

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Thursday 16 December 2010
Time: 6.00 pm

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

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

Substitutes:

Cllr Nigel Carter	Cllr Christopher Newbury
Cllr Peter Colmer	Cllr Jeffrey Ody
Cllr Lionel Grundy OBE	Cllr Jonathon Seed
Cllr George Jeans	

AGENDA

Part I

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

1. **Election of Chairman**

To elect a Chairman of the Eastern Area Planning Committee.

2. **Election of Vice-Chairman**

To elect a Vice-Chairman of the Eastern Area Planning Committee, if necessary.

3. **Apologies for Absence**

4. **Minutes of the Previous Meeting** *(Pages 1 - 12)*

To approve and sign as a correct record the minutes of the meeting held on 14 October 2010 (copy herewith).

5. **Declarations of Interest**

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

6. **Chairman's Announcements**

7. **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.

8. **Planning Appeals**

Please note: A planning appeals update will be provided at the next Eastern Area Planning Committee on 6th January 2011.

9. **Planning Applications**

To consider and determine planning applications in the attached schedule.

- 9a. **E/10/1330/FUL - Melbourne House The Nursery Devizes Wiltshire SN10 2AB - Change of use from residential use (C3) to a Resource Centre for children and families (Sui Generis) (Pages 13 - 22)**
- 9b. **E/10/1147/FUL - Field Barn Off Fiddlers Hill Winterbourne Bassett Wilts - Change of use of barns and conversion into three units of holiday accommodation and associated stabling (Pages 23 - 34)**
- 9c. **E/10/0155/FUL - Coronel Farm, Aldbourne, Marlborough, Wiltshire, SN8 2JZ - Creation of racehorse training establishment on part of land at Coronel Farm (land otherwise retained in agricultural use). Creation of 30m x 20m Arena; change of use and extension of barn 3 to create loose boxes and staff facilities; all weather gallops; training fences; associated access track; ancillary accommodation; horse walker; isolation boxes and two temporary residential units (log cabins) (Pages 35 - 50)**
- 9d. **E/10/1419/FUL - 3 The Park, Erlestoke, Devizes, Wiltshire, SN10 5TY - Retention of air to water heat pump (Pages 51 - 58)**

10. **Urgent items**

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

Part II

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

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 OCTOBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown (Chairman), Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard, Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jeffrey Ody (Reserve) and Cllr Christopher Williams

Also Present:

Cllr Stuart Wheeler

1. Apologies for Absence

Apologies were received from Councillor Jane Burton (substituted by Cllr Jeffery Ody).

2. Minutes of the Previous Meeting

Minutes from the previous meeting held on 12 August 2010 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

3. Declarations of Interest

Councillor Philip Brown declared a personal interest with regard to his knowing an objector to an application to be considered, although this acquaintanceship was some twenty years ago.

4. Chairman's Announcements

The Chairman drew attention to a typing error on the Agenda frontsheet, which incorrectly listed Councillor Francis Morland as a member of the Committee. The Chairman confirmed that this was not the case.

5. **Public Participation**

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

6. **Planning Appeals**

The Committee noted the list of appeals determined between 01/04/2010 and 30/09/2010.

7. **Planning Applications**

- 7a. **E/10/0374/FUL Full planning application for the demolition of existing farmhouse and farmbuildings and the erection of a replacement dwelling and 10 additional houses (4 affordable), together with a new access and associated works at Ropewind Farm, Rivar Road, SHALBOURNE SN8 3PU**

The following people spoke against the proposal:

Mr Mike Lockhart, a local resident.
Mr Pollitt, a local resident.

The following people spoke in favour of the proposal:

Mr Michael Fowler, the architect.
Ms Claire Glasspoole, the landscape architect.
Mrs Zweck, of Shalbourne Parish Council.
Cllr Stuart Wheeler, the local member.

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

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

After discussion regarding:

- The proposed density of development;
- The proposed access works;
- The level of affordable housing provision; and
- The removal of trees on the site

It was,

Resolved:

That planning permission be granted subject to the applicant entering into a S106 agreement to deliver the affordable housing and to make a financial contribution towards children's play space in the village.

And subject to the following conditions:

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

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

2. No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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.

3. All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out no later than the first planting and seeding season following the occupation of The Barn (plot 1) or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced 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.

4. 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) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall

any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be in accordance with the submitted tree protection plan 161/001A. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. "No dig construction" shall be carried out in the areas indicated on the submitted tree protection plan 161/001A.

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

- 5. Notwithstanding the details shown on the drawings, all rooflights shall be traditional conservation style with a single vertical glazing bar and flush flashing and maintained as such thereafter.

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

- 6. Details of the location and design of any domestic oil or gas tanks required as part of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority prior to development commencing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

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

approved shall be erected.

REASON: To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no first floor windows or other openings shall be inserted in the southern gable elevation of plot 1 or on the end gable of plot 11.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road or driveway.

REASON: In the interests of visual amenity.

10. Details of any floodlighting/external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted first commences or the buildings are first occupied whichever is the earliest date. Development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

11. The dwellings hereby permitted shall achieve level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to minimise the impact of the development on climate change.

12. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access road, driveways and roofs), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with

the approved scheme.

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

13. There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

REASON: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

14. Within three months of the date when the first new dwelling hereby approved is first occupied, all existing buildings on the site shall be demolished and the resulting materials removed from the site.

REASON: The retention of both the new and existing buildings on the site would not be in the interests of the proper planning of the area.

15. The development hereby permitted shall be carried out strictly in accordance with the bat mitigation strategy outlined in the Biodiversity Assessment carried out by Lindsay Carrington Ecological Services Ltd dated July 2010.

REASON: To safeguard protected wildlife species.

16. No development shall commence on site until details of an appropriate maintenance arrangement for the estate road have been submitted to and approved by the Local Planning Authority in writing, the maintenance arrangement to be in place prior to the occupation of the first of the dwellings hereby permitted.

REASON: To ensure that the road is laid out and constructed in a satisfactory manner.

17. No part of the development hereby permitted shall be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 55 metres in both directions in accordance with the approved plans drawing titled Site Plan and numbered 090502-27C. Such splays shall thereafter be permanently

maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

19. No part of the development hereby approved shall be first occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

20. No development other than the formation of a new access shall commence until the existing vehicular access to the garage, indicated on the drawing titled Site Plan and numbered 090502-27C, has been stopped up, its use permanently abandoned and the verge crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such works shall be completed concurrently with the provision of the new access road hereby approved being first brought into use.

REASON: In the interests of highway safety to avoid the visibility splay being obstructed.

21. **INFORMATIVE TO THE APPLICANT:**
There shall be no release of any Advance Payment Code payment or related bonds until the Highway Authority is satisfied that the road within the development has been suitably constructed and that an adequate Management Company has been secured for the maintenance of the road in perpetuity.

22. **INFORMATIVE TO THE APPLICANT:**
This planning permission does not derogate the legal implications of demolishing the bat roost in the existing farmhouse. Demolition of the building is still likely to result in the destruction of a roost and could result in the disturbance of individual bats if not timed to avoid the summer period; this could constitute a breach of the Regulation 41 in the absence of a derogation licence. It is the developer's own responsibility to ensure that work is carried out within the law.

23. **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 14th October 2010.

24. 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.

Plans Ref. 090502-13B, 090502-14B, 090502-22A, 090502-23A, 090502-24B, 090502-25B and 161/001A all received 19 March 2010, 090502-26E and 2406/2B received 19 July 2010, 090502-21B received 21 July 2010 and 090502-27C received 9 August 2010.

7b. **E/10/1047/FUL Full planning application for change of use of agricultural land to playing fields at Glebe Field, BURBAGE**

The following people spoke against the proposal:

Mr Anthony McNicholas, a local resident.

The following people spoke in favour of the proposal:

Mr Russ Buck, Secretary of Burbage & Easton Royal Cricket Club.
Mr Marek Grabowski, Chairman of Burbage & Easton Royal Cricket Club.
Mr Paul Lavis, Head of Coaching at Burbage & Easton Roayl Cricket Club.
Cllr Stuart Wheeler, the local member.

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

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

After discussion regarding:

- The proposed use of the land
- Potential highways impact of the development
- The effect on local amenity of the development

It was,

Resolved:

That planning permission be granted subject to the following conditions:

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

REASON:

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

2. No loudspeakers, public address system, or other amplification equipment shall be used on the site.

REASON:

In order to protect the amenities of nearby residential properties

3. No external lighting (including any floodlighting) shall be erected or installed anywhere within the site or anywhere outside of the site for the purposes of lighting any part of the site.

REASON:

In the interests of visual and neighbour amenity.

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

Plan Ref: Site Location Plan received on the 12th August 2010 and the Proposed Use of Glebe Field Block Plan received on the 1st October 2010.

5. **INFORMATIVE TO APPLICANT:**

The applicant is requested to note that public footpath 'Burbage 6' transects Glebe Field and that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts would be necessary.

7c. **E/10/0886/LBC Listed building application for application of textured masonry paint to the exterior of the property at 25, Long Street, DEVIZES SN10 1NN**

The following people spoke in favour of the proposal:

Mr Robert Budden, a local resident.

The Committee received a presentation on behalf of the Case Officer which set out the main issues in respect of the application and introduced the report, which recommended approval.

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

After discussion regarding:

- The principle of the alteration
- Impact on the local street scene
- Local reaction to the alteration

It was,

Resolved:

That listed building consent is granted for the following reason:

The proposed building works have not had an adverse impact on the character or appearance of the building and this part of the Devizes Conservation Area.

7d. **Proposed Diversion of Part of Baydon Bridleway 11 and Creation of Restricted Byway and Diverted Route**

The following people spoke in favour of the proposal:

Mr Jon Payne, the Applicant's Solicitor.

The Committee received a presentation by the Rights of Way Officer, which set out the main issues in respect of the application and the scope and purpose of the decision to be made.

She introduced the report of the Corporate Director, Neighbourhood and Planning, which recommended referral to the Secretary of State for determination, with a recommendation for approval.

Members of the Committee then had the opportunity to ask technical

questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this application.

After discussion regarding:

- The effect on views available to users of the bridleway
- The distance and convenience of the proposed diversion
- The effect on the occupants of the immediate residence

It was,

Resolved:

That the Orders be referred to the Secretary of State for determination with the recommendation that they be confirmed as made, for the following reasons:

1. The proposed diversion meets the tests contained in Section 119 of The Highways Act 1980.
2. The landowner has made it clear that he will only wish to dedicate the proposed new route to the public as a restricted byway if the Diversion Order is confirmed. This is considered reasonable. Additionally, Wiltshire Council would not wish to expand its rights of way network by having two routes in such close proximity with additional maintenance responsibilities.

8. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 pm)

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

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

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	16 th December 2010
Application Number	E/10/1330/FUL
Site Address	Melbourne House The Nursery Devizes Wiltshire SN10 2AB
Proposal	Change of use from residential use (C3) to a Resource Centre for children and families (Sui Generis)
Applicant	Wiltshire Council
Town/Parish Council	DEVIZES
Grid Ref	399922 161699
Type of application	Full Planning
Case Officer	Richard Cosker

Reason for the application being considered by Committee

The application has been called to committee at the request of the Division Member Cllr Carter.

1. Purpose of Report

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

2. Report Summary

The main planning issues to consider are:

- the impact on highway safety and convenience;
- the impact on neighbour amenity;
- the impact of the proposed use on the listed building.

The Town Council has objected to the application on the grounds of the limited access, lack of parking facilities and that the change of use is inappropriate within the residential area. A total of 14 letters of objection have been received from local residents.

3. Site Description

Melbourne House is a Grade II listed building sited on the south side of the Nursery (which is the name for the part of the main A361 outside of the site) some 60m to the east of the entrance to Browfort. Vehicular access to the site is from the A361 via a private driveway between two terraces of houses, Farleigh Place to the west and Melbourne Place to the east.

Melbourne House is large 3 storey dwelling constructed of ashlar under a slate roof. A two-storey red brick annex was added in 1981. The house is orientated in a such way that it 'turns it back' on the dwellings on The Nursery with the main aspect to the south facing towards the Kennet and Avon Canal. The dwelling's garden extends down to the canal whilst the Quakers Meeting Room is situated on a lower level to the west of the site and a group of three modern dwellings (Melbourne Mews) are sited to the east, taking advantage of the views of the canal.

4. Planning History

Relevant planning history includes;

K/83/250 – Planning permission was granted in 1983 to change the use of the building from a hotel (granted pre-1973) to a residential care home.

K/34912 – In 1997 planning permission was then granted to change the use of the building from a care home to residential. The use has since remained as a single dwelling.



Site location

5. The Proposal

The proposal is to change the use of this residential dwelling to a resource centre for children and this will include associated highway alterations on the A361. The proposal is not to use the building as a residential home; instead the primary use of the building will be as a multi-use non-residential resource centre. The applicants do however wish to use the annex building for temporary overnight crisis accommodation for children.

The non-residential use of the building will include the use by Family Support Teams (FST) to manage contact between children and their parents when children have become accommodated by the local authority. The Crisis Intervention Service (CIS) will also use the centre as an office base during regular office hours and a neutral venue for meetings with parents and children. Finally, the Looked After Children (LAC) Aftercare Team will have a 'hot desk' provision within the resource centre.

The proposed highway alterations on the A361 include localised widening of the pavement to improve visibility for vehicles exiting from the drive to Melbourne house. These alterations have been amended during the course of the application and these changes will be fully explained in section 9 of the report.

6. Planning Policy

PPS5 sets out the government planning policy on the historic environment.

Kennet Local Plan - policy PD1 sets out general development principles covering issues such as neighbour amenity and highway safety.

7. Consultations

Devizes Town Council – object to the application on the grounds of the limited access, lack of parking facilities and that the change of use is inappropriate within the residential area.

Wiltshire Council Highway Officer – Previously expressed concern about the nature and the width of the access but advises that the proposed alterations to the access and adjoining highway now included will help to address those concerns. Given the specific use of the building and the fairly low level of traffic generation, it is considered that the revised access arrangement will not give rise to significant problems at the junction with The Nursery. In view of this, no objection is raised to the proposal, subject to the highway works being undertaken and the provision of at least six parking spaces on the site. The highway authority has confirmed that the amended highway alterations are also acceptable to them.

Wiltshire Council Conservation Officer – Advises that it is generally acknowledged that the best and least damaging use for a building is that for which it was originally designed. However, if the issues relating to fire protection can be resolved without damage to the historic fabric or character of the building, then there are no reasons for objection on conservation grounds. The immediate alterations made explicit within the application are uncontroversial. The stone gate piers that stand at the street entrance are good quality historic street features that must be retained but are in a fragile state and efforts should be made to put them in a good state of repair before the use of the access is intensified.

Wiltshire Council Environmental Health Officer – No adverse comments.

8. Publicity

One letter of support has been received which supports the house having a new secure lease of life. A total of 14 letters of objections have been received from local residents. The issues raised in these letters have been summarised below. The letters can be viewed on the planning file or on-line.

1. This is inappropriate development in a residential area with many residential properties in close proximity.
2. The Nursery is a busy thoroughfare used by HGV's, emergency vehicles, public transport and commuters and the current layout allows people to turn right into Belle Vue Road and Browfort without holding up traffic. Narrowing the carriageway will lead to a serious problem with traffic flow.
3. The narrowing of the pedestrian island for the crossing could prove dangerous particularly to families with buggies.
4. The access drive is very restricted and onto a very busy road with a service station, a public house, bus stop and traffic crossing within a space of 100 yards, together with several turning off the main road, both to private houses, but also the Council offices and a doctors' surgery.
5. The creation of an access route for just one building does not warrant the long-term impact on transport entering and leaving Devizes.
6. Two on road parking spaces were removed by highways, presumably because it presented an unacceptable obstruction to traffic. If one bottleneck has been removed why is another one now being proposed?
7. The widening of the pavements seems to be tantamount to encouraging an accident.
8. Not convinced that the changes will be of benefit at the site access and three other accesses as claimed. Widening the pavement will make manoeuvring into and out of Melbourne Mews more difficult.
9. The existing pavement is already adequate as it is used by people going to the school without a problem, there are also only a few people waiting at the bus stop so further widening there is also unnecessary. This is an unnecessary expense when the existing arrangement is adequate.
10. There are six busy traffic entrances on this stretch of road, any increase in cars emerging onto the A361 will increase the chance of an accident.
11. We have open plan back gardens and the use will leave us vulnerable.
12. There would be ample opportunity to observe the rear of neighbouring houses and potentially raise the chance of 'opportunistic' theft.
13. Previous experience of such uses has shown the need for CCTV and police services to deal with problems yet we don't have a police service nearby to react.
14. It is apparent that Melbourne House will be used as a residential establishment contrary to the initial plans.
15. Some of the 'children' would be in the 18-21 age range therefore 'children and adults' would be a better description.
16. Don't understand how the council can pay out so much money at the time of cost cutting.
17. Why is the council buying and altering additional properties when they already own other more suitable premises which do not require costly roadworks.
18. There are already suitable facilities elsewhere in the county.
19. Why are we transporting people from Salisbury to Devizes?

20. The house is a beautiful listed building and to render it a home for troubled individuals is inviting an affray on local heritage.
21. Special regard should be given to the desirability of preserving listed buildings and their settings.
22. Feel privacy would be compromised from the large side window in the new brick extension of Melbourne House.
23. The house has a balcony that has a wide view into a neighbouring garden.
24. A residential home for troubled families will seriously affect the value of all surrounding houses.

9. Planning Considerations

The application property is currently in residential use and the site is located within the limits of development of Devizes. There are no planning policies that protect the loss of residential use, neither are there specific policies that rule out the principle of the proposed use on the site. The key issues for this application therefore relate to the criteria of policy PD1, namely the impact of the proposal on highway safety and neighbour amenity, as well as the national policy in PPS5.

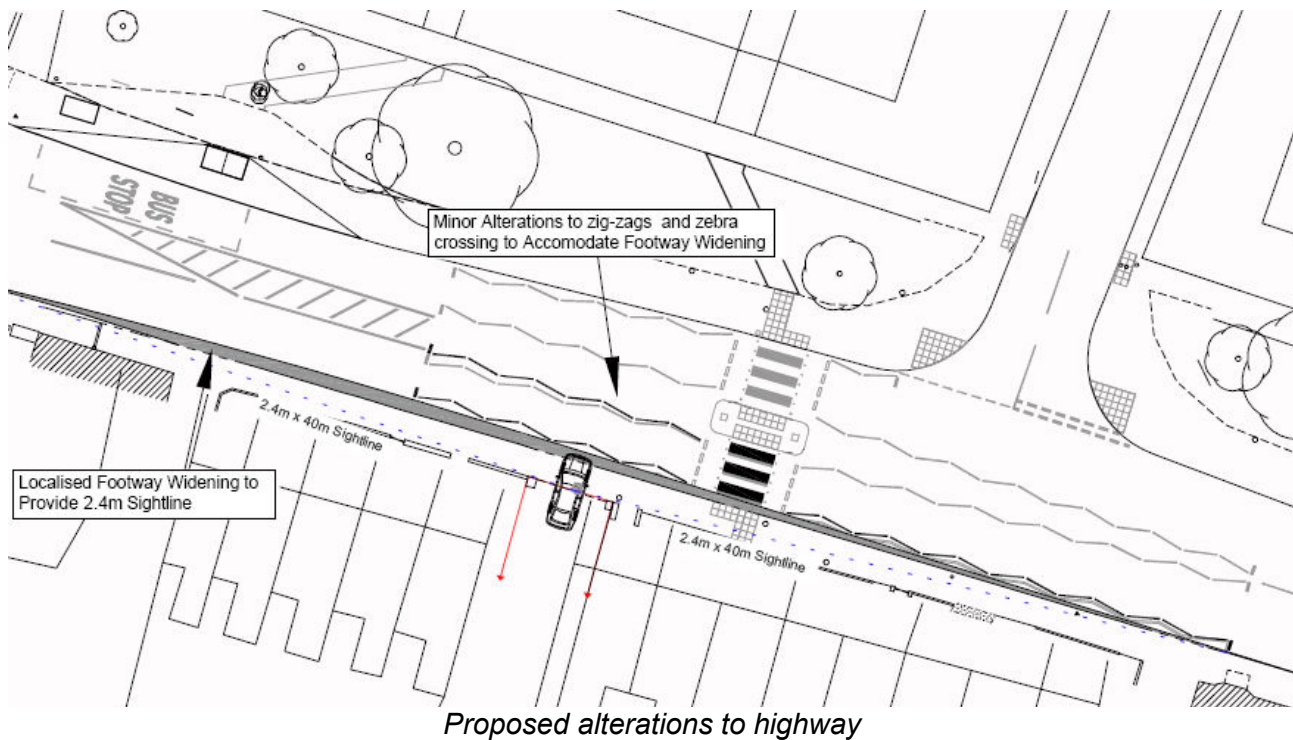
Impact on highway safety

The highway authority originally raised concerns about the acceptability of the access to Melbourne House for the proposed use, both in terms of the width of the access but also the visibility for drivers exiting onto the highway.

The applicants have subsequently explored options to undertake various works to create an acceptable access arrangement for the property. In the first instance it is proposed to remove the planting strip along one side of the driveway to give a wall-to-wall width of approximately 5 metres. This is sufficient for two cars to pass one another. The applicants also propose alterations to The Nursery to improve the visibility for cars leaving the driveway.

The original proposals involved increasing the pavement width and reducing the carriageway width along the southern side of The Nursery in the vicinity of the site. Those proposed works included reducing the width of the pedestrian island on the crossing from 2.4 metres to 1.8 metres. The purpose of this work was to achieve the required 2.4 metre by 40 metres visibility splays out of the driveway; improve the inter-visibility between pedestrians and vehicles exiting the driveway and to provide space for pedestrians to pass stationary vehicles exiting the driveway.

Local residents raised a number of concerns about these works and the impact they would have on the highway safety of motorists and pedestrians as well as the impact on the flow of traffic in the vicinity. The specific concerns were that the reduced carriageway width would worsen the operation of the highway and the flow of traffic by way of its proposed narrowing. They also considered that the reduced width of the pedestrian island was unacceptable. The highway authority initially raised no objections to these proposed alterations. However, following the concerns raised by local residents the applicant has submitted amended proposals to reduce the amount of works required to the highway and address the issues raised by local residents. These latest amendment are shown on the next page of this report.



The applicant now proposes to reduce the amount of highway works by only increasing the width of the pavement to 2.4m, instead of the previously proposed 3m, and the increased width will only be carried out over about 80m of the pavement, rather than the previously proposed 145m. The carriageway space for eastbound traffic is unchanged over what exists at present and the westbound carriageway would have a minimum width of 3m. There is no change to the width of the right turn lane into Belle Vue Road and the width of the existing pedestrian refuge is unchanged.

As advised in section 7 of this report, the highway authority consider that these alterations to the highway are acceptable and are still sufficient for them to raise no objection to this proposal. As such officers consider that there are no valid highway reasons to refuse this application.

Impact on neighbour amenity

Many of the local residents objecting to the proposal believe that either the application is for a residential children’s home, or that this is the council’s intention in the long term. They are concerned that if this application is approved, the council will then start using the building as a residential home. In the first instance, the application is clear in that it is for a non-residential children’s resource centre and that the only proposed residential use is for overnight crisis accommodation where temporary overnight stays are required. Any further residential use of the building would require a further planning application.

Therefore, in considering the potential impact the proposed use could have on the amenities of the occupiers of the neighbouring residential properties, members should note that the majority of the activity at the premises would be during normal office hours. The facility will be operated on a managed basis where client contact sessions are by appointment only and that risk assessments are undertaken at one of the council’s premises prior to arrangement of appointments. A skeleton staff from the CIS would be required until 22:00 and also at weekends whilst the CIS would also operate the emergency overnight accommodation. This use would be restricted to the annex building and would provide temporary emergency accommodation for children. This would occur when attempts to return children to their parent’s care has not been achieved by the end of the working day or the children need to be found accommodation outside of normal working hours. OFSTED regulations and the Children Services’ procedures would require a member off staff to be on site when a child is present at the centre. The applicant advises that current records show that an overnight stay is likely to be on average one stay every 3-4 weeks.

Whilst the Town Council and local residents have stated that the proposed use is inappropriate in a residential area, the uses in the locality are in fact quite mixed including a public house, a petrol

station, office and the Quakers meeting room. In addition, when considering the likely impact the proposed use would have on the residential amenity of the occupiers of the neighbouring houses, regard must be had to the fact that the main road generates a considerable amount of disturbance to those residents. It is therefore concluded that the daytime use of this site would cause no additional demonstrable harm to those occupiers and that neither would the low level of activity on the site in the evening and at weekends.

Officers have considered possible planning conditions that could be imposed to control the type and level of activity that could take place on the site. In accordance with Government guidance, those conditions must be reasonable, precise and enforceable. It is considered that, excluding the emergency overnight accommodation, a condition could be imposed restricting use of the site to between 0830 and 2200 Monday to Saturday with no use on Sundays or Bank Holidays. Whilst the applicants have advised that evening and Saturday use will be very limited they do want flexibility to use the ground floor of the building on some occasions between 1800 and 2200 and on Saturdays to allow various groups to meet or training to take place. It is considered that any attempt to control this element of the use by condition would be both unnecessary and the condition would also be imprecise.

In addition, in order to restrict the amount of residential accommodation on the site and to ensure the use is only on a temporary basis, planning conditions could be imposed restricting the overnight crisis accommodation to the annex building; for there to be no more than 2 children and 3 staff members present at one time and for no children to stay more than 3 consecutive nights. These conditions will prevent any possibility of the use becoming a residential children's home without planning permission.

Occupants of Melbourne Mews have raised concerns about the loss of privacy as a result of the use of the annex building and the overlooking opportunities from a first floor landing window in the eastern elevation and from the balcony at the southern end of the annex. The window affords views of the frontages of the adjacent dwellings including the front windows of Melbourne Mews, whilst users of the balcony have a clear view into the garden of 3 Melbourne Mews. The window and balcony therefore already have an impact on the privacy of the occupiers of those neighbouring dwellings. The change in the use of the building from a domestic dwelling to the resource centre could result in a greater impact on the privacy of the neighbours due to the nature of the proposed use and the increased number of people using the building. Having regard to these concerns the applicant has agreed that the window will be glazed with obscure glass and maintained fixed shut whilst access to the balcony will also be restricted so that it is only used in emergencies as a means of escape. It is considered that these measures will ensure there is no unacceptable loss of privacy for the occupiers of those neighbouring properties.

The issue of crime and the fear of crime have been raised by some local residents and such issues are material planning considerations. However in this instance, the use of the site will be managed at all times, with clients visiting on an appointments basis only and staff will always be present when the emergency accommodation is used. It is on that basis that it is considered that these concerns would not justify the refusal of the application.

Impact on the listed building

As stated above the application property is a grade II listed building. The council therefore has to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The conservation officer accepts that the works proposed as part of the application would not have an unacceptable impact on the listed building. Concern was raised about the potential impact of alterations to the building that may be required to meet fire regulations for the change of use. The implication of the change of use have since been explored with the council's building control section and they have confirmed that their only requirement will be for a protected fire route to be created down through the three storey stairwell. This will require the provision of a smoke detection system and the upgrading of the fire resistance of the doors serving the stairwell. Whilst there are a number of historic doors within the stairwell there are specific products on the market that allow such doors to be upgraded without causing harm to the historic interest of those doors.

It is therefore considered that the necessary upgrades can be undertaken to facilitate the change of use without having a detrimental impact on the listed building.

In addition, it is considered that the proposed use of the building and the associated car parking provision within the grounds would preserve the setting of the listed building.

10. Conclusion

Having regard to the above issues it is concluded that the proposed use will be acceptable in terms of highway safety, neighbour amenity and impact on the listed building.

RECOMMENDATION

Approve for the following reasons –

The decision to grant planning permission has been taken on the grounds that the proposed development would not have any adverse impact on the amenity of residents of neighbouring properties, due to the specific nature of the use proposed and the conditions attached to the planning permission. Highway safety would be secured by the proposed alterations to the access and the A361 and the provision of adequate parking facilities on site. Furthermore, the use proposed and the alterations to the property that are required would not have any adverse impact on the character or appearance of the listed building. Accordingly, the proposal is in accordance with policy PD1 of the Kennet Local Plan and with Government guidance set out in PPS5.

and subject to the conditions set out below;

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

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

- 2 Prior to the first use of the building for the use hereby permitted the highway improvement scheme shown on drawing IMA-10-080-005 Rev A shall be implemented in full.

REASON: To ensure the necessary increase in visibility is provided for vehicles exiting the site.

- 3 Prior to the first use of the building for the use hereby permitted the existing strip of vegetation along the eastern side of the driveway shall be removed and that land shall be resurfaced using a properly consolidated surface (not loose stone or gravel) at the same level as the existing driveway. The strip of land shall be maintained in that form thereafter.

REASON: To ensure the increased width of driveway is achieved in order to create an acceptable form of vehicular access for the proposed use.

- 4 Prior to the first use of the building for the use hereby permitted sufficient space for the parking of at least six vehicles together with a vehicular access thereto has been provided in accordance with the details first submitted to and approved in writing by the local planning authority. The said space shall not be used other than for the parking of vehicles or for the purposes of access.

REASON: To ensure adequate provision is made for parking within the site in the interests of highway safety.

5 Other than for the activity and the persons associated with the overnight crisis accommodation (which are subject of the restrictions set out in condition 6) the resource centre shall be closed to all staff and clients outside of the hours of 0830 to 2200 Monday to Saturday and the centre shall be closed to all staff and clients on Sundays and Bank Holidays.

REASON: In the interests of neighbour amenity.

6 Only the annex building, and no other part of the house, shall be used for the overnight crisis accommodation. There shall be no more than 2 children and 3 staff using the annex for overnight crisis accommodation at any one time and no child shall stay in the overnight crisis accommodation for more than 3 consecutive nights.

REASON: To ensure the amount of residential accommodation on the site is limited and only for a temporary period in the interests of neighbour amenity.

7 Prior to the first use of the building for the use hereby permitted the landing window at first floor level on the east elevation of the annex building shall be altered so that it is glazed with obscure glass only and the window shall be permanently maintained with obscure glazing and fixed shut at all times thereafter.

REASON: In the interests of residential amenity and privacy.

8 The balcony on the southern end of the annex shall not be used by any staff or clients except in the case where it is needed as a means of escape in the event of an emergency. The doors to the balcony shall be fixed shut in a manner that will only allow them to be opened in the event of an emergency in accordance with the details first submitted to and approved in writing by the local planning authority. The doors shall be maintained fixed shut in accordance with those approved details thereafter.

REASON: In the interests of the amenity and privacy of the occupiers of the adjacent dwelling.

9 No external lighting shall be installed on site, including security lighting, until plans showing the type of light appliance, the height and position of fitting and illumination levels have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the occupiers of neighbouring properties.

10 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.

Site location plan, block plan, proposed alterations drawings 1 to 4 and Planning, Design and Access Statement all received on 11th October 2010 together with drawing IMA-10-080-005 Rev A received on 29th November 2010 which superseded the Highway Improvement Scheme originally submitted in the Planning, Design and Access Statement.

Appendices:

None.

Background Documents Used in the Preparation of this Report:

Application particulars and policy documents.

E/10/1330/FUL-MELBOURNE HOUSE, DEVIZES

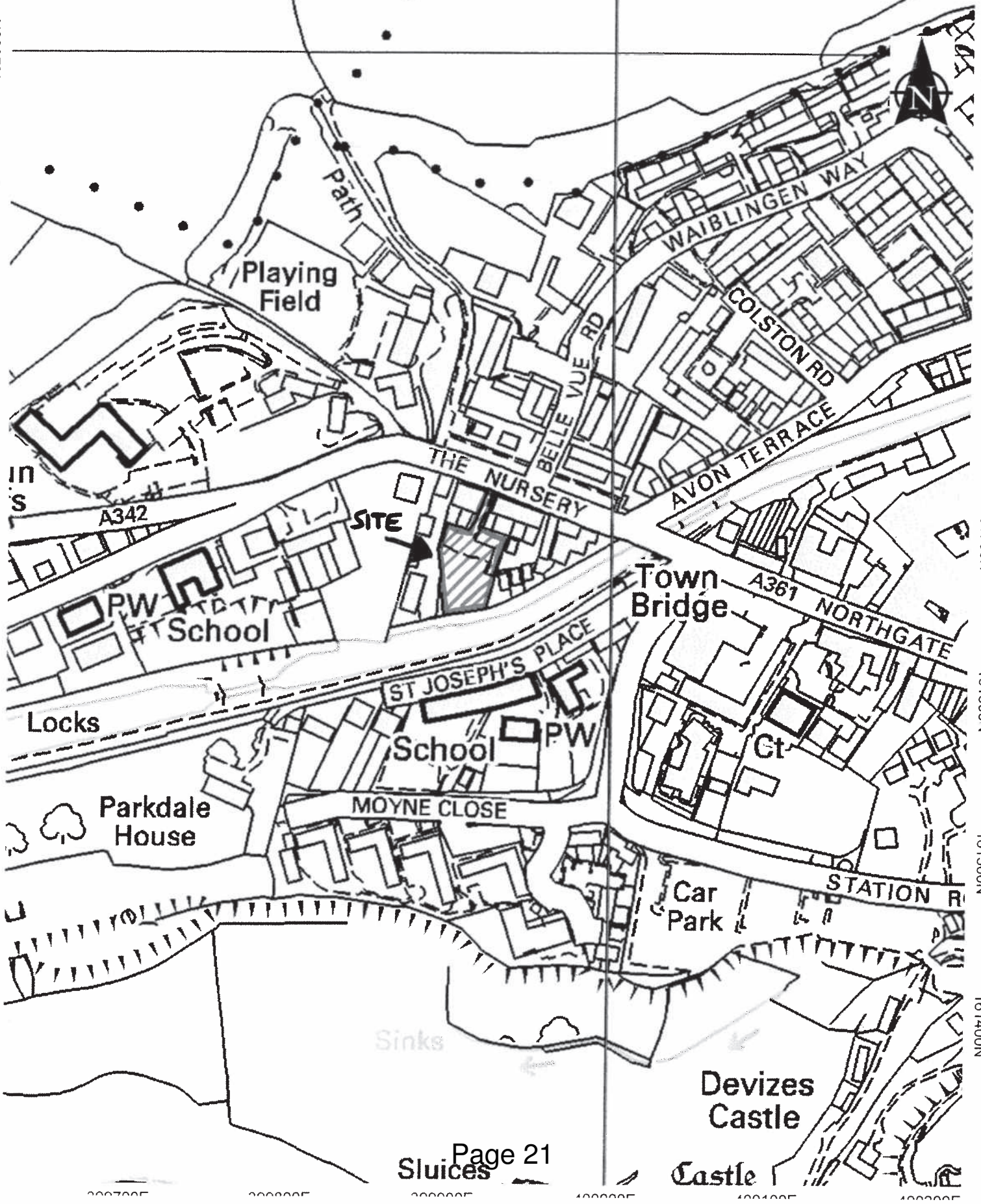
KENNET DISTRICT COUNCIL ORDNANCE SURVEY EXTRACT

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	16 th December 2010
Application Number	E/10/1147/FUL
Site Address	Field Barn Off Fiddlers Hill Winterbourne Bassett Wilts
Proposal	Change of use of barns and conversion into three units of holiday accommodation and associated stabling
Applicant	Mr E J G White
Town/Parish Council	Broad Hinton and Winterbourne Bassett
Grid Ref	409950 173410
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

This application has been called to committee at the request of the Division Member, Cllr Mrs Milton.

1. Purpose of Report

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

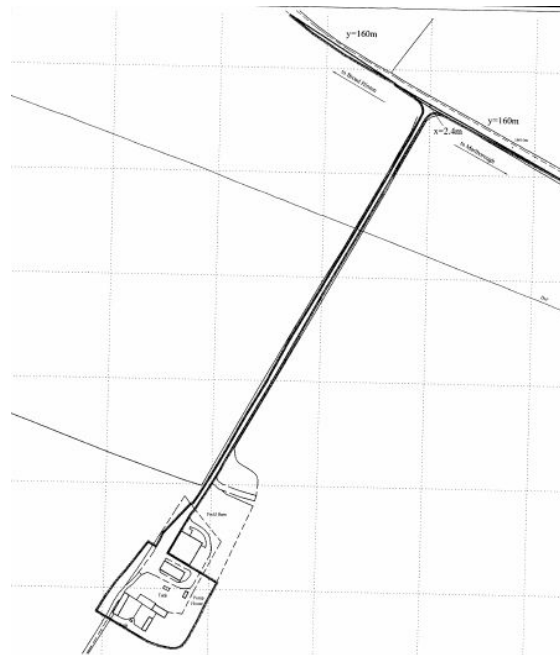
2. Report Summary

The main planning issues to consider are: the principle of conversion to holiday lets; the design of the proposed conversions; landscape impact; sustainability; highway safety.

3. Site Description

The application concerns a series of agricultural buildings situated 500m down an access track on the south side of the C class Broad Hinton to Marlborough road. This access track is situated 1.35km along from the junction of this road with the A4361 Avebury to Swindon road, below Hackpen Hill. It is an extremely isolated location within the arable landscape of the North





Location Plan

Three barns lie within the application site, two older masonry barns (barns 1 and 3) and one newer steel-framed metal sheeted barn (barn 2). A fourth barn lies just outside the red line.

The three barns are no longer required for agricultural use, being too small for modern agricultural machinery.

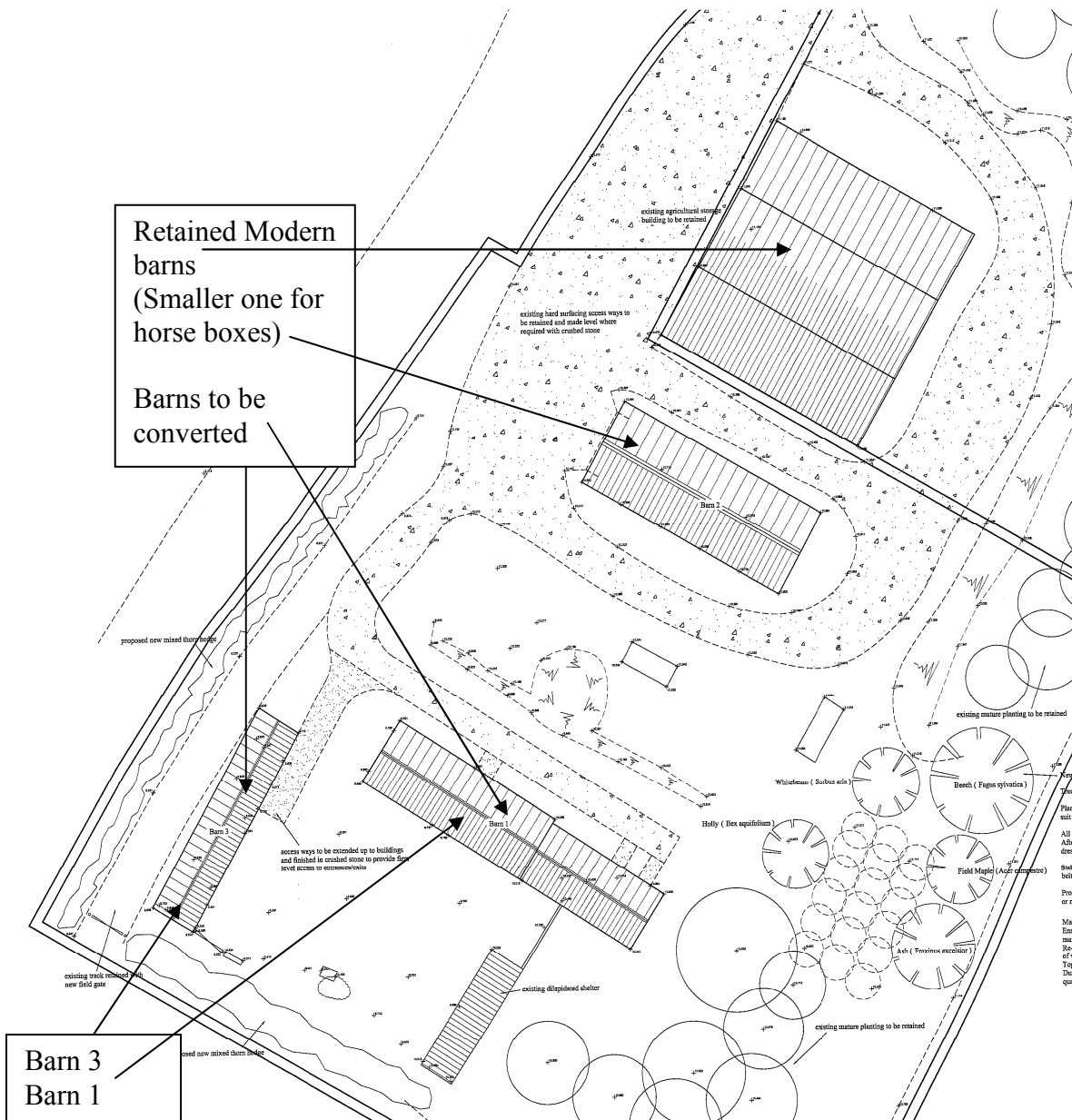
The buildings are partially surrounded by young and semi-mature trees but are generally exposed to views from Hackpen Hill and the Ridgeway and from the A4361 and minor roads and public rights of way in the vicinity.

4. Planning History

E/10/0025/FUL: Planning permission was refused in February 2010 for change of use of barns into live/work unit on the grounds of: (a) lack of agricultural justification for a dwelling in the countryside, and; (b) the proposed creation of a residential curtilage would be detrimental to the landscape character of the AONB.

5. The Proposal

The two older barns would be converted to provide three units of holiday accommodation (Two in barn 1 and one in barn 3). The newer metal sheeted barn would be adapted to provide for stabling horses (and the storage of any horseboxes) enabling those using the holiday accommodation to bring their horses with them and to ride on the local bridleway network. A fourth building, an open sided dutch barn, which lies just outside the red line, would be retained in agricultural use.



Site Plan

The applicant argues that the proposal would bring benefits to the local rural economy. He also argues that the conversion of the buildings would enhance the appearance of traditional vernacular barns.

There is an existing belt of trees on the eastern side of the site. This would be reinforced by additional planting, and native hedging planted around the perimeter of the site.

6. Planning Policy

Kennet Local Plan: - policies PD1, HC26, NR6 and NR7.

The Kennet Landscape Conservation Strategy and Landscape Character Assessment SPG.

Wiltshire & Swindon Structure Plan policy C8.

Central Government policy: PPS1, PPS4, PPS7, PPG13.

7. Consultations

Parish Council: - Objects. This is a residential development outside the current planning boundaries and would be to the detriment of the agricultural landscape and character of the AONB in which it sits. This is a large site in full view of the Ridgeway Path and has potential for

significant future development. The increase in traffic would be unwelcome. The habitat of the resident barn owls would be disturbed.

Wiltshire Council highways - No objection subject to a condition requiring the improvement of the existing visibility splays. This would require the removal of short lengths of hedging either side of the access.

AONB Officer: No comment subject to suitable conditions to control the use to holiday accommodation only.

Wiltshire Council Environmental Health: Requires conditions covering the storage and removal of manure, and prohibiting the burning of manure.

Wiltshire Council Ecologist: -Barn owl roosts would be lost from the conversion of barns 1 and 3. The submitted ecology report includes a number of recommendations for barn owls, including the provision of alternative roost features in the site. No objection subject to a planning condition to secure delivery of this.

Wiltshire Council Landscape Consultant: - Recommends refusal as the proposal will inevitably have a detrimental impact on the character and appearance of the landscape and AONB. The site is isolated from any other residential development. Therefore, the proposal does not comply with guidance contained in the Landscape Conservation Strategy and Landscape Character Assessment SPG which recommends that, where acceptable, residential development should be accommodated in conjunction with existing settlements. One of the Council's objectives for protecting the landscape set out on page 27 of the Landscape Conservation Strategy is "*to safeguard areas of special landscape quality from damaging change*". The site and surrounding fields are strictly in agricultural use and any residential development (whether holiday accommodation or other) resulting in the domestication of the farm yard would inevitably impact on the character and visual qualities of the area. Residential paraphernalia, the nature of the development, vehicular access and light spill would all contribute to detrimental impacts on the area. The proposal is thus contrary to guidance and policy contained in PPS7 relating to the protection of the AONB, and falls foul of the structure plan policy C8 relating to the protection of the AONB, and landscape protection policies NR6 and NR7 of the local plan.

8. Publicity

The proposal has been advertised with a site notice.

9. Planning Considerations

Principle of Conversion to Holiday Lets

The site lies in the open countryside, where long standing national and local planning policies have laid down a general presumption against new residential development in the countryside unless to provide for the essential needs of agriculture or other employment essential to the countryside. For this reason, the previous application for residential development on the site was refused.

Apart from for the essential needs of agriculture, local plan policy HC26 provides for two other instances where residential development in the countryside may be acceptable: the conversion of a listed building at risk and the conversion of existing buildings to holiday accommodation: provided that the development does not affect the character of the local landscape.

Hence policy HC26 does not rule out the conversion of rural buildings to holiday accommodation. However whether this particular scheme is acceptable depends on compliance with other policies, particularly relating to landscape impact.

Highway Safety

The proposal raises no highway safety concerns.

Design of the proposed conversions

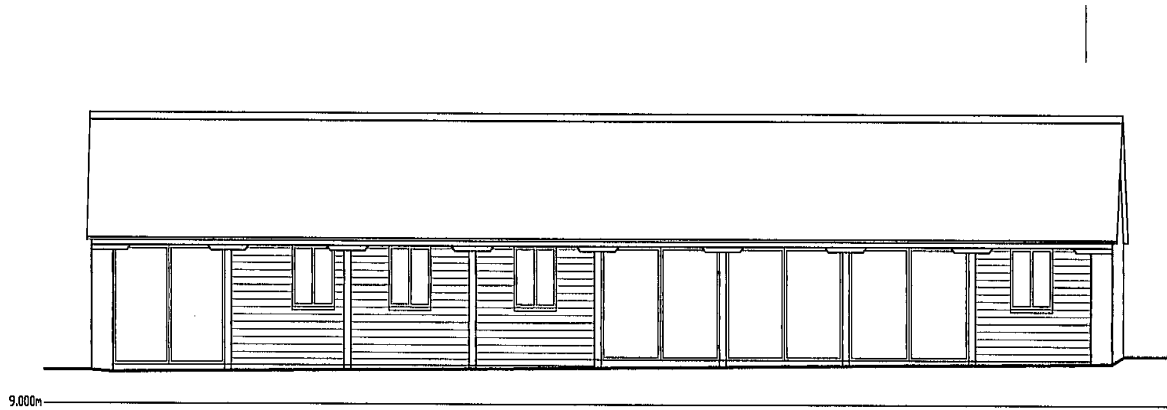
Local plan policy PD1 lays down a requirement for good design. The older barns would be converted within their existing footprints, with no extensions.

In order to retain the traditional feel of older barns, it is essential to minimise the amount of structural intervention, particularly with regard to whether conversion can be achieved without large scale reconstruction and also by minimising the insertion of new openings.



Barn 3 – Existing, as viewed from the front

Barn 3 is entirely open to the front and has a metal sheet roof held up by timber posts. The amount of work required to effect what the applicant calls a 'conversion' would require the construction of a completely new front and new roof, enclosing what is essentially an animal shelter to provide a unit of accommodation that would be out of character both with the original building and the surrounding landscape.



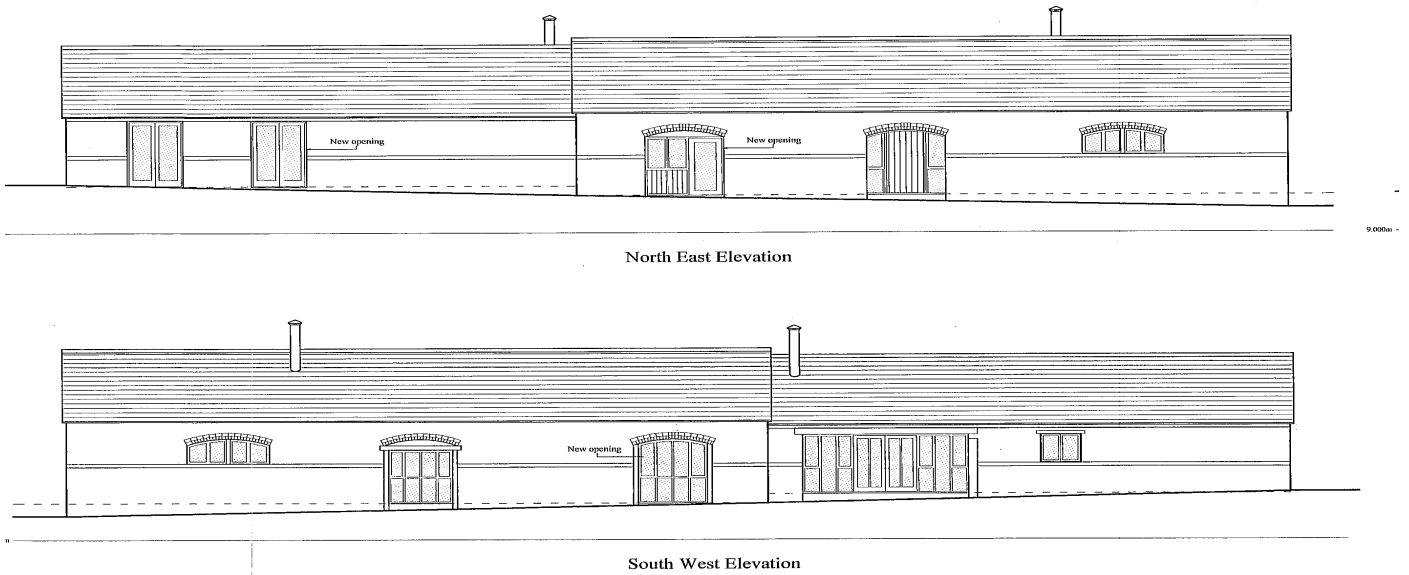
South East Elevation

Barn 3- Proposed front

Barn 1 is the larger of the older barns and would provide two units of residential accommodation. It is of more substantial construction than barn 3 and conversion could be achieved with less intervention. 3 new openings are proposed and the replacement of the existing corrugated roof with reconstructed slate. Whilst the replacement of the roof would be a visual improvement, the proposed new openings would result in a more domestic appearance to the building.



Barn 1 – as existing



Barn 1, as proposed

Landscape Impact

The site is extremely isolated from any other residential development and all the surrounding area is in arable production. It lies in the AONB so is extremely sensitive. Although the existing buildings are partially surrounded by various young and semi-mature trees, the site is generally exposed to views from Hackpen Hill and The Ridgeway and from the A4361 and minor roads and public rights of way in the vicinity.



View of the site from Hackpen hill

The site and surrounding fields are strictly in agricultural use and any conversion (whether

holiday accommodation or other) resulting in the domestication of the farm yard would inevitably impact on the character and visual qualities of the area.

The existing buildings, though not intrinsically attractive, have an agricultural character and are not out of place in the wider landscape. However the changes resulting from use for holiday purposes would have an impact on this part of the landscape where there is a notable absence of both buildings and residential uses. The addition of glazed doors and windows would introduce a domestic character and it would be difficult to eliminate light spilling into a whole swathe of the AONB currently free of artificial light.

One of the concerns with the previous application was that the creation of a residential curtilage in such an otherwise exclusively agricultural landscape would be detrimental to the landscape character of the area. Although no curtilages are specifically proposed for the holiday lets, it would be difficult to prevent occupiers and their visitors from extending their activities outdoors, perhaps using their own equipment. Such activity would add to the domestication of the site.

Whilst the applicant's intention to direct parking to within barn 2 is welcomed, this would be impossible to enforce and some vehicles would inevitably park in the open, to the detriment of the rural character of the area. In conclusion, the domesticating effects of use as holiday lets would detract from the qualities the AONB designation is intended to preserve.

The applicant has sought to address these concerns by proposals to reinforce the existing tree belt with 5 standard trees, as well as the planting of mixed native hedging along the southern and western boundaries of the site. However the Council's Landscape Consultant considers that this would have little mitigating impact for many years. Even when mature, the use of the agricultural track and parking areas by domestic vehicles would not be ameliorated.

There is no justification under current landscape policy and guidance for allowing the development of holiday accommodation on the site, which would inevitably have a detrimental impact on the character and appearance of the AONB.

Sustainability

The application raises the question of whether this is a suitable or sustainable location for holiday accommodation.

PPS1 para 3 states that "sustainable development is the core principle underpinning planning".

PPS4 sets out central government planning policy on "sustainable economic growth". It replaces previous government planning policy on economic development in rural areas which was set out in PPS7. PPS4 indicates that tourism proposals are economic development. PPS4 policies EC6, EC7 and EC12 are particularly relevant.

Policy EC6.2a states that local planning authorities should control economic development in open countryside away from existing settlements.

Policy EC6.2c states that local planning authorities should: "support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development".

However policy EC7.1b does not rule out conversions of existing buildings outside of existing settlements, stating that local planning authorities should "wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements". Furthermore, policy EC12.1b recognises that "a site may be an acceptable location for development even though it may not be readily accessible by public transport".

So whilst PPS4 favours the concentration of economic development in sites in or closely related to existing settlements, it does not rule out developments in more remote locations. It is for local planning authorities to assess each case on its merits and to make a reasoned judgement when assessing individual planning applications.

The site is in an extremely isolated location, being located 500m down a farm track off a minor C Class Road. There is no public transport provision. All people renting the properties would drive there. Further trips would be needed for day to day shopping needs and for trips out for anyone using the site as a base for longer tourism visits.

Broad Hinton is located some 2.5km away along roads not benefiting from pedestrian footways or street lighting. These factors would deter occupants of the proposed holiday accommodation from cycling or walking to access local services: the use of motorised transport would predominate. Irrespective of the length or duration of such trips, this would be inconsistent with the underlying sustainability objectives of government planning policy.

This particular site is not an inherently sustainable one. It is just so isolated and remote and is considered irreconcilable with the overarching requirement to uphold the principles of sustainable development which pervade prevailing planning policy.

10. Conclusion

Barn 3 is inappropriate for a residential conversion, as the works required are so extensive and the character of the building so altered by them that the proposal is unacceptable.

Barn 1 has more merit, in that the building is more solid and can be converted without an adverse impact on the appearance of the building.

However, the overall impact on the character and appearance of the landscape from the conversion of these buildings, particularly at this density, is unacceptable and the isolation of the buildings makes the proposal unsustainable.

RECOMMENDATION

That planning permission be refused for the following reasons:

1	The 'conversion' of the building identified as barn 3 would have a fundamental and adverse impact on its character and appearance, changing it from an open fronted shelter to a fully enclosed building. The proposed use of barns 1 and 3 for holiday purposes would have an adverse visual impact on this remote and exclusively agricultural landscape within the North Wessex Downs AONB where there is a notable absence of both buildings and residential uses, to the detriment of the landscape character of the area. The domesticating effects of the proposed use of such inappropriately located buildings would therefore detract from the qualities the AONB designation is intended to preserve, particularly when viewed from Hackpen Hill and The Ridgeway. The proposal is therefore contrary to policies NR6 and NR7 to the Kennet Local Plan, to the adopted "Kennet Landscape Conservation Strategy" supplementary planning guidance, to Wiltshire & Swindon Structure Plan policy C8 and to central government planning policy set out in PPS7. It therefore follows that the proposal is also contrary to Kennet Local Plan policy HC26, which does not permit the conversion of existing buildings to holiday accommodation when there is harm to the character of the local landscape.
2	The use of such a remote, isolated and generally inappropriately located site for holiday accommodation would be inconsistent with the underlying sustainability objectives of central government planning policy, which sets out a clear preference for the location of economic development in rural areas to sites in or closely related to established settlements.

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

None.
 Application particulars and policy documents.

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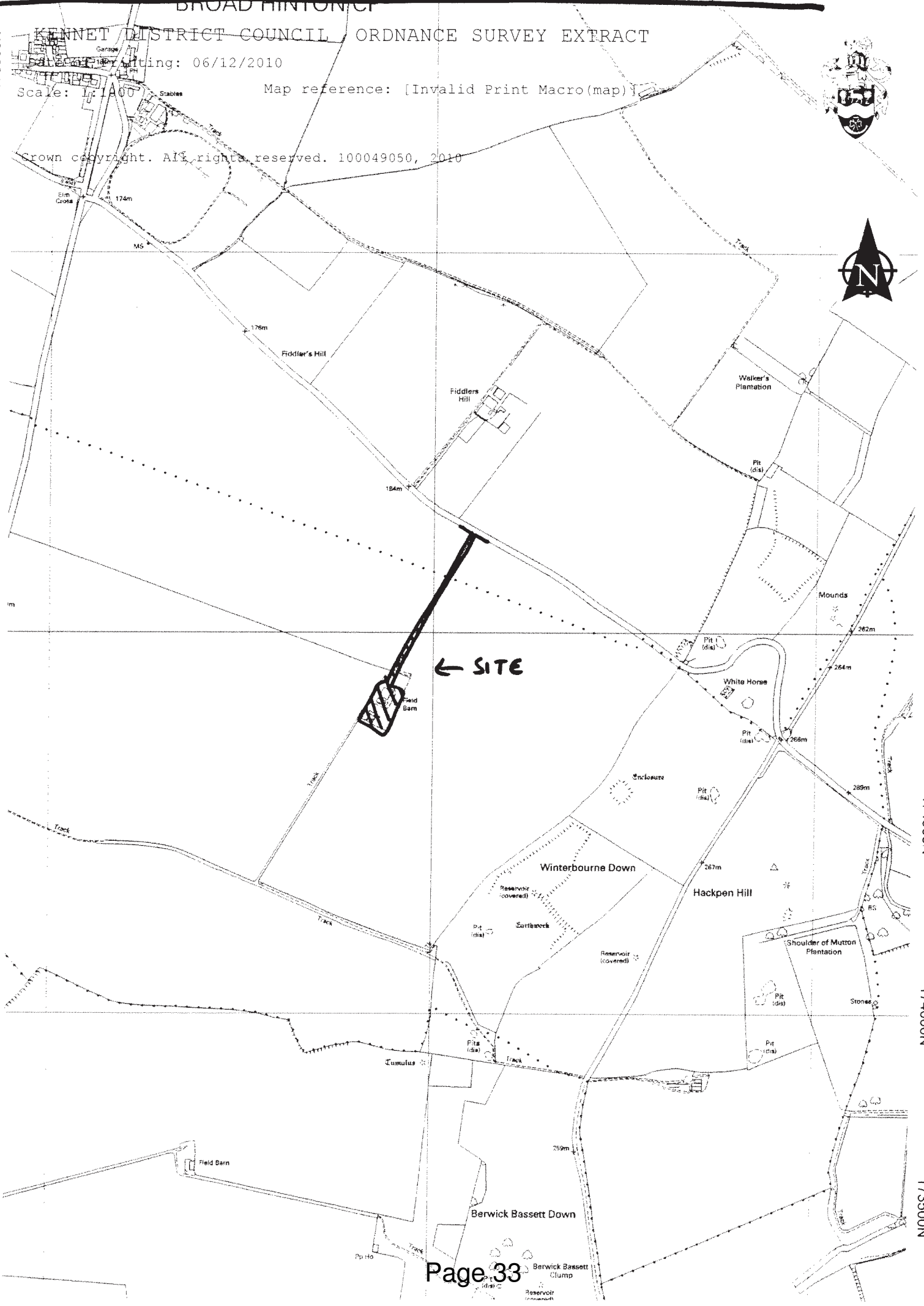
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REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	16 th December 2010
Application Number	E/10/0155/FUL
Site Address	Coronel Farm, Aldbourne, Marlborough, Wiltshire, SN8 2JZ.
Proposal	Creation of racehorse training establishment on part of land at Coronel Farm (land otherwise retained in agricultural use). Creation of 30m x 20m Arena; change of use and extension of barn 3 to create loose boxes and staff facilities; all weather gallops; training fences; associated access track; ancillary accommodation; horse walker; isolation boxes and two temporary residential units (log cabins).
Applicant	Tor Sturgis Racing
Parish Council	Aldbourne
Grid Ref	425547 177180
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been called to committee at the request of the local Division member, Cllr Humphries.

1. Purpose of Report

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

2. Report Summary

The main planning issues to consider are:

- The principle of the creation of a racehorse training establishment within the open countryside;
- The impact upon the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty;
- Archaeology;
- Highway safety;
- Ecology; and
- Residential amenity.

3. Site Description

This application relates to an area of land belonging to Coronel Farm in Aldbourne and lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Coronel Farm is located north of Aldbourne on the western side of the valley along which the C29 road runs from Albourne to Wanborough.

To locate the site, head in a northerly direction out of Aldbourne, along Lottage Road towards Wanborough. The application site can be found approximately 1 mile on the left hand side of the road.

The site comprises agricultural land, an existing access track and three redundant farm

buildings. An aerial photograph of the site and location plan (as submitted with the application are set out below). The site is largely surrounded on all sides by agricultural land with the C29 road forming part of the north-eastern boundary. Figure 1 below shows the location of the site. Please note that the area shown represents the whole farm, not just the application site (this is set out below in Figure 2 2).

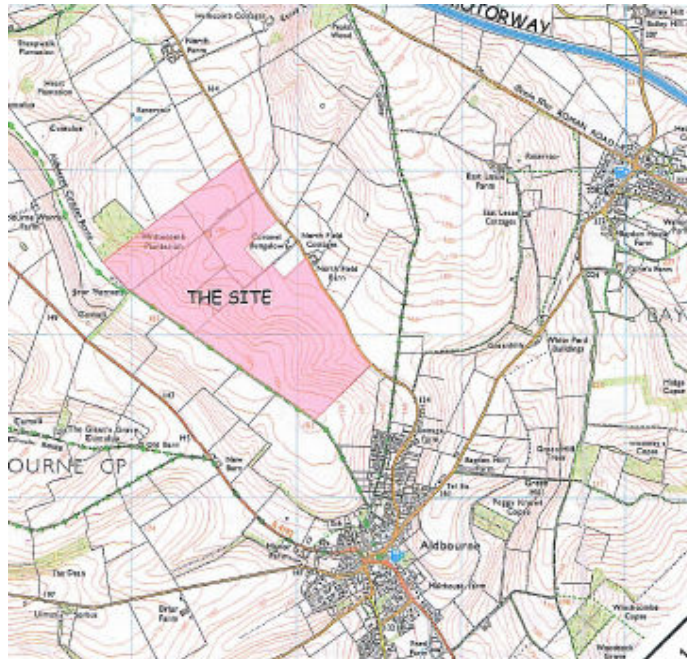


Plate 1: Location Plan (not to scale)

4. Planning History

K/15254/O Erection of farmhouse.

5. The Proposal

This application seeks to change the use of part of the farmland from agricultural use to a racehorse training establishment. Coronel Farm is approximately 112.5 hectares, and 90 hectares of this will remain in agricultural use. Alongside the change of use, the following structures/features are proposed:

- Creation of 30m x 20m Arena;
- Extension and alterations to existing barn to provide loose boxes;
- All weather gallops;
- Training fences;
- Associated access track;
- Horse-walker;
- Isolation boxes, and
- Two temporary residential units (log cabins).

The application has been amended during its consideration to (a) draw the red site line “tightly” around the area associated with the change of use; (b) revise the routing of the gallops; (c) provide details of the fencing to the gallops and details of the training fences as well as (d) the provision of a supplementary equestrian appraisal to specifically address the need for two residential units.

The amended block plan and part site plan (set out below) show the locations of the various elements of the proposal as well as showing the site in relation to Coronel Farm as a whole.



Figure 2: Block plan showing the proposals.

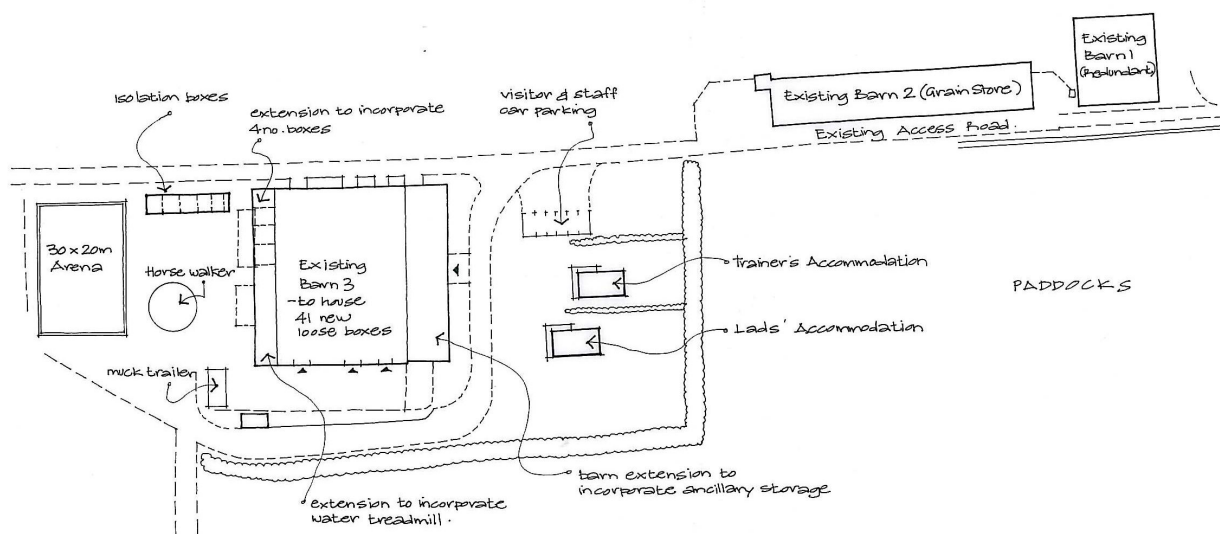


Figure 3: Part site plan showing the structures in more detail (not to scale)

6. Planning Policy

Because of the sites rural location and the proposal being an equine business, the pertinent central government guidance is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4). In addition, because of the archaeological and ecological issues present at the site, advice and guidance contained within Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) are also relevant.

In respect of the local plan, policies PD1 in relation to general development principles as well as policies NR6 and NR7 in relation to sustainability and the protection of the countryside and landscape are also relevant. Furthermore, the Kennet Landscape Conservation Strategy, which has been adopted as a supplementary planning document, is a material consideration.

7. Consultations

Aldbourn Parish Council: Commented on the original plans that there would be an overall significant adverse impact upon the area, including the AONB and nearby archaeological site. Also stated that the site will be highly visible and will adversely impact on the local landscape. The matter of schooling fences and railings not being shown on the plans was also raised, and that permission for these be excluded.

Wiltshire Council Landscape Consultant: In respect of the original plans, it is stated that the proposed development will not have a significant impact on the landscape character and visual amenity of the landscape character area and AONB. The landscape enhancement proposals will be beneficial to the character of the Coronel Farm. By keeping the majority of the farm in arable production the overall character will not be adversely affected. Detailed matters such as materials for fencing and cabins should be conditioned. In relation to the amended plans, again no objection was stated and it is advised that the revised scheme needs to be tied to the landscape strategy.

Wiltshire Council Highways Officer: No objection to the scheme in its original or amended form subject to conditions in respect of the widening of the access track over its first 15 metres to 5 metres in width; the provision of radii 9 metres to either side of the access; the resurfacing of the track in tarmac to a good standard and the positioning of inward opening only gates at least 12 metres from the carriageway edge.

Wiltshire Council Environmental Health Officer: Commented on the original plans stating no objection and advises that the applicant may need separate approval for the disposal of waste from the Environment Agency. Two conditions are recommended in respect of controlling the location of the "muck trailer" so that it does not cause a nuisance to surrounding properties at a later date and ensuring that no bedding or waste matter emanating from the business is burnt at the site.

Wiltshire Fire and Rescue Service: Commented on the original plans stating no objection and general fire safety advice is provided.

Wiltshire Council Assistant Archaeologist: Raises no objection in respect of the amended plan subject to a pre-commencement condition being applied to any approval to secure a written programme of archaeological investigation and programme of archaeological works to enable the recording of any matters of archaeological interest.

English Heritage: Raises no objection in respect of the amended plans and recommends that the advice of the county archaeologist is taken on board.

Wiltshire Council Ecologist: Commented on the original plans that the development is unlikely to have any significant ecological impacts, however recommendations in respect of legislation protecting badgers and their setts (as the scheme comes in very close proximity to several active badger sets) and biodiversity enhancement is provided.

Any additional comments received from consultees in respect of the amended plans will be reported verbally at the committee meeting.

8. Publicity

Three letters of objection were received to the original plans. These are summarised as:

1. As the owner of the adjacent Four Barrows cemetery, the visual impact of the artificial gallops must be minimised as described in the visual impact assessment with natural colours, minimal excavation and the complete absence of signs, railings etc. It is also

important that the gallop is kept tight under the new hedge especially where it passes the barrows because of the higher viewing point from the top of the barrows themselves.

2. This is an AONB and we are concerned that the location of the gallops alongside the footpath will intrude and change the landscape irrevocably.
3. There are other stables available locally, many nationally. One equine agent stated that they have over 1000 boxes on their books. Miss Sturgis, according to her website currently has 20 horses in training which should widen her scope for local yards. There is no local need for new stables, especially with the number of horses in training declining in the recession.
4. The proximity of Miss Sturgis' current stables at Lambourn would mean that employees were simply moved to the new site rather than creating any new employment. The experience of the new stables at The Grange, Oxford Street, Aldbourne where in the proposal 2 new jobs for local residents were to be created, no jobs for local people have occurred, as employees have been imported from elsewhere and many from overseas.
5. The description of this area as denuded of woodland is a generalisation and inappropriate to these valleys whose beauty is in their open character and large vistas. Historical reference to the tithe redemption maps and other old maps will show that there were virtually no hedges in this landscape and that it was stark, open and bare; only since the introduction of the wire fence a little over a century ago have some hedges established and to suggest planting them everywhere is inappropriate and detrimental to this landscape.
6. Apart from the buildings and associated paraphernalia of cars, horse walkers, and arenas, there is no mention of horse boxes or parking space for them, nor is there any mention of the schooling fences, a requirement for the Jockey Club trainer's licence, their white plastic wings, or the white plastic safety railings which would be necessary, probably on the walkways and definitely on the gallops which are on a bend. None of this has been covered by the environmental impact statement, which is therefore incomplete and inadequate.
7. The gallops would be highly visible from the north and particularly from Byway 20 as an unnatural chalk scar, and they would detract from the scheduled monument of the tumuli, the Four Barrows, both adjacent to it and from a distance with the tumuli silhouetted on the skyline.
8. In this otherwise empty valley, lights from the stables, arena, and associated housing would again be detrimental – the bright lights of the other 2 stables on the edge of Aldbourne are a constant source of negative comment.
9. Currently Miss Sturgis occupies stables with no adjacent housing, and there are many stables yards with no housing on site. Two residential units therefore seems excessive, especially as from time to time there will be no one on site – as stated in the proposal.
10. There will obviously be an increase in traffic, with the stables and the treadmill, and many will attempt to use Lottage Road from Oxford Street travelling into the village on a turn which is very awkward, particularly with large vehicles.
11. This proposal despite its confusing volume is lacking in detail. There is no mention of the need to move badgers (one sett being under the proposed gallop), of the safety railings, jump locations, sufficient parking for cars and horseboxes etc, all resulting in an incomplete environmental impact statement.
12. This proposal should be refused because there is no proven need, there is no benefit to the local community, the vast majority of whom are unaware of this proposal, and it is detrimental to the landscape, environment and the Area of Outstanding Natural Beauty.

Any additional comments received in respect of the amended plans will be reported verbally at the committee meeting.

9. Planning Considerations

Principle of Development

In considering whether this application is acceptable in principle, there are two concerns. Firstly, one must consider whether the principle of the change of use of use from agricultural to an equestrian business within the open countryside is acceptable; and secondly; there is the matter of the two residential dwellings and whether these are acceptable.

Change of use and associated development

Coronel Farm lies within the open countryside where Central Government planning advice in the form of PPS7 and PPS4 is supportive of equine enterprises which meet the needs of training and breeding businesses whilst maintaining environmental quality and countryside character. The business in question already exists at two separate and smaller yards in Lambourn which are sited some distance apart (see appendix 3 of the equine appraisal). The purpose of this application and proposed relocation to Coronel Farm is to expand the business and provide a long term base at a single site, building upon the current successes of the existing business.

The site in question forms part of a wider area of land belonging to Coronel Farm. Whilst this application has not been actively promoted as a diversification scheme, it nonetheless is a form of diversification with the remaining land (90 ha) remaining in agricultural use supported by this new economic activity.

Whilst the land is agricultural, it contains a number of redundant farm buildings and the proposed change of use will facilitate the suitable re-use of one of these for the equine horse enterprise. In line with central government guidance and policies NR6 and NR7, the proposed equestrian business is therefore considered to be an appropriate form of rural economic development suitable for a countryside location such as this.

Residential Accommodation

As this would be a newly established location for the business, in line with PPS7, the two proposed dwellings are temporary chalet structures proposed for a 3 year period. This three year period allows time for the business to establish at its new premises and prove that it can be sustained with the aim of demonstrating at the end of the period that permanent residential units are justified. Annex A of PPS7 sets out 5 key criteria against which all new proposals for temporary accommodation essential for the equine activity must be assessed against. In summary, these are:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

(ii) functional need;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(v) other normal planning requirements, e.g. on siting and access, are satisfied.

The application has been accompanied by an equestrian appraisal by an appropriately qualified and experienced equine consultant. This clearly sets out and concludes that the accommodation is needed for the functional requirements of the business and that all of the required tests set out in PPS7 have been met. Full copies of the original appraisal and supplementary appraisal are available on the planning file or can be downloaded from the internet. The reports as submitted are considered sufficiently detailed and sound and your officers can see no reason to disagree with the conclusions made.

Your officers therefore consider that this proposed racehorse training establishment is an appropriate form of rural economic development and likewise the temporary accommodation meets the necessary criteria of Annex A of PPS7. The scheme is therefore considered to be acceptable “in principle”.

Impact upon the character and appearance of the landscape of the North Wessex Downs Area of Outstanding Natural Beauty

Coronel Farm is located on the Marlborough Downs and within the North Wessex AONB. It is therefore a site of high sensitivity and there are a number of public rights of way within the area. Plates 1 and 2 below show the site as viewed from the C29 to the north-east of the site and views within the site itself.



Plate 1: View of part of the site from the C29



Plate 2: View of site from the existing access track

The application relates to an area of the farm where three buildings, an area of hard surfacing and an access track already exist. The majority of the development will be contained in the area of the larger barn at the far north-western area of the site. Due to the complex topography of the site, the long

distances from public vantage points and the concentration of the development in the vicinity of the barn, track and other buildings, it is your officer's opinion that despite the generally open character and appearance of the area, the landscape and visual impacts of the proposal will not in fact be significant. The photos above depict part of this topography from the surroundings and how the natural land form will help reduce views of the scheme.

The application was submitted with a Landscape and Visual Impact Assessment (LVIA) which also concluded that the bulk of the proposed development will be well contained within the area of the existing farm buildings and that the visual impact would not be significant in terms of LVIA guidelines. It goes on to state that the majority of the views, whilst open, are at such a distance that the impact of the proposed development on the appearance of the area will be limited. In addition, enhancement of the landscape also forms part of the scheme with the landscape proposals taken from the enhancement priorities and targets contained within the landscape conservation SPG. This includes new hedge and tree planting, reinstatement and planting of new native field boundary hedges/trees and the retention and management of the existing tree clump. The Council's landscape consultant agrees with the conclusions of the LVIA and recommends that the landscape scheme shown in the LVIA should form an integral part of the proposed development. Furthermore, as the majority of the farm (90 ha) will remain in arable use, the overall character will not be adversely affected.

Alongside the main structures and buildings, one must also consider the visual impact of the associated equestrian paraphernalia. Additional information on the fencing to the gallops and details of the required training fences were therefore provided to enable a full assessment of the impact of the scheme as a whole. The training fences will generally be concentrated behind the front boundary hedge and new proposed planting and the gallops again will be "tightly" located adjacent to the new hedging to minimise their impact. A grassland buffer is proposed between the gallops/hedge and the scheduled ancient monument to the west.

The scheme is therefore considered by your officers to be visually acceptable subject to appropriate conditions controlling the colours, materials and finishes of certain aspects of the scheme, e.g. log cabins, surfacing of the track, surfacing of the arena as well as ensuring the submission and implementation of an appropriate landscaping scheme as depicted within the LVIA.

Archaeology

During the course of the application, the applicant, English Heritage and Wiltshire Council's Assistant Archaeologist have met and had a number of discussions to ensure that the scheme (in particular the gallops), do not harm important archaeology in the area. The key issue was the impact upon the setting of the scheduled ancient monument (SAM) to the west of the site.

As a result the route of the gallops was amended creating a greater distance between this and the SAM. The scheme now provides an area between the two to be set aside as a grassland buffer area. Both the county archaeologist and English Heritage are satisfied with these amendments and raise no objection to the scheme subject to a pre-commencement archaeological condition. This condition requires the submission and approval of a written programme of archaeological investigation and the carrying out of the approved programme of archaeological work.

Your officers see no reason to disagree with the advice and the scheme is not therefore considered to give rise any adverse impact in respect of the archaeology within or adjacent the site if the recommended condition is applied.

Highway safety

The site is already served by an existing track and the Council's highway engineer is satisfied that the site can accommodate the change of use and associated traffic movements subject to an upgrade to the track and access (which can be easily achieved without causing visual harm). Conditions regarding the surfacing of the track and positioning of in-ward only openings gates are also recommended.

Your officers see no reason to disagree with the advice and the scheme is not therefore considered to give rise to any adverse impact in respect of the highway safety if the recommended conditions are attached to any permission.

Ecology

The proposed all weather gallops will come in very close proximity to several active badger setts and the construction of this feature could potentially impact on these. However, Wiltshire Council's ecologist is satisfied that given the large number of setts at the site (20+), if a few are compromised then there are sufficient setts remaining at the site to allow for this. Notwithstanding this acceptance, where the construction of the gallops could potentially compromise the integrity of a badger sett the applicant should consider the need to close the affected sett(s) under a licence from Natural England. The ecologist therefore recommends that an informative be added to any permission advising the applicant of the procedure should a sett need to be closed.

The ecologist also notes that the proposed scheme provides potential for ecological enhancement through planting and restoring the hedgerow system (in line with PPS9 which recommends ecological enhancements through planning applications). The recommendations for planting proposed in both the Phase 1 Habitat Survey report and the LVIA should therefore be appropriately conditioned.

It is therefore your officer's view that the scheme is acceptable in respect of ecological matters.

Residential amenity

It is considered that the proposals are sited far enough away from nearby residential properties (being largely contained within the wider farmland) so as not to give rise to an adverse impact upon the amenities of the occupiers of these properties.

10. Conclusion

It is considered that the proposal is acceptable in principle and would not result in significant harm to the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty; archaeology; highway safety; ecology nor would it give rise to an adverse impact upon residential amenity.

RECOMMENDATION

Approve for the following reasons –

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to the appearance of the landscape and would protect the setting of the nearby ancient monuments, whilst allowing for legitimate economic diversification into a use that is an accepted part of the local economy and character of the area.

The pertinent central government guidance is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Statement 4: Planning for Sustainable Economic Growth. In addition, because of the archaeological and ecological issues present at the site, advice and guidance contained within Planning Policy Statement 5: Planning for the Historic Environment and Planning Policy Statement 9: Biodiversity and Geological Conservation is also relevant.

In respect of the Kennet Local Plan 2011 policies PD1 in relation to general development principles as well as policies NR6 and NR7 in relation to sustainability and the protection of the countryside and landscape are also relevant. Furthermore, the Kennet Landscape Conservation Strategy, which has been adopted as a supplementary planning document, is a material consideration.

and subject to the following conditions –

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as

amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the roofs and stain colour to be used for the timber boarding on the external walls of the temporary dwellings 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 occupation of the two temporary dwellings hereby permitted shall be limited to a person solely or mainly employed in the equestrian business occupying the plot edged red on the attached plan, or any resident dependents.

REASON:

The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for two new dwellings in this location having been demonstrated.

- 4 The two dwellings hereby permitted shall be removed and the land restored to its former condition on or before 31st December 2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of amenity, in order to secure the restoration of the land upon removal of the buildings for which permission can be justified only on the basis of a special temporary need.

- 5 No development shall commence on site until details of the surfacing of the arena 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.

- 6 No development shall commence on site until details and samples of the materials to be used for the roof and stain colour to be used for the timber boarding on the external walls of the isolation boxes have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

- 7 No development shall commence on site until details and samples of the materials to be used for the walls and roofs of barn 3 to be converted and extended to loose boxes and staff facilities 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.

- 8 There shall be no burning of waste material or animal bedding on the site outlined in red or on the land outlined in blue.

REASON:

To protect the amenities of the area.

- 9 Notwithstanding the submitted details, no development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON:

In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 10 Prior to the development hereby permitted being first brought into use, the existing access track within the site to the C29 shall be upgraded by increasing the available width to 5 metres over the first 15 metres from the C29 carriageway edge with the provision of radii of 9 metres to either side. The first 15 metres of the access shall be resurfaced in tarmac and any gates shall be erected at least 12 metres from the C29 carriageway edge and made to open inwards only.

REASON:

In the interests of highway safety.

- 11 No development shall commence on site until details of the surfacing of the extension to the existing access track and track access to the gallops 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.

- 12 No development shall commence on site until details of the surfacing of the gallops 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.

- 13 Notwithstanding the submitted details, no development shall commence on site until a scheme of hard and soft landscaping (which encompasses the landscape recommendations set out in the Phase 1 Habitat Survey report 2008 and the Landscape and Visual Impact Assessment, 2009) 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) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

REASON:

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

- 14 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.

15 No development shall commence within the application site area until:

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

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

REASON:

To enable the recording of any matters of archaeological interest.

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

Plan Ref: 7105 - 01G, Date Received: 6th October 2010;

Plan Ref: 7105 - 06, Date Received: 9th February 2010

Plan Ref: 7105 - 08 B, Date Received: 9th February 2010

Plan Ref: 7105 - 11A, Date Received: 9th February 2010

Plan Ref: 7105 - 12 A, Date Received: 9th February 2010

Plan Ref: 7105 - 14, Date Received: 9th February 2010;

Plan Ref: 7105 - 015, Date Received: 9th February 2010;

Plan Ref: 7105 - 16, Date Received: 4th October 2010;

Plan Ref: BAR 012 Issue 08, Date Received: 3rd November 2010, and

Plan Ref: BAR 213 D Issue 02, Date Received: 3rd November 2010.

17 **INFORMATIVE TO APPLICANT:**

The applicant is advised that the archaeological work referred to in condition 16 should be of the nature of a "strip map and record" of the proposed gallops and horse-walk. It should have the contingency to allow sufficient time to investigate any features of archaeological interest revealed, and to fully excavate significant archaeological features which extend beyond the footprint of the proposed tracks. It should be conducted by a professional, recognised archaeological contractor in accordance with a brief issued by the Wiltshire Council archaeological department. There will be a financial implication for the applicant.

18 **INFORMATIVE TO APPLICANT:**

The applicant is advised that where the construction of the gallops could potentially compromise the integrity of badger setts the applicant should consider the need to close the affected sett(s) under a licence from Natural England, bearing in mind that tunnels can extend up to 20 metres from the sett entrances and could be damaged by even shallow excavations or the use of heavy machinery. An ecological consultant should advise on the need or otherwise for a sett closure licence.

19 **INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service dated the 5th March 2010.

20 **INFORMATIVE TO APPLICANT:**

The applicant is advised that they may require separate consent from the Environment Agency for the storage/disposal of horse waste and is advised to make their own separate investigations in respect of this matter.

Appendices:

None.

Background Documents Used in the Preparation of this Report:

Application particulars and policy documents.

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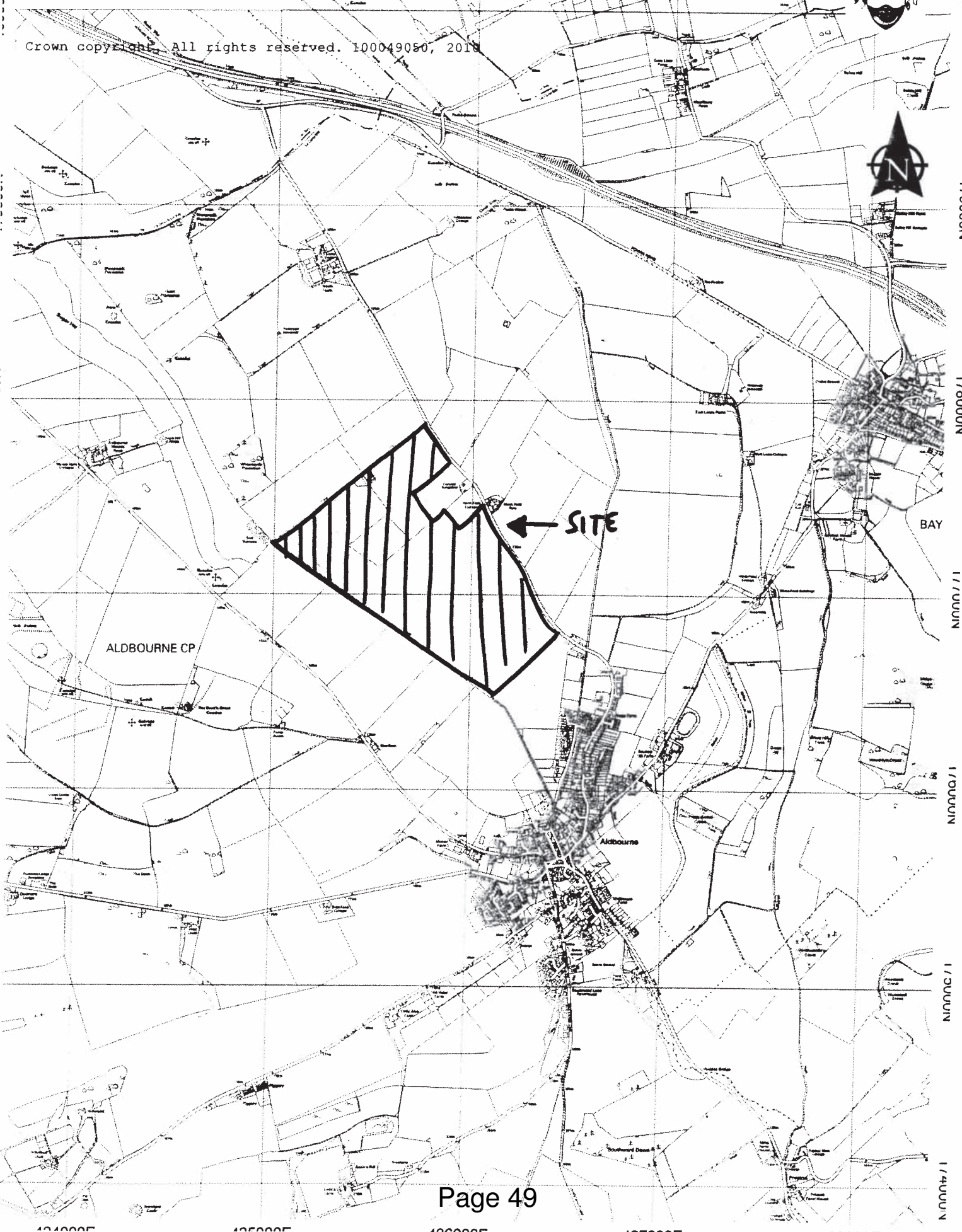
KENNET DISTRICT COUNCIL ORDNANCE SURVEY EXTRACT

Date of Printing: 06/12/2010

Scale: 1:1000

Map reference: [Invalid Print Macro (Map)]

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	16 December 2010
Application Number	E/10/1419/FUL
Site Address	3 The Park, Erlestoke, Devizes, Wiltshire, SN10 5TY
Proposal	Retention of air to water heat pump
Applicant	Sarsen Housing Association
Town/Parish Council	Erlestoke Parish Council
Grid Ref	396430 153994
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

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

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

- Whether the proposal would have a detrimental impact on neighbour amenity.
- Whether the proposal would have a detrimental impact on the character and appearance of the surrounding area.

3. Site Description

The property to which the application relates is one of a pair of semi-detached houses in a cul-de-sac of other similar properties at the eastern end of Erlestoke. If approaching Erlestoke from the Little Cheverell direction, the site can be found by taking the first turning on the right after the church. The property is on the left-hand side and is the end house in a row of 8 semi-detached properties.



Location Plan

4. Planning History

There is no relevant planning history.

5. The Proposal

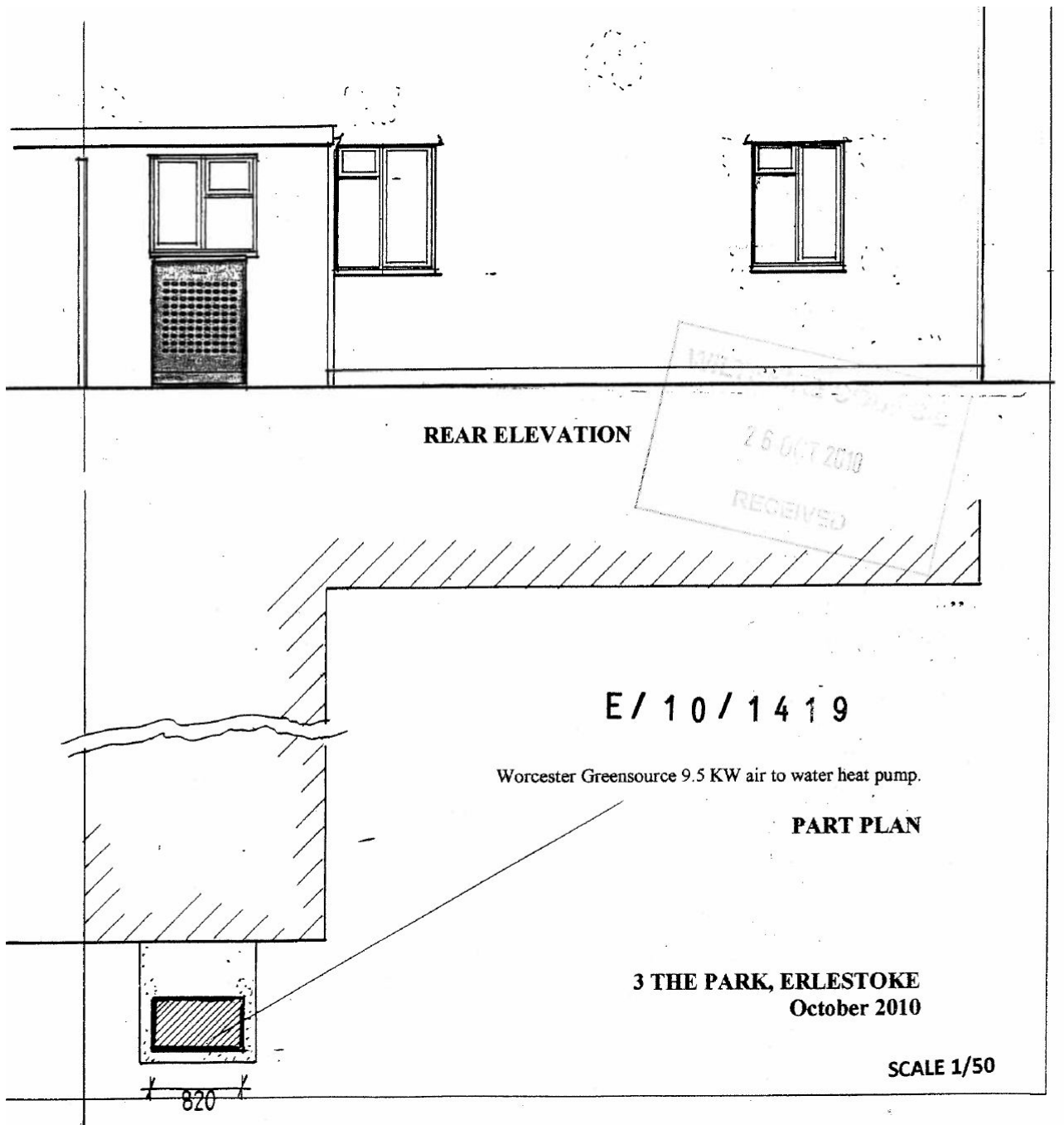
This application is for the retention of a Worcester Bosch air source heat pump, which is positioned immediately to the rear of a single storey rear extension on the boundary with the adjoining semi-detached property. The agent has confirmed in writing that it has been in situ since 12 January 2010. This application is one of 13 planning applications that have been submitted in respect of properties owned by Sarsen Housing Association in the East Hub area. Nine are retrospective applications and four relate to proposed installations.



Site Plan



The unit in situ



6. Planning Policy

The site lies within the Limits of Development for Erlestoke and the designated conservation area. Policy PD1 in the Kennet Local Plan is relevant to the consideration of the application, as is central government policy contained in PPS 5..

7. Consultations

Erlestoke Parish Council – objects to the application:

‘Although the Council has no objection to the siting of the unit, neighbours have complained that the unit is noisy and the Councillors would ask for the abatement of the noise to be taken into consideration during the planning process.’

Wiltshire Council Environmental Health Officer –

‘I have been advised that the external part of the Worcester Greensource 9.5KW heat pump runs at around 49.9dBA at 1metre. Due to the position of the installation I would not expect this sound level to cause a problem for neighbouring residents. However I understand that you have received

some comments regarding the noise.

I visited the site on 16th November at 3pm and witnessed the sound from the heat pump myself. I also took measurements of the sound levels at varying distances from the heat pump with it both on and off. With the residents in attendance I took measurements from the gardens of both number 3 and 4 The Park and also from the bedroom of number 4.

The measurements show that there is no significant difference in the average sound levels of the area when the pump is on compared to when it is off. The heat pump is audible in some parts of the garden of number 4 but is not a significant feature of the acoustic environment.'

8. Publicity

A site notice has been posted and neighbour notification has taken place. One letter of objection has been received, from the occupier of the adjoining property (no. 4 The Park), which raises the following key concerns.

- The noise the air source heat pump makes is annoying.
- The site is designated as a conservation area and is very quiet. We would like to keep it that way.
- The fear is that if several houses had this equipment installed, the noise would be unbearable.

9. Planning Considerations

The main issues in respect of this application are whether the air source heat pump has an adverse impact on residential amenity and upon the character and appearance of the area.

Impact on Residential Amenity

Concerns have been raised by the occupier of the adjoining residential property that the installed air source heat pump causes a noise nuisance. The Council's Environmental Protection Team carried out noise monitoring at numbers 3 and 4 The Park at 15.00 on 16 November 2010. These measurements were taken at varying distances from the heat pump (including from the bedroom of number 4) with it both on and off. They have concluded that the recorded measurements show that there is no significant difference in the average sound levels of the area when the pump is on compared to when it is off. The heat pump is audible in some parts of the garden of number 4 but not from within the property itself. As noise levels from the air source heat pump are similar to existing background noise levels, it is not considered that the development could be considered to have a detrimental impact on the reasonable living conditions of the occupiers of the adjoining residential property or other dwellings in the area.

Members may wish to note that of the 13 planning applications that have been submitted in respect of Sarsen owned properties within the East Hub area, 10 have already been approved as no objections were raised by the Council's Environmental Protection Team or from any neighbours or parish councils.

Impact on Character and Appearance of the Area

The site lies within the designated conservation area, however, this relatively small installation is situated in the rear garden of the property and is not visible from public viewpoints. It is therefore considered that the character and appearance of the conservation area would be preserved.

Conclusion

Officers consider that the noise generated by the air source heat pump is not significant enough to as to cause a noise nuisance. The development is also considered to be acceptable in visual terms. Accordingly, the approval of planning permission is recommended.

RECOMMENDATION

That planning permission be granted, for the following reasons:

The retention of the air source heat pump will not have any adverse impact on the character or

appearance of the conservation Area, nor will it have any significant adverse impacts on the amenity of the adjacent property. Accordingly, the proposal is considered to be in accordance with policy PD1 of the Kennet Local Plan.

and subject to the condition set out below:.

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, technical specification for Worcester Bosch air source heat pump (including photograph), 1:1250 location plan, 1:500 site plan, 1:50 elevation drawing and 1:50 block plan received on 26 October 2010.

Appendices:

None.

Background Documents Used in the Preparation of this Report:

Application particulars and policy documents.

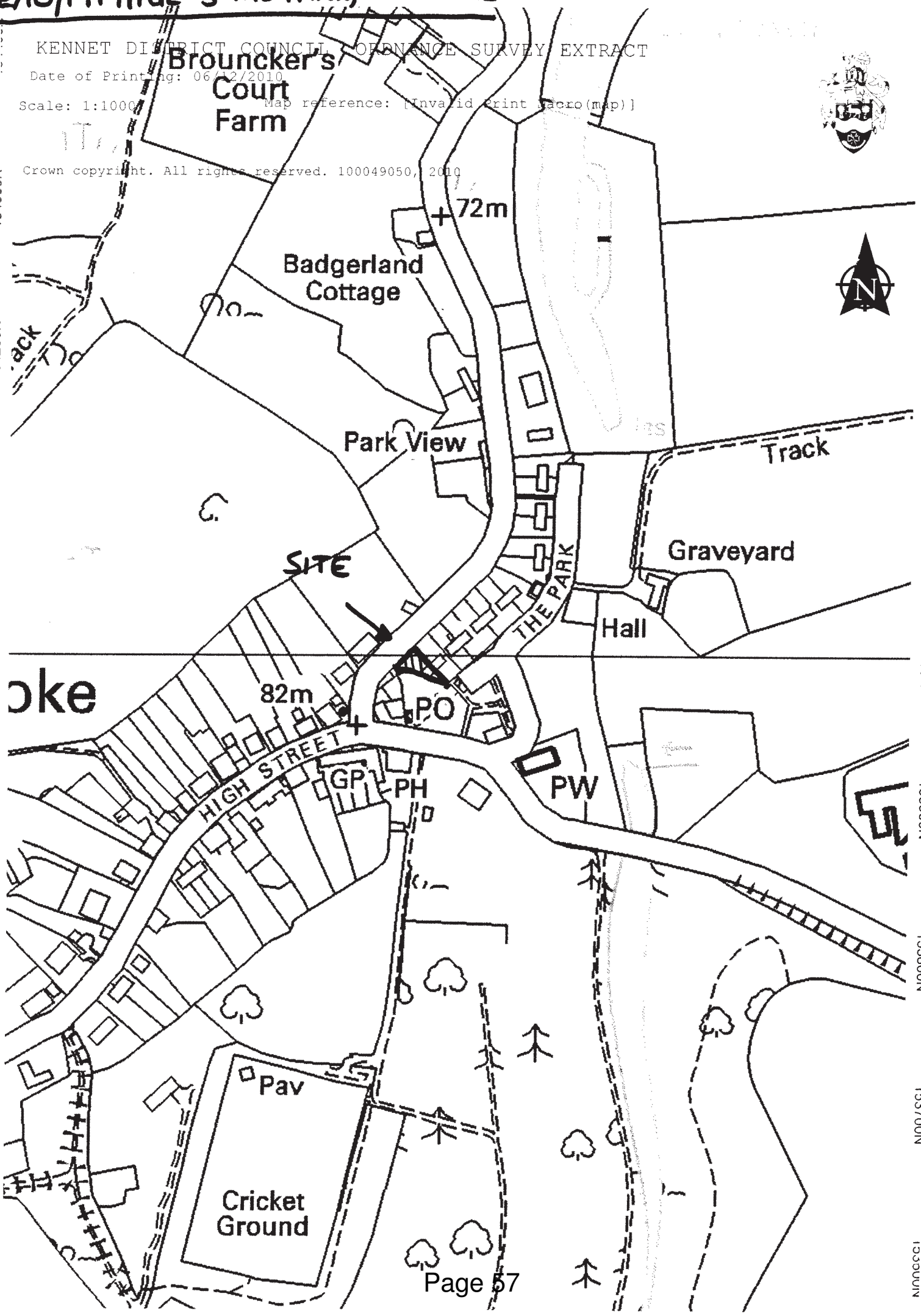
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KENNET DISTRICT COUNCIL OFFENCE SURVEY EXTRACT

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