

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Thursday 2 February 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda Anna Thurman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718379 or email anna.thurman@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

Membership:

Cllr Jane Burton	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Jemima Milton
Cllr Richard Gamble	Cllr Christopher Williams
Cllr Charles Howard (Chairman)	

Substitutes:

Cllr Liz Bryant	Cllr Jerry Kunkler
Cllr Nigel Carter	Cllr Francis Morland
Cllr Peter Colmer	Cllr Christopher Newbury
Cllr George Jeans	Cllr Jeffrey Ody
Cllr Simon Killane	Cllr Jonathon Seed

AGENDA

Part I

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

Apologies for Absence

2. Minutes of the Previous Meeting_*(Pages 1 - 14)*

To approve and sign as a correct record the minutes of the meeting held on 15 December 2011 (copy herewith).

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 and Councillors' Questions

The Council welcomes contributions from members of the public.

Statements

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 26 January 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

Planning Applications

To consider and determine planning applications in the attached schedule.

6.a E/2011/1247/FUL Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA - Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall (amendment to E/11/0168/FUL).

(Pages 15 - 24)

6.b E/11/0838/FUL Chantry Meadow, Ogbourne St George, Marlborough, Wiltshire, SN8 1SU - Change of use of the land from agricultural to mixed use of agriculture/equestrian, retention of stable building

(Pages 25 - 36)

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

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

This page is intentionally left blank

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 DECEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Liz Bryant (Substitute), Cllr Nick Fogg, Cllr Charles Howard (Chairman),
Cllr Jemima Milton, Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Nigel Carter

196 Apologies for Absence

Apologies for absence were received from Cllr Jane Burton (who was substituted by Cllr Jeff Ody), Cllr Peggy Dow, Cllr Richard Gamble, Cllr Chris Humphries and Cllr Laura Mayes (who was substituted by Cllr Liz Bryant).

197 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the Committee meeting held on 24 November 2011, subject to the following amendment:-

Minute No 194 (b) – K/59795/O – Land adjacent to Deans Close and Fields to South opposite Tedworth House, Tidworth – 360 New, Single Family Military Residences with Associated Garages, Parking and Landscaping (Area 19) – Delete Conditions 28 & 29.

198 Declarations of Interest

There were no declarations of interest.

199 Chairman's Announcements

There were no Chairman's announcements.

200 Public Participation

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

Members of the public addressed the Committee as set out in Minute No 201below.

There were no questions received from members of the public or members of the Council.

201 **Planning Applications**

1. **E/11/0001/OUT - Drummond Park, Ludgershall, SP11 9RT - Outline Planning Application for the Redevelopment of the Site for a Phased Residential Development (Class C3) with Primary Access from A342 and Matters relating to Layout, Scale, Appearance, Internal Access and Landscaping Reserved**

The following people spoke in opposition to the proposal:

Mrs Helen Snook, a local resident
Dr Toby Davies, representing a local Medical General Practice
Dr Kirkman, representing the Campaign to Protect Rural England

The following people spoke in favour of the proposal:

Ms Sandra Richardson, Wellington Academy
Mr Richard Fitter, representing the applicant
Cllr Owen White, Chairman, Ludgershall Parish Council

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to a planning obligation and conditions. He also 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 the planning application.

Members then heard the views of Cllr Mark Connolly, the member for the adjoining Division, who supported the proposal but with reservations about affordable housing.

After discussion,

Resolved:

To grant planning permission for the following reasons:-

The application is for the re-development of a 'brownfield' site located largely within the limits of development of Ludgershall. As a matter of principle this is acceptable being in accordance with Policy HC21 of the Kennet Local Plan and Central Government guidance set out in PPS's 1 and 3. Although part of the site steps outside of the limits of development, the intended use of this area is informal open space which would have limited visual impact and would provide opportunities for nature conservation.

Although an employment site would be lost, it is not of strategic importance; and another better located site at Castledown Business Park will meet any short and medium terms needs in the locality in any event. This is in accordance with Policy ED7.

In terms of impact, the application demonstrates that the proposed development can be accommodated on the allocated site without causing harm to interests of acknowledged importance, including local infrastructure, highway safety, ecological interests, heritage assets, visual amenity and residential amenity. The application makes adequate provision for infrastructure made necessary by the development, namely affordable housing, open space, education facilities, community facilities and highways works. The application is, therefore, in accordance with central government planning policy set out in PPG's/PPS's; and the development plan - specifically, policies PD1, HC5, HC28, HC30, HC34, HC37, HC42 & HC43.

And subject to:-

(a) the applicant entering into a Section 106 agreement covering the following matters and subject to the conditions set out below:

- 1. Affordable Housing – 25% of all units to be affordable.**
- 2. Highways Works –**
 - a financial contribution towards future projects to relieve congestion in Ludgershall;**
 - a financial contribution towards bus revenue support for local services;**
 - An assurance in perpetuity that land will be set aside at nil cost for any potential future link road(s) between the application site and the A3026 (whether direct or crossing the railway line or other land);**
 - The provision of new and/or improved street lighting in Castle Street and Butt Street to a point west of the new**

- roundabout;
 - A financial contribution towards the cost of preparing and implementing road traffic orders to extend the speed limit in Butt Street;
3. Education – a financial contribution towards the cost of primary and secondary education provision in the locality.
 4. Ecology – a financial contribution towards the cost of future management and monitoring of stone curlews for the Wessex Stone Curlew Project.
 5. Community Facilities – a financial contribution towards the cost of providing and /or improving existing social and community facilities within Ludgershall.

(b) The following conditions:-

1 No development shall commence on site until details of the following matters (hereinafter called "the reserved matters") have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**
- (e) The means of internal access within the site.**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3 The development hereby permitted shall be begun 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.

4 No development shall commence until a programme for the phasing of the development has been submitted to and approved in writing by the local planning authority. The programme shall specify in particular that the new external means of access to the site (the roundabout) shall be completed prior to the first occupation of any part of the development. Development shall be carried out in accordance with the approved programme.

REASON: To ensure the proper planning of the development in accordance with an appropriate and viable programme.

5 The details to be submitted under condition no. 1 of the layout of the development hereby permitted shall show one Locally Equipped Area of Play of at least 750 sq m, four Local Areas of Play of at least 150 sq m each, one Suitable Alternative Natural Greenspace of at least 1.1 ha (which shall incorporate one Local Landscaped Area of Play of at least 2,370 sq m), Casual Play Space of at least 4,920 sq m in total, incidental residential amenity land of at least 5,000 sq m in total, and no more than 475 dwellings.

REASON: To clarify the terms of the planning permission and to accord with Policy HC34 of the Kennet Local Plan 2011 and PPS9 which seek adequate infrastructure in new developments.

6 External access to the site from the A342 shall be by means of a roundabout junction in accordance with drawing no. SK10 dated 9 March 2011. Full details of this roundabout and related traffic calming measures and signage shall be submitted to the local planning authority for further approval prior to commencement of development.

REASON: To clarify the terms of the planning permission.

7 The details to be submitted under condition no. 1 relating to the landscaping of the site shall include a strategic landscaping scheme for those parts of the site outside of the built-up areas (including all 'buffer planting' zones) and separate local landscaping schemes for each phase of the development as referred to in the approved programme for the phasing of the development. The strategic landscaping scheme shall show that all buffer planting zones shall be at least 15m in width. The development shall be carried out in accordance with the approved landscaping schemes.

REASON: To clarify the terms of the planning permission and to safeguard visual amenity and wildlife interests.

8 No development shall commence on site in any particular phase of the development as referred to in the approved programme of phasing

of the development until details of the proposed ground floor slab levels of all buildings within that phase have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of visual amenity.

9 All soft landscaping comprised in the approved details of landscaping for any particular phase of the development as referred to in the programme for the phasing of the development 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 in any particular phase of the development 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 The detailed landscaping plans to be submitted pursuant to condition no. 1 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

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

11 (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 prior 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) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. 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 prior written consent of the Local Planning Authority.

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

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

12 No development shall commence on a particular phase of the development until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) within the phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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

13 The Locally Equipped Area of Play (LEAP) and Local Areas of Play (LAP) shall be designed and equipped in accordance with the minimum specifications set out in the adopted Kennet District Council Benefits from Planning SPG. Prior to installation full details of the LEAP and LAPs shall be submitted to the local planning authority for approval in writing. No dwelling in any particular phase of the development shall

be first occupied until the approved LEAP or LAP (whichever is relevant) within that phase has been completed.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

14 No development shall take place in any particular phase of the development until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected for the phase. The approved boundary treatments for each phase shall be completed in accordance with the plan prior to the first occupation of the first building in that phase.

REASON: To ensure proper planning of the development in the interests of amenity.

15 The development shall be carried out strictly in accordance with the ecology mitigation strategies and recommendations set out in the Ecological Assessment, the Habitat Regulations Assessment for Salisbury Plain, the Barbastelle Bats Impact Assessment Report, and the Addendum to Ecological Assessment by Entran accompanying the planning application.

REASON: To safeguard ecological interests.

16 No development shall commence in any particular phase of the development hereby approved until details of measures to safeguard the amenities of future occupants of the development within the phase from potential disturbance from future employment developments on the adjoining business park have been submitted to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details.

REASON: The adjoining business park has planning permission for Class B1, B2 and B8 uses which could cause disturbance to the Drummond Park development unless appropriate design or mitigation measures are applied. This is in the interests of residential amenity.

17 No development shall take place within any particular phase until full details of how on-site renewable energy will be provided for the phase to reduce carbon dioxide emissions from energy use by owners/occupiers of the buildings by 10% have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To achieve reductions in carbon dioxide emissions in

accordance with the local planning authority's adopted policy.

18 No development shall commence within any particular phase of the development hereby approved until a scheme for the discharge of surface water from the phase (incorporating sustainable drainage principles) and an assessment of the hydrological and hydrogeological context of the development (as outlined in the Flood Risk Assessment by Entran) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

19 No development shall commence until a scheme for the disposal of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an options appraisal which will consider the options available and assess the impacts of each on the environment and appropriate mitigation measures. No dwelling on any part of the development shall be first occupied until the approved scheme has been fully implemented.

REASON: To minimise the risk of pollution of the water environment.

20 No development shall commence within any particular phase of the development hereby approved until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the local planning authority for that particular phase. The plan shall be implemented as approved throughout the construction period.

REASON: To prevent pollution of water environment.

21 No development shall commence within any particular phase of the development hereby approved until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

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

22 Prior to the commencement of development within any particular phase of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing by the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the land within the particular phase shall be submitted to and approved in writing by

the local planning authority:

- 1) A preliminary risk assessment which has identified:**
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways & receptors;
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

- 3) The results of the site investigation and detailed risk assessment referred to in (2) 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.**

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 prior to first occupation of the development.

REASON: To prevent pollution of the water environment.

23 No development shall commence within any particular phase of the development hereby approved until -

- a) A written programme of archaeological investigation affecting land within the particular phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

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

24 No building within any particular phase of the development hereby

permitted shall be first occupied until the access, turning area and parking spaces serving that building 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.

25 No development shall commence within any particular phase of the development hereby approved until a Green Travel Plan relating to development within that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

26 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.

Masterplan drawing nos. DPL-AL02-030revA, DPL-AL02-031revA, DPL-AL02-032revA, DPL-AL02-033revA, DPL-AL02-034revA dated April 2011;

Revised Design and Access Statement dated April 2011;

Drawing no. SK10 - Proposed traffic calming scheme (March 2011);

Revised Indicative Landscape Masterplan p revA;

Updated Landscape & Visual Appraisal (April 2011);

Updated Landscape Design Statement (April 2011);

Tree Survey Report (March 2011);

Archaeological Evaluation Report (April 2011);

Habitat Regulations Assessment for Salisbury Plain (April 2011);

Barbestelle Bats Impact Assessment Report (April 2011);

Ecological Assessment (November 2011);

Addendum to Ecological Assessment (April 2011);

Transport Assessment (December 2010);

Utilities Appraisal (October 2010);

Flood Risk Assessment (October 2010);

Employment Report (October 2010);

Sustainability Statement (November 2010);

**Intermediate Housing Demand Study rev E (November 2010);
Housing Strategy (November 2010);
Energy Feasibility Study (November 2010);
Preliminary Geo-environmental Assessment (November 2010).**

**2. E/2011/0990/FUL - Samarie, Dunkirk Hill, Devizes, SN10 2BD -
Construction of a Drive**

The following people spoke in opposition to the proposal:

Mr Derek Cook, a local resident
Mr Alan Lucas, a local resident

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to conditions.

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 the planning application.

Members then heard the views of Cllr Nigel Carter, the local member, who endorsed the residents' comments on the possible use of High Lawn as a through road between Roads A361 and A342 .

After discussion,

Resolved:

To grant planning permission for the following reason:-

The proposal will cause no harm to highway safety, the residential amenities of nearby properties or the character and appearance of the area. As such, it would accord with the requirements of policy PD1 of the Kennet Local Plan 2011.

Subject to the following conditions:-

- 1. The driveway hereby permitted shall be used solely for purposes incidental to the enjoyment of the property known as "Samarie". It shall not be used for any other purpose, including use by persons unrelated to Samarie as a general through-route. Any access onto High Lawn shall be gated in perpetuity.**

REASON: The application has been considered on the basis that the proposal is for a domestic driveway. The Council would wish to give further consideration to any proposal for use of the driveway as a general through-route, as it is likely to give rise to additional planning issues.

2. 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.

Approved Plans

Application Form; 1:1250 Location Plan & Plan No: 1724.1 – date-stamped received 29 July 2011).

202 Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.30 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

This page is intentionally left blank

REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	2 nd February 2012
Application Number	E/2011/1247/FUL
Site Address	Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA
Proposal	Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall (amendment to E/11/0168/FUL).
Applicant	Mr T Rupp
Town/Parish Council	MARLBOROUGH
Grid Ref	418880 169296
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee by the local division member, Cllr Fogg.

1. Purpose of Report

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

2. Report Summary

The main issues to consider are whether the amended design of the proposed dwelling is an acceptable alternative to that approved by E/11/0168/FUL in terms of impact on the character and appearance of Marlborough Conservation Area and in terms of impact on neighbour amenity.

3. Site Description

Ashwyns lies within the historic core of Marlborough, situated approximately 90 metres past Marlborough Town Hall on the right hand side of Kingsbury Street. The site lies within the designated conservation area and is surrounded by numerous listed buildings as well as buildings noted as being significant unlisted buildings within the conservation area statement.

Ashwyns is a house of later 20th century date (approved in 1962). It is a two storey dwelling, built from facing brick with a tiled roof. Unlike most of the buildings along the street, it is set back from the road and so has little presence in the street scene until almost immediately facing it with the trees presently at the site partially softening views. The front of the dwelling faces onto Kingsbury Street and relates to the surrounding largely residential dwellings just beyond the retail centre of the High Street. The rear of the dwelling and its garden, however, face towards listed properties of Silverless Street, whose rear elevations overlook the proposal site.

Plate 1 below is a location map of the site and plate 2 contains photographs showing the context of the site.



View of site and adjacent listed buildings area



View of part of the rear elevation and garden

4. Planning History

E/11/0168/FUL and E/11/0169/CAC – for the demolition of the existing house and garage, to be replaced with a new dwelling and studio space to the rear lowered courtyard were approved by committee in June 2011. The conclusion in the officers' report was as follows:

“No objection is raised to the principle of replacing the existing dwelling, which is of little architectural merit. The design and scale of the proposal as amended is considered to be acceptable, and would preserve the setting of neighbouring listed buildings and preserve the character and appearance of the conservation area. The design of the proposed office/studio is acceptable. Whilst it would be preferable for its roof not to project above surrounding walls, the proposal would not be detrimental either to the character or appearance of the wider conservation area or to the living conditions of Silverless Street residents. The proposed dwelling would not materially harm the living conditions of surrounding residents. The agent has indicated that construction works will be undertaken with care and local apprehension that the proposed works could impact on the structural integrity of neighbouring listed buildings and walls is not grounds to withhold planning permission”.

E/10/1004/FUL and E/10/1005/CAC - for the demolition of existing house and garage; erection of replacement dwelling and detached garage were withdrawn in September 2010 because of officer concerns relating to neighbour amenity, design and impact upon the conservation area and listed buildings as well as concerns about the impact upon the structural integrity of adjacent listed buildings.

1549/776 – this was the original consent for the dwelling now at the site, approved in 1962.

5. The Proposal

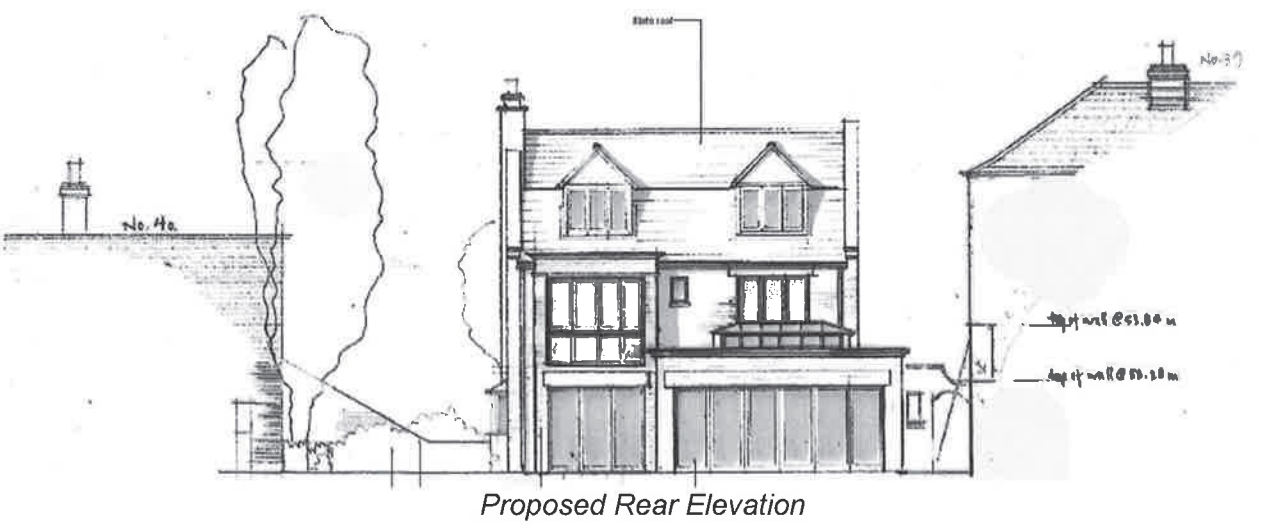
This application comprises three main elements:

1. Demolition of existing house/garage and their replacement with a new dwelling.
2. The erection of a “sunken” office/studio building in the rear lowered courtyard.
3. Extension to the front boundary wall abutting Kingsbury Street.

Only the size and design of the proposed dwelling has changed since the previous approved application. The proposals for the sunken office/studio and the front boundary wall are the same. The principal changes are that: (a) the width of the property at first and second floor level has increased by 1.0m in a northerly direction towards no.39 Kingsbury Street, and; (b) there have been major design changes to the rear elevation: the second floor projecting gable has been

omitted, but larger fenestration has been introduced, namely wider first floor windows and bigger dormers.

The height of the existing and proposed dwellings needs to be clarified. It was reported to the previous committee that the existing dwelling had a ridge height of 7.6m and the dwelling proposed by E/11/0168/FUL had a ridge height of 8.3m. It now transpires that the correct figures are 8.1m and 8.75m respectively. The current proposal is for a dwelling of ridge height 8.7m.



6. Planning Policy

The site lies within the centre of Marlborough where new residential proposals (including replacement dwellings) are assessed against policy PD1 (general development principles) of the Kennet Local Plan. Relevant central government planning policy is set out in Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 5: 'Planning for the Historic Environment'. The Marlborough Conservation Area Statement (2003) is a material planning consideration.

7. Consultations

Marlborough Town Council –
No objection.

WC Archaeologist –

The sunken area of the site could have been a racquets or fives court used by Marlborough College. If this is the case, then it is a significant feature of the local historic environment. The remaining walling and any layer lying beneath the current concrete surface therefore needs to be recorded prior to any works going ahead. An archaeological condition is required to deliver this.

WC Conservation Officer –

No objection to the increased width of the property given that the previously approved full height rear gable is no longer proposed. Initially expressed concern at the increased prominence of the roof compared to the previous scheme. However, the revised plans help reduce the perceived mass of the front elevation.

WC Arboricultural Officer –

The two light standard prunus trees proposed for the front of the site would not create the required instant impact. Larger specimens should be specified.

8. Publicity

A site notice has been posted and neighbour notification has taken place. Letters of objection have been received from 9 local households. Full copies of all representations received can be viewed on the planning file contained at the offices or viewed online.

The main concerns expressed by the objectors can be summarised as follows:

- The existing property should be renovated rather than demolished and replaced.
- The scale of the proposal is out of keeping with neighbouring properties in terms of width, height and overall size. The dwelling will dominate the site and be harmful to the conservation area.
- Concern at the progressive increase in size of the proposed replacement house. It is now 30% larger than the existing and will dominate the site even more than the approved scheme.
- The design is for an “executive” house which is out of keeping with its historic neighbours.
- The now larger first and second floor rear windows are too big and intrusive and will overlook neighbouring homes and gardens, to the detriment of amenity. Rooflights or obscure glazing would lessen the impact.
- The proposed parapet would add bulk, be out of local character and would add height.
- Concern that any security lights will harm the amenity of neighbouring properties.
- Repositioning the north wall of the proposed dwelling closer to the boundary with no. 39 Kingsbury Street will overshadow the kitchen and garden of that property.
- Vibration from heavy plant and machinery during the construction process will damage the neighbouring listed property at no. 40 Kingsbury Street. There is also risk of damage to the ancient walls adjacent the site of the proposed sunken office/studio.
- Dust and noise pollution from the construction process will harm the amenity of local residents.
- The rear garden has been cleared of all plants except for one tree. There is no planting plan for the rear garden to soften the impact of the proposed dwelling.
- The site of the sunken office/studio is on an historic fives court.
- The proposed flat roofed sunken office/studio is out of keeping with its surroundings.
- More work is needed to establish if the site forms part of Roman Marlborough.

9. Planning Considerations

Principle of the Development

The existing 1960s dwelling is of little architectural merit and is out of character with the more

historic dwellings which surround it. It does not make a positive contribution to the character of the conservation area. The principle of demolishing and replacing the existing dwelling has been established by the previous planning permission and conservation area consent.

The design and scale of the proposed dwelling

The existing dwelling is two storeys with four bedrooms with a ridge height of 8.1m. It is constructed of brick and tile and has a flat roofed single garage attached to its northern end. It is situated around 11m back from the road, with a small section of red brick wall partially defining the front boundary. The site lies within Marlborough Conservation Area.

The proposed dwelling would be situated on approximately the same footprint as the existing, the main differences being a 1m ground floor projection and a single storey rear garden room extension. It would be 8.7m high, providing accommodation over three storeys, with the second storey accommodation being provided within a mansard roof with dormer windows. The main part of the dwelling would be constructed of facing brick with stone detailing and cills, with a slate roof. The garden room would be finished in render with a flat roof and parapet, with a glass roof lantern.

The principle of a dwelling of this order of scale has been established by the previous planning permission. The principal differences are that: (a) the width of the property at first and second floor level has increased by 1.0m in a northerly direction towards no.39 Kingsbury Street, and; (b) there have been major design changes to the rear elevation: the second floor projecting gable has been omitted, but larger fenestration has been introduced, namely wider first floor windows and bigger dormers.

The increase in ridge height of 0.6m compared to the existing dwelling is comparatively modest, with the adjacent no. 39 having a higher ridge height. Given the extent to which the property is set back from the road, it will not significantly impact on the street scene, even with the 1.0m increase in width. Furthermore Kingsbury Street is on a hill, and when viewed from the front, the property will step down appropriately in comparison with the adjoining properties.

When the current application was first submitted, officers expressed concern that the initially proposed large front dormers and broad windows would create an unwelcome horizontal emphasis, drawing attention to themselves and representing an intrusive addition to the street scene. However following negotiation, revised plans have been submitted which have scaled down the size of the front windows and dormers whereby the proposed dwelling would sit harmoniously within the street scene, even with the additional 1.0m width at first and second floor level. It would therefore preserve the setting of the neighbouring listed buildings and would preserve the character and appearance of the conservation area.

The Conservation Officer was initially concerned at the increased prominence of the roof caused by the originally proposed large front dormers and removal of the parapet wall. However her concerns have largely been overcome by the revised plans for the smaller front dormers.

The current application proposes the omission of the previously approved rear projecting gable. Officers had sought to negotiate away this gable during the course of the previous application. The reluctance of the applicant to amend this aspect of the scheme was, on balance, not considered sufficient grounds to refuse that application. However the omission of the gable from the current scheme is welcomed.

Two large rear dormers are now proposed, as well as large rear windows at first floor level. This makes for a somewhat imposing rear elevation. However in view of the fact this elevation will not be visible in the wider public domain, and given the omission of the rear projecting gable, the proposed rear elevation is not considered to be unacceptable.

Impact on neighbour amenity

The site is situated within a dense urban area where there is already a high degree of mutual overlooking of properties and gardens. The proposed dwelling has large rear dormers and hence

affords views from higher up. Furthermore, the latest design proposes larger rear windows than previously approved. However, it is still considered that there would be no material worsening of opportunities for overlooking compared to the existing situation, and with no first floor windows being proposed in the side elevations.

The increased ridge height and the profile of the mansard roof combine to make the proposed dwelling bulkier than the existing, and this would be detrimental to the outlook of those properties which lie to the south of it compared to the existing situation. However these impacts are not considered likely to be materially detrimental to the living conditions of the occupiers of those properties and on balance a refusal of planning permission on these grounds is not warranted.

The current proposal will bring the dwelling to within 3.1m of the boundary with no. 39 Kingsbury Street, 1.0m closer than at present. Given that the ridge height will be 0.6m higher than the existing dwelling to be demolished, this will introduce a greater degree of overshadowing of the rear of no. 39 and its garden compared to the existing situation. However the impact is not considered likely to be materially detrimental to the living conditions of the occupiers of no. 39 and on balance a refusal of planning permission is not warranted.

The proposed office/studio

The proposal is identical to that previously approved.

Landscaping

The existing trees to the front of the site are of limited quality and no objection is raised to their removal. Two replacement trees are proposed, together with small planting beds. A detailed landscaping scheme has been submitted. This is broadly acceptable. However, larger planting sizes are required for the two trees. This can be conditioned.

10. Conclusion

The principle of replacing the existing dwelling with a three storey dwelling with mansard roof has already been established by the previous planning permission. Any additional visual impact created by the proposed additional 1.0m width of the new property at first and second floor levels is considered to be offset by the omission from the scheme of the previously approved projecting rear gable. Hence the design and scale of the proposal is considered to be acceptable, and would preserve the setting of neighbouring listed buildings and preserve the character and appearance of the conservation area. Notwithstanding the enlarged rear fenestration and the location of the new dwelling closer to the northern boundary, the proposed dwelling would not materially harm the living conditions of surrounding residents.

RECOMMENDATION

That planning permission be granted for the following reasons and subject to the conditions set out below:

The proposal will not cause any significant harm to interests of acknowledged importance, including the amenity of residents of nearby properties. It would preserve and enhance the appearance of the conservation area and would accord with policy PD1 of the Kennet Local Plan 2011 and with national guidance in PPS1, PPS3 & PPS5.

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

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

- 2 The development hereby permitted shall not be exercised in addition to or in combination with the development permitted by the permission granted under Ref. E/2011/0168/FUL dated 23/06/11.

REASON: In the interests of sound planning.

- 3 No development shall take place until details (including samples) of the materials to be used for the external walls and roofs (including details of the colour and type of render to the summer room) 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.

- 4 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers 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.

- 5 No development shall commence on site until details of the bricks, bond, mortar, capping and termination of the extended front boundary wall have been submitted to and approved in writing by the local planning authority. Furthermore a sample wall panel shall have been constructed 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.

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

- 6 Prior to commencement of development, assessment of the listed status of the boundary walls of the sunken garden is to be made and presented to the local planning authority. Full details of proposals for works of repair or rebuilding to any existing boundary wall to the sunken garden wall, including details of new bricks, bond, mortar and capping are to be submitted to and approved in writing by the local planning authority in advance of these works being undertaken. Rebuilding works will involve the re-use of the existing bricks where these are in good condition and shall be carried out in accordance with the approved details.

REASON: To secure the upkeep of these historic walls, in the interests of preserving the character and appearance of this part of Marlborough Conservation Area.

- 7 Prior to commencement of development, the applicant shall advise the local planning authority of results of investigations into depth of foundations of existing historic boundary walls and buildings on the site (in relation to the need to meet building regulations and the Party Wall Act) and advise of any consequential works required to secure the structural integrity of such structures due to the construction of the new development.

REASON: Such details do not form part of the application.

- 8 Notwithstanding the details shown on plan 10085(L)020 Rev A, no development shall take place until there has been submitted to and approved in writing by the local

planning authority a fully detailed scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

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

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling 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 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.

- 10 The office/studio building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house.

REASON: To define the extent of the permission and given the residential character of the neighbourhood.

- 11 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 of any building forming part of the development hereby permitted.

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings shall be inserted above ground floor ceiling level in the northern or southern side elevations of the dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 13 Prior to the dwelling hereby permitted being first occupied, the roadside kerbs shall have been lowered and raised as necessary to suit the revised access width, with the footway being resurfaced as necessary to suit the revised levels.

REASON: In the interests of highway safety.

- 14 No development shall commence within the site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;

and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

15 INFORMATIVE TO THE APPLICANT:

The applicant should note that the costs of carrying out the required archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred. The work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by the County Archaeologist.

16 INFORMATIVE TO THE APPLICANT:

Listed building consent may be required for any repairs to the boundary walls of the sunken garden. This should be obtained before any works commence.

17 INFORMATIVE TO THE APPLICANT:

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

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.

- 18 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.

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)004, 10085(L)011B and 10085(L)012B, all received 12/09/11.

10085(L)005G, 10085(L)006J, 10085(L)007K, 10085(L)008H, 10085(L)009F, 10085(L)010H, 10085(L)013F and 10085(SK)039_A all received 19/12/11.

REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	2 nd February 2012
Application Number	E/11/0838/FUL
Site Address	Chantry Meadow, Ogbourne St George, Marlborough, Wiltshire, SN8 1SU.
Proposal	Change of use of the land from agriculture to mixed use of agriculture/equestrian, retention of stable building.
Applicant	Mr Dean Lockwood
Town/Parish Council	OGBOURNE ST GEORGE
Grid Ref	419654 174377
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been brought to committee at the request of Councillor Humphries.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

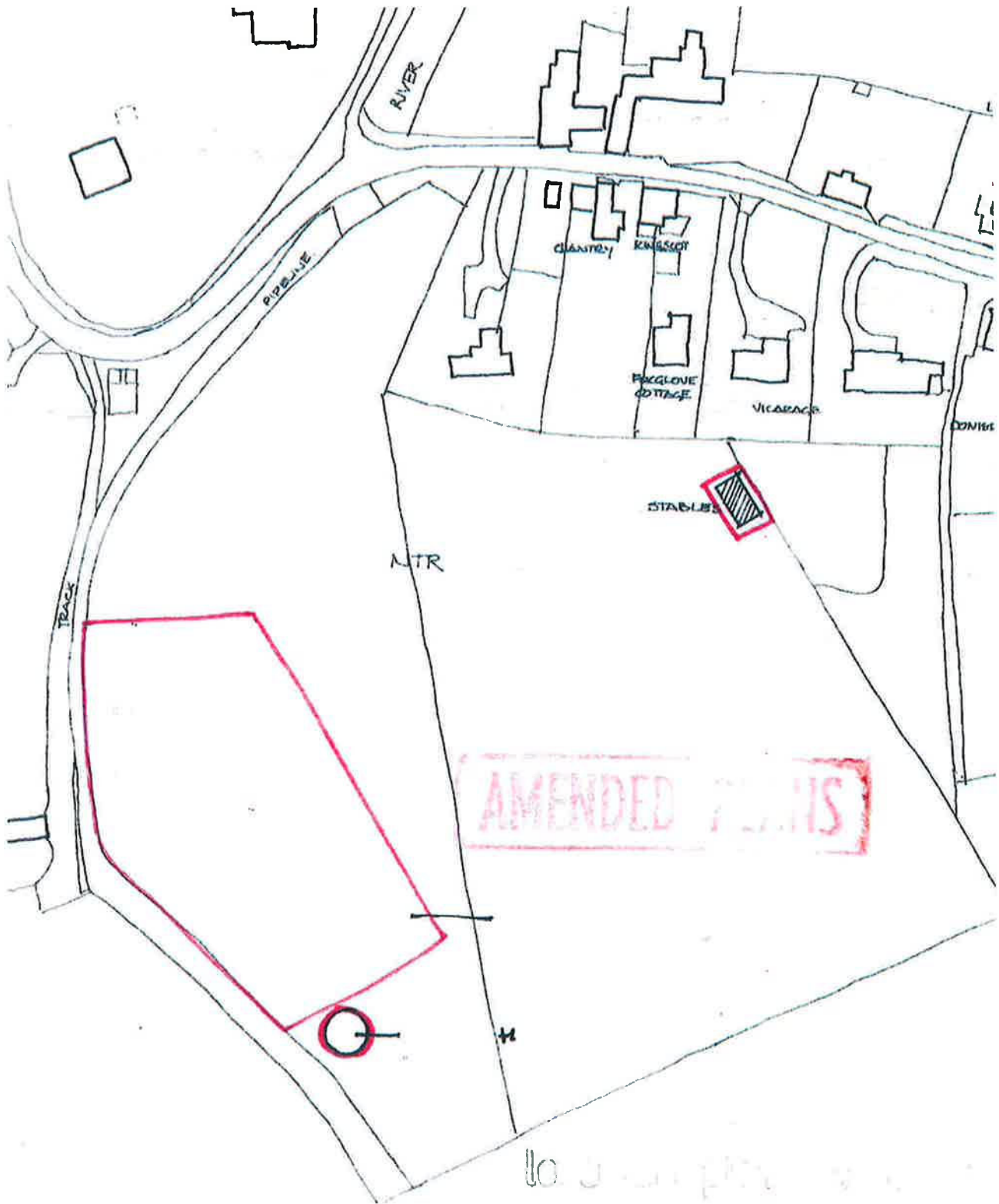
The main issues in this case are considered to be the impact of the proposals upon:

- a) The visual amenities of the area and upon the North Wessex Downs Area of Outstanding Natural Beauty;
- b) Residential amenity; and
- c) Highway safety.

3. Site Description

The application site lies on the edge of the village of Ogbourne St George. It can be accessed by proceeding north from Marlborough along the A346 in the direction of Swindon, travelling for approximately 3 miles, through the village of Ogbourne St Andrew and taking the left hand turning signed Ogbourne St George. At the hotel crossroads (and before proceeding back under the A346), turn left into High Street. Proceed through the village and as the dwellings cease on the left hand side, the site can be seen on the left hand side, before the 90 degree right bend in the road.

The existing field access lies adjacent (east of) the garden boundary of the last property on the southern side, 'Fauns Close'. The site is a large grassed meadow of grazed pastureland which slopes upwards from the 'Bourne' to the west of the site and access towards the east. To the west of the Bourne, a bridleway runs along the track north-south. Public footpaths run alongside the northeast and southeast boundaries. The applicant lives at 'The Vicarage' whose rear garden partially backs onto Chantry Meadow.



Amended Location Plan showing site and amended areas proposed for change of use to equestrian

4. Planning History

There is no planning history relevant to the consideration of this application.

5. The Proposal

The application proposes the retention of the existing stable block of three stables which lie to the south of The Vicarage, and an additional area of field for change of use to equestrian is also proposed in order to regularise its use for exercising horses thereupon. Whilst the stables are remotely located from the field access, the applicant can readily access the stables from his back garden. The applicant has confirmed that the stables and areas proposed for change of use to equestrian are for private use only and are not to be let out or used for any commercial purposes.

The application was initially submitted to propose the whole of the field (circa 8 acres) to be changed to equestrian use. A number of visits to site have shown the vast majority of the land to be in a 'grazing use' which is considered to fall within the definition of 'agriculture' and therefore does not require change of use to equestrian but falls within the current lawful use of the site. The red line areas proposed for equestrian use have therefore been reduced in order to limit the areas in which equestrian uses and associated paraphernalia may take place or be stored, in order to minimise the impact on visual amenity and the North Wessex Downs Area of Outstanding Natural Beauty. This is an approach which this local planning authority has used in order to maintain control over areas which do not benefit from equestrian use.

One objector has questioned this approach, referring to varying definitions and case law relating to agriculture and horsiculture, stating that the applicant's horses are being 'kept' on the paddocks and not simply grazed because they are for recreational use, are rugged and are fed supplementary feed in addition to the grazing. Whether a material change of use has occurred in a matter of fact and degree to be considered in each instance and case law is not clear cut in this area. This local planning authority has taken the view that provided the grazing is adequate to support the numbers of horses so that supplementary feeding is minimal, then the grazing of horses on the land is an agricultural use of the land, and change of use to equestrian is not required for these areas (only). The requirement for change of use permission to be granted for all areas where horses (even those for recreational use) are being grazed would have implications for the local planning authority in terms both receiving significant numbers of applications for changes of use which involve grazing only and secondly, if such applications were approved on a more widespread basis, this would lead to fewer controls over associated equestrian paraphernalia.

However, change of use to equestrian is required where the proposals amount to a material change of use, such as for stabling, the storage of equestrian-related paraphernalia, or riding on the land for more than 28 days in any calendar year.

6. Planning Policy

Policies PD1 and NR7 of the adopted Kennet Local Plan 2011 and national Planning Policy Statement 7: 'Sustainable Development in Rural Areas' are relevant to the consideration of this application.

7. Consultations

Ecologist – No objection.

Environmental Health – No objections subject to no burning of waste and based on amended position for muck heap.

Highways - The application seeks permission for equestrian use on a smaller area of land as outlined red on the amended plan, and permission for the existing stable building. It is relevant that planning permission is not required for the grazing of horses on agricultural land, and that

therefore the use of Chantry Meadow to keep horses could be continued even if the application is refused.

The use by the applicant of horse transporters through the existing field gate access to the site is unhelpful to highway safety given the very restricted visibility in the easterly direction, lack of defined entrance radii, lack of consolidated surfacing, and its location on a section of the C3 class III road where horizontal alignment is poor.

I am also concerned at reports that the applicant regularly loads and unloads horse transporters by parking the vehicles on the public highway near to the site. If such operations are considered to be detrimental to the use of the highway there exists the more appropriate route to address this: Police action on the basis of obstruction of the highway.

The applicant has the facility to load and unload horses on the driveway to The Vicarage. I consider that if possible increased use of the sub-standard field gate access should not occur, and would suggest that you give consideration to conditioning any grant of planning permission that the field gate access to Chantry Meadow located adjacent to Fauns Close shall not be used by horsebox vehicles and horsebox trailers.

Planning Advisor, North Wessex Downs Area of Outstanding Natural Beauty - Although equestrian uses are not an alien part of the AONB landscape, often new equestrian uses in former open agricultural land can result in a negative change of character and visual impact, not because of the horses, but through the sub-division of fields, new or amended access ways, hardstandings, jumps and even vehicles and horse boxes left in fields etc.

We therefore ask that the tests of the CROW Act 2000 are considered when you come to forming a decision on this application, specifically whether the Council can justify that the development "conserves or enhances" the AONB. If the impact on visual amenity and character is negative from this development then permission should be refused.

CPRE - no objection in principle to a change of use from agricultural to equestrian or to the limited use described in the Design and Access Statement.

However, the letters of representation from local residents mention activities outside the scope of those set out in the Design and Access Statement. We feel strongly that use of the field should not be allowed to expand to a commercial scale to the detriment of the visual amenity of the village and this part of the AONB, which should be protected.

We note the concerns of your Highways colleague and also the those of ARK about pollution of the River Og, and would suggest, if this application is permitted, that conditions might be applied

- restricting the scale of use to that set out in the Design and Access Statement;
- requiring that equestrian training equipment be of good design and discreet colours rather than tyres, barrels, drums etc;
- prohibiting overnight parking, say between 8 pm and 8 am of horse-carrying or other motor vehicles in the field;
- requiring professional advice to be obtained concerning the possible pollution of the watercourse.

Action for the River Kennet - note the plan to have a muck heap right alongside the River Og. This seems to have been added as an after-thought. The river is a hugely valuable tributary of the River Kennet and therefore part of one of the finest ecological systems in the UK. It is also a threatened ecology due to low flows and pollution, particularly diffuse pollution from roads and agriculture. The muck heap is in the flood plain and very close to the river which is disingenuously described as a drain in the plans. It represents a significant pollution risk. It needs to be relocated off the flood plain and designed to best practice, which should include measures to minimise and contain runoff. Although the river is sadly dry at the moment due to a combination of extreme dry weather and water abstraction, it should at least regularly flow in winter and the meadow could flood.

A total of 13 other parties have raised objections (including two expressing no objection to the principle but concerns over resulting impact on highway safety etc and a number of representations submitted by two parties) and four letters of support have been received in respect of the application. The comments raised can be briefly summarised as follows, however please refer to the public file/ website for full details.

Objections

1. The proposal will result in an increase in traffic through the village, which is already narrow and easily obstructed by school traffic and buses.
2. The access into the field is substandard, being located on a blind bend and increase in the use of this access would be detrimental to highway safety. The problem is exacerbated by the type of vehicles the applicant has been using to access the field and the regularity with which this has occurred (a large commercial horse transporter and up to four times a day). The requirements for feed and bedding will also increase the need for large vehicles to access the site. The use to date by vehicles is in excess of those associated with the previous agricultural use of the site.
3. The site is visually prominent and is an attractive meadow which affords uninterrupted views. The stables, horse jumps and existing paddock fencing is obtrusive and is harmful to the character and appearance of the Area of Outstanding Natural Beauty landscape and is detrimental to the conservation area.
4. The site cannot be used for both agriculture and equestrian.
5. The stables should be sited further from neighbours so as not to cause nuisance caused by noise and disturbance and odours.
6. Better consideration should be given to the siting of the muck heap to avoid harm to neighbours.
7. The access would need to be altered to accommodate horseboxes and this is not acceptable as it would result in the loss of a tree.
8. The field is accessed regularly by a large commercial horse transport business and this and the numbers of horses kept on site (minimum 5 or 6) is excessive for the private use by one family of one child rider.
9. If The Vicarage access is to be used, the existing field access adjacent Fauns Close should be permanently closed up.
10. The frequent use of the field access by horseboxes, alongside the boundary of Fauns Close causes excessive noise and disturbance.
11. The building is poorly designed and is not of a durable quality and is therefore unsustainable.
12. The development, if permitted, would likely lead to further applications for additional

stabling and storage, all weather surface, hardstanding and lighting.

13. The increase in human activity, subdivision of paddocks, permanent buildings, erosion by vehicles, horse jumps and manege area are unacceptable in the AONB – horsiculture and stabling is not essential to the countryside and is detrimental to the landscape.
14. The position of the muck heap (initial position) would cause harm to neighbour amenity by virtue of the odour and flies emanating and the equestrian use has already led to an increase in vermin.
15. The Meadow is unsuitable for commercial activities including horse transport/ livery/ riding school usage.
16. The equestrian paraphernalia is distracting for highway users.
17. The application forms are inaccurate and are therefore misleading.
18. The use of the land for horses has led to the loading and unloading of the applicant's horses on the road in unsafe locations.
19. An Environmental Impact Assessment should be required (Officer note: It is not considered that the proposed development is likely to lead to any *significant* environmental effects. This is an onerous requirement, stipulated in statute for certain larger types of development and is not considered appropriate for this relatively modest scale of development).

Supporting comments:

1. This is for a private equestrian use only.
2. The location of the muck heap has been amended and agreed.
3. The horseboxes are no more of a problem than agricultural machinery which could legitimately access the site.
4. The land is impeccably managed and maintained by the applicant. The visibility of the access has been improved by the chopping back of vegetation.
5. Such pursuits are compatible with the rural location and would not be harmful to visual amenity or the AONB.

8. Publicity

The application has been publicised by way of a site notice and neighbour letters. Further consultation letters have been sent to respondees, notifying them of amended plans and giving a further opportunity to comment.

9. Planning Considerations

It is understood that the applicant's son is a keen junior showjumper, competing at quite a high level and which necessitates a number of ponies (usually around 5) to be kept for different classes. The land is sufficient in size to support the grazing needs of the applicant's horses. The applicant lives at The Vicarage which backs onto Chantry Meadow where the ponies are grazed and looked after by the applicant and his family.

Amendments to the red line since original submission

The original application proposed to regularise the installation of a timber boarded stable block of three stables and equestrian use over the whole field, as the field is used for riding upon and the training of the applicant's private horses. Equestrian uses of this nature are to be expected in the countryside however the impact of each proposal should be considered on its merits. In this instance, officers were concerned that a widespread equestrian use of the whole of the field area may result in little control over equestrian related chattels, such as temporary jumps and storage, over the whole field. If such items were spread throughout the field, it was considered that the

impact of the proposals upon the character and appearance of the field would be greater. In order to overcome such concerns and to keep the areas in which such items can be maintained, the applicant agreed to reduce the area proposed for the change of use to the area around the stabling only together with a smaller area used as a riding area and muck heap, with the remaining areas to be retained in agricultural use (to include the grazing of horses).

Stable Block & Muck Heap

The stables are designed to be able to be moved, with no hardstanding to the base of the units to enable the stables to be removed at any later date with no permanent effects. The stable building is relatively modest in scale, at 10.8 metres long and 4.8 metres deep (including roof overhang) and measuring only 2.94 metres to the ridge. The building is suitably finished in timber with dark roofslope and is sited so as to be closely related to the existing built up area and the applicant's property. The scale of the building is commensurate with that which may be expected for a personal/ private use. The building would also be seen against the boundary hedging to the rear. Visually, it is considered that the stable block would not compromise the character or appearance of the nearby conservation area nor would it result in significant harm to the visual amenities of the area or the wider AONB landscape.

Stable buildings are often encouraged to be closed related to the accesses to avoid the need / desire for subsequent applications for access tracks. In this instance, although the position of the stabling is remote from the field access, the stabling can be readily accessed from the rear of The Vicarage (the applicant's property) and there is unlikely to be the need to access the stabling from the field access on a regular basis. The applicant has confirmed that whilst the field access will be required to be maintained in order to service the field (emptying the muck heap, maintaining the grazing and for bringing in bedding and feed) it is not considered that these would be so regular as to result in the need for an access track. See also, paragraph on highway impact below.

The position of the dung heap has been agreed between Environmental Health Officers, the applicant and the neighbour at The Old Rectory who initially expressed concerns regarding the positioning of the muck heap adjacent the stable block adjacent the boundary with the garden of The Old Rectory and the impact of flies and odours upon his property. It is now considered that the position of the muck heap is acceptable and the applicant has confirmed it will be emptied on a regular basis.



Stabling plans and elevations (not to scale but dimensions shown)

Impact of Riding Area

The applicant agreed to downscale the area for equestrian use to include a smaller area proposed for riding upon, following officer concerns detailed above. The amended plans detail a precise area which is necessary for clarity, and for the same reason it is considered appropriate to demarcate the area on the ground. Both the applicant and officers are keen to achieve this in the least obtrusive way possible and the applicant has suggest minimal wooden posts together with green electric tape across the top. This is considered appropriate. The grassed surface is to be maintained.

Within this area, equestrian related chattels would be permitted, such as temporary jumps. The applicant has advised that the area needs to be relatively flat and officers have suggested the most appropriate position in order to limit harm to visual amenity, would normally be a site adjacent the field boundary. The applicant has taken account of this in revising his proposals.

Whilst the riding area would be visually prominent from a number of rights of way, it is not considered that the more restricted riding area and associated chattels in this contained area therein (which the applicant has advised would be unlikely to be stored permanently on the site), would result in significant harm to the visual amenities of the area. Similarly, it is not considered that the limited scale of the proposals would compromise the AONB landscape so as to warrant refusal of planning permission on this basis. Additional landscaping (such as hedging to its perimeter) is neither necessary nor suitable in this location, as this would be a more permanent subdivision of the field which would potentially have a greater impact on the character of the

meadow.

Neighbours have raised the issues of noise and disturbance resulting from the exercising of horses and overlooking of the rear gardens. However, given the scale of the proposals and private use only restriction, it is not considered that the activities would be likely to give rise to significant noise and disturbance so as to warrant refusal on the basis of harm to neighbour amenity.

Highways Impact

Highways officers have expressed concern about any increase in the use of the field access as this is substandard. However, the existing permitted agricultural use of the land could reasonably give rise to the field being accessed in order to service animals and maintain the land and regard must be given to this fallback situation. Given that the applicant owns 'The Vicarage' and can access the field through his property, the applicant is willing not to use the access for the transportation of horses. This would prevent horses being loaded in the field and being transported through the access but would not prevent all access for other means, such as to bring haylage onto the land or to empty the dung heap. On balance, highway officers consider this situation will be similar to that under the existing agricultural use of the land and on this basis would not wish to raise an objection on highways grounds.

Should members be minded to grant planning permission, conditions stipulating that the land shall not be used for commercial equestrian purposes but for the benefit of the applicant residing at The Vicarage, restricting the field access not to be used for the transportation of horses and restricting overnight parking of vehicles, horseboxes or trailers on the site are considered appropriate so as to result in no increased use of the unsafe access over and above that which may be associated with the permitted agricultural use of the site.

Other issues

Lighting has also been raised as a concern. The internal illumination of the stables can be reasonably expected and is not considered harmful. External lighting of the stable area may also be considered appropriate subject to this being of an appropriate level and this matter can be covered by condition in the event members are minded to grant approval. Lighting of the riding area is not being proposed and this issue could also be secured by condition.

10. Conclusion

The application is for a relatively modest scale of development, for a private use which is acceptable in principle in the countryside. It is considered that the amendments and recommended conditions, together with the amended position for the muck heap would result in no significant harm to the amenities of neighbouring occupiers or the visual amenities of the area. The proposals would have a broadly neutral impact upon the character and appearance of the nearby conservation area and would not compromise the objectives of the North Wessex Downs Area of Outstanding Natural Beauty. Consequently, approval of planning permission with conditions is recommended.

RECOMMENDATION

That planning permission be granted for the following reason and subject to the conditions set out below:

The decision to grant planning permission has been taken on the grounds that the proposal will not cause any significant harm to interests of acknowledged importance, including the visual amenities of the area, the amenities of the North Wessex Downs Area of Outstanding Natural Beauty, residential amenity or highway safety. Development would accord with policies PD1 & NR7 of the Kennet Local Plan 2011 and government policy contained in Planning Policy Statement 7: 'Sustainable Development in Rural Areas'.

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

REASON:

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

- 2 This planning permission shall enure solely for the benefit of the applicant and only for so long as the applicant's main place of residence is at the property known as The Vicarage, Ogbourne St George. Should the applicant cease to reside at this property then the equestrian use shall cease and the stable building shall be permanently removed from site and the use of the land shall revert to agricultural use.

REASON:

In order to reserve to the Local Planning Authority long term control over the land and the buildings since this permission is granted solely to meet the needs of the present applicant in view of the alternative access available through their property, 'The Vicarage'.

- 3 The development hereby permitted shall be used solely for the private use and enjoyment of the owners of the land the subject of this application and shall not be used for any commercial purpose, including any livery (or DIY livery) or riding school use.

REASON:

Any commercial use would give rise to fresh planning considerations, including traffic generation and the potential impact on the amenity of nearby properties.

- 4 There shall be no overnight parking of vehicles, including horse boxes or horse trailers, anywhere within the application site, or within the area outlined in blue.

REASON:

In the interests of visual amenity and preserving the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty.

- 5 There shall be no loading or unloading of horseboxes or horse trailers using the existing field access adjacent 'Fauns Close' at the north of the site. All transportation of horses to and from the site shall use the access through the applicant's property (The Vicarage).

REASON:

To prevent an increase in the use of a substandard access by vehicles resulting from the need to transport horses associated with the equestrian use of the land hereby

permitted.

- 6 There shall be no burning of any animal waste or bedding emanating from the development hereby permitted anywhere on the site or on land outlined in blue.

REASON:

To preserve the amenities of neighbouring residential properties.

- 7 No external lighting shall be installed on the site (or within the area outlined in blue) unless otherwise first agreed in writing by the local planning authority.

REASON:

To enable the local planning authority control over proposed lighting in the interests of visual and neighbour amenity.

- 8 Within two months of the date of this permission, the area on the plans labelled for 'Equestrian Use' which is currently in use as a riding area, shall be fenced along its boundary (marked in red on the amended location plan received on the 18th October 2011) with timber posts and dark green tape at a height no greater than 1.4 metres and shall be thereafter maintained as such thereafter unless otherwise first agreed in writing by the local planning authority.

REASON:

To ensure that the area granted change of use to equestrian/ riding is properly demarcated for the purposes of monitoring and enforcement and in the interests of the visual amenities of the area.

- 9 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.

Plan Ref: Site Plan (3187.1) and Stable Elevations and Plan View (Drwg 01) both received on the 30th June 2011 and amended Location Plan and attached letter received on the 18th October 2011.

This page is intentionally left blank