage Consent.

The comments about the groundwater table and the structural stability are noted and a condition about surface water drainage is to be added. With regard to structural stability, the building is exempt from building regulations (as are all agricultural buildings), but any issue with structural stability will not affect any other properties and falls outside the of planning control.

Other matters

Attention has been drawn to the permission that exist for the equestrian uses on site and the restrictions on permission N/04/02223/FUL which limits the number of riding lessons to 15 hours per week; no more than 36 dressage events each year; no more than 4 celebrity clinics each year and no more than 3 Riding Club days per year. The number of horses at livery shall be restricted to 12 at any time. The temporary nature of the permission was removed under N/06/03126/S73A but without applying the same conditions again. The site therefore has an unfettered equestrian use.

Notwithstanding this, it is not within the business model to hold any events at the site. The former stable barn is to be removed and this will be controlled by way of planning condition. The applicant is willing to have suitably worded conditions to control the number of horse etc. on the site, and not to hold any significant number of events.

The Local Planning Authority has long accepted the commercial equestrian nature of the site and the proposed building has been designed to lessen the impact of that by its siting and design being sunk into the ground.

There have been concerns raised about the potential for lighting to impact the character of the area and for the floodlighting of the existing riding arena. A condition has been placed on the permission which seeks submission of lighting details. It is not reasonable to request these ahead of granting permission as it is unlikely to be certain at this stage where lighting will be needed. However, in discharging the condition, officers will be mindful of the impact on the character of the area and the ecology of the site.

Any floodlighting of the riding arena will require planning permission and this would need to be the subject of an independent planning application.

10. Conclusions

The proposal is considered to be acceptable in principle and design. The proposal is not considered to be detrimental to the rural character or natural beauty of the wider landscape. There would be no harm to the significance of the listed building or other nearby heritage assets which is not outweighed by the benefit of expansion of a rural business.

The proposal is therefore considered to comply with Core Policies 34, 50, 51, 57, 58 & 61 of the WCS as well as sections 12, 15 & 16 of the NPPF. The proposed development is considered to be in accordance with the development plans and, subject to the imposition of suitably worded conditions, it is recommended that planning permission be granted.

11 Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

Site Plans as proposed (2888/502A & 2888/501A) received 25th March 2019.

Building elevations (2888/503)

Site sections (2888/505 & 2888/506)

Building layout (2888/504) all received 9th October 2018.

Site location plan (2888/01) received 23rd May 2018.

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

3. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment.
 - i) hours of construction, including deliveries;

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

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

the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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

5. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

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

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

7. The development shall be carried out in strict accordance with the recommendations of the Phase One Ecology Report received by the Council on 20th February 2019.

REASON: To protect the ecology on site.

8. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

8. Prior to the start of construction, an Ecological Construction Method Statement (ECMS) to include a bat strategy for the site will be submitted for the approval of the LPA's ecologist. This must include precautionary measures including (but not exclusively) a methodology of the removal of all structures or features with any potential to support roosting bats. It will also provide details of all precautionary measures for reptiles, breeding birds and common amphibians. The ECMS will provide details of further surveys for the mature ash tree (within the hedgerow on the western boundary) if works to the tree are proposed. A plan must be included which provides details and locations of Heras fencing protection for the retained hedgerow/trees and the plan will include the number, design and show the locations of bat and bird boxes and any other features designed specifically for enhancement of the site for biodiversity.

REASON: To protect the ecology on site.

9. Within 2 months of the first occupation of the development hereby permitted the building shown on plan 2888/501 as "Existing Building" shall be completely demolished and all debris removed from the site.

REASON: In the visual amenity of the Kington Langley Conservation Area.

10. There shall be no DIY livery horses kept at the site and no events held. Any tuition shall be restricted to no more than 15 hours per week each calendar year.

REASON: In order to safeguard the amenities of adjoining occupiers and the surrounding land.

11. No development shall commence on site until a detailed scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning authority. The development shall not be first occupied until the approved scheme is in place.

REASON: To ensure the site can be adequately drained.

12. No development shall commence on site until a detailed scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved drainage scheme is in place .

REASON: To ensure the site can be adequately drained.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

INFORMATIVE TO APPLICANT:

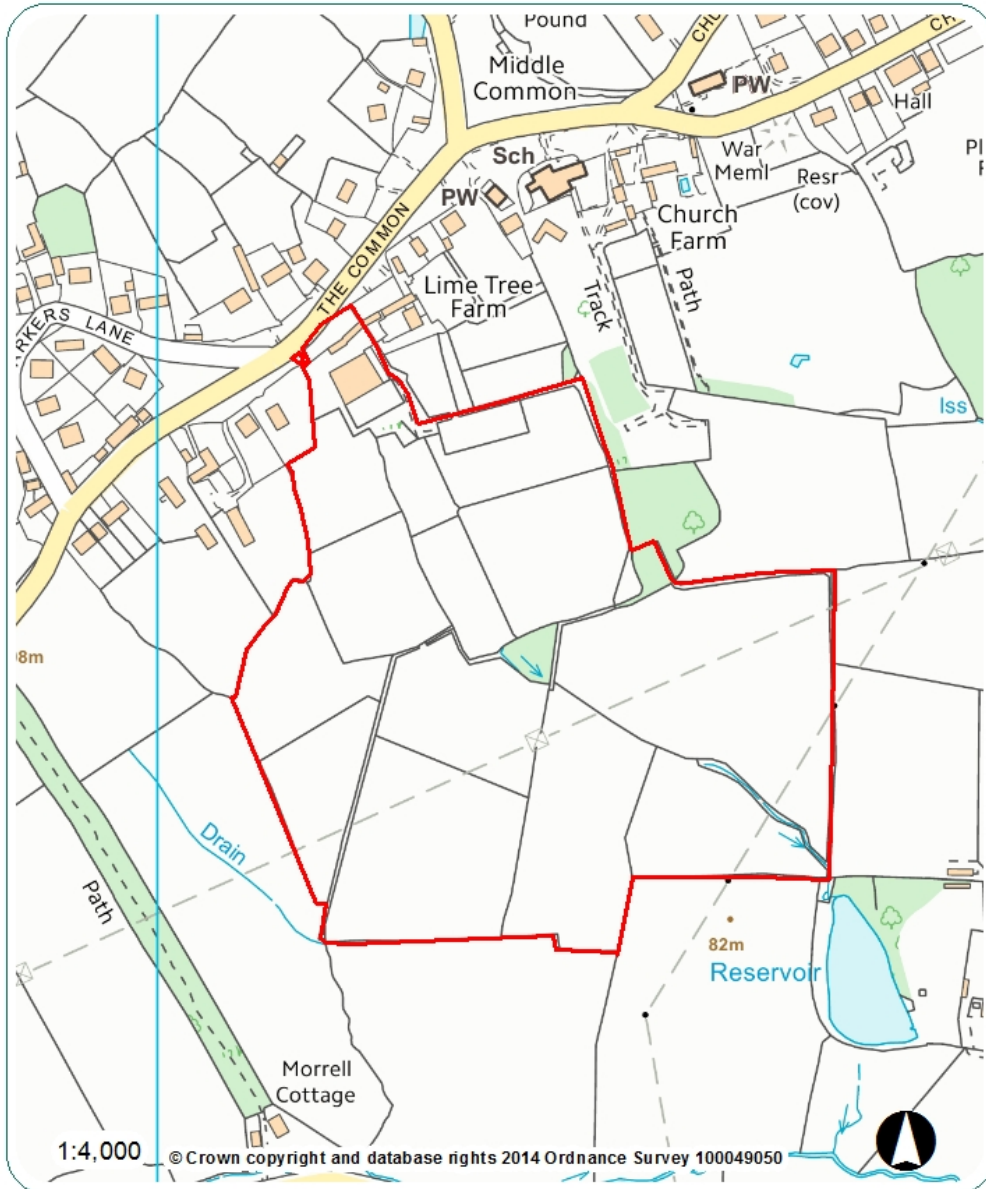
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email: enquiries@bats.org.uk or visit the Bat Conservation Trust website



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