

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 25 September 2019
Time: 3.00 pm

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Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Darren Henry	Cllr Peter Fuller
Cllr Christopher Newbury (Chairman)	Cllr Sarah Gibson
Cllr Jonathon Seed (Vice-Chairman)	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Graham Wright
Cllr George Jeans	Cllr Toby Sturgis
Cllr Gordon King	Cllr Philip Whitehead
Cllr Jim Lynch	Cllr Ian Thorn

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Public Participation

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

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 21 August 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 18 September 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 20 September 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 15 - 16*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **18/11885/FUL: The Yard, Westwood, Bradford on Avon, BA15 2AL** (*Pages 17 - 30*)

Change of use from agricultural (equestrian) to mixed use - equestrian and dog day care facility for maximum 20 dogs.

8 **Urgent Items**

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 AUGUST 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr Richard Gamble, Cllr Horace Prickett and Cllr Fleur de Rhé-Philippe

34 Apologies

Apologies for absence were received from Cllr Darren Henry.

35 Minutes of the Previous Meeting

The minutes of the meeting held on 24 July 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes.

36 Declarations of Interest

There were no declarations of interest.

37 Chairman's Announcements

There were no Chairman's Announcements.

38 Public Participation

The Committee noted the rules on public participation.

39 Planning Appeals and Updates

The Committee noted the contents of the appeals update.

40 **Planning Applications**

The Committee considered the following applications:

41 **19/03732/FUL 93 Sand Street Longbridge Deverill**

Public participation

Megan Campbell, the applicant, spoke in support to the application.

Lucy Hagg, local resident, spoke in support to the application.

Peter Grist, the agent, spoke in support to the application.

The Planning Officer, Steven Sims, introduced the report which recommended the refusal of planning permission for the proposed demolition of an existing domestic garden outbuilding and erect a single dwelling with a detached garage (re-submission of refused application 18/10459/FUL).

Key issues highlighted included: the principle of development with a detailed explanation of the adopted WCS policy on residential infill for small villages; the impact on the character of the area and AONB; the impact on the living conditions of neighbouring residents; the impact on the character of adjacent listed building; parking/highways issues; flood risk constraints and self-build issues.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the usage of the existing outbuilding; whether the development of the site would satisfy the Council's infill policy; discussing the lack of a defined settlement boundary for Longbridge Deverill (being identified as a small village only without limits of development); officers were also ask whether the existing domestic outbuilding could be converted under class Q; and questioned on the proposed height and use of the proposed detached garage. Officers were also asked about the pending appeal that related to refused application 18/10459/FUL, and what conditions may be appropriate should the committee be minded to grant permission.

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

Cllr Fleur de Rhé-Philipe, the Division Member, spoke in favour of the application and argued that the development forms a clear part of the garden linked to the host property and that the site is not open countryside; and that the application proposal should be supported as an infill development opportunity for the village adding that it would not cause harm to the character of surrounding area or neighbouring properties. The local ward member also argued that the application should be tested on its own merits and that no precedent would be set by allowing the application.

At the start of the debate Cllr Pip Ridout put forward a motion to approve the application (subject to conditions), which was seconded by Cllr Stewart Palmen contrary to the officer recommendation with conditions to be imposed relating to commencement, approved plans, on site drainage; landscaping; ecology; parking; light spillage limitation measures and external lighting.

During further member debate, officers advised on: the pending appeal decision for APP/Y3940/W/19/3227029; the differences between the present application and the refused 18/10459/FUL submission; the lack of a settlement boundary for Longbridge Deverill, and the need to make an informed planning judgement on whether the site would be a policy compliant and acceptable infill site for an additional dwelling. The level of public support for the application was duly noted along with the fact that the highways authority reported no objection in terms of access and highway safety.

Following the debate, the motion was defeated.

A proposal was then moved by Cllr Trevor Carbin, seconded by Cllr Ernie Clark, to refuse the application as per officer recommendation.

Resolved

That the application be refused for the following reasons:

- 1. Having regard to all the submissions and relevant policies, including the policies of the National Planning Policy Framework taken as a whole, this application is considered to be an inappropriate, unsustainable form of development which would significantly and demonstrably outweigh the benefit of providing one additional dwelling in a countryside location. The proposed development, in the absence of suitable justification, is not considered to represent a sustainable development being contrary to Core Policies 1, 2, 31, 60 and 61 of the Wiltshire Core Strategy and the policies of the National Planning Policy Framework taken as a whole.**
- 2. The new dwelling and garage, due to its design, height, bulk and siting, would result in a development that detracts from the rural character of the area - which is a landscape which is considered 'so precious' that it is protected for the nation; and, that the development would contribute towards light pollution that would adversely impact on the dark night skies status of the AONB - being one of its much valued and key attributes. The development is therefore contrary to Core Policy 51 and Core Policy 57 of the Wiltshire Core Strategy and paragraph 172 of the Framework.**
- 3. The applicant has failed to demonstrate how the development would deliver net gains for biodiversity contrary to paragraph 170 of the Framework and Core Policy 50 of the Wiltshire Core Strategy.**

42 **19-06212-FUL High Sands, 5 Longlands Close, Edington, BA13 4QB**

Public participation

Simon Hill, the agent, spoke in support of the application.

Lisa Palmley, the agent, spoke in support of the application.

John Pollard, Chairman of Edington Parish Council, spoke in objection to the application.

The Planning Officer, Verity Giles-Franklin, introduced the report which recommended the granting of planning permission, subject to conditions, for the replacement of a two-story dwelling following the demolition of an existing dormer bungalow.

Key issues highlighted included: the principle of development; the impact of the development on the character of the area and special landscape area; impacts on neighbouring amenity, archaeology, public rights of way and highway safety.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the proposed re-siting of the dwelling and its distance from the public footpath and boundaries.

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

Cllr Richard Gamble, spoke against the application and invited members to consider the policy safeguards set by the adopted Wiltshire Core Strategy and the impacts the proposed development would have on the character of the area by virtue of the scale of development and the bulk and height of the proposed new dwelling.

Planning officers responded to the concerns raised by the Parish Council and Cllr Gamble and explained the appropriate policy tests Policy H20 and the planning conclusions which were set out within the report alongside discussing the expressed local concerns relative to parking/highway safety; neighbouring impacts and ecological issues as well the permitted development fall-back provisions that exist for the existing house.

Following on from the above, Cllr Jonathon Seed put forward the motion to approve the application, subject to conditions as recommended by officers which was seconded by Cllr Edward Kirk for the reasons as set out in the report.

Resolved

That planning permission be approved 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:

Drawing Nos: 0182 PL01, Location Plan and Site Plans; 0182 PL02, Existing Floor Plans; 0182 PL03, Existing Elevations; 0182 PL04, Proposed Floor Plans; 0182 PL05, Proposed North-West and South-West Elevations; 0182 PL06, Proposed South-East and North-East Elevations; 0182 PL07, Existing and Proposed Views Elevations; 0182 PL08, Landscaping Plan; as received on 27 June 2019.

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

3. No development shall commence on site pursuant to any below ground works until a written programme of archaeological investigation to include on-site work and off-site analysis, publishing and archiving of all the results and finds, has been submitted to and approved by the Local Planning Authority; and that the approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

4. No development beyond slab level shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts (for the construction phase and post completion);
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5. The tree and landscape planting proposals hereby approved shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**

REASON: In the interests of highway safety.

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north-east elevation above ground floor ceiling level of the development hereby permitted.**

REASON: In the interests of residential amenity and privacy.

9. The hereby approved replacement dwelling shall not be occupied until the existing dwelling has been completely demolished with all material and debris removed from the site.

REASON: In the interests of amenity and protecting the rural character of the area.

10. No development shall commence above ground floor slab level until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), 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 surface water drainage has been constructed in accordance with the approved scheme.

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

Planning Informatives:

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

43 **19-03240 Homefield Farm, 4 West Ashton Road, Yarnbrook**

Public participation

Richard Burbidge, the applicant, spoke in support of the application.

The Planning Officer, David Cox, introduced the report which recommended that the application be refused planning permission for the proposed erection of a two-bedroom cottage on the footprint of a former cottage which was demolished 35 years ago.

Key issues highlighted included the principle of development with a detailed explanation of the adopted WCS policy on residential infill for small villages, an explanation was also given to the lack of any in principle fall-back once a dwellinghouse has been demolished (with case law and appeal references given) as well as highlighting highway safety concerns and the lack of an appropriate assessment pursuant to bats and the SAC.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the objection raised by the Highways Authority; the ownership of footpath (WASH20); the boundary of the property and the possible implications if the Ashton Park urban extension development proceeds.

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

Cllr Horace Prickett, the Division Member, spoke in support of the application and focused on the supportive comments made by both West Ashton Parish Council and North Bradley Parish Council and argued that the development should be supported and that highway concerns would not be severe to warrant a refusal; and moreover, the endorsed urban extension at Ashton Park would include once implemented, the introduction of relief road for the A350 and would reduce traffic volumes.

Officers addressed the issues raised by the ward member and the applicant and maintained the argument that officers do not consider the site to be policy compliant as a residential infill opportunity; and moreover, argued that the highway concerns and the lack of an appropriate assessment for bats (being a lawful requirement before any grant of planning permission) would be substantive grounds to refuse the application.

Following on from the above, Cllr Edward Kirk, seconded by Cllr Sarah Gibson put forward a motion to defer the application for more information regarding the Trowbridge Bat Mitigation Strategy's requirements and complete an appropriate assessment for bats, and to instruct officers to secure additional/corrected plans from the applicant pursuant to land ownership and potential provision of visibility splays and that members should arrange to visit the site before the application is reported back to the committee.

During further debate members discussed whether the site would be a policy compliant infill opportunity and the merits of members having a committee site visit.

Resolved

To defer this application and to instruct officers to secure additional information pertaining to highway matters specifically confirming the extent of the applicant's landholding and provisions to improve visibility, to advance with the completion of an appropriate assessment for the SAC and for a member site visit to be scheduled when the application is to be brought back to committee.

44 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.25 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

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Wiltshire Council
Western Area Planning Committee
25th September 2019

Planning Appeals Received between 09/08/2019 and 13/09/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/00802/ENF	93D Bath Road Atworth, Melksham Wiltshire, SN12 8HF	ATWORTH	Unauthorised container in front drive	DEL	Written Representations	-	21/08/2019	No
18/12150/FUL	15 Willoughby Close Westbury, Wiltshire BA13 3GA	WESTBURY	Formation of hardstanding parking	DEL	Written Representations	Refuse	06/09/2019	No
19/01765/FUL	Duck Cottage 126 Park Lane Heytesbury, Warminster Wiltshire, BA12 0HE	HEYTESBURY IMBER AND KNOOK	Detached double garage with storage in roof space	DEL	House Holder Appeal	Refuse	22/08/2019	No

Planning Appeals Decided between 09/08/2019 and 13/09/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/05217/FUL	Land adj. 18 Wiltshire Crescent, Melksham, Wiltshire, SN12 7LH	MELKSHAM	To construct one pair of 2 bedroom semi-detached houses	DEL	Written Reps	Refuse	Dismissed	14/08/2019	None
18/07443/OUT	Land Adjacent Kajha Millditch, Bratton BA13 4SX	BRATTON	Conversion of existing building on site that is used for storage into a 2 bedroomed bungalow.	DEL	Written Reps	Refuse	Dismissed	03/09/2019	None
18/06361/FUL	4 Vicarage Gardens Dilton Marsh, Wiltshire BA13 4FB	DILTON MARSH	Retrospective change of use of land from agricultural to domestic garden, including erection of garden shed and play climbing frame and zip wire and frames	DEL	Written Reps	Refuse	Dismissed	28/08/2019	None
18/08683/PNCOU	Land at Back Lane Cold Harbour Great Hinton Trowbridge, Wiltshire BA14 6BX	GREAT HINTON	Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building into a Dwelling (Use Class C3) with Associated Curtilage and for Associated Operational Development	DEL	Written Reps	Refuse	Dismissed	13/08/2019	None
19/00063/OUT	Land adj 45C Leigh Road Holt, Trowbridge Wiltshire, BA14 6PW	HOLT	Detached house and garage in the grounds of 45C Leigh Road (Outline application with all matters reserved)	-	Written Reps	Non-Determination	Dismissed	30/08/2019	None

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	25 September 2019
Application Number	18/11885/FUL
Site Address	The Yard, Westwood, Bradford on Avon, BA15 2AL
Proposal	Change of use from agricultural (equestrian) to mixed use - equestrian and dog day care facility for maximum 20 dogs.
Applicant	Mr George Schofield
Town/Parish Council	WESTWOOD
Electoral Division	Winsley and Westwood - Cllr Johnny Kidney
Grid Ref	381740 159104
Type of application	Full Planning
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee:

The Local Member requested that this application be called in for the elected members to determine should officers be minded to grant permission, due to local concern over the potential noise nuisance generated by the proposed use and its consequential impact upon the amenity of nearby occupiers. There is also local concern regarding access to the site.

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.

2. Report Summary:

This report appraises the principle of the change of use, and the impact of the proposed use on the green belt and neighbouring amenity and in terms of highway safety.

Westwood Parish Council objects to the application for the reasons cited in section 7 of this report. The local resident observations are summarised within section 8.

3. Site Description:

The application site, which is illustrated in the plan below, relates to an existing hay store and paddock, located within a wider site used for the stabling and grazing of horses. The application site is located to the north-east of Lower Westwood and south-west of Bradford on Avon.



The application site is bounded by an established hedgerow on its southern boundary which borders the road and is accessed by an existing vehicular entrance set back from the road (which connects the Westwood Road to the B3109 Frome Road), as illustrated in the following site photos. The application site is located within the West Wiltshire Green Belt. The site has a gentle incline from the road to the north of the site which is used for the turning out of horses; however, the paddock subject to this application is located to the north-east of the existing stable building and is not elevated above the existing buildings.



Facing north from the entrance

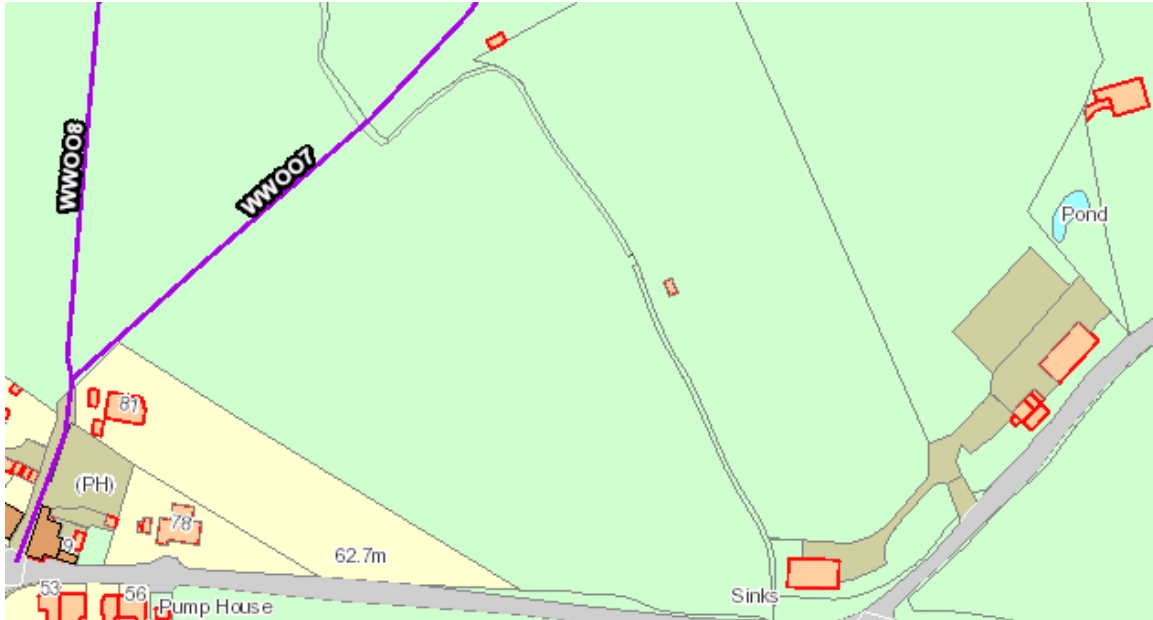


Facing south from the entrance



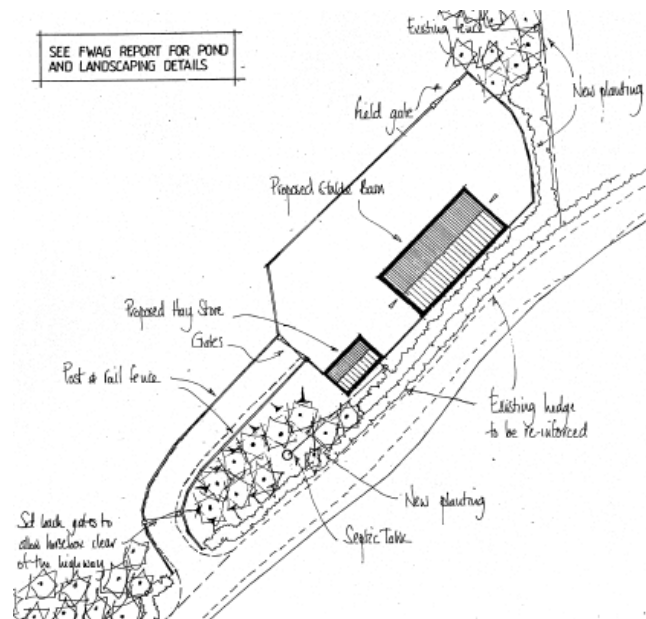
View of existing entrance

Two public rights of way (both footpaths, references WWO07 and WWO08) cross the wider site to the north, as depicted by the purple lines illustrated on the map provided on the following page, however these footpaths would remain unaffected by the proposed change of use. The paddock to be used for dog exercising/play measures approximately 915 sq m in size and is enclosed by existing fencing. The paddock is located some 200 from the closest public footpath.



4. Planning History:

W/01/01033/FUL - Stables and haystore/tackroom – Allowed at appeal following the applicant’s submission of an appeal against non-determination by the former West Wiltshire District Council. An extract of the approved site plan is shown below:



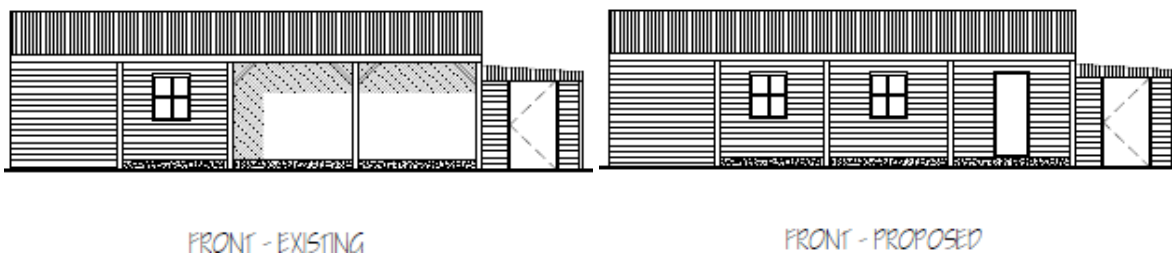
W/02/00237/FUL - Proposed erection of stables and haystore/tack room – Approved with conditions.

W/11/02028/FUL - Retrospective application for an agricultural building for the storage of animal fodder and farm machinery – Approved

5. The Proposal:

This application seeks planning permission for the change of use of an existing paddock and part of an existing hay store building to a sui generis use, for a dog day care facility for a maximum of 20 dogs. The proposed change of use would employ the equivalent of two full-time employees - one full-time employee and two part-time employees. There would be two employees on site at all times when the dog day care use is operational. The proposed hours of operation are 07:00 to 18:00 Monday to Friday, with no weekend hours or on bank holidays. The existing equestrian use for approximately ten horses would also continue to operation on site.

As part of this application the existing open-fronted hay store would be enclosed with timber cladding to match the existing wall finish, as illustrated by the existing and proposed elevation drawings reproduced below. This would provide a shelter for the dogs when not being exercised.



During the course of this application's determination period, a revised red line boundary was submitted to clearly illustrate which buildings and parcel of land are subject to this proposed change of use. A revised location plan drawing was received on 6 February 2019 to illustrate this and was subject to a fresh consultation exercise with third parties. A revised proposed block plan drawing was received in May 2019 to demonstrate the available visibility splay at the existing access to address comments received from Wiltshire Council's highways department. Furthermore, an acoustic/noise report was submitted to the Council on 18 July 2019. This revised and additional information was published to the Council's planning pages and was subject to a fresh consultation exercise with third parties.

6. Planning Policy:

Wiltshire Core Strategy (WCS) - Core policies: CP34 - Additional Employment Land; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP61 - Transport and New Development; and CP64 - Demand Management

The Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy is also relevant

National Planning Policy: National Planning Policy Framework (NPPF); and the National

Planning Practice Guidance (NPPG) and Noise Policy Statement for England (NPSE) are also of material relevance to this application.

7. Summary of consultation responses

Westwood Parish Council: Object for the following summarised reasons. Two representations were received in total from the Parish Council, which are both summarised below. The additional and revised information/drawings did not overcome the Parish Council's concerns with the proposed change of use.

- Loss of amenity to neighbouring properties from the noise generated from up to 20 dogs
- Highway issues
- Increase in traffic
- Inappropriate development in the Green Belt
- Conflict with neighbouring land used for grazing of other animals (e.g. sheep)
- The noise report is “very selective” and does not overcome noise nuisance concerns

Wiltshire Council Highways: On receipt of revised plans to show the achievable visibility splays and on-site car parking provision, no objection raised.

Wiltshire Council Public Protection/Environmental Health: On receipt of noise report, no objections subject to condition restricting the use of the outdoor walking/exercise area

8. Publicity:

The application was advertised by neighbour notification and by the display of a site notice. Twelve representation letters were received during the initial round of consultation and following receipt of the revised red line boundary, raising the following summarised objections:

- Increase in traffic
- Insufficient car parking on the site
- Limited visibility
- Impact on use of nearby footpath
- Noise nuisance/impact on amenity from dogs barking
- Harm to the rural character of the area
- Incompatible with the surrounding residential land use
- Would lead to overnight boarding and 24 hour kennels/increase operational hours/future expansion
- Welfare of the dogs
- Dog faeces
- Potential impact on livestock in the surrounding area
- Flooding
- Concern regarding the amount of time taken to produce a noise report

Seven representations were received following consultation on the revised block plan and noise report, raising the following summarised objections:

- Noise of 20 dogs barking by a public footpath and interaction of dogs
- Anomalies/validity with the noise report including specified dogs breeds referred to in report which fails to assess/mention terrier breeds
- Highway concerns have not been addressed
- Noise and air quality impacts from generator use have not been considered

9. Planning Considerations:

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

9.1.1 **Principle of the Change of Use:** The adopted WCS does not have a specific policy that directly relates to this proposal. However, CP34 of the WCS supports opportunities for the provision of employment land that may come forward in the Principal, Settlements, Market Towns and Local Service Centres of Wiltshire, but also aims to support the rural way of life through the promotion of modern agricultural practices and appropriate diversification of the rural economy.

9.1.2 Furthermore, the NPPF outlines that planning policies and decisions should enable *“a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; ...b) the development and diversification of agricultural and other land-based rural businesses”* (paragraph 83)

9.1.3 This proposal would result in the diversification of part of the site from solely equestrian use to a mix of horse stabling/livery and dog day care. Part of an existing building would be converted to support the proposed dog day care use and an existing paddock would be used as an exercise area for the dogs. In order to meet CP34, proposals outside Principal Settlements, Market Towns and Local Service Centres would only be supported where they meet the following criteria, copied below:

- i) *are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii) *support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii) *are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv) *are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

Where they:

- a. *meet sustainable development objectives as set out in the policies of this Core Strategy and*
- b. *are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and*

- c. *are supported by evidence that they are required to benefit the local economic and social needs and*
- d. *would not undermine the delivery of strategic employment allocations and*
- e. *are supported by adequate infrastructure.*

9.1.4 In this instance, the site is located a short distance from Bradford on Avon and Lower Westwood and seeks to diversify the existing equestrian use, to a use which would serve the adjacent settlements. As such, the principle of the development is considered acceptable, subject to compliance to CP57, as discussed below.

9.2 **Impact on the Green Belt:** The application site is location within open countryside and outside the defined limits of development for both Bradford on Avon and Westwood. However, this proposal solely involves the change of use of an existing paddock to a dog exercise area (measuring approximately 915 sq m in area) and the conversion of part of an existing hay store to a dog shelter area. The proposal therefore would not result in the construction of any new buildings or the extension to any existing buildings on site. Furthermore, the proposed use would utilise the existing hardstanding for car parking, therefore no operational development is proposed as part of this application.

9.2.1 It is therefore considered that the proposal would not result in any harm to the openness of the Green Belt or result in inappropriate development in the Green Belt. As such, officers conclude that the proposal would not conflict with the aims of national planning policy, which seeks to prevent urban sprawl by keeping land permanently open.

9.3 **Impact on Neighbouring Amenity:** Officers acknowledge that this is a key issue for local residents, as expressed within the received representations and comments made by the Parish Council. The paddock and existing hay store subject to this application are located within an area of open countryside, used predominately for equestrian use. As such, officers appreciate the sensitivities of the proposal and potential for up to 20 dogs making some noise disturbance in the wider area.

9.3.1 The concerns raised by third parties are duly noted and as part of this application the applicants commissioned and submitted a noise survey at officers' request, in order for a robust assessment of the potential noise generated by a maximum of 20 dogs to be made and for the impact of this upon the nearby residential properties to be made.

9.3.2 As part of the report, an on-site noise survey was carried out by the consultants to assess the existing prevailing background noise levels at the nearest noise sensitive receptors, as illustrated by the extract below, taken from the page 11 of the report. The properties hatched in blue indicate the noise sensitive receptors, with the area in red depicting the building and parcel of land subject to this application. The nearest noise sensitive receptors are located approximately 290m to the west and approximately 160m to the north-east of the application site and are residential properties. The report acknowledges that the area is generally quiet, with the main noise generated by traffic on the nearby roads. Some intermittent animal noise is also audible from the application site, as evidenced from the case officer's site visit.



9.3.3 The submitted report concludes that the proposed noise level to be generated by the proposed use (at the highest predicted level) would be approximately 45 dB LAeq,T at the nearby buildings. This figure would be 10dB below the quoted WHO figure taken from their 'guideline values' section of the publication *Guidelines for Community Noise*, which states that in order for people to not be 'seriously annoyed' during the daytime, the noise level should not exceed 55 dB LAeq for "a steady, continuous noise".

9.3.4 It is likely that dogs barking would be intermittent and not continuous over the operational hours of the proposed use. The predicted noise level would remain 5 dB lower than the 50 dB LAeq figure the WHO recommends to "protect the majority of people from being moderately annoyed during the daytime". Therefore, the potential noise disturbance generated by the proposed dog care day use would be limited.

9.3.5 The Council's public protection team were consulted on receipt of this report and have raised no objections, subject to a condition restricting the use of the outside exercise/walking area.

9.3.6 Furthermore, as the proposed dog day care use would only be operational during working hours on weekdays, with no overnight boarding/kennelling or weekend use, officers are satisfied that the proposed noise omitted by a maximum of 20 dogs in this location would not cause significant adverse harm to the living conditions and amenity of the nearby occupiers.

9.3.7 The applicant has confirmed within the submitted design and access statement that all dog waste would be collected and disposed of by a specialist waste disposal company. Therefore officers conclude that dog waste should not impact local residents.

9.3.8 Within the received representations concerns have been raised by third parties regarding the potential interaction between users of the nearby footpaths and other animals such as sheep in the locality, with the dogs that would use the proposed dog day care facility. However, officers consider that the likely event of such interactions to be minimal given that the dogs would be exercised within an enclosed paddock and would be under supervision.

9.3.9 It is considered that any permission should be conditional on restricted hours of using the site for outside exercising. With due regard to the proposed use during normal daytime hours on weekdays only and the predicted 'worse case' noise level, officers are satisfied that the proposal would not create an unacceptable adverse impact on neighbouring amenity to warrant a planning refusal.

9.4 **Highway Issues:** The third party and Parish Council concerns with the proposed use upon the existing highway are duly noted. Wiltshire Council's highways department were consulted on this application and additional information was requested from the applicant to address the initial comments received by the highways engineer, which have been made publically available on the Council's website, and no highway based objection has been raised.

9.4.1 The proposed use would entail customers arriving between 07:00-09:00 in the morning and return to collect their dogs between the hours of 16:00-18:00 on a Monday to Friday basis only. Within the submitted Design and Access Statement it is acknowledged that the applicants anticipate collecting 6 dogs to start with and hope to increase the number of collections over time once the business has established to reduce vehicle movements and the need for customers to travel to and from the site.

9.4.2 With due regard to the proposed hours of operations and nature of the proposed use, it is unlikely that all customers would be arriving to the site at the same time to drop off and collect their dogs. Furthermore, the site is accessed off a road from Westwood Road, which is subject to a 20mph speed limit close to the junction which leads to the application site. Given the narrow nature of the roads and position of the application site in relation to the junction to Westwood Road, it is unlikely that vehicles would be travelling at high speeds.

9.4.3 This application does not propose any alterations to the existing access and this has not resulted in an objection from the Council's highway department. The applicant has demonstrated and illustrated on the submitted revised block plan what the achievable visibility splays are at the existing entrance to the site and this has been considered acceptable.

9.4.4 Whilst concerns have been raised regarding the impact of the proposed use on the junction with the C216, Frome Road located north-east of the application, officers considered that this proposal would not present an unacceptable highway safety concern at this junction. The applicant has further demonstrated the available on-site car parking provision and officers consider this also to be acceptable.

9.4.5 Whilst officers acknowledge that the proposed use of the site would result in some additional traffic along this road, the Council's highways officer has raised no objection to the proposal. Furthermore, there are no measures/restrictions on vehicles using this particular road; therefore it is likely that vehicle movements along this road fluctuate on a daily basis. In addition, during the case officer's site visits to The Yard, both of which were undertaken in daytime hours, there was no evidence of local roads being impassable or significantly congested. Officers therefore conclude that on the basis that the applicants would be

operating and offering customers a collection service and would utilise the existing access with sufficient on-site car parking and turning space on site, the proposal would not result in an unacceptable impact on highway safety.

10 Conclusion (The Planning Balance):

The proposed change of use of an existing paddock and part of an existing hay store to a dog day care use during weekdays would satisfy the requirements of the NPPF and WCS policies in terms of the principle as well as the impacts on the Green Belt and neighbouring amenity implications. The proposed development is also considered to comply with the requirements of Paragraphs 109 of the NPPF. As such, it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION: Approved subject to the following conditions:

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

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

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

Location Plan, as received on 6 February 2019; and Drawing No: PBPDS/PP187, Rev C, Existing and Proposed Elevations, Floor Plans and Site Plan, as received on 28 May 2019

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

3. The use hereby permitted shall only take place between the hours of 0700 - 1800 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.

REASON: To define the terms of this permission and in order to protect residential and local amenities.

4. The exercise and play area use within the paddock hereby permitted shall only take place between the hours of 0900 - 1700 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.

REASON: To define the terms of this permission and in order to protect residential and local amenities.

5. There shall be no more than 20 dogs on the site at any one time.

REASON: In the interests of residential amenity

6. The site shall not be used for the kennelling of any dogs at any time.

REASON: In the interests of residential amenity

7. 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 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.

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