

## AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Browfort, Devizes  
**Date:** Thursday 17 February 2011  
**Time:** 6.00 pm

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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](mailto:chris.marsh@wiltshire.gov.uk)

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

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### Membership:

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

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### Substitutes:

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

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# AGENDA

## Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 6 January 2011 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

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

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

6. **Planning Applications**

To consider and determine planning applications in the attached schedule.

6a. **E/10/0714/FUL** (*Pages 9 - 26*)

Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB – (i) Change of use from agriculture to private equestrian; (ii) Retention of new access/gates and access track (to be seeded with grass); (iii) Erection of 2m cob type

wall and 5 bar gate (to replace existing unauthorised close board fencing and gates); (iv) Erection of 6m high wind turbine; (v) Construction of horse walker; (vi) Retention of metal shipping container (in different position between barns); (vii) Removal of manure pit and associated bunding; (viii) Recladding of existing barn; (ix) New storage shed; (x) Relocation of existing close board gates to position of existing metal 5 bar gate adjacent to the Old Dairy.

6b. **E/10/1632/FUL** (*Pages 27 - 36*)

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

7. **Urgent items**

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

**Part II**

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

None.

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## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 JANUARY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.**

#### **Present:**

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

#### **Also Present:**

Cllr Lionel Grundy OBE and Cllr Brigadier Robert Hall

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#### 101. **Apologies for Absence**

There were no apologies for absence.

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

Minutes from the previous meeting held 16<sup>th</sup> December 2010 were presented.

The Chairman noted an error on minute no.99a in relation to application ref. E/10/1330/FUL, Melbourne House, Devizes, in that the speaker recorded as Mr Peter Lawson, should be amended so as to correctly read Mr Peters. It was,

#### **Resolved:**

**To approve and sign the minutes as a correct record subject to the above amendment.**

#### 103. **Declarations of Interest**

Councillor Richard Gamble declared a personal interest in item no. 7a, ref. E/10/0714/FUL, Yew Tree Farm, Wilsford, Pewsey, owing to his knowing the architect, Mr Keith Bennett.

Councillor Laura Mayes declared a personal interest in item no. 7a, ref. E/10/0714/FUL, Yew Tree Farm, Wilsford, Pewsey, owing to her knowing the agent, Mr James Miles Hobbs.

104. **Chairman's Announcements**

There were no Chairman's announcements.

105. **Public Participation**

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

106. **Planning Appeals**

The Committee noted a list of appeals determined between 01/10/2010 and 31/12/2010.

107. **Planning Applications**

- 107a. **E/10/0714/FUL- Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB - (i) Change of use from agriculture to private equestrian; (ii) Retention of new access/gates and access track (to be seeded with grass); (iii) Erection of 2m cob type wall and 5 bar gate (to replace existing unauthorised close board fencing and gates); (iv) Erection of 6m high wind turbine; (v) Construction of horse walker; (vi) Retention of metal shipping container (in different position between barns); (vii) Removal of manure pit**

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

Mr Keith Bennett, the architect  
Mr James Miles Hobbs, the agent

**The following people spoke generally on the proposal:**

Mrs Mary Gilmore, of Wilsford Parish Council  
Cllr Brig. Robert Hall, the divisional member

The Committee received a presentation by the Area Development Manager 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:

- Whether the proposals would preserve or enhance the character or

- appearance of the conservation area;
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty; and
- Impact of the proposed access works upon highway safety.

It was,

**Resolved:**

**That the application be deferred and delegated to the Area Development Manager to grant planning permission, for the reasons set out in the report, and subject to the conditions set out in the report, subject to the application being altered to include the following changes:**

- that the blue storage container on site be relocated inside one of the barns or removed from the site altogether, to protect the appearance of the area;
- that the field access gate be relocated so as to sit a minimum of 4.5 metres from the carriageway edge, in the interests of road safety;
- that the Eastern barn be re-clad in one uniform dark colour, to protect the appearance of the area;
- replacement of condition 3 of the report with a revised condition preventing the erection of permanent horse jumps, to protect the appearance of the area; and
- Replacing all the close boarded fencing and close boarded gate with post and rail fencing and a more open, sensitively designed gate.

107b. **E/09/1613/FUL - Yew Tree Fields, The Street, Wilsford, Pewsey, Wiltshire SN9 6HB - Erection of stable block**

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

Mr Keith Bennett, the architect  
Mr James Miles Hobbs, the agent

**The following people spoke generally on the proposal:**

Mrs Mary Gilmore, of Wilsford Parish Council  
Cllr Brig. Robert Hall, the divisional member

The Committee received a presentation by the Area Development Manager 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:

- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty,

It was,

**Resolved:**

**That the application be approved for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:**

**(a) Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011**

**And subject to the following conditions:**

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

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

- 2 The development hereby approved shall be used solely for the private equestrian use of the landowner and shall not be used for any commercial use, including livery, equine training or as a riding school, without the further grant of planning permission by the Local Planning Authority.**

**REASON: The use of the site for commercial purposes may give rise to other planning issues, such as increased traffic, that would need to be considered in a fresh planning application.**

- 3 No development shall commence on site until details of the finish for the shiplap boarding to be used for the external walls of the stable block have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the stable block being**



first brought into use.

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

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the stable block 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.**

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

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

**(a) Application Form, Design & Access Statement and Drawing no. 1092/01 received on 9th December 2009.**

**(b) Drawing no. 1092/04A received on 8th February 2010.**

**(c) Drawing no. 1092/02J received on 3rd November 2010.**

**6 INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the planning permission reference E/10/0714/FUL and dated 6th January 2011.

107c. E/10/1461/FUL - Fairview, Uphill, Urchfont, Devizes, Wilts SN10 4SB - Proposed two storey extension with proposed new entrance link and two storey annex, along with internal alterations to existing property. Double garage with parking and provisions for a turning circle (resubmission of E/10/0665/FUL)

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

Mr Adrian Flook, an immediate neighbour  
Mrs Frangelica Flook, an immediate neighbour  
Mr David Stirling, agent for the above  
Mr Simon Holt, of Urchfont Parish Council

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

Mr Paul Richards, the agent  
Mr Keith Ewart, the applicant

**The following person spoke generally on the proposal:**

Cllr Lionel Grundy OBE, the divisional 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:

- Whether the development would have an adverse impact upon the residential amenities of neighbouring occupiers, and
- Whether the development would have an adverse impact on the character and appearance of the area.

It was,

**Resolved:**

**That the decision be deferred and delegated to the Area Development Manager to grant planning permission, for the reasons set out in the report and subject to the conditions set out in the report, subject to the application being amended by removal of the double garage building from the application, to protect the amenity of residents of the adjacent property.**

108. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

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

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

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## REPORT TO THE EAST AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 <sup>th</sup> February 2011
<b>Application Number</b>	E/10/0714/FUL
<b>Site Address</b>	Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB
<b>Proposal</b>	(i) Change of use from agriculture to private equestrian; (ii) Retention of new access/gates and access track (to be seeded with grass); (iii) Erection of 2m cob type wall and 5 bar gate (to replace existing unauthorised close board fencing and gates); (iv) Erection of 6m high wind turbine; (v) Construction of horse walker; (vi) Retention of metal shipping container (in different position between barns); (vii) Removal of manure pit and associated bunding; (viii) Recladding of existing barn; (ix) New storage shed; (x) Relocation of existing close board gates to position of existing metal 5 bar gate adjacent to the Old Dairy.
<b>Applicant</b>	Mr James Lucas
<b>Town/Parish Council</b>	WILSFORD
<b>Grid Ref</b>	409940 157250
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rob Parker

### Background

Members will recall that this application was considered by the committee on 6<sup>th</sup> January 2011. It was resolved to defer and delegate the application to the Area Development Manager to grant planning permission, subject to the application being amended to incorporate the following changes:

1. The blue storage container on site should be relocated inside one of the barns or removed from the site altogether, to protect the appearance of the area.
2. The field access gate should be relocated so as to sit a minimum of 4.5 metres from the carriageway edge, in the interests of road safety.
3. The eastern barn should be re-clad in one uniform dark colour, to protect the appearance of the area.
4. Condition 3 of the report (which prevents the erection of permanent horse jumps) should be deleted.
5. All close boarded fencing and close boarded gates should be replaced with post and rail fencing and a more open, sensitively designed gate.

The case officer has met with the applicant to discuss the above. He has declined to make the necessary amendments and has requested that the committee determines the application on the basis of the scheme presented to members on 6<sup>th</sup> January 2011. The applicant has also submitted an additional report from a countryside business consultant which attempts to justify the works. This can be viewed on the working file but can be summarised as follows:

- The steel container is required for the purposes of secure storage as it is the only completely secure location on the site. The rise in rural crime over recent years is of great concern to the applicant. Relocating the container inside one of the barns would leave the property with less stabling and thereby give rise to a requirement for additional buildings. The applicant has offered screening around the container to mitigate its visual impact, although he disagrees that the container is unsightly and does not believe that its colour is offensive to the eye.
- The field access gate is used extremely infrequently and it is unlikely that it would be used more than three times per annum. The associated track has almost grassed itself over. The existing gate is 3 metres from the edge of the highway. To insist that it is reinstalled deeper into the site would look out of character with its surroundings and would also result in the loss of the corner of the paddock. The 4.5 metre requirement from the Highway Authority is a “standard” requirement for any regularly used new access point into properties. It is unreasonable to apply this requirement to the Yew Tree Fields site.
- The cladding used on the sides of the building has weathered quickly in the past 24 months and the colour has “dulled down” considerably to a more natural and weathered look. The cladding will no doubt weather further into an even more neutral colour. As far as colours go, it is no different to buildings that are clad in grey asbestos or grey fibre cement that lie next to the building in question, or indeed on many other farm buildings. Replacement of the cladding with a shiny new dark green, blue or brown will take much longer to blend in. The light provided by the higher level translucent panels is important for the animals and persons working in the building. The panels have weathered considerably since their installation and the use of clear roofing sheets as an alternative would have even greater impact visually.
- The close boarded fencing and gates are required to provide security for equipment and livestock, to provide a safe loading/unloading area and to provide a comfortable / safe environment for the applicant’s autistic son. The security issue is first and foremost in the applicant’s mind and he is keen to comply with Police advice that potential intruders should be (i) denied access to the property by any means possible, including the erection of solid lockable gates; and (ii) denied the opportunity to visually assess the property beforehand.

Members are invited to consider the applicant’s additional representation and then proceed to determine the application. If members are minded to refuse planning permission then the following refusal reasons are suggested:

1. The re-cladding of the barn has been harmful to the character and appearance of the conservation area and the amenities of the Area of Outstanding Natural Beauty. The proposal to retain the cladding is therefore contrary to policy PD1 of the Kennet Local Plan 2011 and government policy contained in PPS5: ‘Planning for the Historic Environment’ & PPS7: ‘Sustainable Development in Rural Areas’.
2. The erection of close boarded gates and fencing on the road frontage has been harmful to the character and appearance of the conservation area, the amenities of the Area of Outstanding Natural Beauty and the setting of the adjacent listed building. The proposal to retain the gates and fencing is therefore contrary to policy PD1 of the Kennet Local

Plan 2011 and government policy contained in PPS5: 'Planning for the Historic Environment' & PPS7: 'Sustainable Development in Rural Areas'.

The committee has expressed concerns regarding the position of the field access gate, requesting that it be moved to be a minimum of 4.5m from the carriageway edge. Members should be aware that this is not a normal requirement for this type of access and the Highway Officer has not requested that the plans be amended. Accordingly, it would be difficult to substantiate a refusal of planning permission on this basis.

The committee also expressed concern about the storage container. Whilst Officers agree that the current siting is unacceptable, the proposal in the application is that it be relocated between two existing buildings, where it would be relatively inconspicuous as only the narrow end would in any way be visible from public viewpoints. It is therefore felt that a reason for refusal on these grounds would be difficult to sustain.

The original case officer report is included below for reference:

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

This application is before Committee at the request of the Division Member, Councillor Brigadier Robert Hall.

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

To consider the recommendation that the application be approved.

### **2. Report Summary**

The main issues in this case are:

- The principle of private equestrian development.
- Whether the proposals would preserve or enhance the character or appearance of the conservation area.
- Whether the proposals would preserve the setting of adjacent listed building(s).
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty.
- Impact upon neighbour amenity.
- Impact upon highway safety.

### **3. Site Description**

The application site is split into two parcels. The first parcel lies on the south side of the main village street, between 20 & 21/22 Wilsford. It covers an area of 4.7 hectares and includes a number of former agricultural buildings including a concrete block building (known locally as The Old Dairy) and two barns. The second parcel of land lies to the north-west of the village and is slightly larger at approximately 7.7 hectares. There are no buildings on this parcel of land.



*Site location plan*

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

E/09/0630/FUL – Retrospective change of use from agricultural to equestrian and training; re-cladding of existing barn, new storage shed and new access & driveway. The application was placed on a committee agenda but it was taken off the agenda by officers on the day of committee. The application was subsequently withdrawn. This course of events resulted from the applicant's last minute decision to make significant changes to the proposals.

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

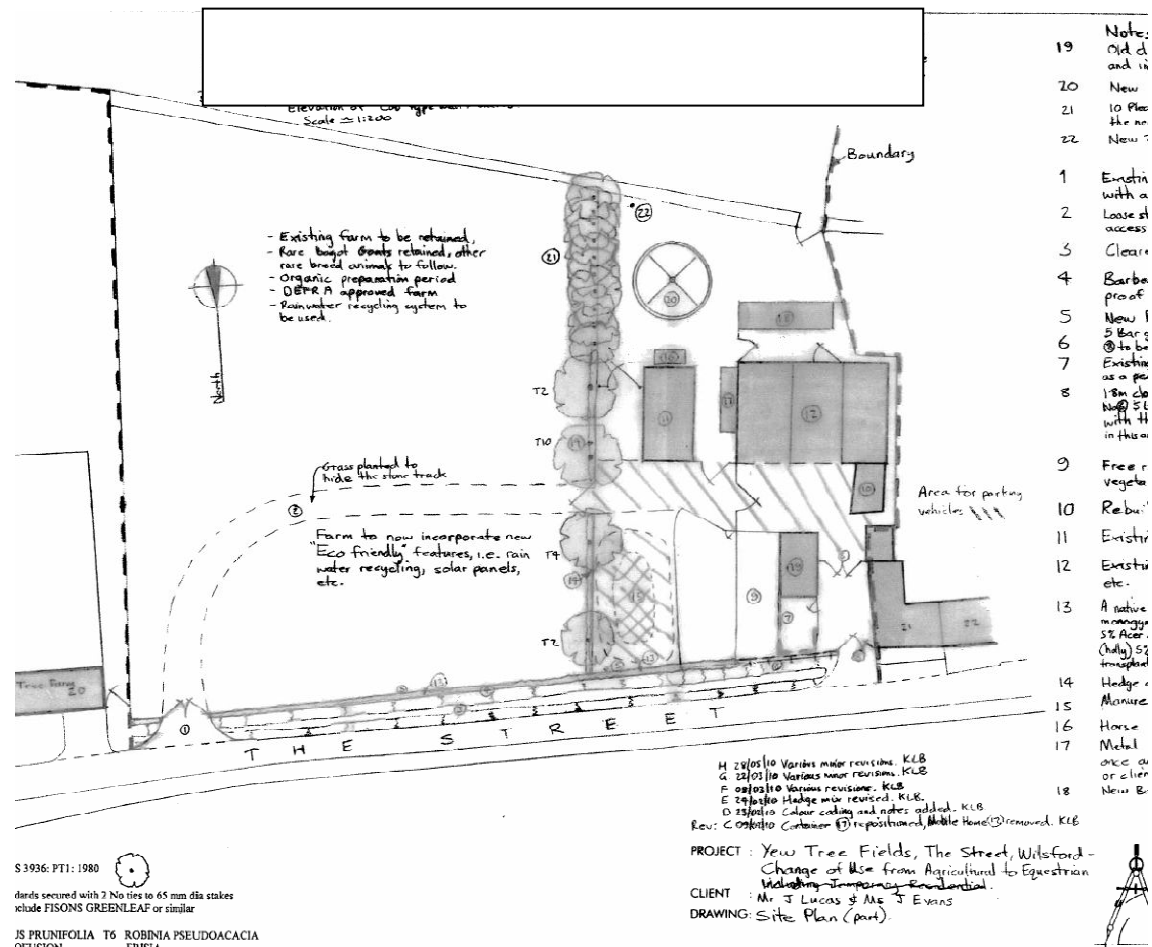
This application has been amended during the course of its consideration (see officer comments below). The following list summarises the proposal now for consideration:

- (i) Change of use from agriculture to private equestrian;
- (ii) Retention of new access/gates and access track (to be topsoiled and seeded with grass);
- (iii) Retention of timber entrance gates and a section of fence (the gates and retained section of fence combined would measure 8m in length) with a further 19m section of unauthorised fencing to be removed;
- (iv) Erection of 6m high wind turbine;
- (v) Construction of horse walker;
- (vi) Retention of metal shipping container (in different position between barns);



- (vii) Removal of manure pit and associated bunding;
- (viii) Recladding of existing barn (retrospective); and
- (ix) Retention of storage shed.

Members will be aware that an earlier planning application for the site (E/09/0630/FUL) was withdrawn in April 2009. Since that time the applicant has purchased the neighbouring property (21/22 Wilsford) and therefore there are no longer any proposals to site a mobile home on the land. The applicant has also decided that he is no longer seeking planning permission for a commercial equestrian use and is proposing that it be for private use. Earlier proposals for the site did not include provision for a horse walker or wind turbine, both of which are new additions to the scheme.



Site block plan

## 6. Planning Policy

Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is also a material planning consideration.

The site lies within landscape nationally designated as an Area of Outstanding Natural Beauty. Government guidance contained in PPS7: *Sustainable Development in Rural Areas* states that AONBs have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in development

control decisions in these areas.

Government policy contained in PPS4 (paragraph EC6.2g) states that in rural areas local planning authorities should “where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character”.

The site also lies within the Wilsford Conservation Area. Government policy contained in PPS5: *Planning for the Historic Environment* is relevant to the consideration of this application. Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement is a material planning consideration.

## 7. Consultations

**Wilsford Parish Council** – The parish council has no objections in principle to the change of use from agricultural to private equestrian but has major concerns on the following points:

- The gateway and track are incongruous and out of keeping with the rural character of the village. The field and fence should be reinstated as they were originally.
- The Conservation Officer has eloquently highlighted the concerns about the cob “type” wall. The parish council considers that the previous proposal, which was agreed with the applicant, whereby a mixed native hedge was to be planted completely along the roadside up to the entrance, with a five bar gate across the entrance, would be acceptable, as long as the horizontal close board fencing is not the predominant feature along the roadside.
- The trade-off in order that the applicants produce a small amount of green energy would be an unacceptable visual intrusion in an AONB. Solar panels should be considered as an alternative. In the event that permission were granted, the application should be subject to a condition that the applicants commission a bat survey by a suitably qualified bat expert, and obtain a Habitats Regulation licence before any work commences.
- The horse walker introduces yet more sprawl into the field and would be a most unattractive feature in the AONB. Were permission to be granted it should be conditioned that extensive landscaping be undertaken with native species, deciduous and evergreen, to a depth of approximately 10m, from the roadside running south and west along the back of the barns.
- The steel storage container, no matter where it is sited, is prominent and utilitarian in appearance. It detracts from the character and appearance of the area, neither preserving it nor enhancing its status in a conservation area and an AONB. The container also detracts from the adjacent and nearby listed buildings.
- No proposal for the removal of horse and goat manure has been provided, the latter being subject to controlled waste regulations and conditions. This must be subject to conditions in order that there is no environmental impact for neighbouring properties.
- Photographs are submitted which demonstrate the unacceptable appearance

of the multi-coloured plastic and starkness of the 'Onduline' metal cladding in an AONB. The barn to the east should be clad in uniform material, of one colour, from ground to eave height. Should the applicants wish to introduce light, then clear panels should be inserted into the roof, and thus avoiding the internal arc lighting causing light pollution in the village.

- The barn to the west should have the plastic cladding removed, which was originally to give light for a proposed mobile home, no longer the subject of an application, and replaced with materials more in keeping with those existing.
- There must be a condition to ensure that no work is to be undertaken to The Old Dairy until detailed plans are submitted and approved, and/or any work is subject to a separate application.
- Any permission granted should be conditioned for private use only as stated in the planning application.
- Certain points are not included in the application and must therefore be secured by negotiation or condition to avoid disturbance to neighbouring properties and adverse impact upon the environment:
  - a) There is no lighting plan.
  - b) There are no hours of business.
  - c) No detail of the number of horses to be kept on the site.
  - d) No details of the number of movements of large livestock lorries to and from the site.

**Wiltshire Council Archaeologist** – The field abutting the larger of the two development areas (i.e. the field to the north-west of Wilsford House) is awash with important buried prehistoric archaeology. Any ground works, of any kind, in the 'development area' field would require pre-application evaluation. Disturbance can include, for example, the creation of gallops or tracks, not just upstanding structures. If there is to be any such development in this field, then a requirement for a separate planning application in the future would be welcome.

**Wiltshire Council Conservation Officer** –

- Concerns are raised with respect to the proposed "cob type" wall (this has since been deleted from the application). The unauthorised close boarded fencing and gates are wholly out of character in this rural area and detract both from the bucolic character of the lane and setting of the adjacent listed building. No objection would be raised to the siting of a standard agricultural gate in this location and the continuation of a mixed native hedge to the gate would offer a far better solution.
- The new vehicular access and track across the field and increased areas of hardstanding generally (including the particular aggregate used) are out of character with the low key rural character of the village and area.
- The cladding of the existing hay barn, which increases the solidity and prominence of this 20th Century building, and the consolidation of this non-traditional group with additional buildings, the horse walker and wind turbine is regrettable. Whilst the existing buildings are nominally part of the area's agricultural legacy and their continuing use could not be objected to, the 20<sup>th</sup> Century group is generally unattractive and the area would now benefit more from their removal rather than any increase in development. The proposed new structures are equally standard modern utilitarian structures which, whilst

perhaps not objectionable within the context of an established traditional or more enclosed farmstead, will in this location appear as prominent and stark features in the landscape which will contribute nothing to the character or appearance of the area or to local distinctiveness.

- It is difficult to make an informed assessment of the likely impact of the proposed change of use on the character or appearance of the conservation area. There is no information provided in relation to the number of animals to be kept or the likely number of vehicles or visitors to the site or the times of day when there will be activity. Questions such as whether there will be need for further stabling, fencing, external lighting, surfaced exercise areas etc. are not answered.

**Wiltshire Council Ecologist** - While the turbine is small and the buildings within the site appear generally unsuitable, its location within a hedgerow could result in impacts upon local populations of foraging / commuting bats using this feature. The impacts of micro-turbines upon bats are still somewhat unclear, however recent research by Long et al (2009) indicates that they affect bat's echolocation calls and there is also anecdotal evidence of bat mortalities caused by barotrauma around micro-turbines, and this is the subject of ongoing research at Stirling University. At present we would advocate a risk based approach to the installation of such turbines to minimise the potential harm to bats; this should involve the careful siting of micro-turbines away from:

- woodland, hedgerows and water (particularly linear features)
- known or potential roosts e.g. old buildings, mature trees
- areas known to be important for bats (as indicated by records)

There are records of whiskered and long-eared bats roosting in the village, and given the quality of the surrounding landscape for foraging bats and suitability of properties for roosting it is likely that a local bat population is present. It is therefore recommended that the turbine be relocated elsewhere within the applicant's landholding, preferably at least 10m from linear vegetated features likely to be used by commuting / foraging bats. The current location may be suitable if the applicant can demonstrate that the hedgerow is not used by foraging / commuting bats - i.e. through a bat activity survey.

**Wiltshire Council Environmental Health Officer** – The only concern for this department is the installation of the Aeolus 2000 wind turbine and potential effect on sound levels in the local area. After giving due consideration to the information supplied it is not considered that the noise from the wind turbine will contribute significantly to the acoustic environment of the local area at any wind speed. Accordingly, no objections are raised. Conditions are required to control manure storage and the burning of animal bedding and other waste matter.

**Wiltshire Council Highways** – No objections. The traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings.

## **8. Publicity**

The application has been publicised by site notice, press advert and neighbour notification. No representations from local residents have been received, but CPRE have made the following comments:

This revised application no longer contains some of the concerns raised in CPRE's earlier letter of representation for E/09/0630/FUL, but attention is drawn to the following extract from the officer report for that application: "It will be important to ensure that the equestrian use preserves the character and appearance of the conservation area and the scenic qualities of the AONB". CPRE believes that strict enforcement of conditions will be essential.

Any new buildings should be grouped with existing buildings. Sprawl of buildings into the fields should be avoided. Fencing should be post and rail, appropriate to the countryside. There should be no built development in the 20-acre part of Yew Tree Fields.

CPRE supports the draft conditions attached to the previous report for E/09/0630/FUL. However, the following concerns remain.

1. The hours of movements of large livestock lorries to and from the site should be conditioned, to protect the residential amenity of neighbours.
2. Parking of vehicles should be prohibited in the field adjacent to the complex of buildings, including on the new grassed driveway, at any time.
3. No objection is raised to the proposal to install a small-scale Aeolus 2000 wind turbine, but some of the noise readings in the specifications seem very high. The Council's Environmental Health Officer should be asked to comment on the acceptability of the quoted levels, and the need for mitigation.

## **9. Planning Considerations**

Equestrian uses can often be an acceptable alternative to agriculture in countryside locations. Government policy contained in PPS4 encourages local planning authorities to support equine enterprises that maintain environmental quality and countryside character.

The land and buildings at Yew Tree Fields were formerly in agricultural use, albeit relatively low key in recent years. The principle of equestrian use as an alternative to agriculture is considered to be acceptable; this would secure the re-use of existing buildings and comply with government policy contained in PPS4.

Earlier proposals for the site were focused around the breeding, training and selling of polo ponies. This would have included hiring the ponies out for chukkas and providing riding lessons and polo instruction. The applicant's intentions have now changed and the current proposal is for private equestrian use only.

It will be important to ensure that the equestrian use preserves the character and appearance of the conservation area and the scenic qualities of the AONB. The applicants have already carried out various physical works on the main site within the village, to facilitate the equestrian use. Some of these works are considered to be unacceptable in planning terms and therefore officers have secured the following negotiated solution:

- Horizontal close board fencing has been erected along a section of the site frontage, together with matching gates. These works are visually incongruous and harmful to the character and appearance of the conservation area and the setting of the adjacent listed building. The applicants have agreed to remove a 19m section of fence, leaving the gates and a short

section (approx 3m) of fence to provide security for the entrance. The retained section (including the gates) would measure approximately 8m in length. The removed section of fence would be replaced with a new post and rail fence and a mixed native hedge. The hedge would continue in front of the retained section of fence. Officers consider that, on balance, the retention of the gates and a short section of fence would not cause material harm to the street scene, the conservation area or the setting of the adjacent listed building.

- The walls of one of the barns have been re-clad with mushroom coloured profile sheeting, with translucent panels at high level. The resulting building is more prominent due to the nature of the materials used. However, the works are not considered to be harmful to the amenities of the area, the character or appearance of the conservation area or the scenic value of the AONB. The visual impact will be further mitigated by the planting of a mixed hedge and native trees along the western boundary of the paddock. This landscaping will also create additional containment for the main built-up part of the site where the majority of day-to-day equestrian activities will be taking place.
- A manure pit has been dug behind the roadside boundary, and the resultant spoil has been used to create a bund. The proposal is to remove the bunds, fill-in the pit and restore the land to its original condition. A manure storage trailer would be sited to the rear of one of the barns. This will improve the appearance of the site, minimise the risk of odour nuisance for neighbouring residential occupiers and help to prevent pollution of nearby watercourses.
- A new gated access has been created onto the village street, together with a stone track across the paddock. At the time of the previous application the track was considered to be an incongruous feature which was out of character with the low key rural character of the village. Since that time, grass and weed growth have started to soften the impact and the applicant has agreed to add a layer of topsoil to the track and seed it with grass. This will mitigate the visual impact whilst maintaining a surface suitable for occasional use by horse transporters.
- A metal shipping container has been sited to the rear of the existing barns, for the purposes of secure storage. The container is extremely visible from public vantage points to the south and it is considered that its retention in the current position would be inappropriate in this conservation area and AONB location. The applicant has agreed to relocate the container to a position between the barns, and this is considered to be a less prominent (and therefore more acceptable) location.
- A new storage shed has been constructed on the western boundary, adjacent to one of the barns and alongside the boundary with 21/22 Wilsford (which is now owned by the applicant). The design of the structure is considered to be acceptable. It is screened from the neighbouring property by fencing and associated planting along the boundary. There is no harm to amenity.

The proposed horse walker is considered to be acceptable in planning terms. It would be viewed in the context of the existing barns (and the stable block proposed under E/09/1613/FUL) when viewed from the village street and the public right of way to the south. Additional landscaping has been negotiated for the adjacent boundaries (immediately to the south and east of the horse walker) so that the equestrian paraphernalia is visually contained. The parish council has requested a 10m wide landscaping strip but this is considered to be an excessive requirement.

The proposed wind turbine would be sited not far from the existing barns and adjacent to the proposed horse walker. The turbine would be 6m in height which is not dissimilar to the existing barns. Although it would be set slightly apart from the existing buildings, the turbine would be well related to the built-up part of the site.

The parish council has raised the issue of bats and believes that, should permission be granted, there should be a condition requiring the applicant to commission a bat survey and obtain a Habitats Regulation licence. Advice has been sought from the Council's ecologist who advocates a risk based approach to the installation of micro-turbines to minimise the potential harm to bats; this should involve the careful siting of micro-turbines away from:

- woodland, hedgerows and water (particularly linear features)
- known or potential roosts e.g. old buildings, mature trees
- areas known to be important for bats (as indicated by records)

The ecologist recommends that the turbine be located at least 10m from linear vegetated features likely to be used by commuting / foraging bats. The proposed siting for the turbine meets this criterion as there are no significant trees or hedgerows in the immediate vicinity. It is not considered that it would be reasonable to require the applicant to carry out a bat activity survey as this would be disproportionate to the level of risk.

There are no proposals for physical development on the second parcel of land (to the north-west of the village) and the intention is for change of use to private equestrian only, to facilitate the riding and exercising of horses on the land. There are no planning objections to this proposal which would not materially affect the appearance of the site or the amenities of the AONB. It is recommended that a condition be attached to any planning permission to enable the Council to retain control over the erection or placement of barrels, poles or other forms of horse jumps on the land.

The Council's Highway Officer has not objected to the proposals, and as such it is not considered that a refusal of planning permission could be substantiated on highway grounds. The Highway Officer comments that the traffic generation along the lanes leading to the site will be similar in type and scope to the traffic generation of the permitted agricultural uses of the land and buildings. This "fallback" position is relevant when considering the application.

Overall, officers consider that the proposals (as amended) would preserve the character and appearance of the conservation area, the setting of adjacent listed buildings and the scenic qualities of the AONB. The development secures the re-use of redundant agricultural buildings and may also have positive economic spin-offs in terms of additional employment (albeit relatively small with a private equestrian use). The development would comply with local planning policy and government policy.

The parish council and CPRE raise a variety of issues and concerns. Many of the points (such as the position of the shipping container and the visual impact of the re-clad barn, new access and close board fencing) are addressed by the amendments and landscaping scheme negotiated by officers. Other issues (such as external lighting and manure storage/disposal arrangements) are covered by appropriately worded planning conditions.

Consultees have made reference to the lack of information in the application regarding the number of horses to be kept on the site, the number of vehicle movements and the hours of business. It would not be reasonable to impose conditions placing limits upon these aspects of the scheme, and such conditions would be unenforceable in any event. A private equestrian use is unlikely to

generate large numbers of vehicle movements and there is considered unnecessary to limit horse numbers or hours of operation for this type of use.

## **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 interests of acknowledged importance and having regard to the following:

- (a) Policies PD1, NR6 & NR7 of the Kennet Local Plan 2011.
- (b) Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy and Wilsford Conservation Area Statement.
- (c) Government policy contained in PPS4, PPS5 & PPS7.

### **And subject to the conditions set out below:**

- 1 The development hereby approved shall be used solely for the private equestrian use of the landowner and shall not be used for any commercial use, including livery, equine training or as a riding school, without the further grant of planning permission by the Local Planning Authority.

REASON: The use of the site for commercial purposes may give rise to other planning issues, such as increased traffic, that would need to be considered in a fresh planning application.

- 2 There shall be no burning of waste material or animal bedding on the site.

REASON: To protect the amenities of the area.

- 3 No barrels, poles or any other form of horse jump shall be placed, erected or stored on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 4 No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and thereafter it shall not be modified without the Local Planning Authority's prior written consent.

REASON: In the interests of visual and neighbour amenity.

- 5 Within 3 months of the date of this decision the section of horizontal close boarded fencing identified for removal on the approved plans (Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010) shall be permanently removed and replaced by a post and rail fence to match that already erected along the remainder of the site frontage. The post and rail fencing shall be retained as such thereafter.



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

- 6 Within 3 months of the date of this decision the manure pit shall be filled in and the associated bunding levelled and/or removed from the site, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.

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

- 7 Within 3 months of the date of this decision details of the manure storage facility and details of disposal arrangements shall be submitted to and approved in writing by the Local Planning Authority. Manure shall be stored and disposed of in accordance with the approved details and no manure shall be stored on any other part of the site.

REASON: In the interests of visual and neighbour amenity.

- 8 Within 3 months of the date of this decision the stoned access track (labelled as number 2 on approved Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010) shall be covered with a 50mm deep layer of clean and uncontaminated topsoil and seeded with grass.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 9 Within 3 months of the date of this decision the existing metal shipping container shall be relocated to the position shown on Drawing no. 1092/02J received on 3<sup>rd</sup> November 2010.

REASON: In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority. Any request for fences, gates, walls or other means of enclosure submitted pursuant to this condition shall include details of their design, height and location. The fences, gates, walls and other means of enclosure shall be erected in accordance with the approved details and thereafter they shall not be modified without the Local Planning Authority's prior written consent.

REASON:

In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 11 There shall be no storage or overnight parking of any vehicles (including trailers, horseboxes and untaxed vehicles) on the site, other than within a building or within the area hatched in blue on the approved plan (Drawing no. 1092/02J received on 3<sup>rd</sup>

November 2010).

**REASON:**

In the interests of visual amenity, the character and appearance of the conservation area and the scenic qualities of the Area of Outstanding Natural Beauty.

- 12 All soft landscaping comprised in the approved details of the landscaping shall be carried out by 31st March 2011. All 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.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

- 13 This planning permission relates solely to the Aeolus 2000 wind turbine mounted at 6m in height. No other type of wind turbine shall be installed or erected at the site without a further grant of planning permission from the Local Planning Authority.

**REASON:**

The planning application has been assessed on the basis of the noise data submitted for the Aeolus 2000. A different type of turbine may have implications for residential amenity and will require separate assessment.

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

- (a) Application form, Design & Access Statement, Drawing nos. 1092/01, 1092/03 & 1092/05, Supporting Information, Wind Generator Specification (WFD2KW) and Wind Turbine Noise Test Report (Aeolus 2000) received on 9th June 2010.
- (b) Letter from the agent and Farm Security and Enterprise Viability Assessment (Author: James Miles-Hobbs) received on 17<sup>th</sup> September 2010.
- (c) Drawing no. 1092/02J & Wind Generator Specification (CNCR-2000W) received on 3<sup>rd</sup> November 2010.

- 15 **INFORMATIVE TO APPLICANT:**

The applicant is advised to note that this planning permission does not authorise any works or physical alterations to the Old Dairy which would materially affect its external appearance. A further grant of planning permission may be required. The applicant is advised to contact the Local Planning Authority for advice on the need for planning permission for any future proposals.

- 16 **INFORMATIVE TO APPLICANT:**

The applicant is advised to note that this planning permission does not authorise any

operational development on the parcel of land to the north-west of the village. A separate grant of planning permission would be required for the erection of building(s) and/or the construction of a manège or similar exercise arena. The applicant would be expected to carry out an archaeological field evaluation prior to submitting any planning application, due to the close proximity of the site to an area of known archaeological interest. This advice is provided without prejudice to any decision which the Council may make upon any planning application which is subsequently submitted.

**Appendices:**

None

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

The application file, Wilsford Conservation Area Statement, Kennet Landscape Conservation Strategy and government policy contained in PPS4, PPS5 & PPS7.

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## REPORT TO THE EAST AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	17 February 2011
<b>Application Number</b>	E/10/1632/FUL
<b>Site Address</b>	Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ
<b>Proposal</b>	Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.
<b>Applicant</b>	Marlborough College
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	418687 168878
<b>Type of application</b>	Full Planning

### Reason for the application being considered by Committee

The application is before the committee at the request of the local division member, Cllr Nick Fogg.

### 1. Purpose of Report

To consider the recommendation that the application be approved.

### 2. Report Summary

The main issues in this case are:

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

### 3. Site Description

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



*Site Location*

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

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

#### 4. Relevant planning history

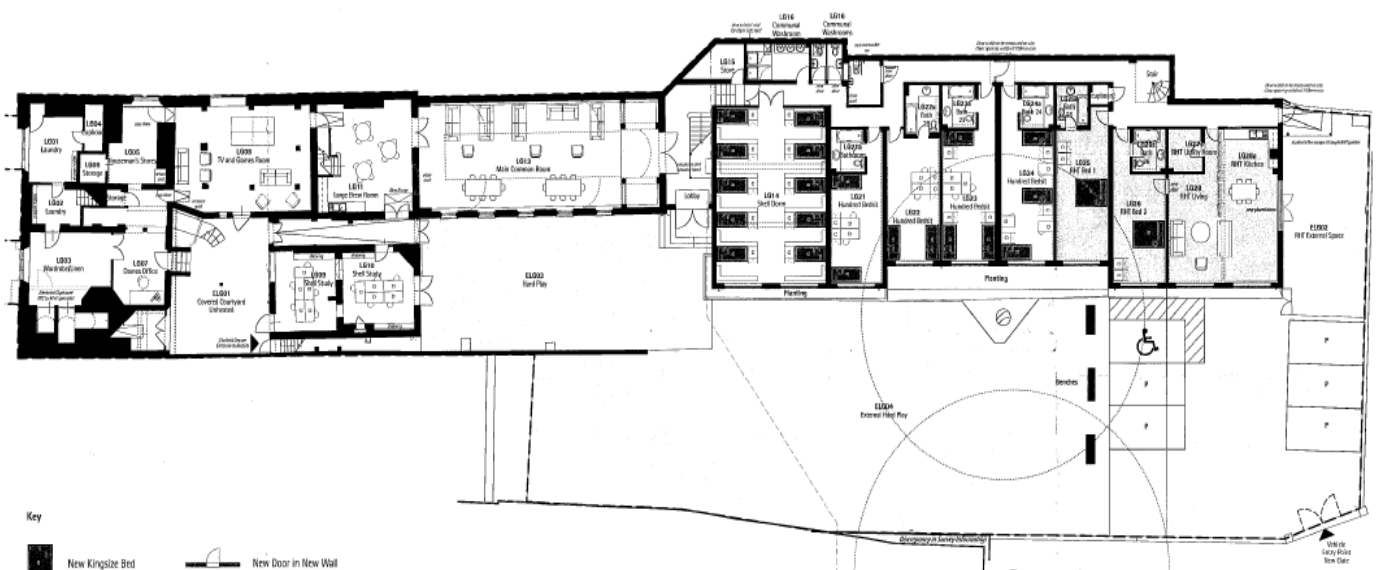
K/57896/F – Change of use of part of existing hotel to six residential units at the rear – refused 17/03/08.

#### 5. The Proposal

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

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

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



Proposed Lower Ground Floor Plan





*Existing Elevations*



*Proposed Elevations*

## **6. PLANNING POLICY**

Kennet Local Plan 2011: Policy PD1, ED18.

Planning Policy Statements: PPS4 and PPS5.

## **7. CONSULTATIONS**

**Marlborough Town Council:** no objection.

**Wiltshire Council highways:** no objection.

## **8. PUBLICITY**

The application has been advertised by press and site notices and notification to occupiers of nearby properties. The application has generated 18 letters of objection and 4 letters of support. It has also generated a 15 signature petition raising objection.

The objections are summarised as follows:

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

The letters of support are summarised as follows:

- The proposal is the only way forward to guarantee the preservation and maintenance of this historic building;
- The proposed change of use is not a lot different to what occurs at present – people pay to stay;
- A 'white knight' hotelier with lots of money is not going to happen because the hotel has been on the market for years. The fabric of the hotel will never get the attention it demands;
- Site will eventually be sold, and less attractive propositions than the college might include a nightclub or gym;
- There is no right of way through the hotel, just the good will of the management;
- Young people would be welcomed in this neighbourhood currently largely made up of elderly people.

## **9. PLANNING CONSIDERATIONS**

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

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

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

Regarding the loss of the hotel, there are no specific policies set out in the development plan for protecting this form of land use within the town. In view of

this, resistance to loss based on non-compliance with the development plan would be impossible to sustain.

In support of the application the applicant's agent has considered in some detail the viability of the hotel. Her assessment concludes that historically the net profit (before tax etc.) has been relatively small at some 5% of total sales (this during a market peak) in a business sector where profits in excess of 35% are normally expected. Closely linked with this, the building itself being listed would be difficult and costly to re-configure to increase its attractiveness to customers, and so there are limited opportunities to inflate the profit margin in any event.

In terms of marketing, the hotel was offered through an agent between April 2008 and June 2009, and although interest was received from five bidders, this fell when due diligence was exercised.

From this it is concluded that the viability of the hotel as a going concern is marginal and that any investment in it would present low returns on capital in any event. These circumstances are reflected in the limited interest shown during its marketing, with those parties showing any interest eventually withdrawing. An objection based on loss of the hotel per se could not, therefore, be sustained.

In terms of impact on vitality and viability of the town centre, Policy ED18 of the local plan states that planning permission will not be given for the change of use of ground floor premises to uses other than those within Class A1 (shops) unless, in particular, the use makes a positive contribution to the vitality and viability of the centre. In this case it is considered that although the existing hotel does make a positive contribution to the town centre by bringing overnight visitors in, the use as a boarding house would similarly contribute to the town centre by providing accommodation for boarders who, like the visitors, would use the facilities of the town centre.

Although a boarding house is not a Class A1 use neither is a hotel, and so the impact of the proposal on shop provision within the town is neutral. Being historically a house, and with its front elevation largely untouched, conversion of the building to a shop is likely to have a harmful impact on the building in any event.

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

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

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

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

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

The Council's highway officer is satisfied that 6 spaces are sufficient for the day to day running of the boarding house. The spaces would be used by the two members of staff based at the house and servicing vehicles. At the beginning and the end of term additional parents' vehicles would require access to the site, and

at these times access would be allowed by the college over the play areas for parking and turning to avoid overflow on to River Park (which has parking restrictions). This is considered a satisfactory method of dealing with the occasional peak demands. There are no other highway safety issues.

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

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

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

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

#### **10. CONCLUSION**

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

#### **RECOMMENDATION**

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

**Appendices:**

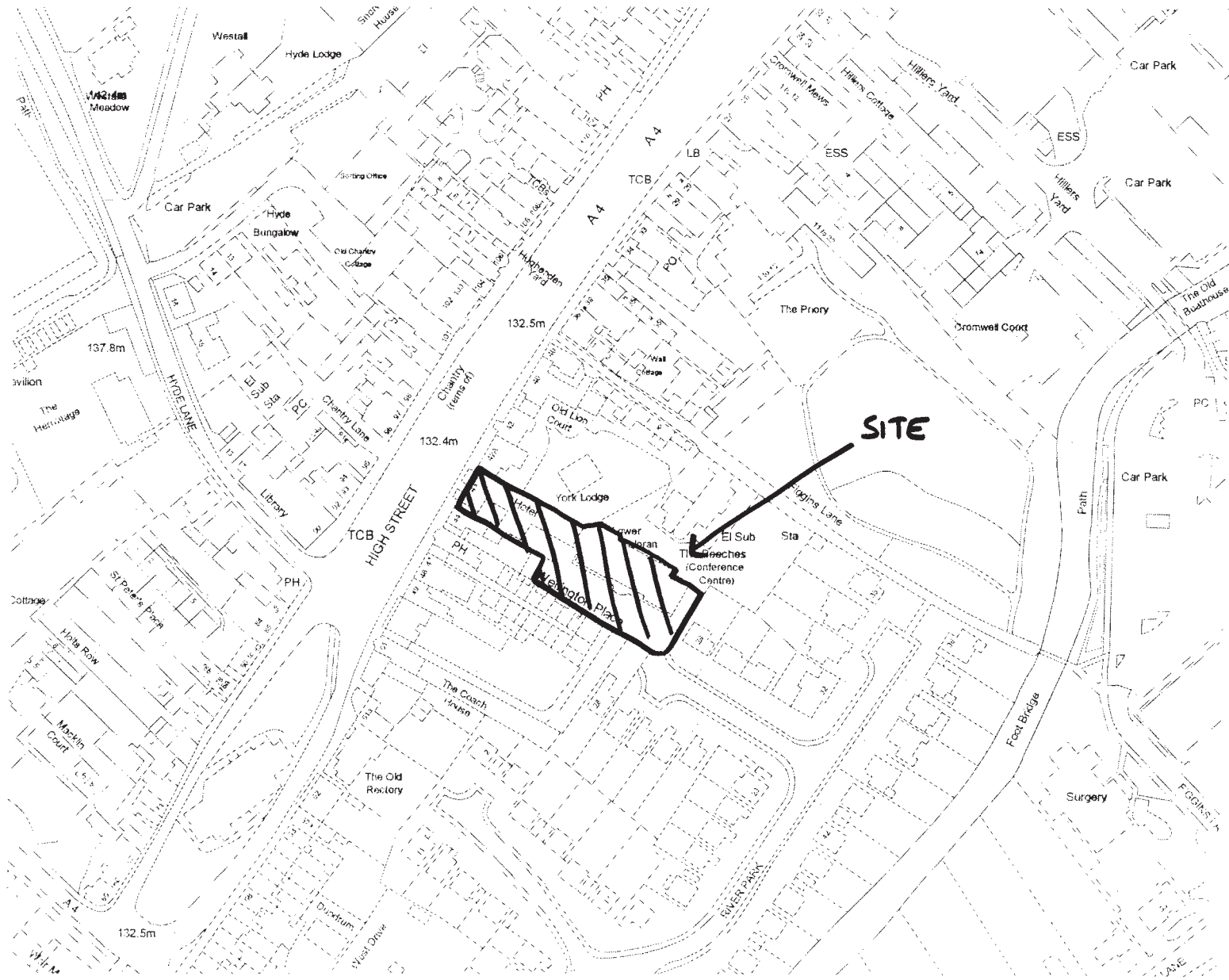
None

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

Application file, Development Plan, PPS4, PPS5

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



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