

## AGENDA

---

**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Browfort, Devizes  
**Date:** Thursday 21 April 2011  
**Time:** 6.00 pm

---

Please direct any enquiries on this Agenda to Chris Marsh, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713058 or email [chris.marsh@wiltshire.gov.uk](mailto:chris.marsh@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

### Membership:

Cllr Jane Burton  
Cllr Peggy Dow  
Cllr Nick Fogg  
Cllr Richard Gamble  
(Vice-Chairman)

Cllr Charles Howard (Chairman)  
Cllr Chris Humphries  
Cllr Laura Mayes  
Cllr Jemima Milton  
Cllr Christopher Williams

---

### Substitutes:

Cllr Nigel Carter  
Cllr Peter Colmer  
Cllr Lionel Grundy OBE  
Cllr George Jeans

Cllr Jerry Kunkler  
Cllr Christopher Newbury  
Cllr Jeffrey Ody  
Cllr Jonathon Seed

---

# AGENDA

## Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 26)*

To approve and sign as a correct record the minutes of the meeting held on Thursday 31 March 2011 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

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

To receive any questions from members of the Council or members of the public 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 above (acting on behalf of the Director of Resources) no later than 5pm on (4 clear working days, e.g. Wednesday of week before for a Wednesday meeting). Please contact the officer named on the first page of the 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 Applications**

To consider and determine planning applications in the attached schedule.

6a. **E/10/1632/FUL** (*Pages 27 - 44*)

Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ – Change of use from Hotel (C1) to Boarding house (C2). Internal and external alterations.

6b. **E/11/0174/FUL** (*Pages 45 - 54*)

Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB – Proposed double garage with garden and log store and PV panels on roof.

6c. **E/10/1562/FUL** (*Pages 55 - 60*)

Yew Tree Cottage, Huish, Marlborough, Wilts SN8 4JN – Demolish the existing lean-to extensions to the rear of nos. 1 and 2 and replace with new symmetrical brick extensions (resubmission of E/10/0342/FUL).

6d. **E/10/1563/LBC** (*Pages 61 - 66*)

Demolish the existing lean-to extensions to the rear of no's 1 and 2 and replace with new symmetrical brick extensions. Minor alterations to the cottage interiors (resubmission of E/10/0343/LBC).

7. **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.

None.

This page is intentionally left blank

## **EASTERN AREA PLANNING COMMITTEE**

---

### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 31 MARCH 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.**

#### **Present:**

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),  
Cllr Charles Howard (Chairman), Cllr Jerry Kunkler (Reserve) and Cllr Jemima Milton

#### **Also Present:**

Cllr Nigel Carter and Cllr Stuart Wheeler

---

#### **118. Apologies for Absence**

Apologies were received from Cllr Christopher Williams, substituted by Cllr Jerry Kunkler, Cllr Chris Humphries and Cllr Laura Mayes.

#### **119. Minutes of the Previous Meeting**

The minutes of the meeting held on 17 February 2011 were presented and it was,

#### **Resolved:**

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

#### **120. Declarations of Interest**

There were no interests declared.

#### **121. Chairman's Announcements**

There were no Chairman's Announcements.

#### **122. Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

123. **Planning Applications**

124. **E/11/0224/S73**

Land at Kennet Rise, Axford, Marlborough, Wilts SN8 2HA – Removal of condition 9 of permission E/09/0873/FUL to remove requirement for visibility splay.

**The following people spoke against the proposal:**

Mrs Rosemary Henderson, local resident  
Mr David De Saxe, local resident  
Mr Hamish Watson, local resident

**The following people spoke in favour of the proposal:**

Mr Christian Silk, the applicant's solicitor

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval, and drew members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

The Committee sought the professional advice of Grahame Kean, Senior Solicitor, and Roger Witt, Senior Highways Development Control Officer, on behalf of the authority.

After discussion regarding:

- Whether the proposed removal of the condition in question would have an unacceptably adverse impact on highway safety

It was,

**Resolved:**

**To defer and delegate authority to the Area Development Manager to grant planning permission, subject to a Section 106 agreement to the same effect as that made in respect of the original application (ref. E/09/0873/FUL) for the following reasons:**

**The retention of the planning condition is not essential as satisfactory visibility can be safeguarded to the west and whilst there is limited**

obstruction of the visibility splay to the east, the access is in the same position as the long-existing access that has served a parking court and parking area on this site for more than 25 years without any accident record. As the levels of traffic from the use of the access to serve the development proposed are unlikely to be materially different from the historic use, it would be unreasonable to insist that the condition be retained. Removal of the condition would therefore not conflict with policy PD1 of the Kennet Local Plan.

And subject to the following conditions:

1. The development hereby permitted shall be begun before 9<sup>th</sup> August 2013.

**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 materials to be used for the external walls and roofs shall be those specified in the External Materials Schedule dated 20/09/10. Development shall be carried out in accordance with these approved details.

**REASON:** To secure harmonious architectural treatment.

3. All soft landscaping comprised in the approved details of landscaping shown on drawing no. KEN.AX.01 Rev B shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shown on drawing numbers 3166/002 dated 29/04/09 and E/3194/04 dated 06/10/09 shall be completed 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.

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

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

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

**(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be as shown on drawing no. CON/281/TP1. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

**REASON: To enable the local planning authority to ensure the retention of trees on and adjoining the site in the interests of visual amenity.**

- 5. The proposed 1.8 metre high close boarded fences shown on drawing numbers 3166/002 dated 29/04/2009 and 3166-20 dated September 2010, together with the hedges approved under the approved landscaping scheme shall be completed in accordance with the approved details, with the fences completed prior to the first occupation of the houses and the hedges in accordance with the landscaping scheme in condition 3 above.**

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

- 6. Before any part of the development hereby permitted is first occupied the access, turning area and 30 parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes. Ten of the parking spaces shall be reserved exclusively for the approved development; the remaining 20 spaces shall be made available to the public, and use for this purpose and access thereto, shall be made available at all times.**



**REASON:** In the interests of highway safety and the proper planning of the site, to ensure that the parking area proposed is not kept solely for the residents of the proposed houses, as this would be over provision, but is made available to provide off-street parking for the public, in the interests of road safety.

7. The gradient of the new access road shall not exceed 1 in 12 for the first 5 metres back from the edge of the public highway.

**REASON:** In the interests of highway safety and to provide a safe and usable means of access to the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the east facing elevation of the building hereby permitted.

**REASON:** In the interests of the privacy of the neighbouring properties.

9. Before the first occupation of any dwelling on the site, the 2 metre wide footway shown on drawing E/3194/04 & E/3194/02 shall be completed in accordance with the details shown.

**REASON:** In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the buildings hereby approved shall be erected.

**REASON:** To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.

11. The treatment of the common boundary between the site and nos. 1-3 Quality Court shall be as shown on drawing nos KEN.AX.01RevB and 3166/102 RevA. The development shall not be occupied until the boundary treatment is implemented in accordance with the approved details.

**REASON:** In the interests of safeguarding the privacy of the occupiers of nos 1-3 Quality Court.

- 12. No dwelling shall be occupied until the sewerage treatment works have been completed in accordance with the submitted plans.**

**REASON: To ensure satisfactory foul water drainage.**

- 13. The surface water drainage scheme shown on drawing no E/3194/03 Rev B shall be carried out in accordance with the approved details before any dwelling is first occupied.**

**REASON: To ensure satisfactory surface water drainage.**

- 14. The site shall be decontaminated in accordance with the revised method statement for capping to landscaped areas and gardens by T&P Regeneration dated 23/09/10 before any dwelling is first occupied.**

**REASON: In the interests of the safety of the public and the environment.**

- 15. The ground floor slab levels shall be as set out in drawing numbers E/3194/02 and 04 (and the related retaining structures shown on drawing numbers 3166-022; 023 and 024). Development shall be carried out in accordance with these approved details.**

**REASON: In the interests of visual amenity.**

- 16. The developer shall give one month's written notice to the County Library and Museum Service, County Hall, Trowbridge, before any operations commence on site, and shall afford access at all reasonable times to any archaeologist and allow him/her to observe the excavations and record items of interest and finds.**

**REASON: The proposal involves building operations in an area of potential archaeological interest.**

**17. INFORMATIVE TO APPLICANT:**

**This decision relates to documents/plans submitted with the application E/09/0873/Ful, listed below. With the exception of the visibility splay that as a result of this decision is no longer required, No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

**Plan no. 3166/002 Rev G dated 29/04/09 (received by Ipa 22/10/09);  
Plan no. 3166/003 Rev B dated 08/09 (received by Ipa 08/09/09).**

#### **18. 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 his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

#### **19. INFORMATIVE TO APPLICANT:**

In relation to the access road, the applicant is advised that the Highway Authority is not required to adopt a road of this type which essentially provides access to a privately owned car park and sewerage treatment works. In any event, the access road would appear on face value to have a gradient in excess of what would be acceptable to the Highway Authority to adopt.

#### **125. E/10/1652/FUL**

Buckerfields Nursery, Southend, Ogbourne St George, Marlborough, Wiltshire, SN8 1SG – Conversion of storage barn to four units of holiday accommodation including erection of single storey extensions.

#### **The following people spoke in favour of the proposal:**

Mr Paul Oakley, the agent  
Mr Terrence Wright, the applicant

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Cllr Jemima Milton made a statement on behalf of Ogbourne St George Parish Council, objecting to the proposal, and after discussion regarding,

- The principle of allowing re-use and extension of the building to provide holiday accommodation;
- The compatibility of the proposed use with the principles of sustainability
- The impact of the proposed use on the countryside and Area of Outstanding Natural Beauty;
- The impact on highway safety;

- The impact on residential amenity;
- The levels of local demand and supply of holiday accommodation; and
- The prospect of limiting guests' stay length through planning conditions to ensure primarily tourist, and not business, use

It was,

**Resolved:**

**To approve the application for the following reasons:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance, including the character and appearance of the landscape of this part of the area of outstanding natural beauty, and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & NR7; and Central Government planning policy set out in PPS4 & PPS7.**

**And 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

3. **Notwithstanding Class C3 of the Schedule of the Town and County Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as primary place of residence. An up-to-date register of names and main home address of all occupiers shall be maintained by the owner and shall be made available at all reasonable times to the Local Planning Authority.**

**REASON:** In order to ensure that the accommodation is not occupied on a long-term basis because the site is in an area where the Local Planning Authority would not normally permit new dwellings.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

**Drawing nos. 3163.1 & 3164.2 dated Nov 2010 (and received by the lpa 09/12/2010) and red-edged site plan.**

126. **E/11/0029/FUL**

South of Byron Road, East of Thomas Wyatt Road, West of Green Lane (Former Katherine McNeil Clinic Site, Green Lane, Devizes) – Extension of time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats.

**The following people spoke against the proposal:**

Mr Chris Callow, of Roundway Parish Council  
Mrs Pat Rugg, of Roundway Parish Council and on behalf of the residents of Byron Road

**The following people spoke in favour of the proposal:**

Miss Amy Hallam, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended that Members defer and delegate to officers to approve the application subject to a revised Section 106 agreement, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Cllr Richard Gamble presented a statement on behalf of the absent divisional Member, Cllr Laura Mayes, in opposition to the proposal, and after discussion by the Committee regarding:

- Whether there had been a material change in circumstances since the granting of outline permission under reference K/42334/O in respect of

the authority's adoption of minimum car parking standards for new developments in December 2010

It was,

**Resolved:**

**To refuse permission for an extension of the period for implementing the planning permission for the following reason:**

**The development makes inadequate provision for car parking for the number of dwellings proposed. Since the original planning permission was granted, there has been a material change in circumstances in the publication of the revised PPG13 which removes references to maximum parking standards for residential development. The Council has also adopted a new Local Transport Plan in March 2011 that sets minimum standards for car parking for residential developments, of which this proposal falls well short.**

127. **E/10/1620/FUL**

Wansdyke Farm, Ham Spray, Marlborough, Wiltshire SN8 3QZ – Demolition of redundant farm building and a cottage. Removal of slurry pit. Erection of one replacement dwelling with associated outbuilding; residential barn conversion with associated outbuildings; landscaping and access; creation of two statutory public bridle paths and one permissible public footpath; restoration of farmland with associated landscaping and biodiversity improvements; re-contouring of land.

**The following people spoke in favour of the proposal:**

Mr Nicholas Baring, Chairman of Ham Parish Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Upon hearing the views of the divisional Member, Cllr Stuart Wheeler, and after discussion regarding:

- Whether the proposal is acceptable in principle;
- Whether the proposal would have detrimental impact on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB);

- Whether the design of the two dwellings and associated buildings is acceptable;
- Whether the scheme would give rise to an adverse impact upon residential amenity;
- Whether the scheme would cause harm in respect of highway safety;
- Whether the scheme would cause harm to protected ecological species and/or their habitats;
- Whether the proposed footpaths are acceptable both in terms of their suitability for formal adoption by the Council and in respect of their impact upon adjacent farmland; and
- Impact upon the setting of the adjacent listed Ham Spray House

It was,

**Resolved:**

**To grant planning permission for the following reasons:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: HC25 (replacement dwellings), HC26 (dwellings within the open countryside), PD1 (general development principles) and NR6 (sustainability and protection of the countryside) as well as advice and guidance contained within PPS5 (Planning and Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), North Wessex Downs Management Plan (2009) and Kennet Landscape Conservation Strategy Supplementary Planning Guidance (2005).**

**And 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. No development within the application site shall commence until:**

**(i) An ecological survey has been carried out by a suitably qualified and experienced ecologist within the landscape regeneration area (details of the exact area to be surveyed to be first agreed in writing by the local planning authority), and**

**(ii) A landscape regeneration and ecology management plan has been submitted to and approved in writing by the local planning authority. This shall include the following:**

- (a) A scale plan showing the exact routes of the two new bridlepaths and one permissive footpath;**
- (b) Details of bridlepath and footpath surfacing/construction (including samples if requested);**
- (c) A programme for the provision of the bridlepaths/footpath and formal adoption of the bridlepaths by Wiltshire Council;**
- (d) A scale plan showing the extent of the area to be sustainably managed/farmed;**
- (e) Details of the sustainable farming methods to be introduced and a programme for their introduction and ongoing management (including details of management responsibilities and monitoring);**
- (f) Details (species, density, location) of all planting required in association with the sustainable management/farming of the land.**
- (g) The recommendations of the ecological survey and a programme for their implementation.**

**Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of protecting/enhancing the ecology of the site and the amenities of the North Wessex Downs Area of Outstanding Natural Beauty.**

- 3. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until all the existing farm buildings on the site have been permanently demolished and all of the demolition materials and debris resulting there from have either been removed from the site or recycled as part of the construction works.**

**REASON: In the interests of the character and appearance of the area.**

- 4. The dwelling referred to as Greensand Cottage (to the north of Wansdyke Dairy Farm) shall be permanently demolished and all of the demolition materials and debris resulting removed from the site before the first occupation of any part of the dwelling or outbuildings at the Wansdyke Dairy Farm site.**

**REASON: In the interests of sustainability (in that a new dwelling within the open countryside has been permitted elsewhere at Wansdyke Dairy Farm) and the character and appearance of the area.**

- 5. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until:**



**(a) a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.**

**and**

**(b) details and samples of the brick to be used for the external walls and the roofing materials have been submitted to and approved in writing by the Local Planning Authority.**

**Development shall be carried out in accordance with the approved details and using flints hand laid in a random pattern with no preformed panels.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 6. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details and window surround details), doors, rainwater goods, chimneys, porches and canopies 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: In the interests of visual amenity and the character and appearance of the area.**

- 7. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of the design, height, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 8. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in**

writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) other vehicle and pedestrian access and circulation areas, including the narrowing of the existing vehicular access (as shown on the approved plans);
- (e) hard surfacing materials;
- (i) any required lighting;

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

9. All soft landscaping comprised in the approved details of landscaping for the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

10. Notwithstanding the approved plans, no development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until the access has been completed in accordance with the details shown on the approved plans and visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 33 metres to the east and 33 metres to the west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently

**maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON: In the interests of highway safety.**

- 11. The development hereby permitted at the Wansdyke Dairy Farm site shall not be first occupied until the first 4.5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**

- 12. Any gates at the new access at the Wansdyke Dairy Farm site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.**

**REASON: In the interests of highway safety.**

- 13. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of the proposed ground floor slab levels for all of the approved buildings 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: In the interests of visual amenity.**

- 14. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall include:**

**(a) Filtration strips as outlined in section 5.7 of the Wansdyke Dairy Flood Risk Assessment document reference: KMR/MAC/E3761/10881.RR**

**(b) As per section 5.5 of the Wansdyke Dairy Flood Risk Assessment document reference: KMR/MAC/E3761/10881.RR, confirmation of the infiltration rate through infiltration tests should be provided.**

**REASON: To prevent the increased risk of flooding to properties downstream of the site and to prevent pollution of surface water.**

**15. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall begin until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:**

**1) A site investigation scheme, based on Environmental Protection Strategies Ltd, Environmental Desk Study, Wansdyke Dairy, Jan 2010, [Ref UK09.0817) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

**2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.**

**REASON: Previous activities on the site may have resulted in contamination. The site is located on the upper greensand principle aquifer, which we would regard as a sensitive controlled water receptor. A phased investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved, this is may include site remediation.**

**16. Prior to the occupation of any part of the dwelling or outbuildings at the Wansdyke Dairy Farm site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**

**REASON: To ensure that contamination at the site is remediate, such that the site does not pose a threat to controlled waters.**

**For more information regarding Groundwater and Contaminated Land issues please contact Tom Wickens Groundwater and Contaminated Land Technical Officer on 01491 828627.**

- 17. All development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall be carried out in accordance with the mitigation measures for bats and barn owl set out in the submitted report Wansdyke Dairy, Ham Spray, Wiltshire and Manor Farm, Ham, Wiltshire Phase 1 and Phase 2 Surveys (Rev. 1) (Ecosa, September 2010). Prior to the first occupation of any part of the dwelling or outbuildings, a licensed bat worker shall provide written confirmation to the Local Planning Authority that all mitigation measures have been implemented in full.**

**REASON: In the interests of ecology.**

- 18. The residential curtilage for the new dwelling permitted at the Wansdyke Dairy Farm site shall be as outlined in red on the landscape layout plan received on the 2nd March 2011.**

**REASON: In the interests of clarity to define the extent of the domestic/residential curtilage.**

- 19. The outbuildings hereby permitted at the Manor Farm site shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.**

**REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.**

- 20. 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), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Wansdyke Dairy Farm site.**

**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.**

21. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence until details (including samples if requested) of the material(s) for the surfacing of the vehicular access and new farm track at the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity.

22. No development relating to the new dwelling and outbuildings at the Manor Farm site shall commence on site until all the existing buildings on the site, except for the barn to be converted to a dwellinghouse, have been permanently demolished and all of the demolition materials and debris resulting there from have either been removed from the site or recycled as part of the construction works.

**REASON:** In the interests of the character and appearance of the area.

23. Notwithstanding the details contained on the approved drawings, no development relating to the barn conversion and outbuildings at the Manor Farm site shall commence on site until:

(a) a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.

and

(b) details and samples of the brick to be used for the external walls and the roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details and using flints hand laid in a random pattern with no preformed panels.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

24. No development relating to the barn conversion and outbuildings at the Manor Farm site shall commence on site until details of the finish to external timber (both on the existing barn and new buildings),

including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

25. No development relating to the new buildings at the Manor Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors and rainwater goods 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:** In the interests of visual amenity and the character and appearance of the area.

26. No development relating to the new dwelling and outbuildings at the Manor Farm site shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) other vehicle and pedestrian access and circulation areas;
- (e) hard surfacing materials;
- (i) any required lighting;

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

27. All soft landscaping comprised in the approved details of landscaping for the barn conversion and outbuildings at the Manor Farm site shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the

local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

28. No part of the development hereby permitted at the Manor Farm site shall be first occupied until the access and turning area have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

29. The new dwelling hereby permitted at the Manor Farm site shall not be first occupied until the first 4.5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

30. Any gates at the new access at the Manor Farm site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:** In the interests of highway safety.

31. No part of the development hereby permitted at the Manor Farm site shall commence on site until details of the permanent closure of the existing access have been submitted to and approved in writing by the Local Planning Authority. The details shall make provision for the reinstatement of the grass verge across the access position. The stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

**REASON:** In the interests of highway safety.

32. No part of the development hereby permitted at the Manor Farm site shall commence on site until details of the proposed ground floor slab levels for the new buildings 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:** In the interests of visual amenity.

33. No part of the development hereby permitted at the Manor Farm site shall commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

(a) All surface water produced on the site with allowance for 30% increase due to climate change to be retained on site in the filtration strips as outlined section 5.7 of the manor farm flood risk assessment, document reference: KMR/MAC/E3761/10878.R.

(b) As per section 5.5 of the Manor Farm Flood Risk Assessment, document reference: KMR/MAC/E3761/10878.R, confirmation of the infiltration rate through infiltration tests should be provided.

**REASON:** To prevent the increased risk of flooding to properties downstream of the site and to prevent pollution of surface water.

34. All development relating to the new dwelling and outbuildings at the Manor Farm site shall be carried out in accordance with the mitigation measures for bats and barn owl set out in the submitted report Wansdyke Dairy, Ham Spray, Wiltshire and Manor Farm, Ham, Wiltshire Phase 1 and Phase 2 Surveys (Rev. 1) (Ecosa, September 2010). Prior to the first occupation of any part of the dwelling or outbuildings, a licensed bat worker shall provide written confirmation to the Local Planning Authority that all mitigation measures have been implemented in full.

**REASON:** To protect the ecology of the site.

35. The residential curtilage for the new dwelling permitted at the Manor Farm site shall be as outlined in red on the landscape proposals plan received on the 2nd March 2011.

**REASON:** In the interests of clarity to define the extent of the domestic/residential curtilage.

36. The buildings hereby permitted at the Manor Farm site shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at the converted barn.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

37. 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), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Manor Farm site.

**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.

38. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings over 10 cubic metres shall be erected anywhere within the residential curtilage of the new dwellings permitted at the Manor Farm site.

**REASON:** To safeguard the character and appearance of the area.

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no walls or panel fencing of any type shall be erected or placed anywhere within the Manor Farm site.

**REASON:** In the interests of visual amenity.

40. **INFORMATIVE TO APPLICANT:**

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from the Environment Agency us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details

on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent, to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit.

Please note, this Environmental Permit may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (Eg soakaway) within 250m of a SAC, SPA, Ramsar or SSSI.

**41. INFORMATIVE TO APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>  
<http://www.savewatersavemoney.co.uk/>

**42. INFORMATIVE TO APPLICANT:**

Under current legislation developers have a Duty of Care, which requires all waste to be handled, recovered or disposed of responsibly. Records should be kept on site to demonstrate that the Duty has been adhered to. Similarly, for hazardous wastes, such as cement asbestos, contaminated soil, oil-contaminated tanks, copies of consignment notes should be kept. Agency officers may audit these records during the demolition/construction phase. More detailed information on these requirements can be found on the Agency's website at [www.environment-agency.gov.uk/netregs](http://www.environment-agency.gov.uk/netregs).

**Site Waste Management Plan**

From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- (A) types of waste removed from the site
- (B) identity of the person who removed the waste
- (C) site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- (A) types of waste removed from the site
- (B) identity of the person who removed the waste and their waste carrier registration number
- (C) a description of the waste
- (D) site that the waste was taken to
- (E) environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

**43. INFORMATIVE TO APPLICANT:**

Premises used wholly or mainly as a single private dwelling where less than 3500 litres of oil are stored are exempt from The Control of Pollution (Oil Storage)(England) Regulations 2001. However any oil should be stored according to the Agency Pollution Prevention Guidelines (PPG2) Above Ground Oil Storage. Copies of PPG2 (and the Oil Storage Regulations) are available from your local Agency office on 01491 828370 or the Environment Agency website at [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg)

**44. INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service dated the 10th November 2010.

- 45. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.**

**Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

**Location Plan (titled Ham Spray and Wansdyke Estate Regeneration Plan), Received on 2nd March 2011;**

**Wansdyke Site Location Plan, Received on 25th October 2010;**

**Wansdyke Farm Landscape Layout, Received on 2nd March 2011;**

**Wansdyke Farm Landscape Layout, Received on 2nd March 2011;**

**DF01, Received on the 25th October 2010;**

**DF02, Received on the 25th October 2010;**

**DF03, Received on the 25th October 2010;**

**DF04, Received on the 25th October 2010;**

**DF05, Received on the 25th October 2010;**

**DF06, Received on the 25th October 2010;**

**DF07, Received on the 25th October 2010;**

**DF08, Received on the 25th October 2010;**

**DF09, Received on the 25th October 2010;**

**DF10, Received on the 25th October 2010;**

**DF11, Received on the 25th October 2010;**

**Lower Ground Party Room floor plan (Wansdyke Site), Received on the 2nd February 2011;**

**138WD01 (Wansdyke Site Survey), Received on the 25th October 2010;**

**Sections through bund and pond Sheet 1(Wansdyke Site), Received on the 25th October 2010;**

**Section Lines Overlaid Sheet 2(Wansdyke Site), Received on the 25th October 2010;**

**Sections through bund and pond Sheet 3(Wansdyke Site), Received on the 25th October 2010;**

**Proposed entrance to Wansdyke Dairy site, Received on the 4th March 2011-03-21;**

**PPS 25: flood risk assessment (Wansdyke Site), Received on the 25th October 2010;**

**Environmental Desk Study (Wansdyke Site), Received on the 25th October 2010;**

**Manor Farm Site Location Plan, Received on 25th October 2010;**

**Manor Farm Landscape Proposals, Received on 2nd March 2011;**

**100803-01, Received on the 25th October 2010;**

**100803-02, Received on the 25th October 2010;**

**100803-03, Received on the 25th October 2010;**

**100803-04, Received on the 25th October 2010;**

**100803-05, Received on the 25th October 2010;**

**100803-06, Received on the 25th October 2010;**

**138MF01 (Manor Farm Site Survey), Received on the 25th October 2010;**

**PPS 25: flood risk assessment (Manor Farm Site), Received on the 25th October 2010;**

**ECOSA Phase 1 and Phase 2 ecological surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;**  
**ECOSA Updating Phase 2 bat surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;**

128. **Urgent items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.35 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail [chris.marsh@wiltshire.gov.uk](mailto:chris.marsh@wiltshire.gov.uk)

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

## REPORT TO THE EAST AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/10/1632/FUL
<b>Site Address</b>	Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ
<b>Proposal</b>	Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.
<b>Applicant</b>	Marlborough College
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	418687 168878
<b>Type of application</b>	Full Planning

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

Members will recall that this application was discussed at the meeting of the Eastern Area Planning Committee on February 17<sup>th</sup> 2011. It was resolved to defer consideration of the application pending receipt of a report by the Council's Economic Regeneration Team.

Since that meeting, the agents acting for the applicants have supplied further factual information relating to the viability, occupancy and marketing for sale of the hotel. The Council's Economic Regeneration Team has supplied a report looking at the economic impact of the loss of the Ivy House hotel. A copy of the report is attached as an appendix to this agenda. A copy of the comments of the agent acting for the applicant on the contents of the report is attached as appendix 2.

The report set out below is an updated version of the one initially considered on February 17<sup>th</sup>.

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

To consider the recommendation that the application be approved.

### **2. Report Summary**

The main issues in this case are:

- The principle of change of use from hotel to boarding house;
- The impact on the character of the area (including its status as a conservation area);
- The impact on the listed building;
- The impact on highway safety;
- The impact on residential amenity.

### **3. Site Description**

The application site is located on Marlborough High Street with vehicular access at the rear from River Park. The site is presently used as a 28 bed hotel and conference facility with car park.



#### *Site Location*

The building on the site is listed grade II. It comprises a relatively grand mid 18<sup>th</sup> century 'house' fronting the High Street with early 20<sup>th</sup> century addition to the rear, and a further substantial accommodation wing beyond this erected in 1986.

The site lies within the "Town Centre" and "Prime Shopping Area" as defined in the local plan. It is also within the Marlborough Conservation Area and the Area of Outstanding Natural Beauty.

#### **4. Relevant planning history**

K/57896/F – Change of use of part of existing hotel to six residential units at the rear – refused 17/03/08.

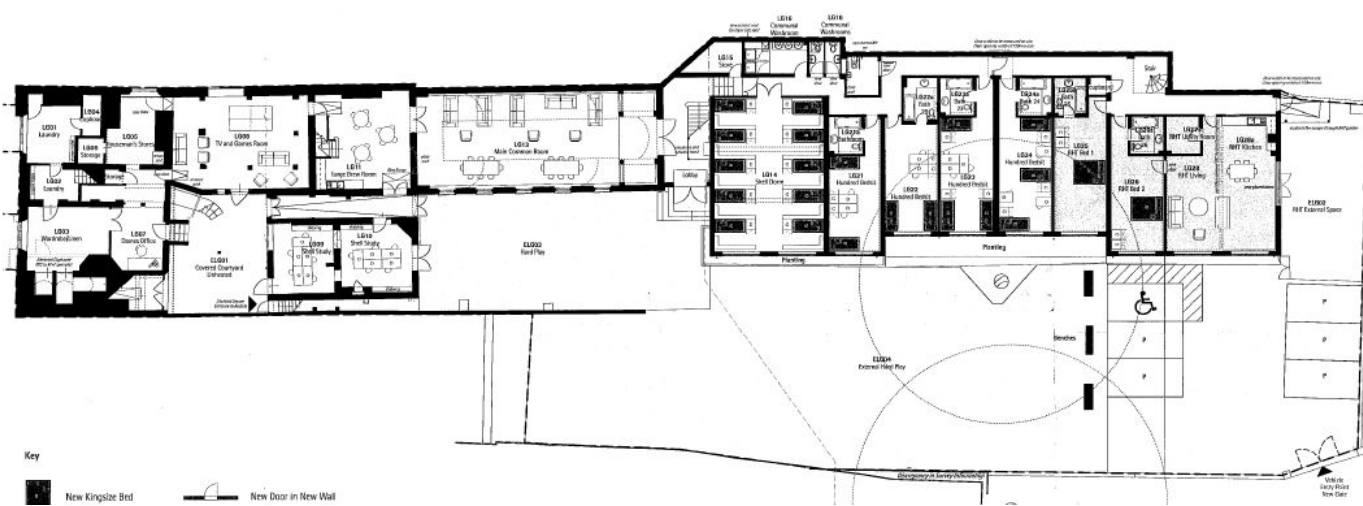
#### **5. The Proposal**

This application seeks planning permission to change the use of the site from hotel (Class C1 use in terms of the Planning Use Classes Order) to student boarding house (Class C2 use). The applicant is Marlborough College, and the intended occupiers of the site would be up to 50 single-sex boarding students aged between 13 and 18. Accommodation would also be provided for a house master and resident house tutor. There would be no on-site full catering facilities as students eat all main meals at the college itself. That said, a central 'brew room' would be provided. Outside of term time, the property would be available for conferences and the Summer School run by the College.

Very minor alterations are proposed to the exterior of the building. The alterations principally relate to the end gable wall of the 1986 extension wing where the existing door would be widened and a pair of glazed doors flanked by glass panels inserted serving the resident house tutors accommodation. In relation to the front elevation of the building, the existing 'Ivy House Hotel' sign would be removed together with all other hotel signage and a flag pole. Internal alterations are also limited largely to minor room re-ordering.

Outside, the existing car park would be reduced in size to six spaces. The remaining area would be laid out as "hard play" space for the students. A portacabin presently standing at the far end of the site would be removed.





*Proposed Lower Ground Floor Plan*



*Existing Elevations*



*Proposed Elevations*

## **6. PLANNING POLICY**

Kennet Local Plan 2011: Policy PD1, ED18.

Planning Policy Statements: PPS4 and PPS5.

## **7. CONSULTATIONS**

**Marlborough Town Council:** no objection.

**Wiltshire Council highways:** no objection.

## **8. PUBLICITY**

The application has been advertised by press and site notices and notification to occupiers of nearby properties. The application has generated 20 letters of objection and 4 letters of support. It has also generated a 15 signature petition raising objection.

The objections are summarised as follows:

- Presently insufficient hotel accommodation in Marlborough to meet demand. Existing hotel contributes positively to Marlborough's economy;
- Ivy House Hotel not as good as it was when in others ownership, but cannot understand why a purchaser cannot be found to continue to run it as a developing, profit-making concern given the tourist attraction of Marlborough. Present owners of hotel are not hoteliers, but business investors more interested in selling the site than developing the hotel. The right investor could enhance the hotel and its profitability;
- Loss of Ivy House Hotel would leave only the Castle and Ball hotel. According to the TIC there is often a shortage of hotel accommodation in the area. Accommodation is needed for events such as the jazz festival and summer schools, and to accommodate Marlborough College parents;
- Marlborough College owns plenty of land elsewhere where it could build a new boarding house;
- Likelihood of noise nuisance from student's playing loud music. Inappropriate use adjacent to River Park which is a tranquil estate occupied largely by more elderly residents;
- Increased traffic in River Park from parents dropping-off/collecting boarders and/or attendees at summer schools;
- Concerns over security if access is closed through hotel between High Street and River Park;
- Concerns over opportunity this gives for college to access High Street via the adjacent abandoned stable block.

The letters of support are summarised as follows:

- The proposal is the only way forward to guarantee the preservation and maintenance of this historic building;
- The proposed change of use is not a lot different to what occurs at present – people pay to stay;
- A 'white knight' hotelier with lots of money is not going to happen because the hotel has been on the market for years. The fabric of the hotel will never get the attention it demands;

- Site will eventually be sold, and less attractive propositions than the college might include a nightclub or gym;
- There is no right of way through the hotel, just the good will of the management;
- Young people would be welcomed in this neighbourhood currently largely made up of elderly people.

## **9. PLANNING CONSIDERATIONS**

The main issues to consider in this case are, firstly, the principle of the proposal, and then (assuming the principle is established) the impact on the listed status of the building, the conservation area, highway safety and residential amenity.

### **9.1 Principle of change of use**

There are two considerations relevant to the issue of principle. The first is the loss of the hotel per se, and the second is the acceptability of an alternative use on the vitality and viability of the town centre in any event.

Regarding the loss of the hotel, there are no specific policies set out in the development plan for protecting this form of land use within the town. In view of this, resistance to loss based on non-compliance with the development plan would be impossible to sustain.

In support of the application the applicant's agent has provided more detailed evidence on the occupancy rates, profitability and marketing of the hotel since 2006. In terms of occupancy rates, the annual average has not exceeded 61%, with peak occupancy in the summer months of June to September. Revenue has decreased during the recession, whilst the net profit has been relatively small at a peak of some 5% of total sales (before the recession) The property has been extensively marketed for sale from April 2008 – March 2009, with sales agreed only to fall victim to the inability of buyers to obtain the necessary bank funding to proceed. In the current financial climate, it is difficult to see new purchasers emerging.

Although the detailed evidence from the agent has been made available to the Council's Economic Regeneration Team, the report they have produced confesses to being reliant on 'largely anecdotal evidence'. They point out that the change of use will result in the 'loss of an employment/investment opportunity' (although as the premises have been made available for others to purchase as an investment opportunity it is difficult to see how this can be argued). They point out that the change of use would result in the loss of 6 full time jobs and estimate that if it was operating at capacity it would generate a total of 25 full time jobs, or approximately £500,000 in employment income. It notes that Marlborough College estimate that the change of use to a boarding house would generate £600,000 in the form of additional employment income, with a further spend on capital of £150,000 for maintenance/repair and £40,000 for food purchases and other supplies.

In terms of viability, the Council's Economic Regeneration team consider that the Ivy House Hotel could be brought up to the standard of a quality establishment, generating sales of £1.5 million in year 1 following an investment of £280,000, with a profit before tax, depreciation, interest and amortisation of over £291,000. Unfortunately, none of the assumptions that underlie this forecast, or the evidence on which it is based, have been supplied, so neither the applicant's agent nor the Council's Planning Officers can test or assess these.

In terms of alternative accommodation provision, the report notes that the loss of the 28 rooms at the Ivy House would have a detrimental effect on visitors to the town as it would significantly reduce the number of serviced rooms in the town Centre.

The net result of the information supplied by the agent and the report by the Council's Economic Regeneration Team, set against the planning policy background, can be summarised as follows:

- There are no development plan policies that support the retention of the current use;
- The proposal would result in the loss of jobs in the town in the hotel trade and an increase in the number in education;
- The hotel is currently not a viable business;
- Whilst the Council's Economic Team consider that new investment could make it a viable business, the fact remains that no party seeking to invest in the Ivy House Hotel as a business has been able to secure the bank lending required to complete the transaction.

In these circumstances, it is difficult to see how the Council can object to the principle of the proposal on planning grounds.

In terms of impact on vitality and viability of the town centre, Policy ED18 of the local plan states that planning permission will not be given for the change of use of ground floor premises to uses other than those within Class A1 (shops) unless, in particular, the use makes a positive contribution to the vitality and viability of the centre. This is a policy designed to protect the retail heart of Marlborough's town Centre from the loss of shops to alternative uses that would undermine the vibrancy of the town centre that relies primarily on its mix of retail uses for its vitality. This policy cannot realistically be relied upon in this situation where the existing use is not retail.

Having regard to the foregoing conclusions the proposal to change the use of the hotel to a boarding house is, as a matter of principle, considered to be acceptable.

### **9.2 Impact on character of area and listed building**

The proposal involves very few changes to the both the interior and exterior of the building. Removal of the "Ivy House Hotel" letters and other hotel clutter from the front elevation would re-establish the historical 'house' character of the building. No harm would be caused to the listed status of the building or its situation within the conservation area.

On the positive side, the proposal would provide a viable use that would safeguard the future of the listed building for the foreseeable future and allow investment in its maintenance to be undertaken.

### **9.3 Impact on highway safety**

The proposal includes provision for six parking spaces to be accessed at the rear of the site through River Park. The remainder of the hard-surfaced rear 'yard' would be used as play areas for the boarders. Historically the hotel has used the rear area as a car park for some 20+ cars.

The Council's highway officer is satisfied that 6 spaces are sufficient for the day to day running of the boarding house. The spaces would be used by the two members of staff based at the house and servicing vehicles. At the beginning and the end of term additional parents' vehicles would require access to the site, and at these times access would be allowed by the college over the play areas for parking and turning to avoid overflow on to River Park (which has parking restrictions). This is considered a satisfactory method of dealing with the occasional peak demands. There are no other highway safety issues.

#### **9.4 Impact on residential amenity**

Some third parties have expressed concern that the boarders would cause noise disturbance, in particular from loud music. The college has its own strict rules relating to the conduct of pupils. In relation to noise the general rule is that noise which disturbs other members of the house and prevents them from working or sleeping is unacceptable. It follows that noise generation is unlikely to be cause for concern.

The alterations to the rear elevation (insertion of glazed door) would have minimal impact on the adjoining house in River Park. This door would serve the resident house tutor's accommodation which is a residential use in itself.

Regarding public access through the hotel between River Park and the High Street, this is an informal arrangement which could be curtailed at any time. It does not, therefore, amount to a sound reason for resisting the current application. There is good public access between River Park and the High Street elsewhere in any event.

#### **10. CONCLUSION**

The proposal will provide a viable and suitable use that will preserve the listed building and enable it to remain in good order. It will have no adverse impact on the character or appearance of the Conservation Area. Although in some respects the loss of the hotel use may be regretted, this is more a commercial matter than one that can be opposed in planning terms as the development plan does not have any policies that would support a refusal. It should also be borne in mind that the College itself is an important part of the vitality and viability of the town and this proposal will enable this local business to continue to develop its facilities.

#### **RECOMMENDATION**

##### **Approve for the following reasons:**

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause harm to interests of acknowledged importance. In particular, there is no sound planning reason for resisting the loss of the hotel, the future viability of which is demonstrably questionable in any event; and the proposed use will contribute to the vitality and viability of Marlborough town centre. Furthermore, no harm would be caused to the character and appearance of the locality, the listed building and its setting, highway safety and residential amenity. This is in accordance with policies PD1 and ED18 of the Kennet Local Plan 2011 and Central Government planning policy set out in PPS4 and PPS5.

**and subject to the conditions set out below:**

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

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

- 2 No part of the development hereby permitted shall be first brought into use until the turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. P0500 & P1301 dated 17/11/2010 and P1100A, P1101A & P1102A dated 13/12/2010.

**Appendices:**

Report of the Council's Economic Regeneration Team & comments on it by the applicant's agent.

**Background Documents Used in the Preparation of this Report:**

Application file, Development Plan, PPS4, PPS5

## Appendix 1

**Subject: Economic Impact Assessment of loss of Ivy House Hotel in Marlborough**  
**Author: Economic Regeneration Team Wiltshire Council**

### **Economic Impact Assessment of loss of the Ivy House Hotel as a hotel in Marlborough - Planning Application Ref: E/10/1632/Ful – change of use from C1 to C2**

1. On Thursday 17<sup>th</sup> February Wiltshire Councillors considered the above planning application. The owners seek permission to change the use from a hotel to a boarding house for Marlborough college students; Councillors deferred a decision so that an assessment of the economic impact could be prepared by Wiltshire Council's Economic Regeneration team.

#### **Purpose of this report**

2. This report will focus primarily on the economic impact as a result of the loss of this amenity and address the issues highlighted in the planning assessment. Due to time and resource constraints the evidence provided is largely anecdotal. However, it is specifically relevant to Marlborough whereas published figures relate to regional and national markets that do not accurately reflect Marlborough's USP and position within the tourism and retail economy.

#### **Background**

3. The Ivy Hotel is a Grade II listed building in a prominent position on the High Street in Marlborough. The building has been established as a hotel since 1923. The 28 room hotel provides accommodation on a bed and breakfast only basis. Although the hotel does not currently have a restaurant it has had a fully operational restaurant in the past. It also has useful meeting/conference facilities.
4. Marlborough College has also undertaken analysis of the economic benefits that they consider the expansion of the College would generate for the town. The College has estimated that the change of use to boarding house would generate significant benefits to the local economy in the form of additional employment (estimated to be in the region of £600,000), extra maintenance and capital expenditure estimated to be in the region of £150,000) and increased food purchases and other supplies (estimated to be in the region of £40,000). It is claimed that the boarding house would also generate additional spend on the High Street from the increased number of pupils and their parents.
5. The calculations have been based on the assumption that student numbers at the Marlborough College would increase by 50 pupils if the Ivy House were to become a boarding house. It is assumed for the purposes of these calculations that the College's ratios of expenditure, maintenance and capital would remain constant. (*DTZ letter 16<sup>th</sup> March*).

## Economic Impact

### Impact on the vitality and viability of Marlborough Town Centre

6. *Impact of the loss of the hotel and conferencing facility on the vitality and viability of Marlborough Town centre: (para 7.1 DTZ Ivy House Planning Assessment Nov 2010).*
7. *'The boarding house will not provide full catering facilities as boarders would eat all their meals on the central college site'. (para 4.7 DTZ Ivy House Planning Assessment Nov 2010).*
8. The hotel currently operates on a bed and breakfast only basis. Therefore visitors make use of the wide variety of restaurants and pubs in the town centre bringing considerable revenue to those establishments.
9. *'There is no saved planning policy in the Kennet Local Plan which protects existing hotel uses. Under Policy ED18 proposed development should not reduce the vitality and viability of the town centre. For a number of reason it is considered that the proposed change of use would not result in any harm to the vitality and viability of the town centre' (Para 7.3 DTZ Ivy House Planning Assessment Nov 2010).*
10. A lack of available land and premises designated for Employment Use within the existing Local Plan and emerging Local Development Framework is a serious issue for Marlborough. Evidence indicating the severe shortage of available new land designated for Employment Uses is contained in the Wiltshire Council commissioned report by DTZ Consultants – the Wiltshire Workspace Strategy 2009. The implications of this are that the opportunity to replace the hotel with new facilities is severely constrained.
11. The whole of the Marlborough area lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The town has a rich built environment with an attractive and thriving retail centre. The town and its wider rural hinterland are highly constrained due to their landscape quality and topographic features. The community area includes the Avebury element of the Stonehenge and Avebury World Heritage Site. Full advantage has not yet been taken of the area's tourism potential. Marlborough is a small market town, where it is anticipated that future development will help meet local housing need and to promote the town's role as a service and tourist centre. (WLDF 3.9 Marlborough Community Area, para 3.9.1)
12. Permission for change of use for this building will result in the loss of an employment/investment opportunity. Lack of suitable buildings or available land prevents new investors from entering the market.
13. Access to the building will be restricted to students and staff of Marlborough College and thus there will be no access for the general public.
14. The car park currently provides 28 of parking spaces for use by hotel guests taking some pressure off the limited parking availability in the town. This is to be reduced to 6 spaces to be used exclusively by the college representing a loss of 22 car parking spaces.



15. The table below illustrates the existing employment levels at the Ivy House Hotel.

Employment	Full-time	Part-time	F/T Equivalent
Existing	6	13	12.5
Proposed	4	5	6.5

16. The change of use would result in a net loss of 6 full time jobs. It is estimated that the hotel operating at capacity would create employment opportunities for approximately 25 full time local jobs generating approximately £500,000 in employment income. This is based on employment levels at establishments with similar capacity. The indirect impact of this employment income has not been assessed.

17. The table above excludes the economic and employment benefits of the construction phase of any refurbishment, which are not sustained in the long term but would contribute significantly to the economy in the short term.

Viability of hotel use

18. The Planning Assessment examined the viability of the existing establishment.

19. 7.8 *Table 1: Provincial Hotels – Rooms Revenue, Total Revenue and GOP Performance (DTZ Ivy House Planning Assessment Nov 2010).*

**Table 1: Provincial Hotels – Rooms Revenue, Total Revenue and GOP Performance**

Year	Occupancy	ARR	RevPAR	TrevPAR	GOPPAR	GOP Conversion
2007	72.2%	£74.36	£53.71	£105.62	£36.45	34.5%
2008	70.4%	£74.78	£52.62	£102.56	£33.77	32.9%
2009	67.9%	£68.86	£47.76	£92.09	£28.57	31.0%
2010f	69.6%	£67.80	£47.22	£91.41	£27.82	30.4%
2011f	69.6%	£67.80	£47.22	£91.41	£27.82	30.4%

Source: TRI

20. Years 2010 and 2011 are forecasts, and although 2010 turned out to be remarkably accurate, these are the whole of UK Provincial statistics and Marlborough is clearly high up the list in terms of affluence, and nearer to Bath (that had a 10.3% growth in TrevPAR 2010 and 6% growth in GOPPAR 2010), rather than Manchester, which is included, (and had a 9.9% drop in TrevPAR and 32% drop in GOPPAR). Sources also TRI. Taking Marlborough as a mean is somewhat disingenuous and does not accurately reflect its unique offer.

21. *'In addition the proliferation of the budget hotel sector has meant that consumers are being provided with cheaper alternative hotel options'. (Para 7.9 DTZ Ivy House Planning Assessment Nov 2010).*

22. There is no 'budget' hotel provision in Marlborough and currently no sites available for this type of development. If there was quality accommodation available in the town; it would have little or no competition.

23. *'Historically the net profit before tax, depreciation, interest and amortisation (EBITDA) has only been 5% of total sales'. (Para 7.11 DTZ Ivy House Planning Assessment Nov 2010).*

24. An EBITDA of 35% would be a % that would only be required should the purchase price of the property be, unrealistically high. An investor would view this as a long term investment, and a 28-30% figure (a more realistic number) could be achieved after a period of approximately 5 years.
25. The Ivy House could be brought up to the standard of a quality establishment with a commercially realistic sum of capital investment. The following forecast demonstrates the income that could be generated.

HOTEL P&L	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
<b>Sales</b>	1,504,003	1,579,203	1,673,955	1,774,392	1,898,600
<b>Expenditure</b>	1,212,330	1,248,700	1,286,161	1,324,746	1,364,488
<b>EBITDA</b>	<b>291,672</b>	<b>330,503</b>	<b>387,794</b>	<b>449,646</b>	<b>534,111</b>
EBITDA %	19.4%	20.9%	23.2%	25.3%	28.1%

26. The table above excludes the economic and employment benefits of the construction phase of the refurbishment which are estimated to be in the region of £280, 000 (figures prepared by independent UK hotel consultant).
27. *'Limited capability to expand to incorporate additional USPs' (Para 7.15 DTZ Ivy House Planning Assessment Nov 2010).*
28. The USP is the building and its location. A relatively modest investment in the hotel and its management would create a 'destination' hotel in its own right (see Addendum).

#### Economic Climate

29. *'In August 2006 the vendor received a direct approach from Warrant Estates to purchase the Ivy House for the conversion of the front of the hotel to restaurant and redevelopment of the rear of the building and car park to residential'. (Para 7.16 DTZ Ivy House Planning Assessment Nov 2010).*
30. This offer reflects a value based on achieving that planning permission which was refused. This does not properly reflect the asset's value as a hotel or the downturn in the property market since 2007.
31. Subsequent offers have been made for the property:
32. These more accurately reflect the economic downturn and inability to secure finance as a result of the credit crunch and tighter lending conditions rather than the hotel's viability.
33. Marlborough is renowned for its quality retail offer, literary, jazz and food festivals which attract many visitors to the town; the loss of this hotel further exacerbates the problem of a lack of quality accommodation.

### **Alternative accommodation provision**

34. *'There is a range of accommodation within the town centre which is all well suited to meet the demands of the market for town centre hotel accommodation in Marlborough'. (Para 7.21 DTZ Ivy House Planning Assessment Nov 2010).*
35. There is demand for over 359,000 serviced room nights from within the area (north Wiltshire 2008). There are currently only 91 available serviced rooms in the town centre. The Ivy House provides 28 of those representing almost 30% of the towns' accommodation offer and this loss would have a detrimental effect on visitors to the town.
36. The Castle & Ball is the only fully operational truly comparable hotel in Marlborough with a turnover of £1.3million with a 60/40 leisure/corporate split. The hotel has recently come under new management and is due to undergo a £500,000 refurbishment. The hotel currently employs 30 members of staff.
37. Finally notwithstanding the economic contribution that the College makes to the local economy, they are significant landowners in the area and as already suggested by Peter Bryant, Business Development Manager, additional accommodation requirements could with the necessary planning consent be satisfied on existing college grounds. Additionally alternative accommodation for boarders could be found elsewhere without the loss of this important local amenity.

Venue	Location	No of bedrooms	Room Rate	Occupancy
Castle & Ball	High St	36	£80 -£120	85%+

**Peter Wheelhouse**  
**Head of Economic Regeneration**  
**7 April 2011**

## **Addendum.**

The following endorsement regarding the hotel's viability was received from Gerard and Nina Basset, co-founders and co-owners of the successful Hotel du Vin group. They have also set up and run the Hotel TerraVina in the New Forest and Gerard is currently the official World's Best Sommelier.

**Nina Basset** – "I used to inspect the property regularly during my nearly 5 years as an AA Hotel and Restaurant Inspector (1990-1995) and at that time it was a very successful and thriving business, which was privately owned, much loved by regularly returning guests and very well supported by the local community. The building is a fine example of a lovely Grade II listed building and enjoys a very prominent position on the High Street and benefits from parking, which is a premium in a town like Marlborough.

With Marlborough being much in the news due to its "new" Royal connection it will undoubtedly become an even more attractive tourist destination, especially with overseas visitors. The purchase price of the property fairly reflects the down turn in the market and also the sad demise of the property in recent years and would be, in my view, a very viable proposition as a worthy, smart, mid market hotel, positioned to attract both locals, leisure and business guests alike. It would be a suitable overnight venue for visiting parents whose children are at the college and ensures that there remains valuable bed space in an affluent town, which, whilst the town has been affected by the economic downturn in recent years, remains a very attractive option for a new business investment, in a historic and much loved building.

I am sure that with the proper management and operators, the hotel would be a most attractive and very feasible asset to the town, offering considerable employment, an exciting and buzzing food and wine operation and quality accommodation at sensible prices. Any business can fail with the wrong concept and lack lustre management, even if the location is prime and the site hugely attractive, but if there is an experienced operator and one who is conscious of the business and clientele's needs, it is a very exciting project for the town of Marlborough and one that should be embraced wholeheartedly.

If such an establishment had been on the market when we were owners of the Hotel du Vin group, Marlborough would certainly have been a town that we would have been very keen to have expanded into as the mid market; smart hotel concept with a "sexy", successful restaurant would work brilliantly in such a town.

Gerard and Nina Basset Owner Hotel  
TerraVina

## **APPENDIX 2 – COMMENTS ON THE ECONOMIC IMPACT ASSESSMENT SUBMITTED BY THE AGENTS**

Thank you for forwarding the Council's Economic Impact Assessment. We are very disappointed that the report fails to provide an impartial and balanced assessment to Members. We are particularly concerned that much of the evidence provided in this report is stated to be anecdotal and therefore we question the extent to which it can be relied upon to accurately advise Members. The factual evidence which has been provided by the applicant in relation to the non-viability of Ivy House Hotel appears to have been given little (if any) regard in the report. The non-viability of Ivy House Hotel is a key consideration in the determination of this planning application. We therefore request that you take the following points into account when preparing your report to Planning Committee:

1. DTZ submitted additional information to the Council on 16<sup>th</sup> March 2011. This comprised the following:
  - a. Extracts from the Property Management System of the Ivy House Hotel illustrating the daily occupancy of the hotel over the past 5 years and the Annual Management Accounts for the hotel since ownership by Hunts Foodservice were provided. The final point of the letter accompanying this information states that *"In the current climate, it is unlikely that any bank would be willing to fund this capital expenditure off the back of such trading history and therefore the market for investors is significantly restricted. As a result, Hunts Foodservice was unable to secure a disposal of the property over a 22 month period between April 2008 and February 2010 due to the limitation on available bank funding for such a project"*.
  - b. A letter from Christie & Co confirming the marketing of the hotel and offers received between April 2008 and March 2009. Christie & Co state in their letter (dated 14<sup>th</sup> March 2011) that although they received considerable interest in the hotel, due to stricter bank lending requirements, falling levels of trade at the hotel and capital expenditure requirements on the property, buyers had been unable to secure bank funding to purchase at that time.
2. The planning application has previously been recommended for approval by the case officer.
3. There are no specific policies set out in the development plan which protect hotel uses within the town. It is therefore impossible for the Council to sustain resistance to the application on the basis of no compliance with the development plan. The report to committee agrees that the proposed boarding house would contribute towards the vitality and viability of Marlborough town centre and the application therefore accords with Policy ED18 of the local plan. It would also secure the long term maintenance of a listed building.

### **Specific comments on the Economic Impact Assessment:**

- Paragraph 2 maintains that Marlborough maintains a special position in terms of tourism and USP but this assertion appears to be anecdotal as no factual justification is given for adopting this position in the report.
- The College's cost associated with increased employment is estimated to be £600,000, whereas Ivy House Hotel's current employment cost are only in the region of £180,000. The proposed boarding house would therefore generate an extra contribution of over £400,000 to the local economy, if the present offering of the hotel was to remain the same.

- The report estimates that the hotel would generate £500,000 in employment income if it was operating at capacity. Capacity is not defined in the report, but presumably this means that it would be offering a full service, i.e. guests would not be using the facilities on the High Street for lunch and dinner. Even if such a situation was ever to be reached the extra employment does not equal that provided by the College's expansion. We therefore question how the conclusion made at paragraph 12 (planning permission for change of use will result in a loss of employment/investment opportunity) is reached.
- Paragraph 13 ignores the fact that Ivy House would be available for use out of term.
- Paragraph 15 – Marlborough College have advised that based on their existing teacher ration of 1:6.75 (staff: students) the conversion of Ivy House to a boarding house would result in at least an additional eight full time staff (not four as previously advised and stated in the report). This would include teachers, a dame, and a houseman. Additional employment would also be generated through extra support staff, housekeeping, maintenance, administration, technical and catering staff.
- Paragraph 25 – Ivy House Hotel's turnover for 2011 is predicted to be lower than 2010 turnover, but the report proposes that in Year 1 after coming up to 'the standard of a quality establishment' the turnover would be £1.5million. There is no real justification for a near fourfold increase in revenue, particularly in the current economic climate. The report also suggests that by Year 4 the hotel's EBITDA would actually surpasses its current annual turnover. If this turnaround was even remotely possible then we would expect there to be a line of potential purchases – something which is not the case.
- Paragraph 26 appears to suggest that only £280,000 needs to be invested in the hotel to make it a 'quality establishment'. The Landlord has advised that an investment of approximately £1million is required to improve the quality of the asset.
- Paragraph 37 – It is noted that the College does not employ a Peter Bryant and neither does the College have a Business Development Manager.
- The statement that Peter Bryan (Director of Corporate Resources and Deputy Master) has previously stated that the College's additional requirements could be satisfied on the existing college grounds is unfounded and misleading. Marlborough College is working on a development plan for the whole of the College, taking into account all of its needs.

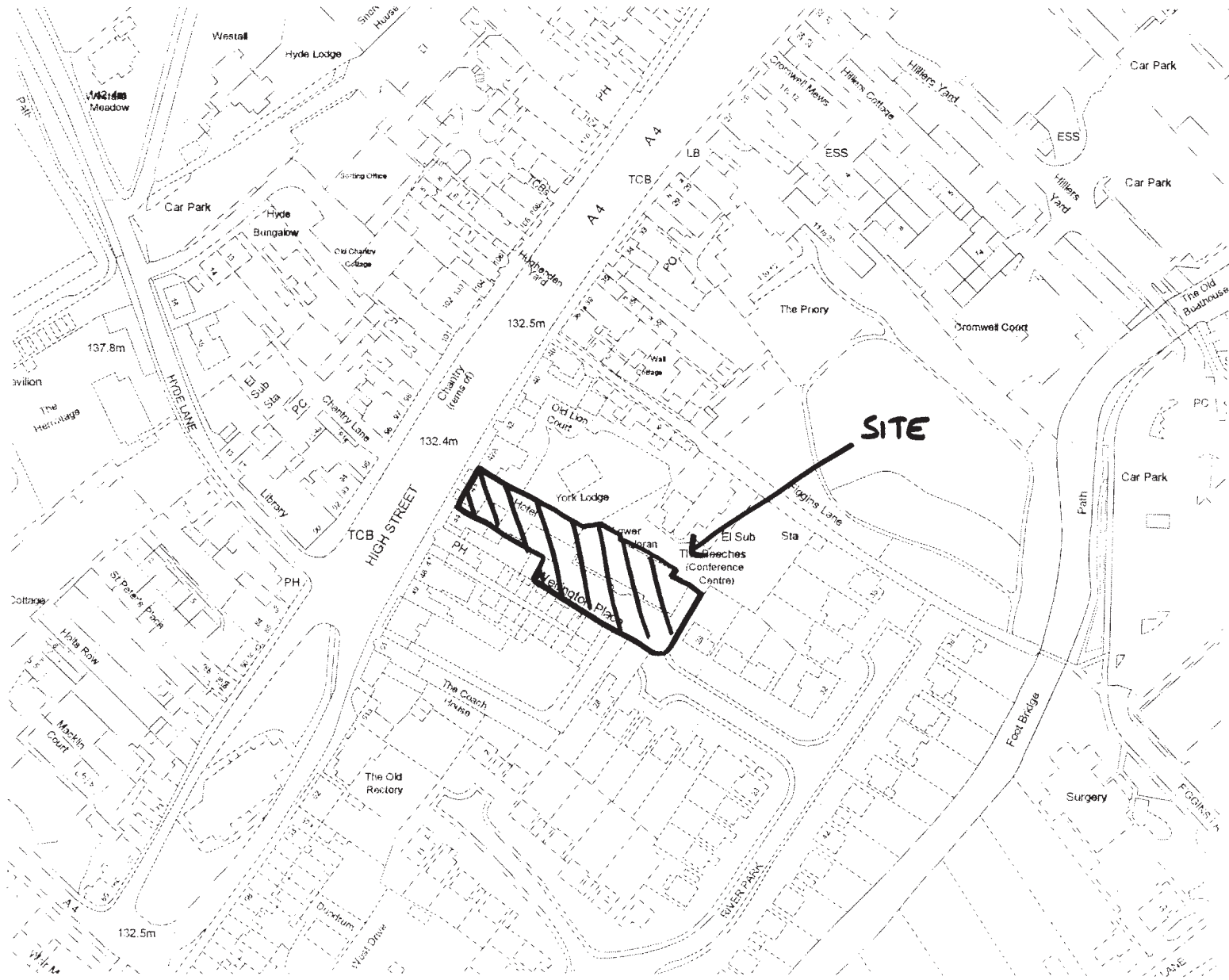
**Suzie Willis MA(Hons) MA MRTPI**

Senior Consultant

Development Consulting

**DTZ**

# E/10/1632/FUL - IVY HOUSE HOTEL, HIGH STREET, MARLBOROUGH



This page is intentionally left blank



## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/11/0174/FUL
<b>Site Address</b>	Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB
<b>Proposal</b>	Proposed double garage with garden and log store and PV panels on roof
<b>Applicant</b>	Mr Keith Ewart & Miss Leanne Lewis
<b>Town/Parish Council</b>	URCHFONT
<b>Grid Ref</b>	404399 157506
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rob Parker

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

This application is being brought to Committee at the request of the Division Member, Cllr Grundy.

#### **1. Purpose of report**

To consider the recommendation that the application be approved subject to conditions.

#### **2. Main Issues**

The main issue in this application is the impact of the proposed structure on the amenity of the adjacent property and on the character and appearance of the area.

#### **3. Site Description**

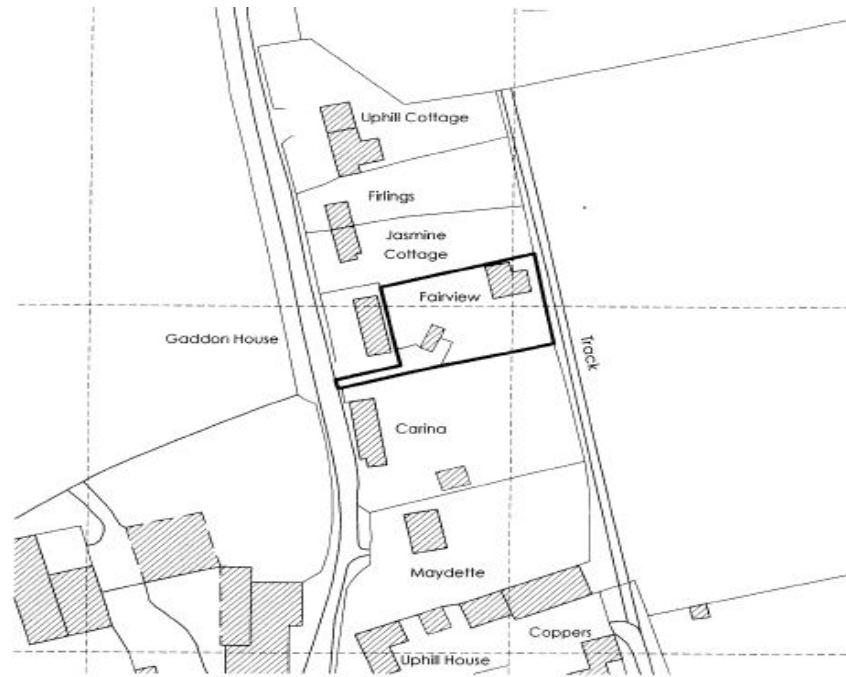
The application relates to a property known as 'Fairview' in Uphill, Urchfont. Starting from the village pond take Friars Lane (to the right of the pond) and follow this lane through The Bottom and this leads to Uphill. The site lies on the right hand side, immediately to the rear of the thatched property known as 'Gaddon House'. Access to the site is via a narrow driveway to the right of Gaddon House and alongside its single garage.

Members may be familiar with the site as an application on the site for an extension to the house and the construction of a garage was considered by the committee in January 2011. The proposal for a garage was subsequently removed from the application.

#### **4. Planning history**

E/10/0665/FUL – Two storey rear extension; new entrance link & two storey annexe; erection of double garage. Application withdrawn in July 2010.

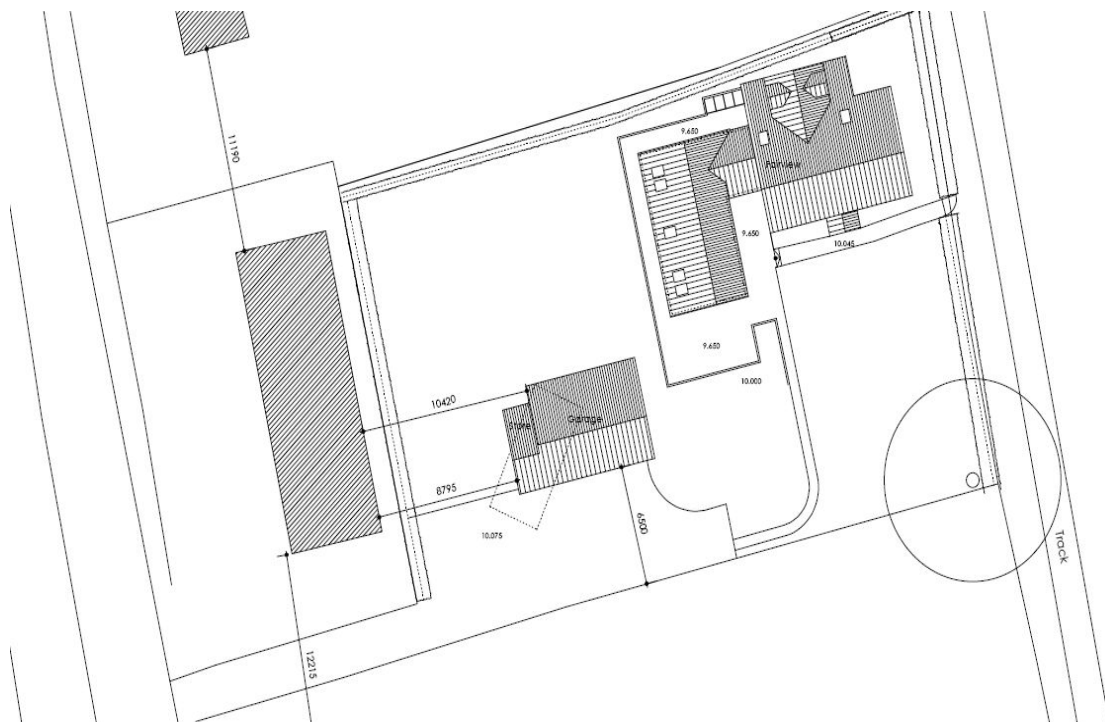
E/10/1461/FUL - Two storey rear extension; new entrance link & two storey annexe; erection of double garage. The two storey extension, new entrance link and two storey annexe were granted planning permission on 7<sup>th</sup> January 2011 after the garage was deleted from the proposal at the request of the Planning Committee.

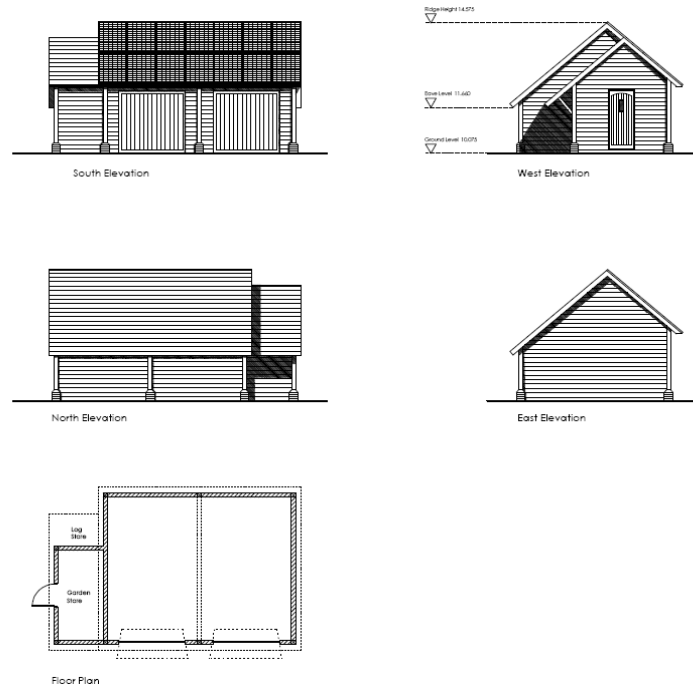


*Site location*

### **5. The Proposal**

The application proposes the erection of a double garage with garden and log store. The building would replace an existing prefabricated single garage and would be provided with an enlarged area of tarmac hardstanding for parking and turning. The replacement garage would be timber clad with a slate roof and photovoltaic (PV) panels on the south facing roof slope. The garage would measure 5.2m x 6.6m in footprint and 4.5m in height with a subservient attached garden and log store (footprint 3.4m x 1.7m and height 4.0m) at the end closest to Gaddon House. The building would be 8.795m from Gaddon House.





The applicants have submitted a comprehensive Design & Access Statement which is available to view on the working file.

The applicants have also submitted a response to the objections received from the owner of Gaddon House (see below). They make the following points:

- a) The objector has been very selective in isolating facts and figures from a design guide (CE257 Daylighting in Urban Areas, Sept 2007 published by The Energy Saving Trust) that is not relevant to the current application circumstances. This is backed up by the author of the document who has made a representation to confirm that the objector has misquoted the guide.
- b) The applicants consider that the relevant standard should be the publications from the former DETR (Dept of Environment Transport and the Regions) and the BRE (Building Research Establishment). The applicants state that the proposal would meet these standards and would even be compliant with the garage 0.9m closer to Gaddon House.
- c) The applicants' own advice from a Microgeneration Certification Scheme accredited installer is that a 40 degree roof will generate more electricity than a 30 degree roof in the winter when the sun is lower in the sky and there is a lower angle of incidence of the sun's rays.

## 6. Planning policy

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of this application.

The property to the south known as 'Carina' is a listed building.

## **7. Consultations**

**Urchfont Parish Council** – objects to the height and position of the garage and its effect on the surrounding properties.

**Wessex Water** – There is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that a condition or informative be placed on any consent requiring the developer to protect the integrity of Wessex systems and agree, prior to the commencement of works on site, any arrangements for the protection of the sewer.

## **8. Publicity**

The application has been advertised with a site notice and neighbours have been notified.

Two representations of objection have been received from the owner/occupier of Gaddon House (the thatched property immediately to the west of the proposed garage) and Carina (the thatched property immediately to the south). The following concerns are raised:

- a) The current proposal is a very minor adjustment of the scheme previously rejected by the committee. The re-siting of the garage 0.5m to the east is insignificant and will not materially reduce its overbearing impact on the occupiers of Gaddon House; or indeed the impact upon the amenities of Carina.
- b) The proposed replacement garage is approximately twice the floor area of the current building and twice the height. The garage will be too high and there is no justification for this.
- c) The applicant's architect advised the objectors that the roof could not be lowered because the photovoltaic panels were all of a certain height and width. However, photovoltaic panels are not all uniform and can be supplied in various sizes; additionally, they do not have to be placed end-to-end, but can also be laid side-by-side. This means that the roof, if it must have solar panels, can be lower.
- d) The proposed photo-voltaic panels would add unnecessary height to the garage and result in an assertive and clumsy appearance. The objector does not accept the applicants' assertions that the height and roof pitch of the garage is dictated by the size and optimum angle of the photovoltaic panels. He has sought advice from several PV suppliers and specialist Eco Engineers who have advised that there is no benefit increasing a south facing roof above an optimum 30 degrees. The addition of photovoltaic panels onto the log store, in conjunction with a reduction in roof pitch to 30 degrees, would produce the same output in terms of electricity generation.
- e) The PV panels will be unsightly and will adversely impact upon Carina's amenity.
- f) The garage is proposed to be immediately in front of the main east facing window in Gaddon's kitchen and a bedroom. The kitchen has one other window but this does not gain much light due to overhanging thatch and nearby trees, including screening for an oil tank.

- g) The internal floor levels of Gaddon House are estimated to be 280mm lower than the ground level of the garage. This, together with the garage's 40 degree roof pitch, compounds the impact from the inside of Gaddon House. The new garage would have an overshadowing impact upon the ground floor kitchen and dining room, and the upper floor bedroom.
- h) The objector quotes a document published by The Energy Saving Trust (CE257 Daylighting in Urban Areas, Sept 2007) and argues that the proposals are contrary to the guidance contained in that document.
- i) The massing of the garage will merge with that of the already approved extension (E/10/1461/FUL) to give occupiers of Gaddon House the sense of being 'hemmed in'.
- j) The objections from the owner of Gaddon House could be overcome by revising the scheme and setting the building back eastwards and reducing the roof pitch to nearer 30 degrees.
- k) The objector points out that policy NR19 on renewables in the Kennet Local Plan 2011 is not applicable to single dwellings or microgeneration, and the Council's interim development control policy for on-site renewable energy in new developments (adopted by Kennet District Council in Sept 2007) is only relevant to large scale developments of over 10 houses.

## **9. Planning considerations**

### **9.1 The Site**

The property known as 'Fairview' is unusual in that it is built within the historic garden of Gaddon House, behind the prevailing building line and at odds with the traditional pattern of development in this part of Urchfont. The detached property is situated in the north-east corner of the plot, presumably to maximise the distance between the properties. There is a single prefabricated garage positioned towards the front of the site and at an angle to the driveway.

The construction of Fairview has left Gaddon House with no rear garden, only a strip of land approximately 2 metres wide wrapping around the rear of the building. A hedge defines the boundary between the two plots. There is a difference in levels between the two properties, with the ground floor rooms of Gaddon House being at a slightly lower level than the application site.

### **9.2 The Application**

This application seeks planning permission for a replacement garage which was withdrawn from an earlier application (E/10/1461/FUL) after committee expressed concerns regarding the possible impact upon neighbour amenity. The applicant has sought to address those concerns by moving the garage further to the east by 0.5m. There are no other changes to the scheme.

### **9.3 The Issues**

The main issues for consideration are:

1. The design of the garage and its impact upon the character and appearance of the area.
2. The impact upon neighbour amenity.

## **1. Design and impact upon the character and appearance of the area.**

The design of the garage is considered to be acceptable in terms of its impact upon the character and appearance of the area. Setting aside the issue of impact on neighbour amenity, the scale, massing and proportions of the garage are acceptable and there is no objection to the proposed materials. There can be no objection in principle to the use of photovoltaic panels; government policy is very supportive of renewable energy proposals and permitted development rights have recently been introduced to encourage the addition of photovoltaic panels to dwellings and domestic outbuildings. The location of the replacement garage is such that it would be barely visible from the village street; the main views of the building would be obtained from neighbouring properties. There would be no harm to the setting of the adjacent listed building 'Carina'.

## **2. Impact upon neighbour amenity.**

The impact upon neighbour amenity is the primary issue for consideration, since this is the focus for neighbour objection (and parish council concerns) and the reason why the garage was deleted from an earlier planning application.

Policy PD1 of the Kennet Local Plan 2011 states that all development proposals must have regard to a range of factors, including their impact upon residential amenity. This is the Development Plan policy against which the proposal must be assessed.

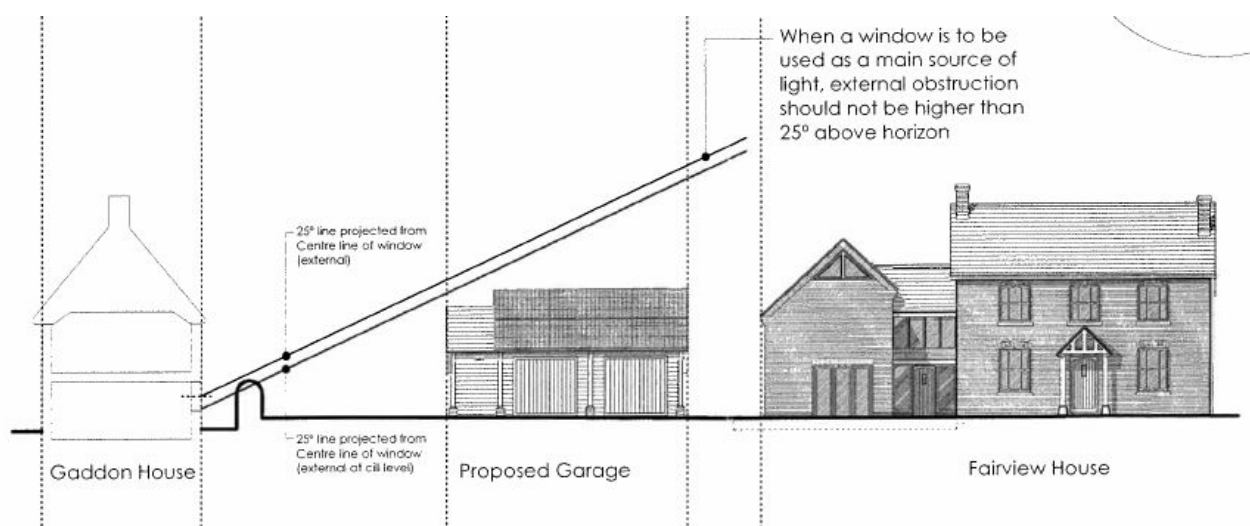
The objections centre on the proximity of the proposed garage to Gaddon House and its likely impact upon the amenities of occupiers of that property, principally through loss of light and overbearing impact.

The neighbour quotes a document published by The Energy Saving Trust (CE257 Daylighting in Urban Areas, Sept 2007) and argues that the proposals are contrary to the guidance contained in that document. However, the author of this document has since made a representation to confirm that the standard has been applied incorrectly.

A more relevant standard to apply is the guidance contained in the document "Site layout planning for daylight and sunlight: A guide to good practice" first published by the Building Research Establishment (BRE) in 1991. This document (which superseded the 1971 DoE publication "Sunlight and daylight") attempts to quantify an otherwise subjective judgement and is widely accepted as the best available workable method for assessing any reduction in daylight and sunlight. It should be noted that the advice contained in the BRE document is not mandatory and it should not be seen as an instrument of planning policy. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. The standards should therefore be applied as 'rule-of-thumb'.

The test is often applied in a simplified form as the "45 degree code". In essence, development should not project above a theoretical plane which is inclined at 25 degrees from the centre of the nearest window to a habitable room in a neighbouring property (some authorities use the centre of the sill rather than the centre of the window) in a 90 degree cone of vision, 45 degrees either side of the perpendicular from the wall.

The proposed garage at Fairview complies with this set of guidelines and the applicant has supplied the following drawing to illustrate. Whilst this is not necessarily determinative, it does lend weight to your officers' view that the proposals are acceptable and would not result in loss of amenity for the neighbour. It would be very difficult to substantiate a refusal of planning permission on appeal on the grounds of an unacceptable loss of daylight and sunlight.



When considering this application it is also relevant to consider the fact that the applicant would be entitled to erect a 2m high fence along the boundary between the two properties without needing planning permission. This would have a similar (and arguably worse) impact to the proposed garage. This 'fall-back' position is a material planning consideration.

As it stands, there would be views of the new garage from the east facing kitchen, dining room and bedroom windows of Gaddon House but it is not considered that the impact would be overbearing and there would be no material loss of daylight or sunlight (this is confirmed by application of the 45 degree code). Whilst the objector states that the south facing kitchen window does not gain much light, it nevertheless does allow in some light as a secondary window (note that the case officer has made an assessment of the impact from within Gaddon House). In common with many rooms in this property, the dining room is also dual aspect with windows front and rear. Views to the rear are already partially blocked by the boundary hedge. The impact upon upper floor windows would be less pronounced, with views being achievable above and beyond the garage (plus the bedroom is also dual aspect).

Overall, it is considered that there are no grounds to withhold planning permission for this proposal. Accordingly, a grant of planning permission is recommended.

**RECOMMENDATION:**

Grant planning permission

For the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed garage would not cause harm to the character or appearance of the area, the residential amenities of neighbouring occupiers or the setting of the adjacent listed building. The proposal would therefore

comply with policy PD1 of the Kennet Local Plan 2011 and government policy contained within PPS5.

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 No development shall commence on site until samples of the slates and photovoltaic panels to be used for the external roofs and details of the finish for the timber cladding on the walls 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:

In the interests of visual amenity and the character and appearance of the area.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application Form, Design & Access Statement and Drawing nos. 1004-L001, 1004-L100, 1004-L101 & 1004-D110 received on 1st February 2011.

(b) Drawing no. 1004-D111A received on 17th March 2011.

**Appendices:**

None

**Background Documents Used in the Preparation of this Report:**

The application file and history file E/10/1461/FUL.



E/11/0174/FUL

FAIRVIEW, UPHILL, URCHFONT

Date of Printing: 12/04/2011

Scale: 1:1000

Map reference: [Invalid Print Macro(map)]

© Crown copyright and database rights 2011 Ordnance Survey 100049050



Franklin's Farm

Urchfont

Sewage Works

Site

Uphill Farm

Uphill

The Bottom Rookery Farm

Allot Gdns  
Townsend  
Cemtry

Page 53

Track

N10007101  
N10007101  
N10007101  
N10007101

404000E 404500E 404500E 404750E

This page is intentionally left blank

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/10/1562/FUL
<b>Site Address</b>	Yew Tree Cottage Huish Marlborough Wilts SN8 4JN
<b>Proposal</b>	Demolish the existing lean-to extensions to the rear of nos. 1 and 2 and replace with new symmetrical brick extensions (resubmission of E/10/0342/FUL).
<b>Applicant</b>	Mr & Mrs James & Lygo Roberts
<b>Town/Parish Council</b>	HUISH
<b>Grid Ref</b>	414557 163541
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Peter Horton

### Reason for the application being considered by Committee

This application has been called to committee at the request of the ward member, Cllr Hall

#### 1. Purpose of Report

To consider the recommendation that the application be refused for the reasons set out.

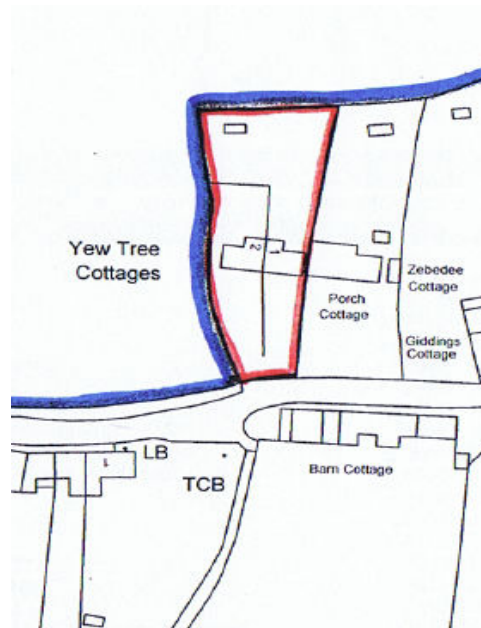
#### 2. Report Summary

The main planning issue to consider is the impact of the proposal on the character and appearance of the listed building.

#### 3. Site Description

The application concerns a symmetrical pair of semi-detached grade II listed cottages. They are the western-most properties on the northern side of the road that runs through the small village of Huish.

Built of brick with diaper brickwork, these thatched cottages are fine unspoilt examples of this local rural vernacular building type. The cottages consist of one and a half storeys and have a symmetrical plan and remain virtually intact. The front of the cottages has dormer windows in the upper floor. However the rear elevation remains an uninterrupted roof slope, with a later lean-to extension having been positioned under the eaves.



**Location Plan**

#### **4. Planning History**

There is no available planning history relating to the rear lean-to extension.

Listed building consent was granted in 2002 for “enclosure of porch areas by addition of new front doors, built into existing arched framework” (ref. K/43688/L).

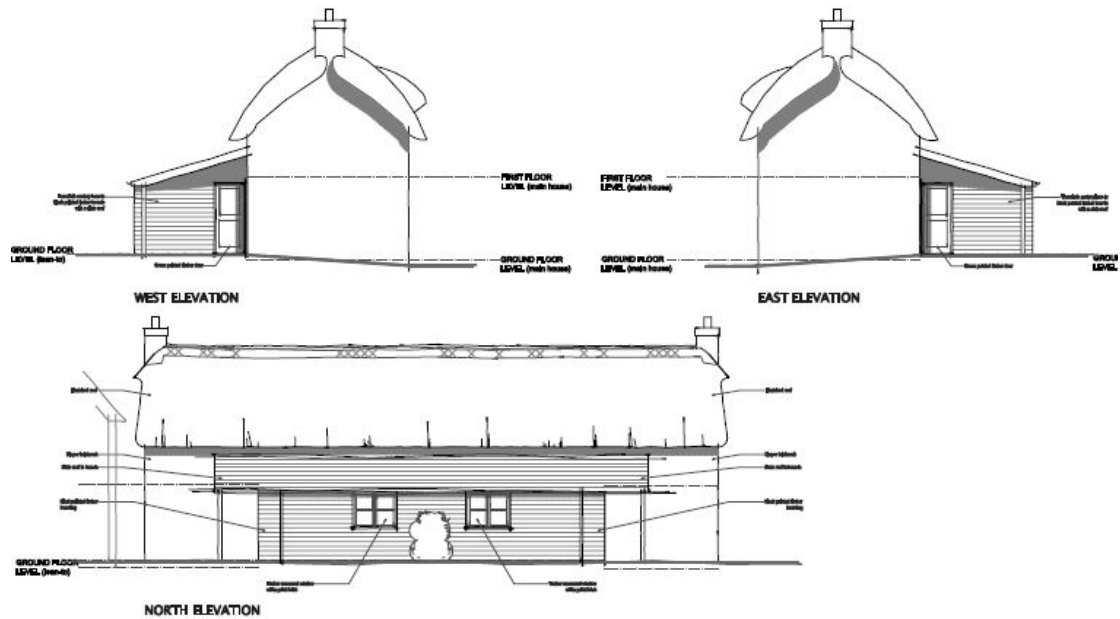
Applications E/10/0342/FUL and E/10/0343/LBC were for a virtually identical scheme to that now proposed. They were refused in May 2010 for the following reason:

*“These properties are fine, relatively unaltered examples of vernacular cottages in which the characteristic simple linear form of their thatched roofs remain uninterrupted. However the proposed extensions will completely alter this vernacular form and in addition will involve the loss, removal and disturbance of historic fabric in cutting through the roof timbers to achieve the new first floor openings. The proposal will therefore be detrimental to the character, appearance and architectural integrity of these grade II listed buildings, contrary to policy PD1 of the Kennet Local Plan and to central government planning policy set out in PPS5 'Planning for the Historic Environment'.”*

The only difference from the present proposal is that plain clay tiles were proposed rather than slate. Yet roofing materials were a non-contentious matter which did not feature in the refusal.

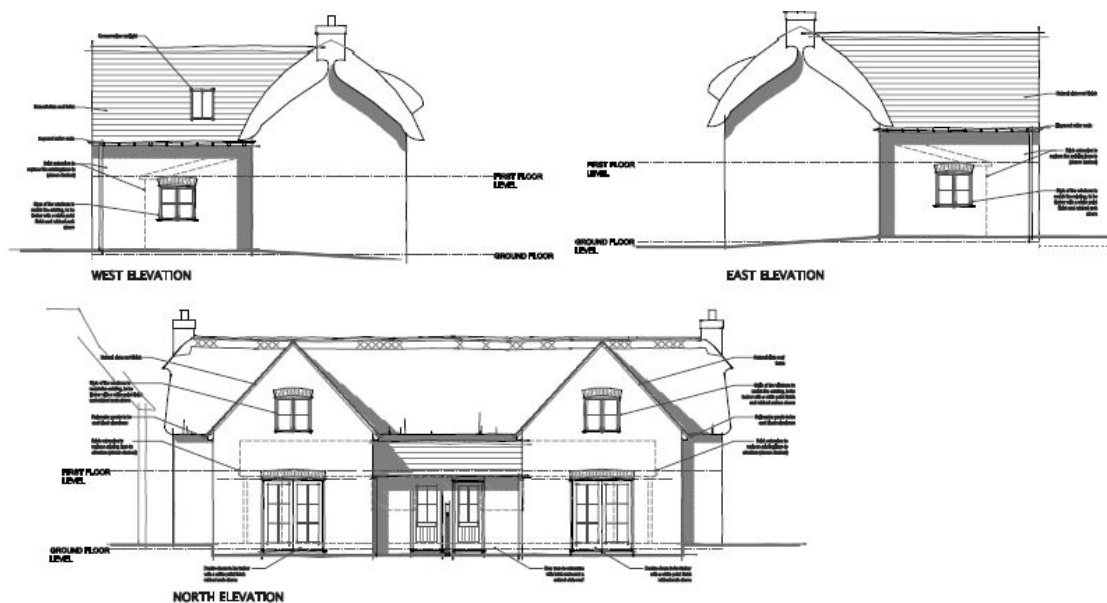
Two weeks before the current proposal was submitted, the applicants appealed the refusal. The appeal Inspector was due to make her appeal site visit on 2 March 2011. However just 3 working days before this was due to take place, the applicants withdrew the appeal.

## 5. The Proposal



### *Existing Elevations*

The proposal is to remove the existing timber clad lean-to rear extension and to replace it with a two storey rear extension for each property with a single storey link between the two extensions. The existing lean-to extension extends by 3.2m. The proposed two storey extensions would extend by 4.5m. The extension would be constructed of brick with a natural slate roof.



### *Proposed Elevations*

## **6. Planning Policy**

Kennet Local Plan policy PD1 sets out general development principles which all proposals must satisfy, including the requirement for high quality design. Central government planning policy on planning and the historic environment is set out in PPS5.

## **7. Consultations**

**Parish Council:** No objection.

**Wiltshire Council Conservation Officer:** Objects. The properties are exemplary in their unaltered form and are rare surviving examples of important Vernacular architecture that gives this part of the Wiltshire its wealth of character. There are serious concerns over the proposed extensions, which would have a harmful impact on the significance of the designated heritage asset, its historic fabric and its setting. The applicants' desire for extra space is insufficient justification to outweigh the damage to the listed buildings, the loss of historic fabric and disturbance of the rear roof slope. The cottages are already functioning at their optimum viable use and have already sustained the degree of extension that does not compromise their special interest.

## **8. Publicity**

One local household has written a letter of support.

## **9. Planning Considerations**

The sole planning issue relates to the impact of the proposed extensions on the character and appearance of the listed buildings.

The main historic cottages (i.e. the thatched part of the building) survive in a relatively unaltered state and are therefore prime examples of this vernacular building type. The existing rear elevation has an unspoilt thatch roof i.e. no extension, dormers or eyebrow windows.

The cottages have been sensitively extended in the past with a single-storey lean-to extension that nestles neatly under the eaves level of the thatch. This is likely to have been the most traditional solution to extending a vernacular building such as this, when there was a growing need to provide additional service accommodation accessible from the main living accommodation.

Thatched roofs are characterised by their simplicity of form and uninterrupted roof slopes. In this case the characteristic simple linear shape of the thatched roof remains uninterrupted, with the existing lean-to extension having been positioned under the eaves of the rear roof slope.

The existing lean-to does not compromise the special interest of the building or the rear elevation as a whole. There would be no objection to the principle of its alteration, demolition or replacement with an appropriate structure. However the proposal for a two storey extension would disrupt the clean line of the thatch roof at the rear of the property, resulting in a loss of roof structure and material. It would therefore have a negative impact on the special interest of the listed building.

The application demonstrates that the proposal will not involve cutting through an historic purlin as originally assumed. However the works still require intervention into

the roof structure, cutting through principal roof timbers (such as the wall plate) and a loss of thatch.

So the proposal will involve the loss, removal and disturbance of historic fabric. This is contrary to PPS5 policy HE9.1, which states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification'.

The supporting information claims that the existing living space within the cottages is tight and it is important they are updated to continue as practical living accommodation, by slightly altering the existing layout and adding a 'modest amount of additional accommodation added to make the best use of the space available to facilitate modern family life'. The design and access statement also states that 'the extra space created will ensure the cottages are continued to be lived in by people who work on the land locally, the purpose they were built for originally and not be reduced to holiday cottages for use by visitors to the area.'

If however the applicants are claiming that the buildings are unviable in their current form (which the Design & Access Statement does), then it must be borne in mind that PPS5 policy HE9.3 requires applicants to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage assets' conservation, to prove the redundancy of the building in its current form.

However no evidence has been provided that supports these claims, as they are currently functioning, successful habitable, dwellings in their current form.

Point 85 of the PPS5 Practice Guide states that there is a 'presumption in favour of the conservation of designated assets, and harmful impact on the significance of the designated asset needs to be justified' on the grounds of either substantial harm or less than substantial harm. Notwithstanding the desirability of the two-storey extensions, nothing has been submitted to indicate that these two-bedroom cottages are not viable dwellings in their current form and therefore the provision of the extensions does not justify the harmful impact to the significance of the listed buildings.

PPS5 policy HE9.4 requires the local planning authority to weigh the public benefit of the proposal (such as securing the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harmful impact of the proposal on the significance of the designated heritage asset and recognise that the greater the harm to the to the significance of the asset, the greater the justification will be needed for any loss. Point 89 of the PPS5 Practice Guide stresses the importance that any use of the building is viable and states that 'the optimum use is the one that causes the least harm to the significance of the asset' and that the 'optimum viable use is not necessarily the most profitable one'. It is considered that the cottages are already functioning at their optimum viable use.

The application points out that the majority of the cottages within the village have rear extensions. However most of these are not listed and even if this is indeed the case, this increases the importance of retaining an unaltered roof slope within the locality on a key pair of listed cottages.

The application makes specific reference to the neighbouring property 'Porch Cottage', which is a listed building that had a two storey extension approved in 1994.

This was assessed against earlier, now long obsolete guidance approved in 1977 relating to the historic environment, there having been two changes to national planning policy guidance since then (PPG 15 and now PPS5). However in any case, each designated heritage asset is viewed independently and therefore each application is judged on its own merits – the fact that extensions to other listed buildings have been permitted in the past is not a reason, on its own, to allow unacceptable works to these particular ones.

## **10. Conclusion**

The properties are fine, relatively unaltered examples of vernacular cottages in which the characteristic simple linear form of their thatched roofs remain uninterrupted. However the proposed extensions would completely alter this vernacular form and in addition would involve the loss of historic fabric in cutting through historic roof timbers to achieve the new first floor openings. It is therefore recommended that the application be refused

## **RECOMMENDATION**

That planning permission is refused for the following reason:

These properties are fine, relatively unaltered examples of vernacular cottages in which the characteristic simple linear form of their thatched roofs remain uninterrupted. However the proposed extensions will completely alter this vernacular form and in addition will involve the loss, removal and disturbance of historic fabric in cutting through roof timbers to achieve the new first floor openings. The proposal will therefore be detrimental to the character, appearance and architectural integrity of these grade II listed buildings, contrary to policy PD1 of the Kennet Local Plan and to central government planning policy set out in PPS5 'Planning for the Historic Environment'.

### **Appendices:**

None

### **Background Documents Used in the Preparation of this Report:**

Planning application files



**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/10/1563/LBC
<b>Site Address</b>	Yew Tree Cottage Huish Marlborough SN8 4JN
<b>Proposal</b>	Demolish the existing lean-to extensions to the rear of no's 1 and 2 and replace with new symmetrical brick extensions. Minor alterations to the cottage interiors (resubmission of E/10/0343/LBC)
<b>Applicant</b>	Mr and Mrs James & Lygo Roberts
<b>Town/Parish Council</b>	HUISH
<b>Grid Ref</b>	414557 163541
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Peter Horton

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

This application has been called to committee at the request of the ward member, Cllr Hall, in association with the parallel planning application reported at the previous item on the agenda.

**1. Purpose of Report**

To consider the recommendation that the application be refused for the reasons set out.

**2. Report Summary**

The main issue to consider is the impact of the proposal on the character and appearance of the listed building.

**3. Site Description**

As per the previous report

**4. Planning History**

As per the previous report

**5. The Proposal**

As per the previous report. In addition, various minor alterations are proposed to the cottage interiors.

**6. Planning Policy**

Central government planning policy on planning and the historic environment is set out in PPS5.

**7. Consultations**

**Parish Council:** No objection.

**Wiltshire Council Conservation Officer:** No objection to the minor internal alterations. However objects to the proposed extensions as set out in the previous report.

## **8. Publicity**

As set out in the previous report, one letter of support has been received.

## **9. Planning Considerations**

The sole issue in the determination of this listed building consent application relates to the impact of the proposed extensions on the character and appearance of the listed buildings.

No objection is raised to the proposed internal alterations, which are all relatively minor.

The main historic cottages (i.e. the thatched part of the building) survive in a relatively unaltered state and are therefore prime examples of this vernacular building type. The existing rear elevation has an unspoilt thatch roof i.e. no extension, dormers or eyebrow windows.

The cottages have been sensitively extended in the past with a single-storey lean-to extension that nestles neatly under the eaves level of the thatch. This is likely to have been the most traditional solution to extending a vernacular building such as this, when there was a growing need to provide additional service accommodation accessible from the main living accommodation.

Thatched roofs are characterised by their simplicity of form and uninterrupted roof slopes. In this case the characteristic simple linear shape of the thatched roof remains uninterrupted, with the existing lean-to extension having been positioned under the eaves of the rear roof slope.

The existing lean-to does not compromise the special interest of the building or the rear elevation as a whole. There would be no objection to the principle of its alteration, demolition or replacement with an appropriate structure. However the proposal for a two storey extension would disrupt the clean line of the thatch roof at the rear of the property, resulting in a loss of roof structure and material. It would therefore have a negative impact on the special interest of the listed building.

The application demonstrates that the proposal will not involve cutting through an historic purlin as originally assumed. However the works still require intervention into the roof structure, cutting through principal roof timbers (such as the wall plate) and a loss of thatch.

So the proposal will involve the loss, removal and disturbance of historic fabric. This is contrary to PPS5 policy HE9.1, which states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification'.

The supporting information claims that the existing living space within the cottages is tight and it is important they are updated to continue as practical living accommodation, by slightly altering the existing layout and adding a 'modest amount

of additional accommodation added to make the best use of the space available to facilitate modern family life'. The design and access statement also states that 'the extra space created will ensure the cottages are continued to be lived in by people who work on the land locally, the purpose they were built for originally and not be reduced to holiday cottages for use by visitors to the area.'

If however the applicants are claiming that the buildings are unviable in their current form (which the Design & Access Statement does), then it must be borne in mind that PPS5 policy HE9.3 requires applicants to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage assets' conservation, to prove the redundancy of the building in its current form.

However no evidence has been provided that supports these claims, as they are currently functioning, successful habitable, dwellings in their current form. The applicants have owned the building for some time without the benefit of the proposed extensions and there is no certainty that they would necessarily continue to do so in the future, were the proposed extensions to be permitted.

Point 85 of the PPS5 Practice Guide states that there is a 'presumption in favour of the conservation of designated assets, and harmful impact on the significance of the designated asset needs to be justified' on the grounds of either substantial harm or less than substantial harm. Notwithstanding the desirability of the two-storey extensions, nothing has been submitted to indicate that these two-bedroom cottages are not viable dwellings in their current form and therefore the provision of the extensions does not justify the harmful impact to the significance of the listed buildings.

PPS5 policy HE9.4 requires the local planning authority to weigh the public benefit of the proposal (such as securing the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harmful impact of the proposal on the significance of the designated heritage asset and recognise that the greater the harm to the to the significance of the asset, the greater the justification will be needed for any loss. Point 89 of the PPS5 Practice Guide stresses the importance that any use of the building is viable and states that 'the optimum use is the one that causes the least harm to the significance of the asset' and that the 'optimum viable use is not necessarily the most profitable one'. It is considered that the cottages are already functioning at their optimum viable use.

The application points out that the majority of the cottages within the village have rear extensions. However if this is indeed the case, this increases the importance of retaining an unaltered roof slope within the locality on a key pair of listed cottages.

The application makes specific reference to the neighbouring property 'Porch Cottage', which had a two storey extension approved in 1994. This was assessed against earlier, obsolete legislation relating to the historic environment, there having been two changes to national planning policy guidance since then. However in any case, each designated heritage asset is viewed independently and therefore each application is judged on its own merits – the fact that extensions to other listed buildings have been permitted in the past is not a reason, on its own, to allow unacceptable works to these particular ones.

## 10. Conclusion

The properties are fine, relatively unaltered examples of vernacular cottages in which the characteristic simple linear form of their thatched roofs remain uninterrupted. However the proposed extensions would completely alter this vernacular form and in addition would involve the loss of historic fabric in cutting through historic roof timbers to achieve the new first floor openings. It is therefore recommended that the application be refused.

## RECOMMENDATION

Refuse listed building consent for the following reasons:

1	These properties are fine, relatively unaltered examples of vernacular cottages in which the characteristic simple linear form of their thatched roofs remain uninterrupted. However the proposed extensions will completely alter this vernacular form and in addition will involve the loss, removal and disturbance of historic fabric in cutting through roof timbers to achieve the new first floor openings. The proposal will therefore be detrimental to the character, appearance and architectural integrity of these grade II listed buildings, contrary to central government planning policy set out in PPS5 'Planning for the Historic Environment'.
---	--

**Appendices:**

None

**Background Documents Used in the Preparation of this Report:**

Planning application file; PPS5

E/10/1562/FUL

1 + 2 YEW TREE COTTAGE,

E/10/1563/LBC

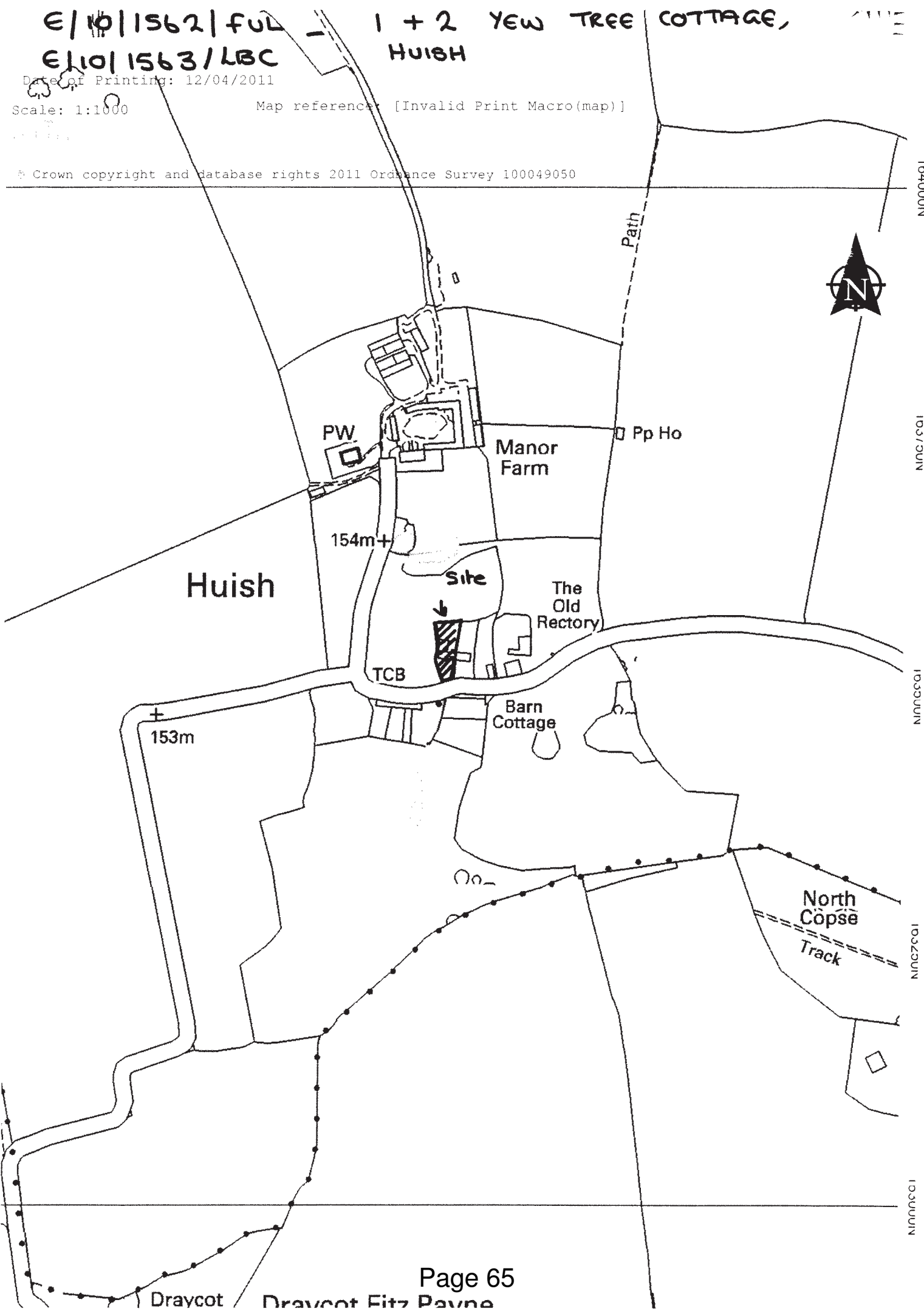
Huish

Date of Printing: 12/04/2011

Scale: 1:1000

Map reference: [Invalid Print Macro(map)]

© Crown copyright and database rights 2011 Ordnance Survey 100049050



This page is intentionally left blank