

## AGENDA

---

**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber, Wiltshire Council Offices, Browfort, Devizes  
**Date:** Thursday 22 July 2010  
**Time:** 6.00 pm

---

Please direct any enquiries on this Agenda to Anna Thurman, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718379 or email [anna.thurman@wiltshire.gov.uk](mailto: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](http://www.wiltshire.gov.uk)

---

### Membership:

Cllr Philip Brown	Cllr Charles Howard
Cllr Jane Burton	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Christopher Williams
Cllr Richard Gamble	

---

### Substitutes:

Cllr Nigel Carter	Cllr Jerry Kunkler
Cllr Peter Colmer	Cllr Jemima Milton
Cllr Lionel Grundy OBE	Cllr Christopher Newbury
Cllr George Jeans	Cllr Jeffrey Ody

---

# 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 - 14)*

To approve and sign as a correct record the minutes of the meeting held on 1 July 2010 (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.

6. **Planning Applications** *(Pages 15 - 16)*

To consider and determine planning applications in the attached schedule.

6.a **E/10/0516/FUL Full planning application for: Creation of family golf centre At: Land at Berhills Land, Sells Green, SEEND SN12 6RR** *(Pages 17 - 30)*

6.b **E/10/0725/FUL Full planning application for: Erection of single**

**dwelling: and two storey extension to existing house** (Pages 31 - 42)

6.c **E/10/0731/OUT Full planning application for: 1 dwelling At: Three Horse Shoes, MILTON LILBOURNE SN9 5NB** (Pages 43 - 48)

6.d **E/10/0264/FUL Full planning application for: Siting of a metal sea container and portable office building. Stationing and internal/external washing of milk tankers and milk transhipment. At: SCC Transport Folly Road ROUNDWAY Devizes Wilts SN10 2HT** (Pages 49 - 60)

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 1 JULY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.**

#### **Present:**

Cllr Philip Brown (Chairman), Cllr Jane Burton, Cllr Peggy Dow, Cllr Richard Gamble, Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton (Reserve) and Cllr Christopher Williams

#### **58. Apologies for Absence**

Apologies were received from Cllr Nick Fogg and Cllr Charles Howard, who was represented by Cllr Jemima Milton.

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

The minutes of the meeting held 10 June 2010 were approved as a correct record and signed by the Chairman.

#### **60. Declarations of Interest**

E/10/0452/FUL – Cllr Richard Gamble declared a personal interest, as he is Portfolio Holder for Public Transport.

E/10/0485/FUL – Cllr Richard Gamble declared a personal interest as he had attending the ‘Kestrels’ on Conservative Party matters. However this was not deemed a close association and he would participate in the debate and vote.

Cllr Grundy clarified that he had no association with Mrs Wright.

E/10/0147/FUL – Cllr Jemima Milton declared a prejudicial interest as she knew the applicant and would leave the meeting and not participate in this item.

#### **61. Chairman's Announcements**

There were none.

62. **Public Participation**

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

63. **Planning Appeals**

The planning appeal detailed should be read in conjunction with planning application E/10/0485/FUL.

64. **Planning Applications**

65. **E/10/0452/FUL Full planning application for: Removal of existing prefabricated outbuilding. Erection of new single story extension (with related alteration) incorporating classrooms and ancillary accommodation At: Kennet Valley CE Aided Primary School, Lockeridge, SN8 4EL**

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application, and drew the Committees attention to the Archaeological Evaluation Report, comments from the County Archaeologist and 11 letters of representation as tabled in the Late List.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

Public Participation:

1. Mr D Arkwright spoke in opposition of the application.
2. Mr Goodwin spoke in opposition of the application.
3. Mr B Thomas spoke in opposition of the application.
4. Mrs K Spencer spoke in support of the application.
5. Mrs J Davies spoke in support of the application.
6. Mr C Johns spoke in support of the application.

Following a lengthy discussion of a number of issues,

**Resolved**

**Planning Permission is granted, subject to the conditions set out below, 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: policy PD1 and NR7; and

Central Government planning policy set out in PPS1 and PPS5.

- 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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

- 3 No development 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) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

REASON:

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

- 4 All soft landscaping comprised in the approved details of landscaping 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.

- 5 (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.

- 6 No works shall commence on site until details of all new external window and door joinery and/or metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON:

In the interests of preserving the character and appearance of the listed building and its setting.

- 7 The extension shall not be brought into use until a Green Travel Plan 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.

- 8 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. 1457-10, -11, -12, -13B & -14B received by the Ipa 8 April 2010.

**Appendices:** None

**Background Documents Used in the Preparation of this Report:** The application file and relevant government guidance.

66. **E/10/0485/FUL Full planning application for: Erection of thatched cottage and cartshed style garage At: Land adjacent to 6 Oak Lane, EASTERTON SN10 4PD**

The Committee received a presentation by the Area Development Manager, which set out the main issues in respect of the application, also referring to Easterton Parish Council comments and 2 letters of representation tabled in the Late List.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

**Public Participation:**

1. Mr Jenssen spoke in opposition of the application.
2. Mr R Trevis spoke in opposition of the application.
3. Mr D Rowsell spoke in support of the application.
4. Mr D Green spoke in support of the application.

Following a lengthy debate of the salient points,

**Resolved**

**Planning permission is GRANTED for the following reasons:**

The decision to grant planning permission has been made because the local planning authority are satisfied that the development will not have any adverse impact on the setting of nearby listed buildings, due to its design and position,

and will preserve the character and appearance of the Conservation Area, due to its size, design (including thatched roof) and position. The distance from neighbouring properties and the obscure glazing of the rear first floor windows means that the development will not have any significant adverse impact on the amenity of neighbouring properties. The proposal is therefore in accordance with policies PD1 and HC24 of the Kennet Local Plan and national; guidance in PPS5.

- 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 Development shall be carried out in accordance with the Finished Floor Levels shown on drawing nos. PL03 Rev B, PL06 Rev A & PL09 Rev A received on 14th May 2010.

REASON:

In the interests of visual amenity.

- 3 Notwithstanding the details shown on the submitted application forms, no development shall commence on site until samples of the bricks to be used for the external walls of the dwelling and garage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 4 No development shall commence on site until samples of the natural slates to be used for the roof of the garage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification, the timber boarding to be used on the external walls for the garage shall be allowed to weather naturally and shall not be painted or stained without the prior written approval of the Local Planning Authority.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 6 No development shall commence on site until a sample panel of brickwork, not less than 1 metre square and showing the proposed bricks, bond, mortar and pointing, has 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: To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 7 The bricks to be used in the construction of the dwelling hereby permitted shall be laid in Flemish type bond.

REASON: To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 8 The roof of the dwelling hereby permitted shall be thatched in long straw with a flush wrap-over ridge, unless otherwise agreed in writing by the Local Planning Authority.

REASON:  
To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 9 The windows in the dwelling hereby permitted shall be white painted timber flush casements installed in accordance with the details shown on drawing no. PL07 received on 15th April 2010. They shall be retained as such thereafter.

REASON:  
To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 10 The door in the front (south-west) elevation of the dwelling hereby permitted shall be constructed of timber and painted. The door shall be retained as such thereafter.

REASON:  
To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the conservation area and the setting of the adjacent listed building.

- 11 No development shall commence on site until temporary protective fencing has been erected for the existing beech hedge, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. After it has been erected, the fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within the protected area. There shall be no excavation within the protected area.

REASON:

To enable the Local Planning Authority to ensure the retention of the existing hedge on the site in the interests of visual amenity.

- 12 The existing beech hedge on the site frontage shall be retained and shall not be removed (in whole or part) or reduced in height without the Local Planning Authority's prior written approval. (For the avoidance of doubt this condition does not preclude the routine trimming of the external faces of the hedge)

REASON:

To ensure a satisfactory landscaped setting for the development.

- 13 No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of 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, planting sizes and planting densities for all new planting.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 14 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.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 15 Before the dwelling hereby permitted is first occupied the access, driveway and turning head shall be completed in accordance with the details shown on the approved plans, and these areas shall thereafter be maintained for use in connection with the development.

REASON:

In the interests of highway safety.

- 16 Before the dwelling hereby permitted is first occupied the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2.0 metres back from the edge of the carriageway measured along the centre line of the access, to a point on the nearside carriageway edge at the north-western end of the site frontage.

REASON: In the interests of highway safety.

- 17 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 wall, fence, gate or other means of enclosure shall be erected or placed within the application site forward of the principal elevation of the dwelling facing the highway.

REASON: To enable the Local Planning Authority to retain control over future development within the curtilage of the dwelling in the interests of the proper planning and amenity of the area.

- 18 Before the dwelling hereby permitted is first occupied the first floor windows in the rear (north-east) elevation serving the bathroom, landing and en-suite shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the any of the elevations or roof slopes of the dwelling hereby permitted.

REASON:

In the interests of residential amenity and privacy and the character and appearance of the conservation area.

- 20 **INFORMATIVE TO APPLICANT:**  
The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service and dated the 7th May 2010.

- 21 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, 1:1250 Site Location Plan and

drawing nos. PL01 Rev A, PL04, PL05, PL07 & 0801/01 Rev A received on 15th April 2010.

(b) Drawing nos. PL03 Rev B, PL06 Rev A & PL09 Rev A received on 14th May 2010.

(c) Drawing nos. PL02 Rev B & PL08 Rev A received on 11th June 2010.

**Appendices:** Appeal decision for history application

**Background Documents Used in the Preparation of this Report:** The application file, history file E/09/0075/FUL, Kennet Local Plan 2011, Easterton Conservation Area Statement and government guidance contained in PPS1 and PPS5.

67. **E/10/0147/FUL Full planning application for: Demolition of existing farmhouse and erection of replacement farmhouse with new outbuilding range/garaging and farm office At: Knight Leaze Farm, URCHFONT SN10 4RA**

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

Public Participation:

1. Mr M Bodman spoke in support of the application.
2. Mr D Rowsell spoke in support of the application.
3. Mr S Holt (Urchfont Parish Council) spoke in support of the application.

Following a detailed discussion of a number of issues,

**Resolved**

**Planning Permission is granted, subject to the conditions set out below, for the following reasons;**

Although the size of the replacement dwelling does not comply with the requirements of policy HC25 of the Kennet Local Plan, the Council are satisfied that the design and proposed quality of the new dwelling will enhance the landscape character and the appearance of the area, and will be in accordance with policy NR7 of the Kennet Local Plan. Consequently, planning permission is

justified on this occasion.

- 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 occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON:

The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls, windows and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

- 4 No development shall commence on site until a scheme of landscaping for the new curtilage boundaries has been submitted to and approved in writing by the Local Planning Authority. The submitted details of which shall include details of all fencing, indications of all existing trees and hedgerows on the land; details of any to be retained, together with measures for their protection in the course of development; and all species, planting sizes and planting densities for new planting.,

REASON:

To ensure a satisfactory landscaped setting for the development.

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

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

REASON: In the interests of visual amenity.

- 7 Within three months of the first occupation of the dwelling hereby approved, the existing dwelling on the site, as shown on drawing number 06, shall be demolished and all of the demolition materials and debris resulting there from shall be removed from the site.

REASON:

To protect the character and appearance of the area, which is in open countryside, and permission has only been granted on the basis that the dwelling hereby approved is a replacement for the existing unattractive farmhouse, the retention of which would conflict with policies HC25 and NR7 of the Kennet Local Plan.

- 8 INFORMATIVE TO APPLICANT:

The amended plans show the curtilage of the site outside of the nearby routes of the public rights of way. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of these rights of way.

- 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 Refs Amended 1:2500 location plan, received on 11th June 2010; Drawing Numbers 01-06, received with the planning application and the Design and Access Statement received with the planning application.

68. **Urgent items**

None.



(Duration of meeting: 6.00 - 7.30 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic & Members' Services, direct line (01225) 718379, e-mail [anna.thurman@wiltshire.gov.uk](mailto:anna.thurman@wiltshire.gov.uk)

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

This page is intentionally left blank

**Wiltshire Council**

**East Area Planning Committee**

**July 22nd 2010**

**List of Applications for Consideration**

**1. E/10/0516/FUL**

Full planning application for: Creation of family golf centre

At: Land at Berhills Lane, Sells Green, SEEND SN12 6RR

RECOMMENDATION: Refuse planning permission

**2. E/10/0725/FUL**

Full planning application for: Erection of single dwelling; and two storey extension to existing house

At: 'Longdon', Bath Road, MARLBOROUGH SN8 1NN

RECOMMENDATION: Grant planning permission

**3. E/10/0731/OUT**

Full planning application for: 1 dwelling

At: Three Horse Shoes, MILTON LILBOURNE SN9 5NB

RECOMMENDATION: Refuse planning permission

**4. E/10/0264/FUL**

Full planning application for: Siting of a metal sea container and portable office building. Stationing and internal/external washing of milk tankers and milk transshipment.

At: SCC Transport Folly Road ROUNDWAY Devizes Wilts SN10 2HT

RECOMMENDATION: Grant planning permission

This page is intentionally left blank

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	22 <sup>nd</sup> July 2010
<b>Application Number</b>	E/10/0516/FUL
<b>Site Address</b>	Land at Berhills Lane, Sells Green, Seend, Wilts SN12 6RR
<b>Proposal</b>	Creation of family golf centre
<b>Applicant</b>	Mr John Hussey
<b>Town/Parish Council</b>	SEEND
<b>Grid Ref</b>	395256 162223
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rob Parker

### Reason for the application being considered by Committee

The application is before the Committee at the request of the local member, Cllr Seed.

#### 1. Purpose of Report

To consider the recommendation that the application be refused.

#### 2. Report Summary

The main issues to be considered in this case are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon protected species
- Impact upon neighbour amenity

The application has generated objections from Seend and Bromham Parish Councils; caveated support from Rowde Parish Council and 18 letters of objection from the public, with a further one in support.,

#### 3. Site Description

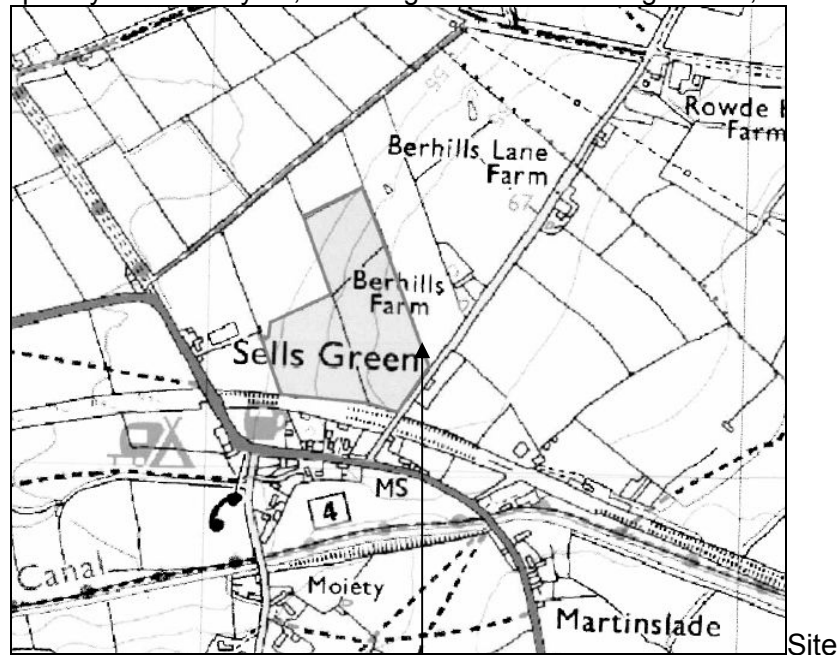
The application site comprises a 7.46 hectare parcel of agricultural land adjoining Berhills Lane in Sells Green. Berhills Lane forms part of the 'C' classified road which links the A342 Devizes – Chippenham road with the A365 Devizes – Melksham road. On entering Berhills Lane from the direction of Sells Green the site lies on the left hand side approximately 150m from the junction, opposite the dwelling known as 'Equestria'.

#### 4. Planning History

E/09/0640/FUL – Creation of family golf centre, planning permission refused under officer delegated powers on 17<sup>th</sup> August 2009 for the following reason:

“The C242 (Berhills Lane) would, by reason of its restricted width and poor

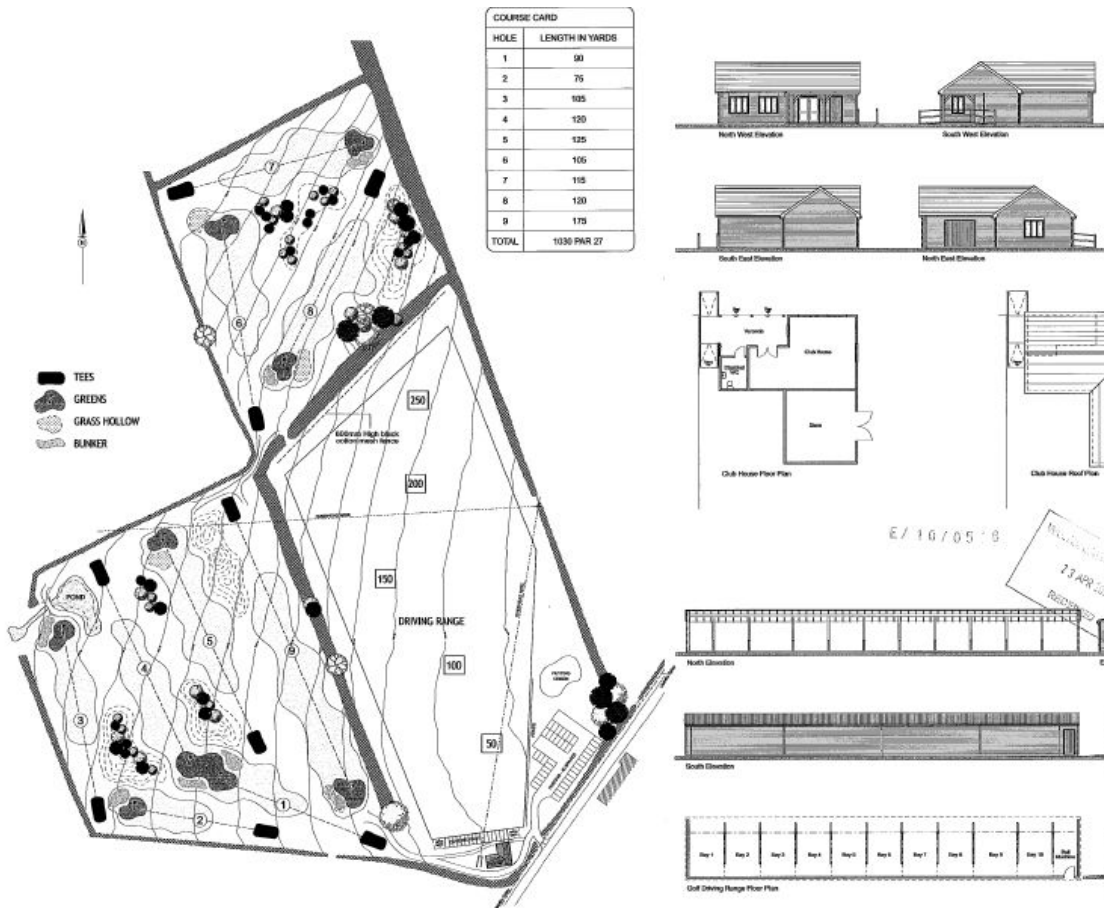
alignment to the north and sub-standard junction with A365 Bath Road to the south, be unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy PD1 of the Kennet Local Plan 2011, criterion B(4) of which requires all development proposals to adequately address layout, servicing and access arrangements, and road safety.”



**Site Location Plan**

### **5. The Proposal**

The proposal is to create a family golf centre, to include a driving range. The scheme will comprise a 9 hole par 3 golf course, a club house and 10 bay driving range building. There would also be a 40 space car park with a new vehicular access onto Berhills Lane (in the position of an existing field gate).



**6. Planning Policy**

Wiltshire & Swindon Structure plan – policy RLT1 relates to the provision of sport and recreational facilities.

Kennet Local Plan - policies PD1, NR6 & NR7 of the Kennet Local Plan 2011 are relevant to the assessment of this application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is a material consideration. It is also relevant to consider Government guidance contained in PPG17: 'Planning for Open Space, Sport and Recreation'.

**7. Consultations**

Bromham Parish Council: Objects under Policy PD1 (B4) with concerns about the increased volume of traffic on this unclassified road (Officer note: Berhills Lane is actually a classified road - the C242).

Environment Agency: No objection subject to appropriate conditions and informatives.

Rowde Parish Council: Supports the proposal for a family golf course that would provide a much needed facility for local villages. However, the parish council recommends that the developers are required to review their application in respect of road safety issues.

Seend Parish Council: The views of Seend Parish Council remain the same as when comments were submitted on E/09/0640/FUL in July 2009 (these are reproduced below for information). There is strong opposition to this development from the local residents. The parish council agrees with the comments of Bromham Parish Council, and object under Policy PD1 (B4), and with the comments of the Council's Highways Officer who recommends that the application be refused because the road in question (C242) is unsuitable for the increase in traffic resulting from this development.

Seend Parish Council's comments on E/09/0640/FUL:

1. The development will undoubtedly increase traffic along Hawk Street, Durlitt Road and Berhills Lane. The lane is a 'C' class road, but experiences high volumes of traffic. The road is already used as a 'rat run' by commuters, cutting through to the A342 Calne/Chippenham road. The road has a 7.5 tonne weight restriction. The road is very narrow at the proposed entrance to the site; the road is also frequently used by horse riders. Planning permission has already been refused for a commercial stable along the lane, because of the increase in traffic. The present speed limit of 60mph would need to be significantly reduced, and pedestrian access improved by means of a footpath. There could be a change in the level of traffic using the A365 if a weight limit is introduced on the A361 through Seend. The junction of Berhills Lane with the A365 has poor visibility westwards.
2. There are already several golf amenities within a 15 mile radius; the application has been prepared selectively and does not mention Christie Miller Centre in Melksham, Witley driving range, the Driving Academy at Yatton Keynell or the driving range at Wingfield.
3. Concerns were expressed that this development could be a means of creating income from tipping soil and waste from building sites - a common way of avoiding land fill tax.
4. There is little mention of the impact of lighting in the plan. Residents close to Yatton Keynell range have complained about the level of lighting.
5. The plan shows only one lavatory. However there are parking spaces for 43 cars and a cafeteria on the site.
6. Doubts have been expressed as to the commercial viability of the plan.
7. The ecological survey was undertaken over a one day period, and the parish council would like to see a full wildlife survey undertaken by Wiltshire Wildlife Trust to ascertain the species of animals, insects, reptiles and plants on the site.

It is clear from the correspondence and verbal comments at the parish council meeting that the local residents are vehemently opposed to this application, and fear it will have a detrimental effect on the amenity of their area.

Comments on amended plans:

The parish council is glad to see that floodlighting has been removed from the scheme. However, the main area of concern is "Highways". This includes lack of pedestrian footpaths and the speed limit through Sells Green and along Berhills Lane. The proposed weight restriction on the A361 through Seend, which would see vehicles over 7.5 tonnes being diverted along the A365, increasing the



volume of heavy traffic passing through Sells Green. The width of Berhills Lane at the proposed entrance to the golf centre. The parish council are still very concerned at the overall impact on the Sells Green and Berhills Lane areas of this proposed scheme.

Wessex Water: The proposal is not located within a Wessex Water sewered area. Foul drainage is proposed using a septic tank and surface water drainage via soakaways. The Council should satisfy itself that these arrangements are adequate. Mains water supply is available.

Wiltshire Council Highways: The previous concerns about the junction of Berhills Lane with the A365 have now been addressed with an agreed alteration to this junction. The concerns about additional traffic using the highway network, in particular Durrett Road and Hawk Street, to the north of the site still remain. This is twofold - i.e. during the construction stage and during final use. At the construction stage it may be possible to control the routing of the lorries by means of a legal agreement, but no way has been identified to prevent traffic for the completed golf centre from using those roads. The Highway Authority's objection is therefore maintained and a refusal of planning permission is recommended for the following reason:

“Traffic generated from this proposal would use a road (C242) which, by virtue of its inadequate width and alignment, is considered unsuitable to accommodate the increase in traffic resulting from this development.”

Wiltshire Fire & Rescue Service: Standard informative letter regarding fire safety legislation, fire appliance/firefighting access and water supplies for firefighting.

## **8. Publicity**

The application has been publicised by advertisement in the local newspaper and by site notice. Letters have also been sent to the owner/occupiers of nearby residential properties.

One letter of support has been received in response to this consultation exercise. In addition, eighteen representations of objection have been received raising the following concerns:

- a) The proposal will be detrimental to highway safety on Berhills Lane. The C242 is used as a rat-run during peak hours. There are no footways, much of the road is narrow single lane and traffic travels far too quickly. There are already conflicts between horse riders and motor vehicles, resulting in various accidents. The proposal will exacerbate the problem by generating additional traffic, and also give rise to danger for pedestrians and cyclists. Berhills Lane is narrow at the position of the new access for the golf course and the lack of footways will make it dangerous for golfers accessing the facility on foot from the local bus stop on the A365 and the caravan park at Sells Green. Accident figures supplied by the applicant are misleading as the recorded statistics only include injury accidents and fatalities; there are many more unrecorded accidents. One objector disputes the accuracy of the submitted data on vehicle flows.
- b) The proposal will give rise to additional traffic volumes in nearby Spout Lane which is already used as a rat-run.
- c) The site lies in an unsustainable location. The majority of customers will visit the site by private motor car and not by public transport.

- d) There is no need for an additional golf facility in this area; the site is surrounded by existing facilities, most of them excellent but struggling to remain viable in the present economic climate. The applicant identifies a catchment area of 10 miles; customers would therefore be passing existing golf facilities to reach the Berhills Lane site. Attention is also drawn to a similar facility in Bradford on Avon which is owned by the applicant; the objectors believe that this site is not economically viable, hence the reason why planning permission has recently been sought for housing development.
- e) The proposed golf facility will not be economically viable in this location. Concern is expressed that the applicant's real intention is to use this development as a means of disposing of topsoil and/or waste which would otherwise go to landfill. The applicant stands to make a considerable amount of money from this activity; there would be no need to open the golf course afterwards.
- f) The proposal may be the first step towards gaining planning permission for housing development when the golf course fails to prove profitable.
- g) The proposal is inappropriate development in the countryside and would be harmful to the character and appearance of this primarily agricultural / equestrian area. The alterations required to create the new access (and its associated visibility splays) will be wholly out of character with the natural environs of the lane.
- h) The proposal will give rise to a need for lighting which will be detrimental to the amenities of the countryside and local residents.
- i) The application is contrary to the Development Plan and does not comply with government guidance contained in PPG17.
- j) The proposal will be harmful to wildlife. Grass snakes and adders have been spotted in the vicinity and the ponds on site may be suitable for amphibians. There are many small mammals, insects and butterflies which are impossible to survey on the basis of one site visit. Retention of the existing badger sett is unrealistic; badgers are unlikely to be tolerated on a golf course and therefore they are likely to be excluded once the facility is operational. Deer graze in the fields most days and foxes, sparrow hawks and a barn owl have all been spotted.
- k) There may be existing drainage pipes under the land and the loss of these as a result of changes in topography may affect local drainage. A proper survey is required.
- l) The proposal would give rise to noise nuisance for the occupiers of Equestria, the dwelling immediately opposite the site on Berhills Lane. The objector is concerned about people shouting "good night" to one another and slamming car doors so close to his property, with only a hedge and narrow grass verge as a barrier.
- m) The proposal would also give rise to noise nuisance to other properties from people on the site and the 'crack' of golf balls. Golfers would be able to overlook the garden to 18 Sells Green from the raised tees.
- n) Stray golf balls will present a danger for livestock and farm machinery.

- o) The 800 lorry movements associated with the importation of spoil will result in noise, dust, vibration and inconvenience to local residents, and will also cause damage to local properties, roads and hedgerows. Furthermore, they will deposit mud on the carriageway, to the detriment of highway safety.
- p) The proposal will cause litter nuisance.
- q) The facility will encourage crime and antisocial behaviour; the driving bays in particular could provide good shelter for nefarious night activities.
- r) Timber is not a suitable construction material for the proposed buildings.
- s) The applicant does not own the hedges on the north and west site boundaries.
- t) Stray golf balls may harm livestock, farm machinery or agricultural workers in adjacent fields.
- u) Golfers trying to retrieve stray golf balls could damage crops in surrounding fields and any gaps made by golfers could lead to livestock escaping onto the golf course and subsequently onto the road.

## **9. Planning Considerations**

### **Background**

This is a proposal for a family golf centre comprising a 9 hole par 3 golf course and a driving range. The current application is essentially a resubmission of E/09/0640/FUL which was refused under officer delegated powers. The application is identical to the previous submission, except insofar as junction improvements are being proposed at the junction of Berhills with the A365 to address the refusal reason. The Transport Statement has also been updated.

### **Principle of Development**

There are no saved policies in the Kennet Local Plan 2011 relating to new outdoor sport and recreation facilities in the countryside. Government guidance contained in PPG17 is therefore the most relevant policy consideration. This states that:

“In rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside ...”

Officers have considered whether the proposal complies with the above government guidance. There may be grounds to suggest that the proposal runs contrary to the guidance on the basis that the site is located in the countryside, well away from the nearby towns of Devizes, Chippenham, Melksham and Trowbridge. It would also be possible to argue that the facility would not fall within the “smaller scale facilities” category because it would be serving more than the local community.

Advice was sought from the Council’s Spatial Planning Team on the interpretation of PPG17, in connection with the first planning application for the site (E/09/0640/FUL). The advice given was that interpretation of PPG17 is all a matter of scale. The site does not lie immediately on the edge of an existing town but it is conveniently located within a short drive of several towns and within walking distance of the Sells Green

Caravan Site and the Kennet & Avon Canal. There are also public transport links. Previous studies have identified a shortage of pay and play golf courses in the former Kennet district (paragraph 7.49 of the Kennet Local Plan 2011 refers) and therefore this should be given some weight in the assessment of the current proposal. A large proportion of the Wiltshire East area is covered by AONB & Special Landscape Area designations and therefore this site is perhaps the one of the least sensitive in landscape terms.

On the basis of the advice received from the Spatial Planning Team it would be difficult to argue that the principle of a golf course and driving range in this location would be unacceptable.

### **Impact upon Highway Safety**

The Council's Highway Officer objected to the previous planning application (E/09/0640/FUL) on the basis that the C242 (Berhills Lane), by reason of its restricted width and poor alignment to the north and sub-standard junction with A365 Bath Road to the south, is unsuitable to serve as a means of access to the proposed development. Since that decision the applicant has agreed with the Highway Officer a scheme of junction improvements which addresses part of the refusal reason. The Highway Officer maintains an objection to the scheme on the grounds that traffic generated from the proposal would use a road (C242) which, by virtue of its inadequate width and alignment, is considered unsuitable to accommodate the increase in traffic resulting from this development. This objection relates to the physical attributes of the highway network and is incapable of being overcome by the applicant; the C242 is a 2.4 mile section of highway linking the A365 at Sells Green with the A342 at Bromham, via Berhills Lane, Durlitt and Hawk Street.

Local residents have expressed serious concerns regarding the impact of development upon highway safety. The issues raised overlap with the Highway Officer's concerns, particularly in respect of the restricted highway width and poor alignment to the north. Any appeal against a refusal of planning permission would give the objectors the opportunity to raise any highway issues not covered by the Highway Officer's suggested refusal reason. An appeal inspector would have a duty to consider these additional concerns.

### **Impact upon Visual Amenity and Landscape Character**

The site lies in an area of countryside which is not covered by any landscape designations. The proposal would maintain the existing field boundary structure and the hedge would be maintained along the site frontage. Recent hedge trimming has demonstrated that the highway visibility splays can be achieved whilst maintaining the existing hedge, and this could be strengthened with additional planting to the rear if required.

Views of the site from Berhills Lane would be restricted to glimpses through the entrance. The site topography means that there would be some views from the A365 on the approach from Melksham. However, it is not considered that these views would be harmful to visual amenity or landscape character. The basic structure of the landscape provided by existing trees and hedgelines would be retained.

The Council's Landscape & Countryside Officer made comments on the first application for the site, raising no objections to the scheme in principal. He considered that it should be possible to locate the proposed golf course on the site without a significant detrimental impact on the character and appearance of the key characteristics of the site and surrounding countryside. Amended plans were submitted which satisfactorily addressed his residual concerns, and the current

application is based upon those amended plans agreed as part of E/09/0640/FUL.

The potential for light pollution is a legitimate planning concern. Floodlighting would be visible from a considerable distance and it would be seriously harmful to the amenities of the area. The applicant has confirmed that no floodlighting will be required and this can be secured by way of a planning condition. Objectors are sceptical, believing that the business will not be viable without some form of lighting; they are concerned that the applicant will obtain planning permission based on false promises and then apply for floodlighting at a later date. Whilst this is a possibility, it would not be reasonable to refuse planning permission for the driving range on the grounds that lighting would be harmful, if the applicant is specifically stating that no lighting is being proposed. If a planning condition is imposed to restrict external lighting then the merits of any future proposal can be considered at a later date.

Objectors have raised concerns regarding the impact of the proposals upon the appearance of the area. They express specific concerns regarding the proposal for timber buildings and the impact of fairways on the rural landscape. Officers consider timber buildings to be perfectly acceptable in this location; timber is commonly used in rural areas (e.g. for stables) and the proposed buildings have been sited to minimise their visual impact. Golf courses will inevitably have an impact upon the landscape due to their manmade design. However, the current proposal maintains the basic landscape structure and as a result any change to landscape character would be relatively localised.

#### **Impact upon Protected Species**

The planning application is accompanied by a protected species survey carried out on behalf of the applicant by the Dorset Ecological Consultancy, the in-house consultancy within the Dorset Wildlife Trust. An identical report was submitted as part of the first planning application (E/09/0640/FUL). The survey work was carried out in January 2009; this can still be relied upon for the purposes of the current planning application. The recommendations of the report can be made the subject of appropriately worded planning condition(s), with the exception of the Biodiversity Management Plan which the Council Ecologist considers to be an unreasonable requirement.

The Council Ecologist has been reconsulted for the latest application and has discovered evidence of great crested newts on the site. These species are protected by law and therefore there is a requirement for the applicant to consider the impact of development upon the newts and to identify any mitigation measures required. This issue has been discussed between Dorset Ecological Consultancy and the Council Ecologist and a mitigation strategy has been agreed. A planning condition would be required to secure implementation. On this basis, the County Ecologist does not object to the proposal.

#### **Impact upon Neighbour Amenity**

The site is located on the edge of Sells Green but is buffered from the main built-up area by the former railway line. The nearest dwelling is 'Equestria' which lies diagonally opposite the site entrance.

The owner/occupier of Equestria has expressed concerns regarding noise and disturbance caused by the car park being opposite his property. Concerns are also expressed regarding the loss of view caused by erection of fencing to protect the car park from golf balls and the potential for disturbance resulting from evening and night time activities, possibly involving consumption of alcohol and the lighting of fireworks.

It is not considered that the objector's concerns would be grounds for a refusal of planning permission. Noise from the car park is unlikely to cause nuisance and there is no evidence to indicate that the facility would be used as a function venue, and no suggestion that the premises would be licensed for alcohol.

The physical relationship between the objector's property and the site is relevant in making the above judgement. Equestria is separated from the site by Berhills Lane and its garden lies to the rear of the property in a position where the dwelling itself would provide a physical barrier to the passage of sound.

Other objectors raise concerns regarding nuisance from stray golf balls, noise from the crack of clubs hitting golf balls, loss of outlook and overlooking of gardens from raised tees and fairways. It is not considered that these issues would warrant a refusal of planning permission.

- The golf course and driving range would be separated from residential gardens on Bath Road by a distance of at least 35m and there would be intervening trees and hedges. On this basis it is not considered that loss of privacy would be an issue.
- Loss of outlook is not a material planning consideration unless the impact is particularly overbearing or overshadowing. The objectors may have some views of the golf course through gaps in the boundary hedges but this in itself is not adequate reason to refuse planning permission.
- The issue of stray golf balls is more of a management issue (or a private issue to be resolved between neighbouring landowners).
- Golf is not a spectator sport and it is not generally a noisy activity. It is not considered that the crack of golf balls would constitute a noise nuisance.

## **Other Issues**

### **a) Archaeology**

The Wiltshire Sites and Monuments Record indicates that the site lies within a potentially archaeologically sensitive area. However, the County Archaeologist has no objections to development subject to a condition being imposed requiring further archaeological work in line with government advice contained in PPS5.

### **b) Need & Viability**

Objectors raise the issue of whether there is a need for the development and whether it would be viable in this location. It is impossible to make a judgement on whether there are already sufficient golf courses in the area and it is equally difficult to form any conclusions on the likely viability of the proposed business. It is certainly true that there are several other similar businesses in Wiltshire; however, this does not mean that an additional golf course and driving range would not be economically viable.

### **c) Landfill**

Objectors express concern that the proposal is simply a means of disposing of waste without paying the landfill tax. Whilst this is a valid concern, the objectors must also consider the possibility that the applicant may genuinely want to build a golf course and driving range. The application must therefore be taken at face value. If members are minded to grant permission, it may be necessary to investigate the means by which the Council could be assured that the works will be completed and local residents not left with an incomplete eyesore. It may be that a bond could be

required as insurance against this possibility.

Concerns are expressed regarding the nature of the fill material, given that 'inert' material can encompass a wide variety of material from bricks and concrete to glass, tiles and ceramics. The nature of the fill could be controlled by way of a planning condition.

**d) Precedent for Residential Development**

Objectors are suspicious that the current application may lead to a planning application for residential development on the site. The applicant has denied that this is his intention. In any event, a grant of planning permission for a golf course and driving range would not make it any easier for the applicant to obtain planning permission for residential development on the site. Residential development in this location would be completely contrary to current local plan policy.

**e) Deficiencies with Golf Course Design**

Objectors raise various issues with the design of the facility, notably with the inter-relationship between the golf course and the driving range and the potential for health and safety issues to arise. These issues are matters for the golf course operator and are not for consideration as part of the current planning application.

**RECOMMENDATION**

Refuse planning permission for the following reason:

Traffic generated from this proposal would use a road (C242) which, by virtue of its inadequate width and alignment, is considered unsuitable to accommodate the increase in traffic resulting from this development. The proposal is therefore contrary to Policy PD1(B4) of the Kennet Local Plan 2011.

**Appendices:**

None

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

Planning application files (as referred to in the report), Kennet Local Plan 2011, Kennet Landscape Conservation Strategy and PPG17: 'Planning for Open Space, Sport and Recreation'.

This page is intentionally left blank



395000E

395250E

395500E

E110/0516/FOL Berhills Lane Sells Green Sarnol

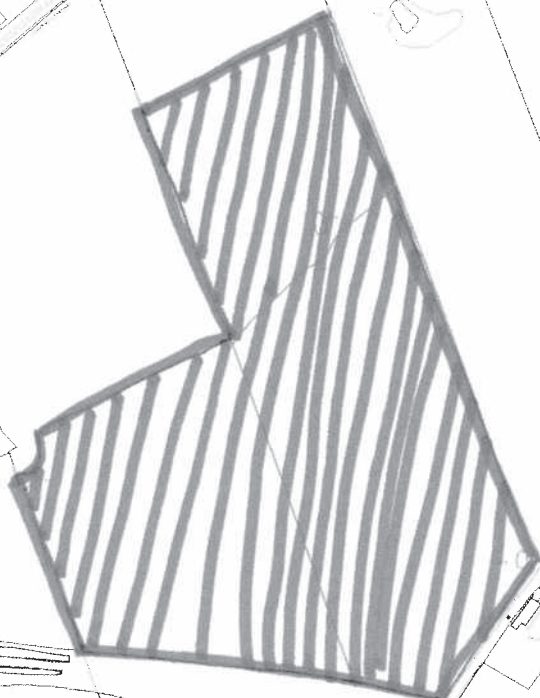
N100/701

N100/701

N100/701

N100/701

N100/701



This page is intentionally left blank

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	22 July 2010
<b>Application Number</b>	E/10/0725/FUL
<b>Site Address</b>	Longdon, Bath Road, Marlborough, Wiltshire, SN8 1NN
<b>Proposal</b>	Erection of 1 No. dwelling, two storey extension to Longdon.
<b>Applicant</b>	Ms Sarah Lane and Mrs Gillian Mercer
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	417550 168796
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Reason for the application being considered by Committee

The application is before the Committee at the request of the Division Member, Cllr Nick Fogg.

### Purpose of Report

To consider the recommendation that the application be approved.

At the time of writing the application has generated a “no objection” response from Marlborough Town Council, five letters of objections from third parties, and no letters of support from third parties.

### Report Summary

The main issues in this case are as follows:

- The principle of new residential development in this location;
- Assuming the principle is accepted, the impact of the specific proposal on the character and appearance of the area;
- The impact on residential amenity;
- The impact on highway safety;
- The impact on the setting of the adjoining listed property, Upcott Cottage.

### Site Description

The approx. 0.3 ha application site is prominently located on the west side of Marlborough in a relatively low density residential area. It has frontage to Bath Road (at the front) and Golding Avenue (at the rear). Either side are detached residential properties – Thuja, Upcott Cottage (listed grade II), and Beech Cottage. To the south (on the opposite side of Bath Road) is open countryside.

The application site supports a single detached house, Longdon, and associated modest domestic outbuildings. Longdon is set well back on the site (approximately 40m from Bath Road) on gently rising land. The site’s boundaries are defined by hedges and/or substantial mature trees (those to the north side being subject to a tree preservation order).

In policy terms the site lies within the Limits of Development of Marlborough. Marlborough and all land beyond its boundaries lies within the Area of Outstanding Natural Beauty.



*Site Location*

### **Relevant Planning History**

K/09/0892/FUL – Erection of 2 no. dwellings with associated garages. Demolition of outbuildings associated with existing dwelling and erection of new garage – refused 27 August 2009.

K/09/1662/FUL – Erection of 2 no. dwellings with associated garages. Demolition of outbuildings associated with existing dwelling and erection of new garage – refused 03 February 2010.

### **Proposal**

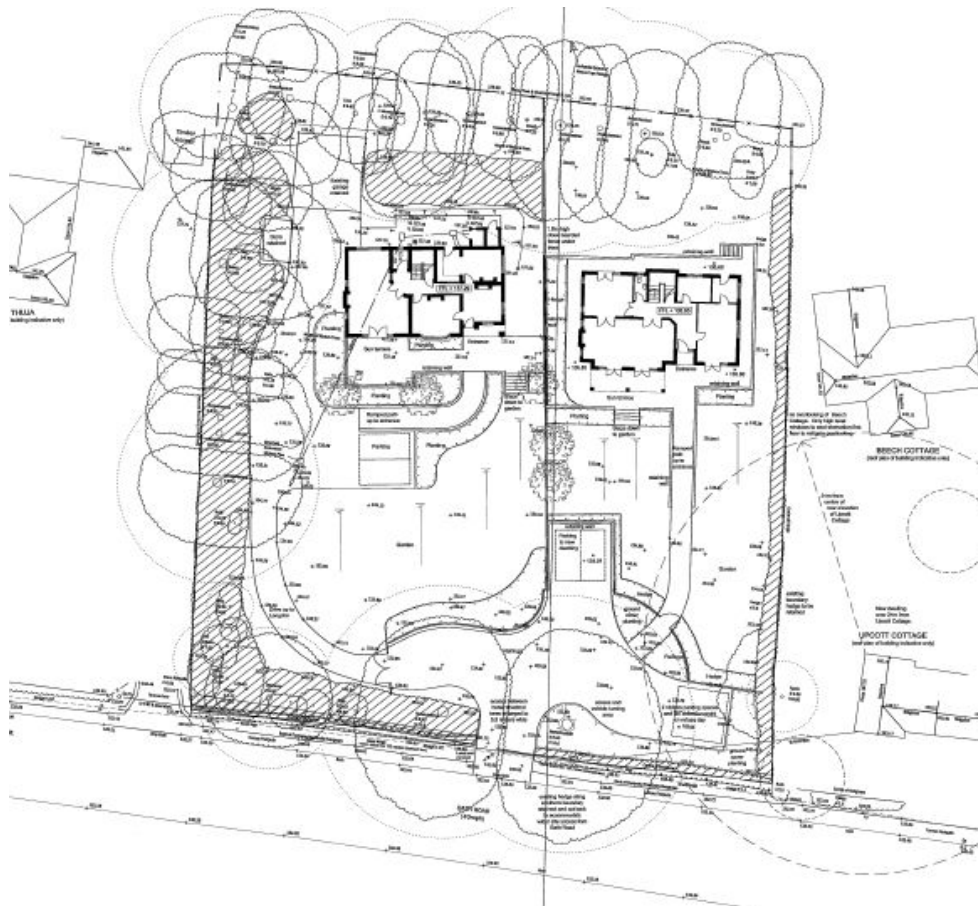
There are two aspects to the application. Firstly, it is proposed to alter the existing house, Longdon, by demolishing a single storey extension to its east side, erecting a two storey extension to its west side, and creating a new driveway, parking area and partly terraced gardens; and secondly, it is proposed to erect a new detached house to the east side of Longdon with associated new driveway and partly terraced gardens. The existing vehicular access to the site would be shared by both Longdon and the new house, albeit in a widened form.

The extension to Longdon would project 6m to the side but follow the front and rear building lines of the existing house. An approx. 13m wide gap would remain between the extension and the side boundary of the property with Thuja. The new driveway serving the house would follow closely the line of an existing driveway in this area, although with an enlarged parking and turning area in front of the house.

The new house would be sited to the east side of Longdon on part of its existing wide side garden. The new plot to accommodate the house would be a minimum of 22m wide (leaving Longdon with a 30m+ wide plot). The house would be set back on the

plot, following closely the building lines of Longdon and Beech Cottage. It would be a traditional two storey house with a similar ridge height to Longdon. Gaps of 3m and 4.5m would be retained to the sides of the house with the boundaries with Longdon and Beech Cottage.

The application is supported by a Design and Access Statement and an Arboricultural Implications Assessment. The latter refers to the condition of trees on the site, and recommends a number of tree removals to both accommodate the proposed development and/or in the interests of good 'woodland' management.



*Layout Plan – 'Longdon' to left, new house on the right*



*New House – front & side elevation*

**Planning Policy**

Kennet Local Plan 2011 – policies PD1 & HC5  
 PPS1, PPS3, PPS5 and PPS7.

## **Consultations**

Marlborough Town Council: no objection.

Wiltshire Council Highways Officer: recommends conditions.

Wiltshire Council Tree Officer: no objection, although care required in construction of widened access, driveways and fencing to ensure trees on frontage are not damaged during construction.

Wiltshire Council Archaeologist: no requirements.

Wiltshire Fire & Rescue Service: recommends informatives.

## **Publicity**

The application has been publicised by site notice and neighbour notification.

The application has generated objections from four local residents summarised as follows:

- A new dwelling would contravene the guidance of the new government for using existing gardens as development land;
- Out of keeping with the character of area comprising individual houses on reasonably sized plots within area of outstanding natural beauty. Insufficient lateral separation between Longdon and the new house creating visually a monolithic structure. Raised ground level at rear of site where houses are sited would exaggerate impact and dominate surrounding development;
- Harmful impact on the setting of Upcott Lodge which is a listed building;
- Additional traffic entering and leaving site would lead to potential accidents on dangerous stretch of road where speeding occurs;
- Overlooking from verandah;
- Lack of garage at new house is likely to result in future application for one in front garden.

## **Planning Considerations**

### The principle of new residential development

The application site lies within the Limits of Development of Marlborough. As a matter of principle new residential development is acceptable in this area being in accordance with sustainable development objectives set out in PPS1 and PPS3, and the related policies of the development plan. It is a classic 'infill' development between existing houses fronting (albeit set back from) London Road in a space wide enough for a single dwelling.

A number of third parties have expressed concern that a new dwelling in this location would contravene recent government guidance for using existing gardens as development land. The recent guidance comprises an amendment to Planning Policy Statement no. 3 (PPS3), and is described in DCLG correspondence as "new powers for local authorities to stop 'garden grabbing'". The priority for new development as defined in PPS3 is 'previously developed land', and until recently such land included private houses and their residential gardens. The amendment is that private residential gardens are now specifically excluded from the definition of previously developed land. Notes accompanying the amendment state "... *[this change emphasises] that it is for local authorities and communities to take the*

*decisions that are best for them, and decide for themselves the best locations and types of development in their areas”.*

This amendment has clearly taken the edge off the presumption in favour of allowing new development on residential gardens. However, it has not placed a carte blanche ban on such development. Instead it allows local authorities to permit appropriate development in suitable locations but resist inappropriate development in unsuitable locations. It follows that where proposed development is appropriate in terms of issues such as design and impact on character then it should not be resisted under the new powers. With due regard to this interpretation, in this case the proposed location is considered suitable and the proposed development itself is considered appropriate and so, as a matter of principle, the proposal is considered to be acceptable in accordance with PPS3.. The detailed reasons for these conclusions are set out below.

Impact on character and appearance of surroundings

The existing garden at Longdon is unusual in this frontage in that it is uncharacteristically large and wide. Its subdivision as proposed would not, therefore, result in plots out of keeping with others in the immediate locality. The two new plots would be comparable to others in terms of their size and width.

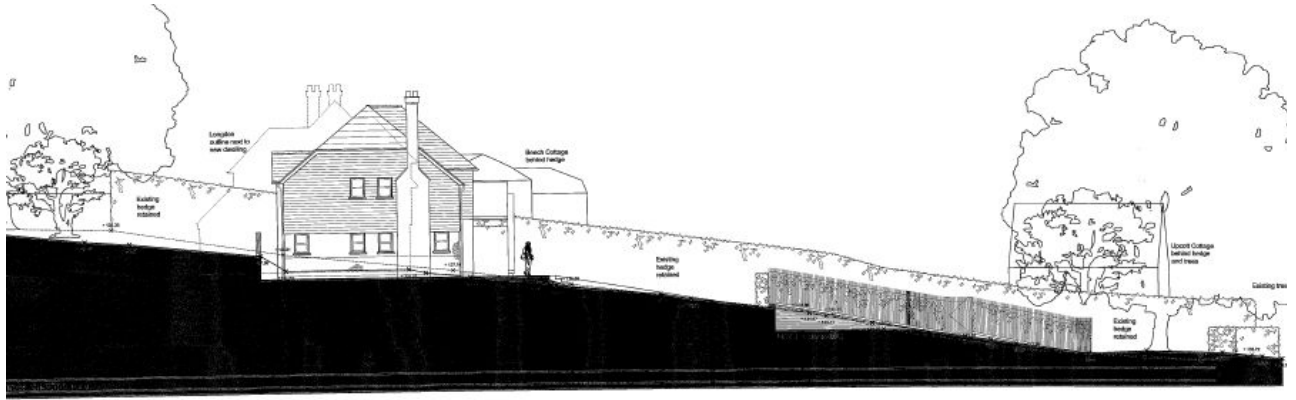
The existing house, Longdon, sits almost centrally on the garden, although set well-back. To achieve an appropriate wide plot for the new house an existing side wing at Longdon would be demolished. The loss of the wing would not detract from the appearance of Longdon. To re-dress the balance an extension is proposed on the west side of Longdon. This is designed to be in-keeping with the style of Longdon and so poses no issues in visual amenity terms.



*Longdon – as existing*



*Longdon – with proposed demolished ‘wing’ & extension (side and front)*



*Section showing relative positions of Longdon, new house & Beech Cottage*

The new house would be set back on its plot, following the building line established by other houses in the frontage including Thuja, Longdon and Beech Cottage. Although on rising ground, the height of the new house would be comparable to that of Longdon and not significantly above that of Beech Cottage, and as such, would be in-keeping with these neighbours. Section drawings provide details of an appropriate slab level for the new house. Adequate space is provided around the new house and Longdon to avoid a cramped or overcrowded appearance.

The driveways and parking areas at the front of the site are quite extensive, but provided they are suitably surfaced in bound gravel would not detract from the appearance of the wider area. Some trees are proposed to be removed. However, these are either diseased or of little amenity value and so no objection is seen to this. With suitable conditions there are no grounds for raising objection to limited works under the frontage trees.

There is no garage proposed for the new house. A garage in front of the house is likely to require planning permission in its own right at which time its merits can be separately considered.

The two previous planning applications were refused in part in view of the harmful impact of the proposals on the character and appearance of the frontage. The applications proposed two new houses in the front garden of Longdon, much closer to the road. The earlier objections have been addressed in this proposal as a consequence of the setting back of the single new house on its wide side plot. The earlier applications and the current proposal are incomparable.

Impact on residential amenity

The modest proportions of the proposed new house and extension to Longdon, the retained wide gaps to the boundaries, and the existing treatment of boundaries would ensure that there is no adverse impact on residential amenity. Most notably, the side to side gap between the new house and Beech House would be 7m with an intervening high hedge, and the corner to corner distance to Upcott Cottage would be approximately 30m, again with an intervening high hedge. There would, therefore, be no adverse overlooking, including from the front balcony and verandahs.

Impact on highway safety

Alterations to the driveway are satisfactory to the WC Highways Officer to ensure safe access. Conditions are recommended accordingly.

Impact on Upcott Cottage



Upcott Cottage which adjoins the site is a grade II listed building. Historically the cottage was a lodge, hence its siting forward of the larger houses to the rear. Its lodge character and appearance has been retained, not least in part as a consequence of its isolated siting away from the larger houses to the rear.

The proposal is to site the new house well back on the plot and as a consequence of this it is considered the setting of Upcott Cottage and its isolated 'lodge' character would be safeguarded. The importance of Upcott Lodge as a 'heritage asset' is, therefore, acknowledged and preserved. This is in accordance with PPS5.

### Conclusion

This proposal is considered to be an appropriate form of infill development which would neither detract from amenity (both visual and residential) nor conflict with other policies which seek to protect matters of acknowledged importance. For the reasons given the proposal complies with the development plan (in particular, policies PD1 and HC5 and central government planning guidance set out in PPS1, PPS3, PPS5 and PPS7.

### **RECOMMENDATION**

#### **Approve with Conditions**

Reason for granting planning permission –

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & HC5 of the Kennet Local Plan 2011, and Central Government planning policy set out in PPS1, PPS3, PPS5 and PPS7.

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 Works relating to the construction of the the new house and related terraces/retaining walls hereby approved shall not commence until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

- 3 The materials to be used in the construction of the external surfaces of the extension to Longdon 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.

- 4 The access, driveways and parking areas shall have a final surface of bound gravel (porous as necessary within root protection areas) unless otherwise agreed in writing by the local planning authority. The final surface shall be applied in its entirety prior to occupation of the new house hereby approved.

REASON:

To accord with the terms of the application and to ensure an appropriate surfacing treatment in the interests of visual amenity.

- 5 Notwithstanding the details set out in the application particulars, details (including samples and large scale drawings as necessary) of all new boundary structures within the site shall be submitted to the local planning authority for approval in writing before any development commences. The boundary structures shall be erected and maintained in accordance with the approved details.

REASON:

To ensure satisfactory boundary structures in the interests of visual amenity.

- 6 No development shall commence on site until a scheme of 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.

REASON:

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

- 7 All soft landscaping comprised in the approved details of landscaping 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.

- 8 Prior to commencement of development a statement setting out the method by which works will be carried out within, and the design of any constructions within, the root protection areas of trees T1, T2, T18, T19, T24 and T26 shall be submitted to the local

planning authority for approval in writing. Works shall then be carried out in accordance with the approved statement.

**REASON:**

To accord with the terms of the application and to ensure the long term health of these important amenity trees.

- 9 The new dwelling hereby permitted shall not be first occupied until the access, 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.

- 10 Prior to the first use of the access provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

**REASON:**

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

- 11 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 no. C8460.09.P002 rev A dated 08/05/09;

Drawing no. C8460/09/01 dated 04/06/09;

Drawing nos. C8460/10/050 rev A, C8460/10/051 rev A, C8460.10.100 rev A & C8460.10.010 rev A dated April 2010;

"Arboricultural Implications Assessment" by DPDS Regional Ltd dated June 2010.

**Appendices:**

None.

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

The application file, history files and relevant government guidance.

This page is intentionally left blank



This page is intentionally left blank

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 3

<b>Date of Meeting</b>	22/07/2010
<b>Application Number</b>	E/10/0731/OUT
<b>Site Address</b>	Three Horse Shoes Pewsey Wiltshire SN9 5NB
<b>Proposal</b>	Outline application for 1 No. dwelling.
<b>Applicant</b>	Mr R Wright
<b>Town/Parish Council</b>	MILTON LILBOURNE
<b>Grid Ref</b>	418203 160841
<b>Type of application</b>	Outline 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 Kunkler.

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

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

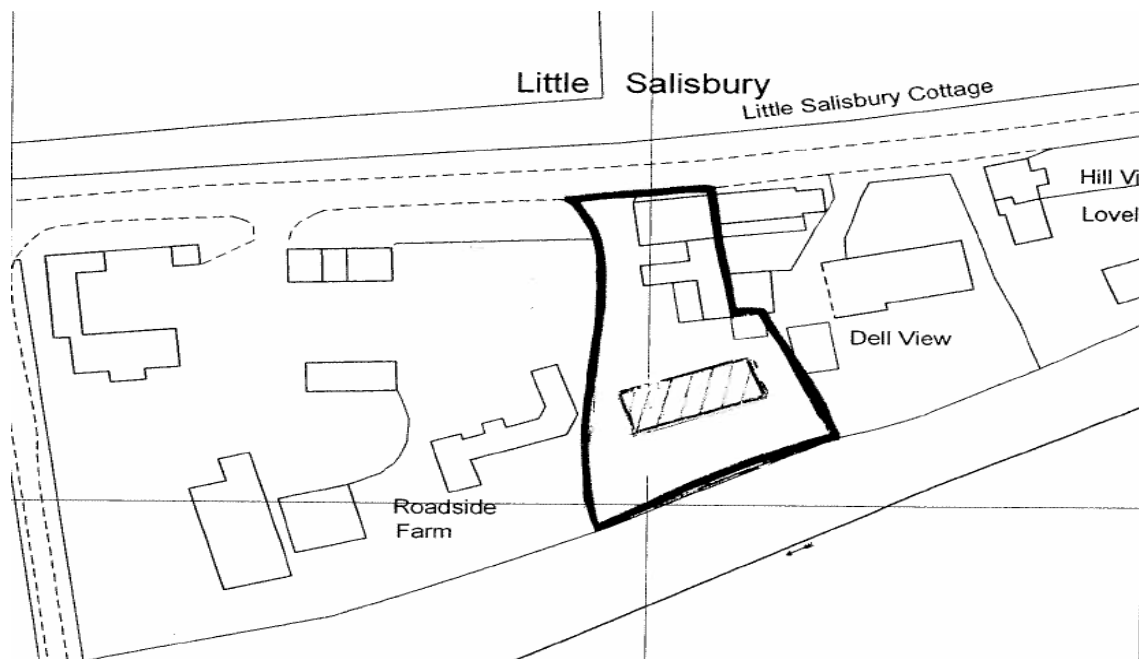
#### **2. Report Summary**

The main planning issue is whether the proposed dwelling is acceptable in a countryside location.

The proposal has been advertised with a site notice. The parish council objects to the application. One letter of support has been received.

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

Three Horseshoes is situated on the south side of the B3087 Pewsey to Burbage road in the hamlet of Little Salisbury, between Pewsey and Milton Lilbourne. It was formerly a public house, but ceased trading last year. Planning permission was subsequently granted for change of use to residential in September 2009 (ref. E/09/0934/FUL). The application relates to the former pub car park, situated at the rear of the property. The site borders residential properties on its two sides, with open countryside to the rear.



**Site location**

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

**E/09/0930/FUL** – Withdrawn September 2009 as officers indicated it would be refused.

Erection of detached dwelling and garage

**E/09/0934/FUL** – Approved September 2009

Change of use from public house to dwelling

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

The proposal is an outline application for a single dwelling, with all matters reserved for subsequent approval.

#### **6. Planning Policy**

Central Government planning policy on countryside planning issues is contained in PPS7 'Sustainable Development in Rural Areas'.

Kennet Local Plan - policy HC26 restricts new build residential development in the countryside to that required for the essential needs of agriculture, forestry or other employment essential to the countryside.

#### **7. Consultations**

Parish Council: Objects: (a) the proposal has not addressed the sustainability objection of the highway authority; (b) concerns regarding access and visibility on to the highway, and; (c) the applicant is incorrect to assert that the parish council supports the proposal.

AONB Officer: Objects in principle as the proposal involves a new dwelling in the open countryside of the AONB. It is therefore contrary to long established national and local planning policies.



Wiltshire Council Highway Officer - Objects on sustainability grounds as the site is remote from services, employment opportunities and is not well served by public transport. It would therefore be unsustainable in that it would increase the need to travel, especially by car.

### **8. Publicity**

One local resident has expressed support, considering the proposal to represent a visual improvement.

### **9. Planning Considerations**

The application proposes a new dwelling in the countryside, located 1.3km away from the edge of Pewsey and 0.7km from Milton Lilbourne. Long standing national and local planning policies have established that there should be no new build residential development in the countryside unless required to satisfy an essential agricultural or other rural employment need. The reasons for this are that such locations are not equipped to deliver the range of services that residents need access to, and that any occupiers therefore need to travel by car to reach them. The new Government has put an emphasis on sustainable development to discourage developments in locations such as this. No essential agricultural or other rural employment case has been made in this instance – it is purely a speculative proposal. The proposal is therefore clearly contrary to policy and warrants a clear cut refusal. To allow the proposal would set an unfortunate precedent that could be repeated in numerous other instances.

The applicant claims that the proposal would represent a visual improvement “over the large vacant car park with a decaying and unsightly surface”. However it does not require the granting of a planning permission for a new dwelling to tidy up the site. It could be returned to garden without the need for planning permission.

Members might recall that an appeal was allowed in 2006 for 5 dwellings (3 affordable) on employment land just to the west of Three Horseshoes at Roadside Farm (ref. K/50590/F). However the Inspector was mindful of the special circumstances of the case whereby the development would allow the firm (a kitchen manufacturing company) to finance a move to Salisbury Road Industrial Estate, thereby maintaining local employment. He also noted that the site was brownfield land. Hence this decision does not constitute a precedent whereby a speculative proposal for a new house should be allowed in the rear car parking area of a nearby dwelling.

### **10. Conclusion**

The proposal is contrary to long standing national and local countryside planning policies and should be refused.

### **RECOMMENDATION**

Refuse, for the following reasons:

- 1 The site lies within the countryside as defined in the Kennet Local Plan, well outside the nearest settlements of Pewsey and Milton Lilbourne. In the countryside residential development is strictly controlled and limited to that required in connection with a proven agricultural, forestry or rural employment need. The proposed detached dwelling does not accord with these exceptions and as such the development is contrary to Policy HC26 of the Kennet Local Plan and to central government planning policy set out in PPS 7: 'Sustainable Development in Rural Areas'.
  
- 2 The proposal, located remote from services, employment opportunities and being not well served by public transport would be unsustainable in that it would increase the need to travel, especially by car. The proposal is therefore contrary to the key aims of Central Government planning policy in PPG13 which seeks to reduce growth in the length and number of motorised journeys.

**Appendices:**

None

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

Planning application files, as referred to in the report

E/10/0731/OUT Three Horse Shoes Pewsey SN9 5T

NINC9001

NINC9001

NINC9001

NINC9001

NINC9001

NINC9001

Little Salisbury

Little Salisbury Cottage

Hill View

Loveloek Cottage

Three Horse Shoes (PH)

Dell View

Roadside Farm

Walton Grange

The Courtyard

This page is intentionally left blank

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 4

<b>Date of Meeting</b>	22 July 2010
<b>Application Number</b>	E/10/0264/FUL
<b>Site Address</b>	SCC Transport Folly Road Devizes Wilts SN10 2HT
<b>Proposal</b>	Siting of a metal sea container and portable office building. Stationing and internal/external washing of milk tankers and milk transhipment.
<b>Applicant</b>	Lloyd Fraser Logistics Ltd
<b>Town/Parish Council</b>	ROUNDWAY
<b>Grid Ref</b>	401735 162595
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Karen Guest

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

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

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

To consider the recommendation that the application be approved.

#### **2. Report Summary**

The main issues to consider are:

- Whether the principle of the development is acceptable.
- Whether the use has a detrimental impact on the amenity of nearby properties.
- Whether the use has a detrimental impact on the character and appearance of the surrounding area.
- Whether the use has any highway safety implications.

Objections have been received from the parish council and from the occupiers of three local properties.

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

The site lies at the north-eastern edge of Devizes, close to open countryside. When heading out of Devizes along London Road, the site can be found by taking the left hand turning for Roundway Village, Folly Road, which is just past the Travelodge. The entrance to the Folly Road industrial estate can be found on the right-hand side of the road, just past the housing development on the former Kverneland site, which is on the opposite side of the road. The site occupies a 235 square metre part of the large tarmaced area at the Folly Road industrial estate, immediately behind the roadside hedge. There is currently a modular office building and a steel container within this area.

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

**K/32632** – Change of use to motorcycle training centre and off-road training area, granted planning permission in April 1996.

**K/50620/F** – Change of use to B1/B2/B8, granted planning permission in September 2004.

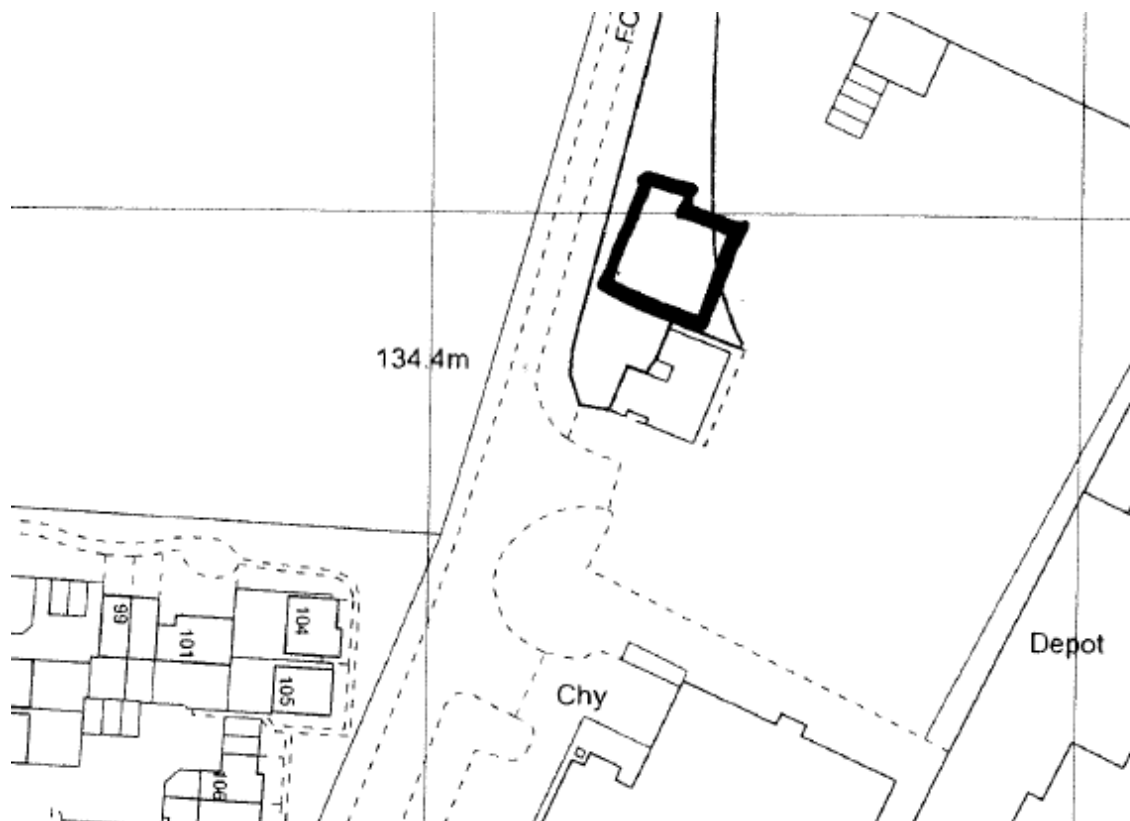
**K/51997/F** – Change of use from B8 to B1/B8, granted planning permission in May 2005.

### **5. The Proposal**

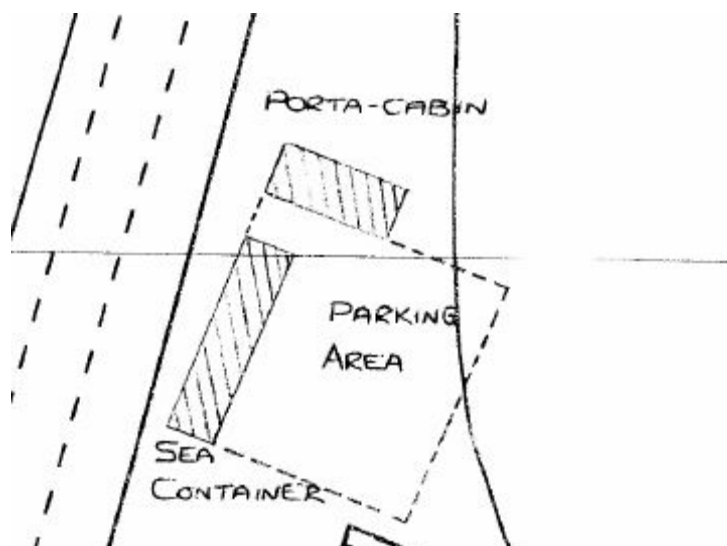
This is a retrospective application for the following:

- Siting of a metal sea container and a portable office building.
- Stationing of milk tankers.
- Internal and external washing of milk tankers.
- Milk transhipment.

The sea container and office building are already in-situ and are positioned close to the existing roadside hedge.



**Site Location Plan**



### ***Block Plan Showing Positioning of Sea Container and Modular Office Building***

The applicant has provided details of the operations that take place within the area outlined in red on the submitted location plan. These are as follows:

#### Milk Trans-shipment

A farm tanker (of which there are three) is parked next to a bulk tank and approximately twice a day, seven days a week, milk is transhipped between the two via an engine-driven pump. This process takes approximately 20 minutes.

#### Internal Washing

Internal cleaning of the tanks takes place within the area outlined in red on the submitted location plan. The cleaning operation takes place once every 24 hours, in accordance with The Food Safety Act. The process involves a hot detergent wash and rinse to the tanker, the effluent from which is then discharged to the public sewer under agreement with Wessex Water. The water is heated up by a boiler which is stored within the sea container. All three tankers are washed once a day.

#### External Washing

In addition to the above, all three tankers are washed externally on a daily basis. This is an external pressure wash and takes 10 – 15 minutes per tanker. A compressor is used to generate sufficient water pressure.

## **6. Planning Policy**

Kennet Local Plan - the site lies within the Limits of Development for Devizes and within an area that is designated as a Strategic Employment Site. Policies ED7 and PD1 in the Kennet Local Plan and guidance contained in PPG 24 'Planning and Noise' are relevant to the consideration of the application.

## **7. Consultations**

Roundway Parish Council – objects to the application:

'The Parish Council object to this application on the grounds of unsuitability and noise that has been pointed out by residents already.'

Environmental Health Officer – In sum, objects to the application if the pumping operation is allowed to commence before 0800. After this time, traffic levels are likely to generate sufficient background noise for the noise from the pumping operation to be insignificant.

Detailed Comments - 'I can confirm that the Environmental Protection Team first received complaints relating the Lloyd Fraser Logistics site, Folly Road, Devizes in early December 2009. The two complainants, residents of White Horse Way opposite, complained that the dairy boiler used by Lloyd Fraser was emitting a droning noise which was causing them disturbance, particularly during the night. Lloyd Fraser Logistics wash out milk tankers, clean vehicles externally, and transfer of milk from one vehicle to another at the site. The operation has a 24 hour a day 7 day a week requirement.

The EP team carried out noise monitoring at 104 White Horse Way on 29th December for 1 day/night using the powers to investigate potential statutory nuisance under the Environmental Protection Act 1990. The monitoring data confirmed that the boiler was emitting a low frequency drone. After investigation it was determined that the drone was being caused by the burner component having worn. On 31st December the new burner was fitted and the noise nuisance abated, as a result of informal negotiation with the company.

In February 2010 the EP team received complaints from the previous complainants regarding lorry movements associated with the Lloyd Fraser operation and other vehicles making use of the car park. The complaints related to lorries entering and exiting the carpark, moving on the site and the tanker/lorry washing/transference of milk between tankers. Between 8th-15th February noise monitoring was carried out at 100 White Horse Way. Having reviewed this data it was noted that the noise did not exceed the World Health Organisation guideline limit for noise exposure (bedrooms) of 35dB, therefore no further action was taken.

On 16th March the noise monitor was installed at 104 White Horse Way in relation to the same complaint. Monitoring took place until the 22<sup>nd</sup>. On reviewing this data it was noted that the recorded noise relating to the activities at the Lloyd Fraser site, ie washing/vehicle idling was not occurring at statutory nuisance level. The complainant noted a number of vehicle movements on and off site associated with the Lloyd Fraser operation, however there are other businesses that have unlimited 24 hour vehicular access to the site.

Following discussions with Lloyd Fraser representatives the department undertook further noise monitoring on the nights of the 26<sup>th</sup> and 28<sup>th</sup> May. This monitoring identified high levels of noise from the pumping operations as well as other activities that could have been undertaken at less sensitive times e.g. vehicle washing (with vehicles left idling for around 10 minutes for no clear purpose). There also seemed to be inconsistent practices where one tanker would come in at around 03:00 and be pumped and another tanker would arrive at 03:30 and the transfer was left for the day team.

Bearing in mind the high noise levels recorded and the variability in practice it is not possible to support the current/proposed arrangements as best practice. There appears to be considerable scope for a number of changes including;

- Use of electric/acoustically screened pumping equipment
- Altering the times of pumping operations
- Changes in practice e.g. not pressure washing vehicles at night and ensuring all vehicles do not undertake excessive manoeuvring or leave engines idling.

**The following supplementary technical information was also provided by the Council's Environmental Protection Department:**



'The background noise level in the area is approximately 28dBA at 03:30.

The noise at the source i.e. approximately 5 metres from the lorry during the pumping operation is 71dBA. The noise also has clear tonal elements at 80 hertz.

The noise at the façade of the complainant's property based on data gathered in the road outside of house is 49dBA.

The combination of the noise level and its distinctive tonal nature means that it is likely to generate complaints. This fits with the complaints already received from local residents. The noise levels will be as likely to generate complaints at 06:30 as they are at 03:30. It would not be until at least 08:00 in the morning that traffic levels are likely to generate sufficient background noise for the noise from the pumping operation to be insignificant.'

Wiltshire Council Highways – no objections to the application:

'I understand that the site has permitted development for the use/storage by the milk tanker vehicles (related to K/50620/F). While I understand that this application is for the siting of the sea container for cleaning facilities for the milk tankers and an ancillary office building, bearing in mind the existing use at the site as a whole, I do not consider that the proposal creates a significant highway issue. Adequate parking would appear to be available. I therefore recommend that no highway objection is raised to the proposal.'

## **8. Publicity**

A site notice has been posted and neighbour notification has taken place. Three representations have been received which raise the following key concerns.

### Owner/Occupier of 104 White Horse Way

- The times of operation (05.15 until 08.30 and returning at 11.00 to start cleaning tankers, which will carry on for most of the day until 21.00) causes a noise disturbance. Tankers have on occasion left at 10.30 and have transferred milk at 02.30 (eg. 26 February). They are left with their engines running for at least 30 – 40 minutes at a time.
- Tankers leave the car park shining lights into our bedroom window and they leave and arrive at speed as there is no speed restriction along Folly Road. Often horns are beeped upon leaving.
- It is noted that Lloyd Fraser wishes to operate in the daylight hours, which could be anything from 04.30 in the summer until 22.00. We would like to be able to leave windows open in the summer months without listening to the noise from diesel engines running at all hours.
- There is a concern about the volume of heavy traffic coming and going in a residential area. This is only supposed to be a car park and on our search we were only told of this, not the heavy industrial use that exists at present.
- Cleaning of the vehicles and the transferring of milk is not protected from the public. There are no warning signs at present and no fenced area around the metal sea container. This is also a health and safety issue as any person or child could approach the area, yet hoses are left around with milk dripping out.
- We have been in touch with environmental health since winter 2009 due to the noise issues associated with Lloyd Fraser. We have had noise monitoring equipment installed in our property and Councillor Mayes has visited the site with the environmental health officer, who found the hoses and the noise from the tankers to be unacceptable.

- We have moved to this area on the understanding that there was a car park opposite and it was a nice quiet area.

Owner/Occupier of 100 White Horse Way

- Planning approval K/51997/F dated 7 April 2005 clearly states “No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the site, except within the building. REASON: *To safeguard the amenities and character of the area.*”
- Furthermore, the planning approval also states, “The noise generated by the operations/processes carried out within the building shall not exceed the background noise level (LA90) by more than +10dB at the boundary of the nearest residential property. The method of assessment shall be carried out in accordance with British Standard 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" and shall be based on the equivalent continuous A-weighted sound pressure level (LAeq). If at any time the noise exceeds this level, the machinery or plant generating it, or the building containing the machinery and plant generating it, shall be acoustically treated or silenced to bring the noise level below the level specified above. REASON: *In order to protect the amenities of the occupants of nearby residential properties.*”
- The Design and Access Statement for the current application was submitted retrospectively in March 2010. Since 2008 the site has acquired additional residential neighbours due to Council approval of residential development on the opposite side of Folly Road. These neighbours have not been consulted about any recent planning applications.
- There are significant gaps in the boundary hedging at the entrance to the site which creates clear views of the tank washing activities for the residential neighbours.
- When we moved into our house in Nov 2009 we were regularly disturbed (and still are) throughout the night by heavy goods vehicle arrivals. Tank washing activities started at about 6am and we were advised by the operators that, to maintain a working temperature of 60 degrees C the boiler had to run all night. This noise nuisance was compounded by faults with the boiler plant that caused percussive loud noise throughout the night, every night! This was only alleviated on New Year’s Eve when repairs to the boiler were carried out. This action was the result of investigations made by the Environmental Health Team who were called in by residential neighbours. There was no independent, un-pressured commitment by Lloyd Fraser to resolve this noise problem. The structure of the metal sea container acts as an amplifier for the low frequency noise emitted by the machinery.
- The Design & Access Statement states that, “cleaning tank activities have been restricted to daylight hours to avoid disturbance to neighbours”. This has not been the case since at least Nov 2009; activities have commenced well before dawn! Noise complaints from residential neighbours have recently resulted in modifications to working hours but we are concerned that this is only a temporary measure whilst planning is obtained. We still suffer from vehicle movements during night hours, seven days a week! The reference to ‘daylight hours’ is misleading, especially during summer months when ‘daylight’ could mean between the hours of 4.30am and 9.30pm.
- We particularly object to heavy goods vehicle movements, the running of heavy goods vehicle engines and attendant activities such as tank washing and goods transfers out of normal working hours, and especially on Sundays and Bank Holidays.
- We are also concerned about the lack of hygiene when transferring milk

products. This is undertaken in the same area as the tank washing operation. Hoses are allowed to lay on the concrete apron with complete disregard for cross-contamination. Workers do not wear protective equipment. There is no protection from the elements.

#### Owner/Occupier of 107 White Horse Way

- The business began operating in January 2008 without planning permission. At the time, the only neighbours to the business were those on the industrial estate. Now that has changed and it is considered that the building of the nearby industrial estate of White Horse Way needs to be given strong consideration.
- The main concern is that, although the hours of operation are given as 0900 – 1700 7 days a week, the application does not make reference to the associated milk tankers that are steam cleaned on the site. These tankers appear to be based at the site and come and go in the early hours of the morning, causing a noise disturbance to me and the other neighbours.

### **9. Planning Considerations**

The main issues in respect of this application are whether the principle of development is acceptable and if it would have an adverse impact on residential amenity, the character and appearance of the area and upon highway safety.

#### Principle of Development

The site is part of a Protected Strategic Employment Site, as defined in the Kennet Local Plan. Policy ED7 of the plan permits uses falling within the B classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) within such areas. The B class uses (B1/B2/B8) include offices, light industry, general industry and storage and distribution. The use to which the application relates is industrial in nature and would therefore best be described as a B Class use. Consequently, it is considered that the principle of the use of the site for an employment purpose is acceptable.

#### Impact on Residential Amenity

Concerns have been raised by some of the occupants of the nearby residential properties in White Horse Way (the former Kverneland industrial site) that the use causes considerable disturbance. Of particular concern is the noise generated by the internal/external washing of milk tankers, the pumping operation, vehicle comings and goings and vehicles being left with their engines running.

The Council's Environmental Protection Team carried out noise monitoring at 104 White Horse Way for one day/night in December 2009 and found that the boiler used in the washing process was emitting a low frequency drone due to a faulty part. This part was replaced and the noise nuisance abated. Subsequent noise monitoring undertaken in February, March and May 2010 revealed that the internal/external washing process was not causing a statutory nuisance during the day or night.

The noise monitoring undertaken on the nights of 26 and 28 May 2010 did, however, identify high levels of noise from the pumping operation. PPG 24 provides guidance at paragraph 19, on noise from industrial and commercial developments, suggesting that consideration is given to the likelihood of complaints about noise. It advises that the tonal characteristics of the noise are likely to increase the scope for complaints and should therefore be taken into account. Another recommended indicator in paragraph 19 is the difference between the noise from the development and the existing background noise. It

advises that a difference of around 10dB or higher indicates that complaints are likely. The noise monitoring undertaken by the Council's Environmental Protection Team revealed the following:

- The background noise level in the area was approximately 28dBA at 0330.
- The noise at the source (ie. approximately 5 metres from the lorry) during the pumping operation was 71dBA.
- The noise had clear tonal elements at 80 hertz.
- The noise at the facade of 100 White Horse Way, based on evidence gathered in the road outside of the house, was 49dBA.

Using the guidance contained in PPG 24, it is evident that the combination of the noise level (being in excess of 10dB above the background noise level) and its distinctive tonal nature means that it is likely to generate complaints. Consequently, it is considered to be unacceptable for the pumping operation to occur during the night. It is considered that it would not be until 0800 that traffic levels would generate sufficient background noise for the noise from the pumping operation to be at an acceptable level and therefore not cause a nuisance. For the same reason, a cut-off time of 2200 is recommended. Consequently, it is recommended that a condition is imposed restricting the hours of the pumping operation to between 0800 and 2200.

The Council's Environmental Protection Team found from their noise monitoring exercises that noise associated with both moving and stationary vehicles was not occurring at a statutory noise level. For this reason and also taking into account the existing industrial use of the site, the fact that there are no other similar restrictions elsewhere on the industrial estate and that it would be difficult to pinpoint which vehicles were causing the noise problem, it is not considered possible to restrict vehicle movements and the running of engines by way of a condition. Such a condition would be both unenforceable and unreasonable.

#### Impact on Character and Appearance of the Area

The steel container and modular building are positioned at the edge of the industrial estate, behind a mature roadside hedge. As they are not prominently sited, are contained within the industrial estate, are modest in size and are fairly well-screened by the existing hedge, it is not considered that any harm is caused to the character and appearance of the surrounding area. Likewise, the stationing of milk tankers and other vehicles within the red line area shown on the submitted plans does not cause any visual harm as numerous vehicles, including HGV's, park and turn within the industrial estate.

#### Impact on Highway Safety

The Council's Highways Engineer has raised no objection to the proposal. As the established use on the whole site is B1/B2/B8, it is not considered that this particular use gives rise to any significant highway safety issues, particularly as there is adequate parking/turning and visibility from the access to the industrial estate is reasonably good.

#### Conclusion

Officers consider that as this is an established employment site, and protected as such in the Local Plan, the use is acceptable in principle provided that the noise generated by the use is not so significant as to cause a nuisance. The main problem is created by the pumping operation. Provided that a condition is imposed restricting the pumping operation hours, the use is considered acceptable.

Accordingly, the approval of planning permission is recommended subject to the following conditions:

**RECOMMENDATION**

Approve with Conditions

- 1 The pumping operation involved in the transshipment of milk shall only take place between the hours of 0800 and 2200. The pumping operation shall not take place at any other time.

REASON:

To protect the amenities of the occupants of nearby residential properties.

- 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.

Application form, design and access statement, 1:1250 location plan, 1:500 block plan, 1:500 drainage plan and elevation drawings, received on 8 March 2010.

This page is intentionally left blank

# E110/0264/FUL Folly Road Devizes SNIO2AT



This page is intentionally left blank