

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Thursday 31 March 2011
Time: 6.00 pm

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

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

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

Substitutes:

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

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

AGENDA

Part I

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

1. **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 17 February 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**

Statements

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.

Questions

To receive any questions from members of the Council or members of the public received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Director of Resources) no later than 5pm on Thursday 24 March 2011. Please contact the officer named on the

first page of the agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Applications**

To consider and determine planning applications in the attached schedule.

6a **E/11/0224/S73** (Pages 5 - 14)

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

6b **E/10/1652/FUL** (Pages 15 - 22)

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

6c **E/11/0029/FUL** (Pages 23 - 32)

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

6d **E/10/1620/FUL** (Pages 33 - 58)

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

7. **Urgent items**

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

Part II

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

None.

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 FEBRUARY 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 Laura Mayes, Cllr Jemima Milton and
Cllr Christopher Williams

Also Present:

Cllr Nigel Carter and Cllr Brigadier Robert Hall

1. Apologies for Absence

Apologies were received from Cllr Chris Humphries.

2. Minutes of the Previous Meeting

The minutes of the meeting held on 6 January 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

3. Declarations of Interest

E/10/0714/FUL - (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 - Yew Tree Farm, Wilsford, Pewsey, Wilts SN9 6HB.

Councillors Richard Gamble declared a personal interest in the item on account of his knowing the agent for the applicant, Mr Keith Bennett. As his familiarity with the individual could not be considered a close association, Cllr Gamble would be able to consider the above application without prejudice.

4. **Chairman's Announcements**

There were no Chairman's Announcements.

5. **Public Participation**

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

6. **Planning Applications**

6a **E/10/0714/FUL**

Yew Tree Fields, 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.

The following people spoke against the proposal:

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

The following people spoke in favour of the proposal:

Mr Keith Bennett, the agent.
Mr Peter Safka, a local resident.
Mr James Lucas, the applicant.

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

- appearance of the conservation area; and
- Whether the proposals would preserve the scenic qualities of the Area of Outstanding Natural Beauty;

It was,

Resolved:

To refuse the application of planning permission for the following reasons:

- 1. The recladding 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 and government policy contained in PPS5 and PPS7.**
- 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 and PPS7.**
- 3. The metal shipping container is an inappropriate form of development in the conservation area and has an adverse impact on the character and appearance of the Wilsford Conservation Area and this part of the area of outstanding natural beauty. The proposal therefore conflicts with policy PD1 of the Kennet Local Plan 2011 and Government policy contained in PPS5 and PPS7.**

6b E/10/1632/FUL

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

The following people spoke against the proposal:

Sir John Sykes, Chair of the Merchant's House Trust and Marlborough Literary Festival.

Mr Rex Sandbach, Managing Director of John P Kummer Ltd, Marlborough.

Ms Collette Mallon, Manager of the North Wiltshire Economic Partnership.

The following people spoke in favour of the proposal:

Ms Susie Willis, the agent.

Mr Peter Bryan, Director of Corporate Resources and Deputy Master, Marlborough College.

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 principle of a change of use from hotel to boarding house;
- The local economic impact and viability of the change of use;
- 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; and
- The impact on residential amenity

It was,

Resolved:

To defer the application pending the receipt of a report from the Wiltshire Council Economic Development Officer into the importance of the facility to the town and its viability as a hotel.

7. **Urgent items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.30 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

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	31/03/2011
Application Number	E/11/0224/S73
Site Address	Land at Kennet Rise Axford Marlborough Wilts SN8 2HA
Proposal	Removal of condition 9 of permission E/09/0873/FUL tor remove requirement for visibility splay.
Applicant	Sarsen Housing Association
Town/Parish Council	RAMSBURY
Grid Ref	423901 170160
Type of application	Full Planning
Case Officer	Mike Wilmott

Reason for the application being considered by Committee

This application is brought before the committee at the request of the Division Member, Councillor Humphries.

1. Purpose of Report

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

2. Main Issues

The main issue in this application is whether the removal of the condition would have an unacceptable adverse impact on highway safety.

3. Site Description

The site lies on the south side of the main road passing through the village. It has an existing vehicular access from the road that until recently served a car park and garage block positioned centrally on the site, although the garage block has since been cleared. It has an open frontage to the main road.

4. Planning History

The garage block was extant since before 1977. Permission for four bungalows was granted by Kennet District Council in 1977 but was never implemented and expired.

In 2009, planning permission was granted for the erection of five houses and a car park with 25 spaces (E/09/0873/FUL). It is a condition attached to this permission that the applicant seeks to remove.

5. The Proposal

The applicant wishes to carry out the development granted planning permission in 2010, but seeks the removal of one of the conditions attached to the permission. The condition states:

‘Before any part of the development hereby permitted is commenced the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the east and 43 metres to the west from the centre of the access. The visibility area shall be kept free of obstructions to visibility above this height thereafter’

Reason: In the interests of highway safety

The reasons advanced by the applicants for wishing to remove this condition can be summarised as:

1. The site previously provided informal parking for the general public for approximately 30 vehicles. This facility was well used and therefore produced a measurable number of traffic movements to/from this area at all times. The current proposal includes the provision of a replacement car park which would provide spaces for 25 vehicles. In this regard, it is considered that a traffic generation comparison between the existing and proposed use would be neutral;
2. The existing land use benefits from a site access onto the public highway which as part of the development proposal will be revised and formalized to include a new footpath. Wiltshire Council have confirmed that there is no accident record associated with the current access.
3. There is currently adequate visibility both to the east and west from a point 2.4 metres from the edge of the carriageway measured along the centre line of the access;
4. Safe visibility can be provided within land under the control of the applicant and/or within the adopted highway.

6. Planning Policy

Kennet Local Plan – policy PD1 is relevant

7. Consultations

Ramsbury Parish Council – awaited

Wiltshire Council Highways – No objection. In considering this application the main question must be "Is there a compelling case to resist the removal of the visibility condition having regard to the case made by the applicant and/or the interests of highway safety"

The parking area and its access have been in existence for over 25 years. Whilst it is normal practice to assess accidents over a 3 - 5 year period, I have checked for the last 20 years and can confirm that during that time there have been no recorded personal injury accidents relating to the use of the access. There is thus no evidence to suggest that the historic use of the existing access represents a hazard.

At the time of the original application for this development it was assumed that all the land required for the visibility splays was either under the applicant's control or formed part of the highway. It remains the Council's firm belief that the land is public highway, but that belief is disputed. Irrespective of the outcome of that dispute, the applicant has presented additional evidence beyond that contained in the original application, and has asked for the condition requiring a visibility splay to be removed.

In short, the applicant's position is that a comparison of traffic generation between existing and proposed uses is de minimus (therefore denying the basis upon which the need for improvement could be argued), and that when judged against contemporary standards, there is already sufficient visibility to reach a reasonable minimum standard of safety.

There is a clear and simple logic to the first point, and I agree that the evidence now submitted shows that levels of traffic associated with the historic and proposed uses are not likely to be materially different. On this point alone, there would not seem to be a valid argument for the condition to remain.

In more detail, visibility splays at junctions/accesses are based on guidance and are not a statutory requirement. The appropriate guidance in this case is given in "Manual for Streets" which in its preface stresses that the contents are guidance only. Detailed guidance on visibility is given with Chapter 7.

Visibility splays are based on calculated stopping sight distances which are listed in Table 7.1. The methodology for determining splays is given in section 7.7. Of particular relevance in this case is the sentence part way through paragraph 7.7.3 which relates to the measuring of the 'Y' distance. This states "**For simplicity it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line**". It is widely interpreted that measurement along the nearside carriageway edge is for ease of measurement and is not an absolute requirement. Indeed the consultation draft of "Manual for Streets" suggested measuring to a point 1.0 metres into the carriageway to reflect the distance vehicles are travelling from the edge.

Measurements have been taken on site and these have shown that the visibility splay to left measures 2.4 metres by 43 metres taken to a point 1.0 metres into the carriageway. This complies with the guidance originally proposed in "Manual for Streets" and in my professional opinion is not such as to make the access unsafe. This opinion is supported by the lack of historic accidents relating to the previous use of the access.

In view of the above there is no highway objection to this application.

8. Publicity

The application has been advertised with a site notice and letters to neighbours. Representations raising objections have been received from 14 local residents. Whilst some of these restate objections to the original housing scheme (not a material consideration in this application), the ones relating to highway issues raise the following points:

- Having a poorer egress will not improve road safety;
- Parking restrictions should be imposed on the road to improve road safety;
- Highway safety should not be compromised;
- Cars will not be able to emerge or pass safely;
- Removing the condition will create a dangerous situation;
- There should be compliance with safety standards for housing development and the fact that there was previously unauthorized parking on the site should not lessen the visibility requirement now ;
- A neighbouring landowner disputes that land adjacent to the carriageway is highway and states that he has extended his hedge upto 1 metre from the road edge, materially altering the visibility achievable;
- Cars parked on the opposite side of the road force cars from the west to travel on the opposite side of the road;
- The claims made in support of the application by the agent are disputed;
- To allow the application would allow the creation of an unsafe access.

9. Planning Considerations

It is important to release that when dealing with applications to remove a condition, only the condition itself can be considered, not the whole of the planning permission.

It therefore follows that the only issue to be examined is the impact on highway safety.

There is no issue with regard to visibility to the east. This can still be achieved over the land owned by the applicants and when the development is complete, will lie over the public footway being created here.

The only issue is the visibility to the west of the existing access. Part of the visibility splay crosses land that the highway officers consider to be within the public highway, a claim that is disputed by the adjacent landowner. The far end of the proposed visibility splay is partially obstructed by vegetation from the neighbours' land that overhangs the disputed area. (Although the neighbour has planted new vegetation within the disputed area, because it is set back from the carriageway, it does not impinge on the visibility splay). Having reviewed the situation, the applicants have decided to apply to remove the planning condition, as they consider that it is not justified in the circumstances, particularly given the history of accident-free use of the existing access with the existing visibility to the west.

Although it is disputed by one of the objectors, it is a relevant material consideration that the access has previously served for as number of years a garage court and car park without any record of personal injury accidents. At the time of the original application, the highway authority had not carried out such a detailed search of the accident records and requested the standard visibility splay that is recommended for new accesses in government guidance.

The detailed comments of the highway officer on the application are set out above. Taking account of

the previous safe use of the existing access, as well as the other factors they refer to, they have concluded that there is no objection to the application.

Given the detailed assessment of the highway officer, it is considered that planning permission should be granted for the removal of the condition as there is no evidence that without it, the development would be unacceptable on road safety grounds.

As the decision amounts to a new planning permission, it is necessary for the remaining previous planning conditions to be attached, although where these have already been discharged, it is appropriate to refer to the subsequently agreed details.

RECOMMENDATION

Grant planning permission, for the following reasons, and subject to the conditions set out below:

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

- 1 The development hereby permitted shall be begun before 9th August 2013.

REASON:

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

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

REASON: To secure harmonious architectural treatment.

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

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

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

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

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

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

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

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

REASON: To ensure a satisfactory setting for the development.

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

REASON: To ensure satisfactory foul water drainage.

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

REASON: To ensure satisfactory surface water drainage.

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

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

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

REASON: In the interests of visual amenity.

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

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

- 17 INFORMATIVE TO APPLICANT:

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

Plan no. 3166/002 Rev G dated 29/04/09 (received by lpa 22/10/09);

Plan no. 3166/003 Rev B dated 08/09 (received by lpa 08/09/09).

- 18 INFORMATIVE TO APPLICANT

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

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

1996.

23 **INFORMATIVE TO APPLICANT:**

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

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application file and previous application files

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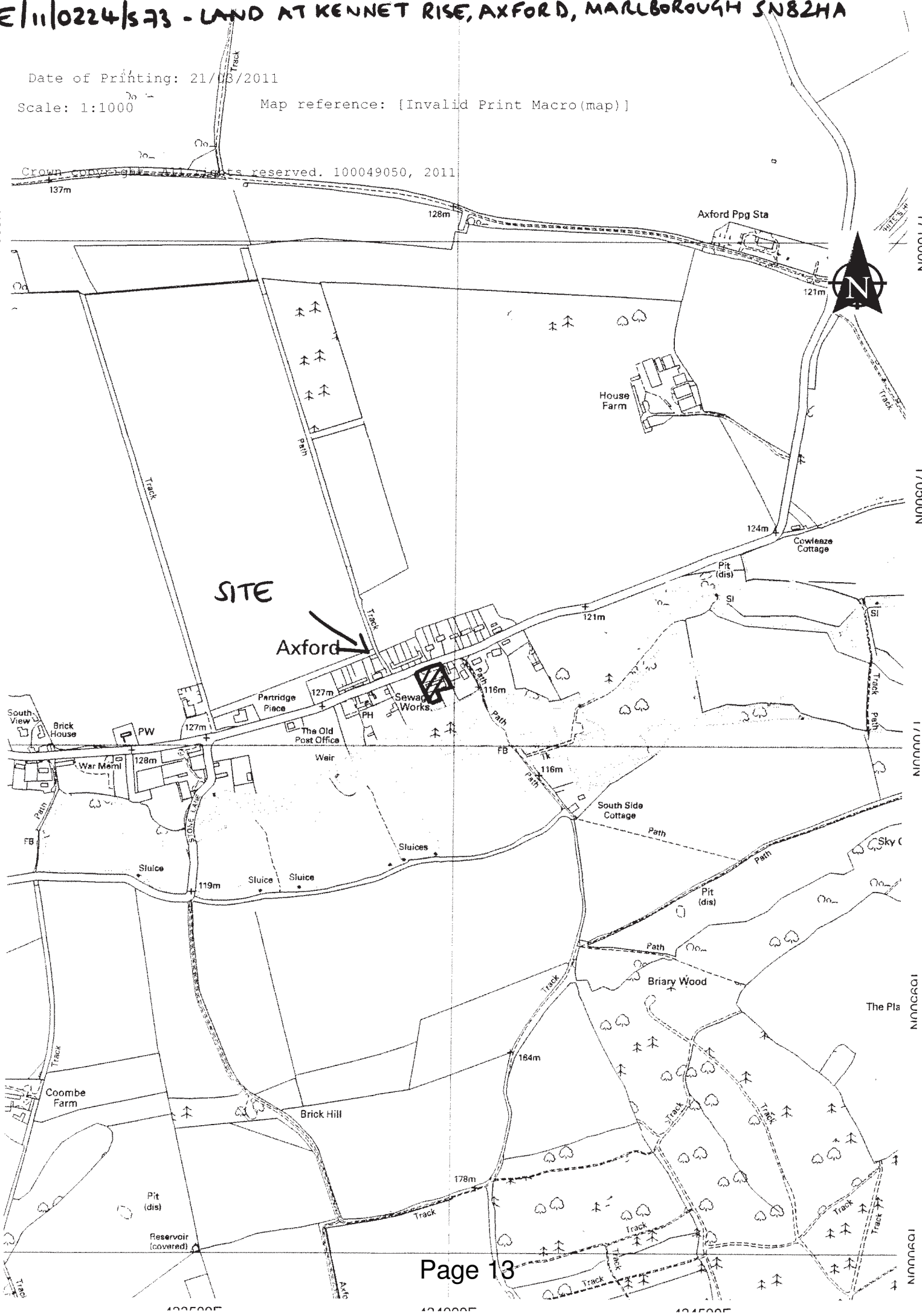
E/11/0224/373 - LAND AT KENNET RISE, AXFORD, MARLBOROUGH SN82HA

Date of Printing: 21/03/2011

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	31 March 2011
Application Number	E/10/1652/FUL
Site Address	Buckerfields Nursery, Southend, Ogbourne St George, Marlborough, Wiltshire, SN8 1SG
Proposal	Conversion of storage barn to four units of holiday accommodation including erection of single storey extensions.
Applicant	Sonia Wright Plants
Town/Parish Council	OGBOURNE ST GEORGE
Grid Ref	419960 173858
Type of application	Full Planning
Case Officer	Andrew Guest

1. Reason for the application being considered by Committee

The application is before the Planning Committee at the request of the local division member, Cllr Mrs Jemima Milton.

2. Purpose of Report

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

There is one objection to the application from Ogbourne St George Parish Council.

3. Main Issues

The main issues in this case are:

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

4. Site Description

The application site forms part of Buckerfields Nursery which is an established horticultural nursery. The site supports a number of buildings used in connection with the nursery business. These include single storey sheds and growing tunnels, and the two storey 'barn' the subject of this planning application. The buildings are grouped more or less centrally on the site. The open parts of the site to the front and rear of the buildings are used for growing and/or displaying plants; there is a large car park also at the front of the site with established access from the public highway.

In policy terms the site lies within open countryside approximately 0.5km from the centre of Ogbourne St George. The site and all surroundings are also within the Area of Outstanding Natural Beauty.

5. Planning History

K/041507 – The creation of a new access, the erection of storage sheds and a greenhouse, creation of ancillary office space within existing farm building, erection of two polytunnels and two shade tunnels – approved 13/07/01.

[The two storey barn the subject of the current planning application existed at the time of the above planning permission as an open-sided, portal-framed agricultural storage building, albeit disused. The

planning permission allowed the infilling of its open sides, and its re-use as a “potting shed & despatch area” (ground floor) and “office”, “canteen meeting room”, “drying room” and “toilet” (first floor)].

6. The Proposal

To convert and extend the barn to provide four flexible holiday units. The extensions would comprise two storey wings at either end containing bathrooms and drying rooms at ground floor level and covered landings and staircases above (providing access to the first floor accommodation); and single storey conservatories at the front. The accommodation is flexible as it can either provide 4 x 1 bedroom holiday units (for couples) or 2 x 2 bedroom holiday units (for families). Some additional windows would be inserted.

Parking would be provided in the existing large car park at the front of the site.

In support the applicant’s agent states the following:

“The proposal to which this application relates is for the conversion of the existing storage barn on site into tourist accommodation. Although the nursery business is a successful one, as with many agricultural enterprises it would benefit from an extra income stream from a diversification within the site. The applicant has identified a demand for a small scale flexible tourist accommodation, and considers that this would work well within their existing building. The site is within the beautiful surroundings of the AONB, close to the Ridgeway path, as well as being within easy reach of attractions such as Marlborough and Avebury. The idea is that the accommodation can be booked as one or two bedroom holiday flats, so that they can be used by couples or families, or groups of friends.”

In addition the applicants themselves state the following:

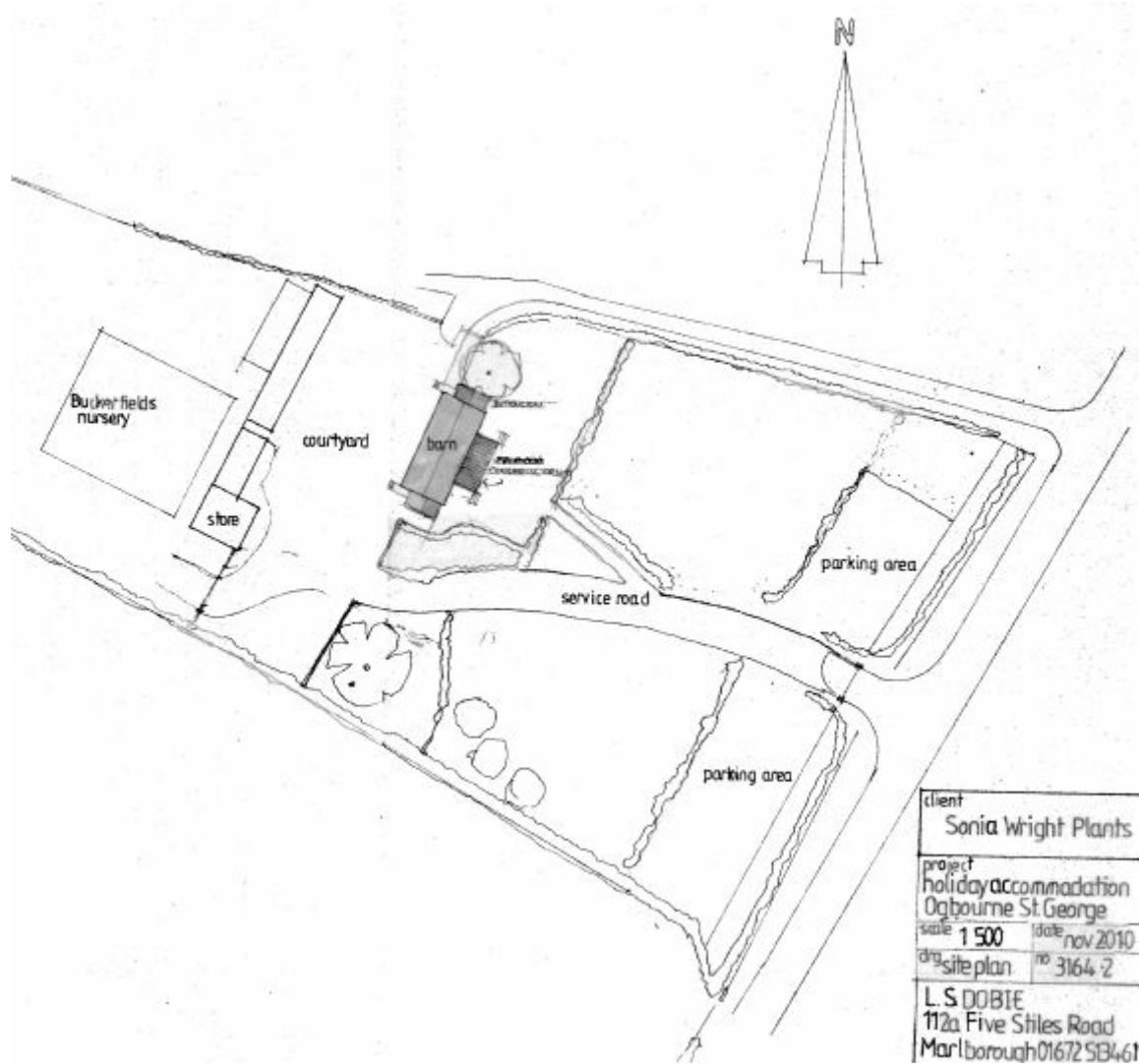
“The business was relocated to the site some ten years ago and like many small businesses it has been affected by the financial climate of the last few years. The creation of the holiday lets is an attempt to make fuller use of the nursery facilities whilst assisting in sustaining the business.

It is hoped that the provision of such self-catering accommodation would not only attract visitors to use local facilities, and enjoy the local amenities, but it would also boost the plant trade on the nursery.

Encouragement has come from bodies whose object is to assist the development of rural business and environment, and also from those concerned by the lack of such accommodation in the area.

The Parish Council state that there is ‘probably’ sufficient accommodation available locally, but it is a known fact, confirmed by the local Tourist Office, that the area has a shortage of such tourist accommodation, which will be further exacerbated by the forthcoming closure of the Ivy House Hotel in nearby Marlborough”.

The full statements are available to view on the working file and via Planning Explorer.



7. Planning Policy

Kennet Local Plan 2011: Policies PD1 & NR7.
PPS4 & PPS7

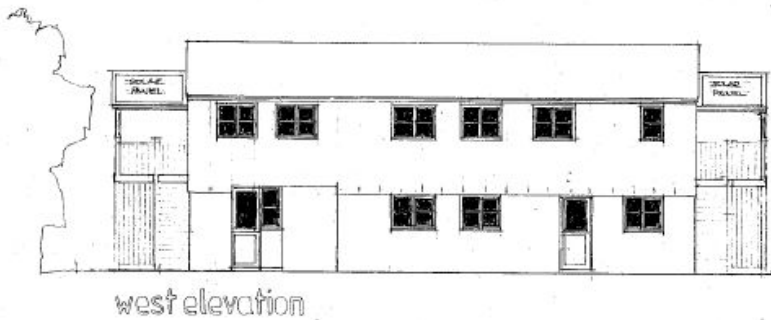
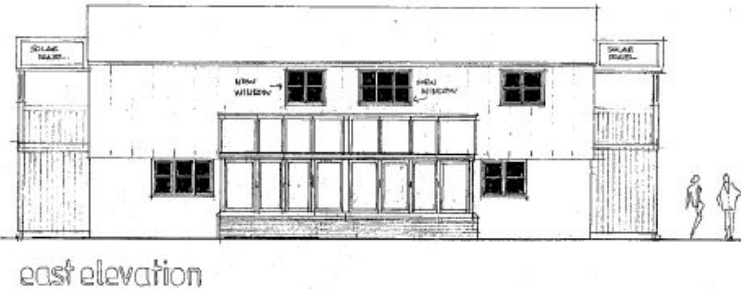
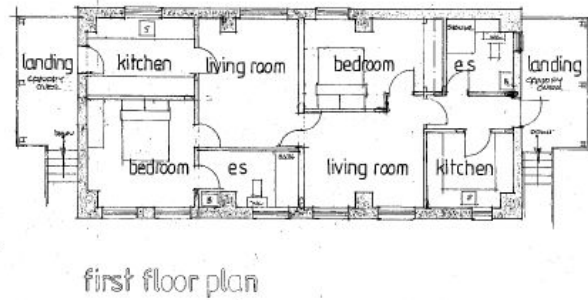
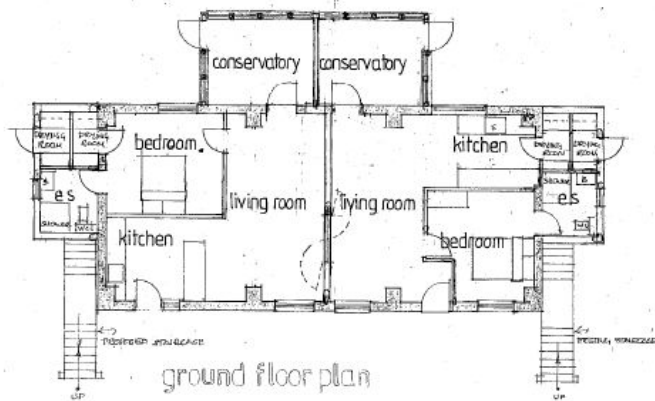
8. Consultations

Ogbourne St George PC: Objection. The PC objects to this application as it takes away from the business of a nursery a significant part that was only constructed less than 10 years ago. This change of use of a barn would move business away from its original purpose. To transfer from a horticultural usage to a tourist use so soon appears to be somewhat disingenuous. The site is outside the village envelope and it is considered that approval of this application could be a first step towards residential development. It is considered that there is probably sufficient local accommodation already. The application states that the business is successful so the barn as such is essential to the business. If it is altered as proposed it will not be available in future as the business develops and then there will be a further application for a new barn.

Wiltshire Council Highways: Parking in existing car park is too remote. One parking space for each unit should be achieved close to the building.

Wilts Fire & Rescue: recommend informatives.

North Wessex Downs AONB: The North Wessex Downs AONB Management Plan recognises within its Tourism and Leisure chapters that there is insufficient tourist accommodation within our protected landscape. It is also acknowledged that the potential performance of the AONB as a short break destination has considerable potential to be approved. No objection subject to conditions controlling future occupancy for tourism use only.



9. Publicity

The application was publicised by way of site notice and personal letter to adjoining neighbour.

10. Planning Considerations

The main issues in this case are, firstly, the principle of the proposal, and then (assuming the principle is established) the impact of the specific scheme on sustainability, the character and appearance of the countryside and Area of Outstanding Natural Beauty, highway safety, and residential amenity.

Principle

The application site lies in open countryside and not within the limits of development of any town or village. According to Policy EC7 of PPS4, local planning authorities should support sustainable rural tourism developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features. The PPS further states that local planning authorities should support the provision of visitor facilities in appropriate locations; wherever possible locate visitor facilities in existing or replacement buildings (and, wherever possible, in, or close to, service centres and villages); and recognise that in areas such as AONB's there will be scope for tourist development subject to appropriate control over the number, form and location to ensure the particular qualities or features that justified the designation are conserved.

It is evident from this policy that there is a general presumption in favour of tourist development subject to certain controls. In this case the controls are satisfied in that the proposed visitor accommodation would be contained largely within an existing building (which itself lies within a yard of buildings), would be relatively close to the village of Ogbourne St George, and would not harm the qualities of the AONB. As a matter of principle the proposal is, therefore, considered to be acceptable under Policy

EC7.

Although some extensions are proposed to the existing building to enable the conversion, these extensions are modest in size and have little impact outside of the site. They do not, therefore, cause the proposal to fail this 'test' of Policy EC7.

Impact on sustainability

As set out above, Policy EC7 is supportive of sustainable rural tourism. In this case the proposal is considered to be sustainable, firstly, in view of its proximity to Ogbourne St. George (which has a public house/restaurant); and secondly, because the proposal would assist in sustaining an existing rural enterprise. Separately, PPS4 advises that local planning authorities should support diversification for business purposes that are consistent in their scale and environmental impact with their rural location. This proposal is a classic example of diversification where the proposed tourist accommodation would help to ensure the future viability of the nursery business without harming the wider environment.

The Parish Council's concerns that this proposal would remove an existing barn which is essential to the business and lead to a requirement for a further barn is not supported. The need or otherwise for the existing barn in connection with the business is a decision for the applicant to make, and any future requirement for an additional barn would be subject to another planning application at which time it would be considered on its own merits in any event.

Regarding the amount of local visitor accommodation, PPS4 encourages local planning authorities to support facilities where identified needs are not met. There is disagreement between the applicant and Parish Council as to the local need. However, as there is no discouragement of over-provision in the PPS, this is not considered to be a sustainable reason to raise objection. Supply and demand in this case is a matter for the market to determine.

Impact on the countryside/AONB

The barn to be converted is situated in an existing yard of sheltered buildings. It is set well-back from the highway and largely screened in distant views. The proposed alterations and modest extensions to the barn would not significantly change its appearance or impact on the countryside. In view of these circumstances no adverse harm would be caused to the visual amenities of the countryside, and the character and appearance of the AONB would be safeguarded. This is in accordance with PPS4, PPS7 and Policies PD1 and NR7 of the local plan.

Impact on highway safety

Car parking for the proposed visitor accommodation would be provided in the existing large car park serving the nursery, and access would be via the existing driveway. No harm would be caused to highway safety from these.

The WC Highways Officers requests that the parking is provided closer to the barn. However, as it is a relatively short walk between the car park and the barn this is considered unnecessary.

Impact on residential amenity

The site is sufficiently distanced from neighbouring properties to ensure no adverse impact on residential amenity.

Conclusion

This application presents a proposal for sustainable tourism accommodation at an established rural business which is in accordance with government guidance and the policies of the development plan relating to development in the countryside and diversification. The proposal would cause no harm to visual amenity, highway safety, nor residential amenity, and consequently is recommended for approval.

RECOMMENDATION

Approve, for the following reasons and subject to the conditions set out below:

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

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

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

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

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

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

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

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

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

Appendices:

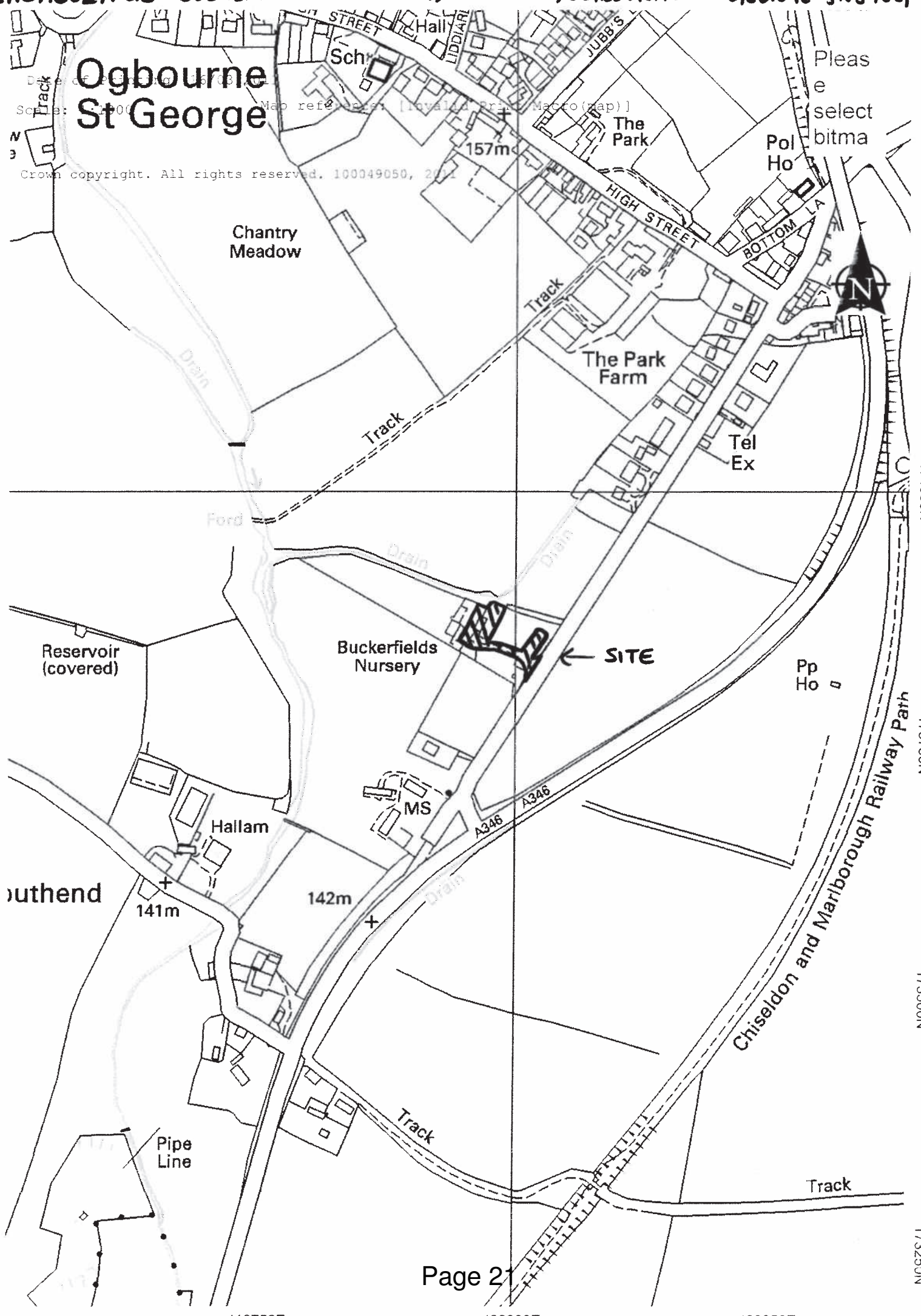
None

Background Documents Used in the Preparation of this Report:

Application file and history file.

Ogbourne St George

Date of revision: 18/03/04
Scale: 1:5000
Map reference: [invalid: Print Macro (map)]
Crown copyright. All rights reserved. 100049050, 2011



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← SITE

Southend

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Track

Track

Chiseldon and Marlborough Railway Path

440750E

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	31 st March 2011
Application Number	E/11/0029/FUL
Site Address	South of Byron Road, East of Thomas Wyatt Road, West of Green Lane (Former Katherine McNeil Clinic Site, Green Lane, Devizes)
Proposal	Extension of time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats.
Applicant	Allsop LLP
Town/Parish Council	ROUNDWAY
Grid Ref	401138 159962
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the committee at the request of the division member, Cllr Laura Mayes.

1. Purpose of Report

The purpose of this report is to consider the recommendation that the application be deferred and delegated to officers to grant planning permission subject to a revised section 106 legal agreement.

2. Report Summary

The main issue to consider is whether there has been a material change in circumstances since the grant of outline planning permission under reference K/42334/O.



Location of Site

3. Site Description

The site lies in the south east quadrant of the former Roundway Hospital complex. Its northern boundary abuts Byron Road, which divides the north and south parts of Roundway Hospital, whilst the

eastern boundary is formed by Green Lane. The site was formerly occupied by a 1960s flat roofed building which was known as the Katherine McNeil Clinic. This building has now been demolished.

4. Planning History

K/33069 – demolition and redevelopment as a nursing home – permitted in 1997.

K/35133 – 20 bed nursing home with 50 care apartments – permitted 1998.

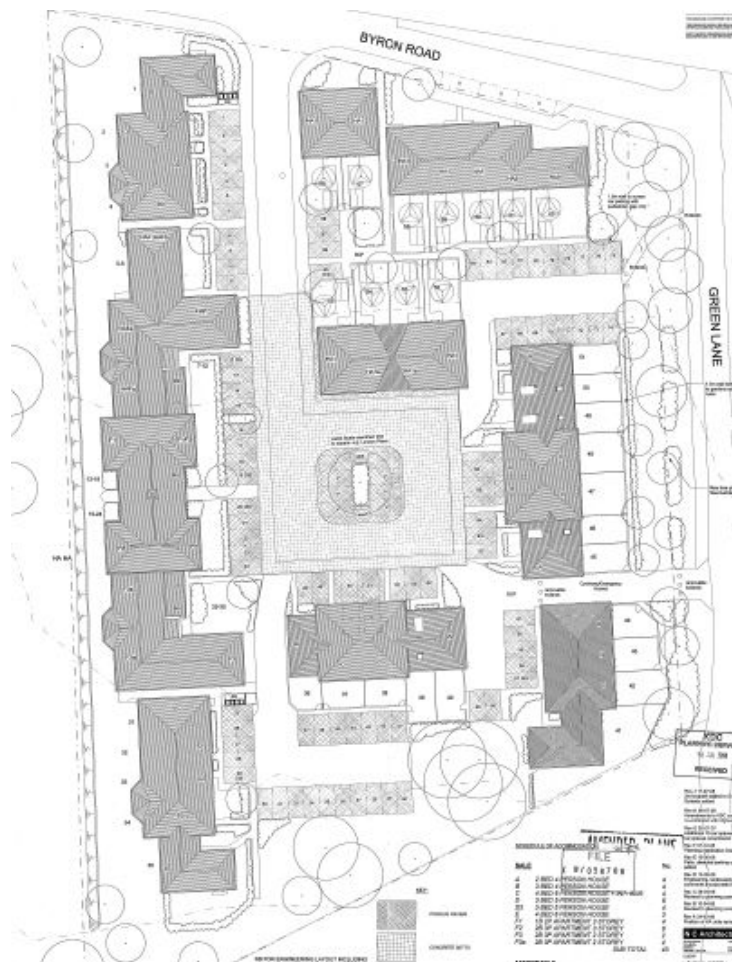
K/42334/O – Outline planning permission for 36 houses and 26 flats – permitted in July 2007.

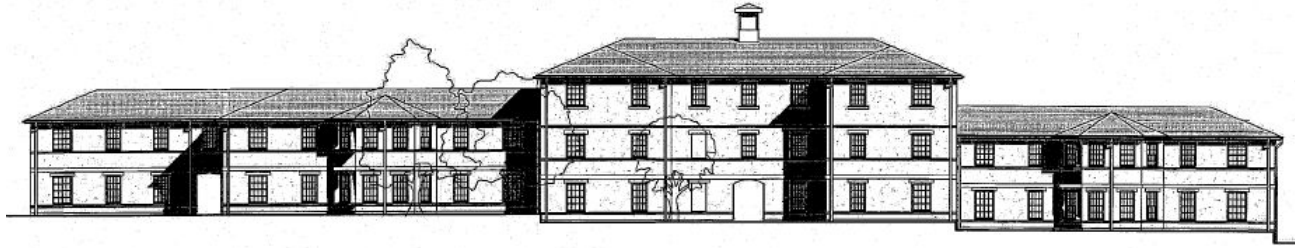
K/58789/RM – Reserved matters for 36 houses and 26 flats – permitted in March 2009.

Note: This site has a very long history with the original outline planning permission (K/42334/O) being submitted in 2001. Whilst the original outline proposals agreed at Regulatory Committee in 2002 were for 50 flats and 18 houses protracted negotiations on the required section 106 agreement and other delays meant that the permission was not issued until 2007. In that time the outline application was referred back to the committee in May 2007 to consider a change in the mix of units on the site to 36 houses and 26 flats. Reserved matters were subsequently granted in March 2009 but the planning permission has not been implemented.

5. The Proposal

The current application is for an extension of the time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats. A grant of planning permission would give the applicant an additional 3 years to implement the scheme in accordance with the reserved matters approved under K/58789/RM.





Part West Elevation (facing Drews Park)

Details of the reserved matters approved in 2008

6. Planning Policy

The site lies within the Limits of Development defined for Devizes in the Kennet Local Plan 2011 and within an area designated as an Area of Minimum Change.

Policies PD1, HC29, HC30, HC31, HC34, HC37, AT9, AT10 & HH10 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

The minimum residential parking standards contained in the Third Local Transport Plan for Wiltshire (2011-2026, published March 2011) are not part of the Development Plan for the area, but carry a limited weight in the decision making process.

Government policy contained in revised PPS3: 'Housing' is a material consideration, as is the revised guidance in PPG13.

7. Consultations

Environment Agency – No objections subject to appropriate conditions and informatives being included in any planning consent.

Wessex Water – There may be major issues over storm and foul disposal and therefore a condition covering storm/foul disposal arrangements will be needed. Wessex Water have completed the installation of a major ring main around Devizes to serve the new development. Developers are expected to contribute to the cost of the works. This amounts to £839 per dwelling.

Wiltshire Council Highways – Raises no objections but makes the following comments:

“There are now revised minimum parking standards for residential development set out in the Local Transport Plan Car Parking Strategy. However, I consider that as this application is for an extension of time limit on an approved application, and on a site which has also received approval of reserved matters, it would be inequitable and inappropriate to apply the new revised parking standards requiring a considerable replan of an agreed layout.

“A condition on the lines of Condition 12 (K.42334) requiring details to be submitted and approved of the Byron Road and Green Lane works including junction details, traffic calming, visibility splays, footways, including a footway extended along Byron Road to link with the Crest development, and surfacing should be applied.

“Depending on the legal advice which you receive, the applicant should be required to enter a replacement S106 to secure the highway contribution. The starting contribution to be the contribution as set out in the S106 dated 23rd June 2007 updated in line with the ROCOS index from that date to the signing of the new Agreement.”

8. Publicity

Five representations have been received raising the following objections:

- a) Before any extension of time is granted the developers should be required to tidy up this site which is an eyesore on the approach to Drews Park. The rubble should be removed and appropriate fencing erected.

- b) The objector (who lives in Whistley Road, Potterne) believes that surface run-off from the development during heavy storms is directed into the stream which eventually passes his house. The culverts and flow rate of the stream are unable to cope with this extra volume and the development will exacerbate existing problems of flooding. Any decision to grant planning permission should be made conditional upon improving flood defences.
- c) The density of development is too great and would not be in keeping with the surrounding country environment. Development should not exceed two storeys.
- d) Brickwork should match the soft colour of the hospital stonework and the Cotswold stone of the old farmhouse on Byron Road. The type of bricks used on Heritage Park look cheap.
- e) There is no longer a requirement for this number of new properties in this part of Devizes. Since the time of the original application hundreds of new properties have been built on the north and east edges of Devizes.
- f) Since the original application was designed the north/west end of Byron Road has been closed to traffic. This means that all traffic from Drews Park has to enter and leave via Byron Road, Green Lane and Marshall Road. The roads do not have the capacity to deal with the additional traffic generated by this development.

A further letter containing 8 signatures has also been received raising the following issues:

- a) The scheme provides insufficient on-site car parking, which will result in vehicles being routinely parked on pavements and in other unsuitable locations. Overspill from the proposed development would result in parking on Byron Road, which is a very narrow road and the main access to the Drews Park development. Any vehicles parked on this road would adversely affect traffic flow and hinder emergency vehicles.
- b) Traffic from the development will have a negative impact on access for the residents of The Old Farmhouse complex and residents of the Drew Park development as a whole.
- c) The provision of visitors' parking spaces in a lay-by is both inadequate and ill-considered. They are unacceptable on road safety grounds and will be used as residents' parking spaces.
- d) The increase in traffic will be harmful to the safety of children who are likely to use the road as a playground. The affordable housing should be integrated into the development near a play area, rather than fronting a road.
- e) The density and style of the proposed development is not in keeping with the rural character of the area and would be more suited to an urban environment. It is intended to be sympathetic to the style of the existing buildings in Drews Park but, due to the density and height of the buildings, will not achieve this.
- f) The developers have claimed that the existing pine trees along Green Lane are dangerous and need to be removed. Why are they still standing?

One further letter states that the Council should have regard to the following issues in determining the application:

- The need to manage traffic and minimise harm to highway safety;
- The need to ensure that the outlook for existing residents is not harmed;
- The need to ensure that the level of daylight is unaffected for existing residents;
- The need to maintain privacy and avoid overlooking for existing residents;
- The need to ensure that the design and appearance of the development is in keeping with the setting of converted listed buildings in attractive parkland;
- The need to safeguard the countryside;
- The need for more trees to be planted as screening, to protect the respondent's outlook;

- The need to tidy up the site; and
- The need to ensure that there are no noisy play areas facing the listed buildings of Drews Park.

9. Planning Considerations

This is an application to extend the time period for implementing planning permission reference K/42334/O which lapsed on 19th March 2011. The main consideration for this type of application is whether there has been a material change in circumstances (either physical or policy related) since the original planning permission was granted that is of such significance that it merits a different decision to one taken relatively recently. In this instance there have been no changes to the situation on site. The main policy changes are recent amendments to PPS3 and PPG13 which have removed the national indicative minimum density (formerly 35 dwellings per hectare) and the reference to maximum residential parking standards. The latter issue is the primary reason why the division member has called this application to committee.

The proposed development makes provision for 62 dwellings with a total of 103 parking spaces (comprising 88 allocated parking spaces, 4 integral garages and 11 visitor spaces). This was the level agreed by the committee in the 2008 approval of reserved matters. This equates to 1.66 spaces per unit including visitor parking. Alternatively, it could be viewed as 2 spaces per 4 bedroom house, 1.5 spaces per 2-3 bedroom house and 1 space per 1 & 2 bed apartment, plus 19 visitor spaces. At the time of the outline permission being granted the Council was operating a system of maximum parking standards for new residential development, in line with central government policy contained in PPS3. With recent changes to PPS3 and PPG13 the Council has adopted a system of *minimum* standards in its latest Local Transport Plan. This document is not part of the statutory Development Plan but nevertheless should be afforded some weight in the decision making process as a plan approved by the Council. The new standards would require the provision of a total of 139 spaces, meaning that the scheme is deficient by 40 spaces (garages are not included in the new standards). Notwithstanding this, the Council's Highways Officer takes the view that it would be inequitable and inappropriate to apply the new revised parking standards where they would necessitate a considerable re-plan of an agreed layout. (It is clear that the development would have to be significantly re-designed to achieve these new standards).

Local residents raise a range of other issues to which officers would respond as follows:

- The Council would need to use its powers under section 215 of the Town & Country Planning Act 1990 if it considers that the condition of the site adversely affects the amenity of the area. Exercise of these powers is separate from consideration of the current planning application.
- It is not considered that this development would have a material impact upon flood risk downstream. A condition is recommended to require submission of details of surface water drainage and this can be used to secure a suitable Sustainable Urban Drainage scheme.
- The density and design of development is considered to be appropriate for the site's location and in keeping with the surroundings. Committee considered this issue as part of the reserved matters application and there are no planning grounds to warrant taking a different view.
- The Council would not be able to substantiate a refusal of planning permission on the grounds that there is no longer a need for this number of new properties in this part of Devizes. The site has been identified as a housing commitment for some years and therefore the principle of residential development on the site is considered to be acceptable.
- It was always anticipated that Byron Road would be the sole point of access for Drews Park once Marshall Road was constructed and the Pans Lane / Wick Lane access closed off. The Highway Authority is satisfied that the road is capable of accommodating the traffic arising from the development. No highway objection has been raised to the lay-by parking arrangement.
- It is not considered that traffic from the development would conflict with access from The Old Farmhouse complex and there would be no harm to the amenities of residents of the Drews Park development.

- It is not considered that the development would give rise to any highway safety issue for children living in the development. The layout does not encourage children to play on Byron Road and there are plenty of green spaces (and an equipped play area) locally for children's play.

Overall, it is not considered that a refusal of planning permission would be justified and accordingly a grant of planning permission is recommended (subject to a revised section 106 agreement).

RECOMMENDATION

Defer and delegate to the Area Development Manager to grant planning permission subject to a revised S106 legal agreement, for the following reasons and subject to the conditions set out below:

The decision to grant planning permission for an extension of the period for implementing the planning permission has been taken on the grounds that there has not been any significant material changes in circumstances since the reserved matters were approved in 2008 and the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

(a) Policies PD1, HC29, HC30, HC31, HC34, HC37, AT9, AT10 & HH10 of the Kennet Local Plan 2011.

(b) Government policy contained in PPS3 and PPG13.

- 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 **INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made with Wiltshire Council under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

- 3 This permission relates only to the scheme of development as submitted except insofar as amended by the revised design brief reference March 2002 Rev. A received on 2nd July 2002 and amended layout drawing dated 28th March 2007.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 5 The trees on the site which are protected by a Tree Preservation Order shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by braced Heras fencing (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local

planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including the ha ha), other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

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

- 7 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 8 Details of the means of disposal of foul sewage shall be submitted to and approved in writing by the local planning authority before development commences.

REASON:

To ensure satisfactory foul water drainage.

- 9 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage.

- 10 No development shall take place until details of the internal access roads, Byron Road and Green Lane works, including traffic calming and visibility splays, footways and footpaths 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 highway safety.

- 11 **INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the approval of reserved matters reference K/58789/RM and dated 19th March 2009.

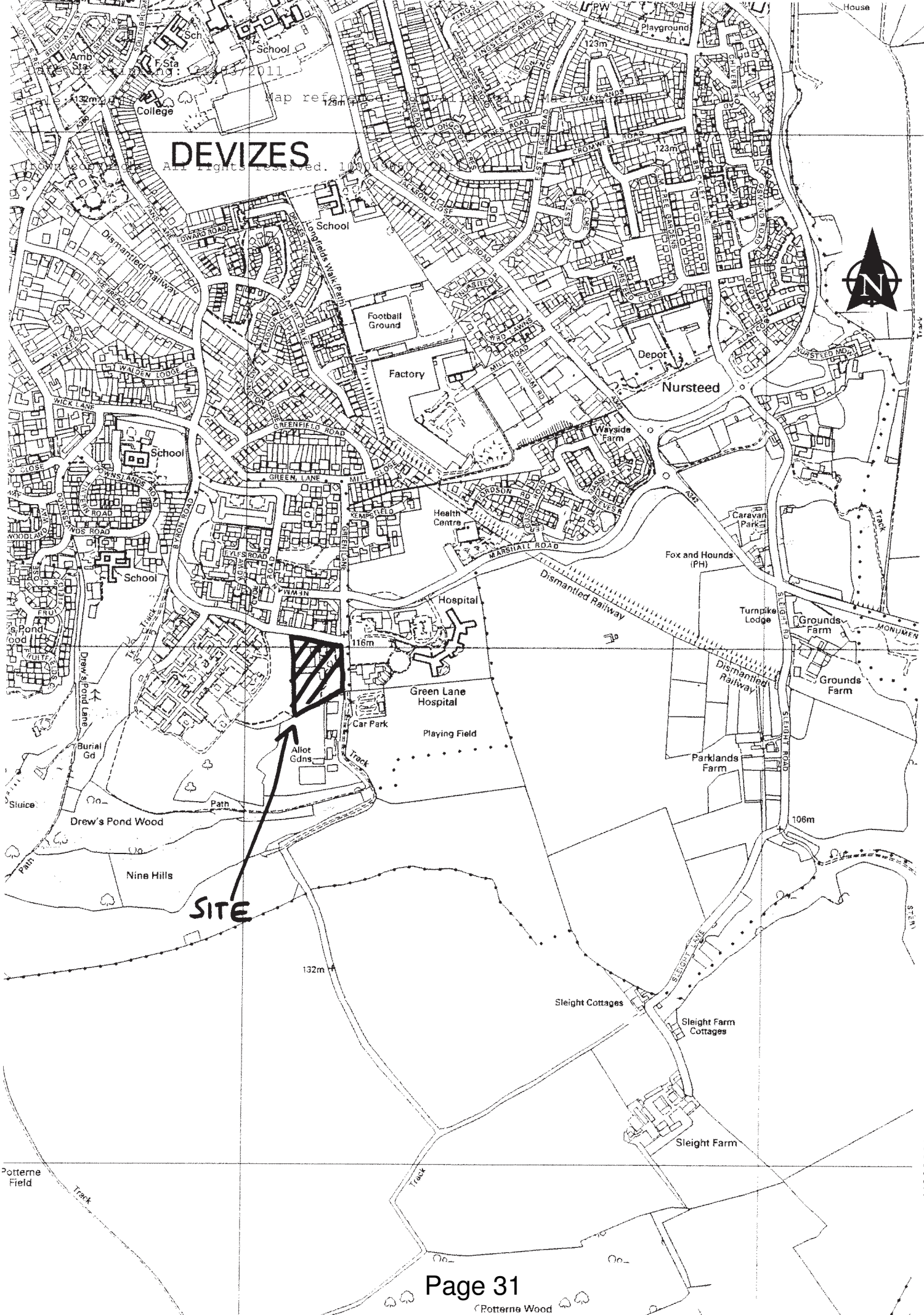
Appendices:

None

Background Documents Used in the Preparation of this Report:

Working file, Kennet Local Plan 2011, PPS3 and PPG13 & Wiltshire Council Third Local Transport Plan.

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DEVIZES

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Map reference

SITE

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	31March 2011
Application Number	E/10/1620/FUL
Site Address	Wansdyke Farm Ham Spray Marlborough Wiltshire SN8 3QZ
Proposal	Demolition of redundant farm buildings and a cottage. Removal of slurry pit. Erection of one replacement dwelling with associated outbuildings; residential barn conversion with associated outbuildings, landscaping and access; creation of two statutory public bridle paths and one permissible public footpath; restoration of farmland with associated landscaping and biodiversity improvements, re-contouring of land.
Applicant	Mr Paul Clarke
Town/Parish Council	Ham
Grid Ref	
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

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

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

- Whether the proposal is acceptable in principle
- Whether the proposal would have a detrimental impact on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Whether the design of the two dwellings and associated buildings are acceptable
- Whether the scheme would give rise to an adverse impact upon residential amenity
- Whether the scheme would cause harm in respect of highway safety
- Whether the scheme would cause harm to protected ecological species and/or their habitats
- Whether the proposed footpaths are acceptable both in terms of their suitability for formal adoption by the Council and in respect of their impact upon adjacent farmland
- Impact upon the setting of the adjacent listed Ham Spray House

3. Site Description

The site comprises two redundant farms (Wansdyke Dairy Farm and Manor Farm) which are situated at either edge of the village of Ham, together with approximately 120 acres of intervening farmland which falls between the two sites. The site, as a whole, lies in the valley at the foot of Ham Hill and Ink Pen Hill, which together form a steep scarp ridge to the south. The two sites are therefore visible not only within their immediate context but also from the elevated rights of way network on the downland to the south. The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

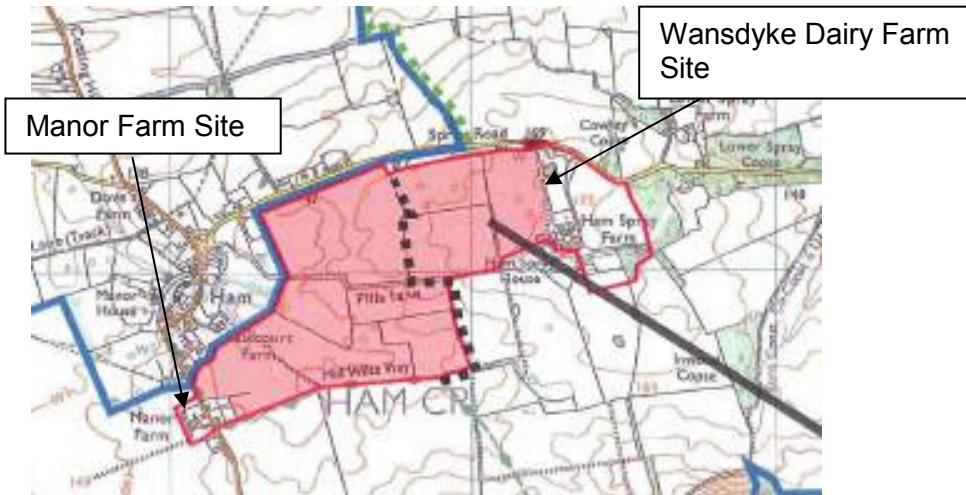


Plate 1: Application Site (not to scale)

Wansdyke Dairy Farm was, until the recent change in ownership, a working dairy farm. It lies approximately a third of a mile to the east of the village of Ham, in a remote rural location at Ham Spray. It comprises numerous modern farm buildings, silage clamps, slurry pit and 3 dwellings (one of which is to be demolished as part of this application). The farm was historically called Ham Spray Farm and associated with this is Ham Spray House, which is grade II listed. Plate 2 below shows the extent of the site in so far as it refers to Wansdyke Dairy Farm and plate 3 contains photographs of the site.

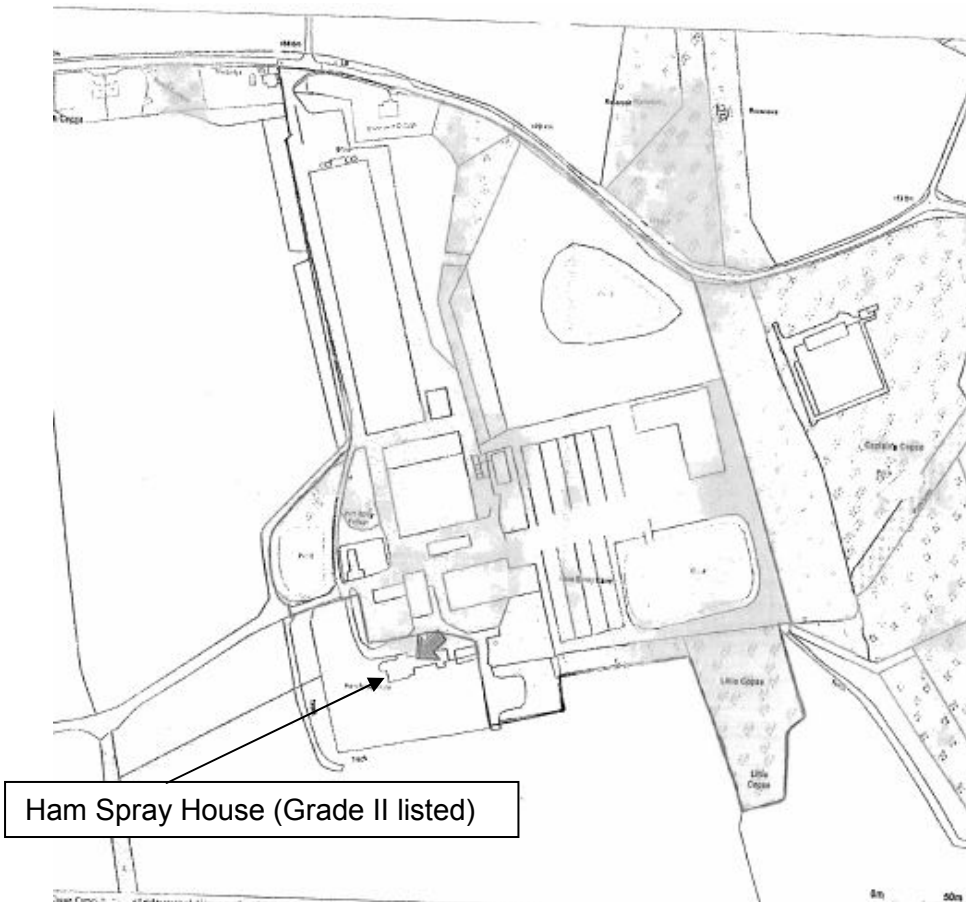


Plate 2: Wansdyke Dairy Farm Site Plan (not to scale)

Plate 3 (below): Photograph of Wansdyke Dairy Farm Site



Manor Farm lies at the opposite extent of the village from Wansdyke Dairy Farm, being situated beyond the southern edge of the built up area of the village. This site comprises an historic barn alongside a small group of modern farm buildings and areas of hardsurfacing. Plate 4 below shows the extent of the site in so far as it refers to Manor Farm and plate 5 contains photographs of the site.

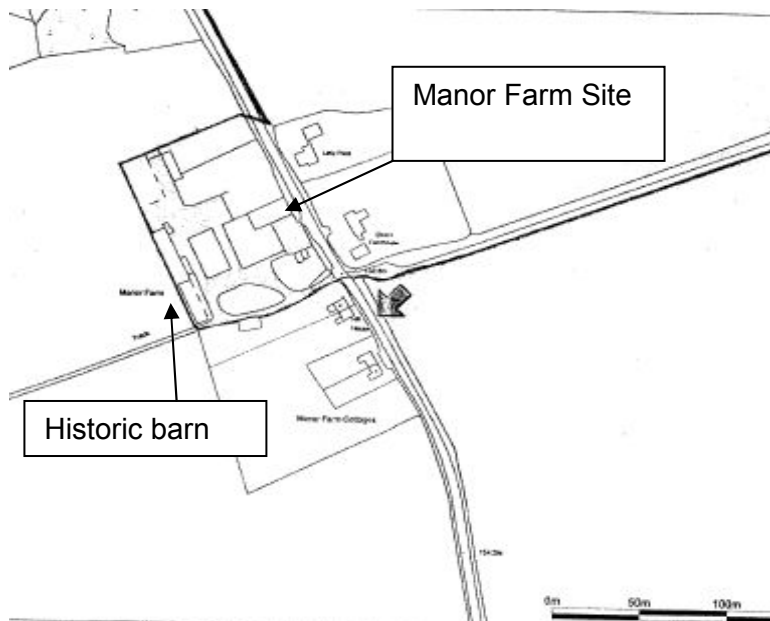


Plate 4: Manor Farm Site Plan (not to scale)



Plate 5 Photograph of Manor Farm Site

4. Planning History

Planning application E/10/1334/FUL proposed a similar scheme to that now under consideration and was withdrawn further to objections raised by your officers in respect of the scale of the scheme, visual impact and consequently the principle of the development. This scheme proposed significantly larger dwellings and the package of AONB improvement measures were slightly different.

There is no planning history of relevance at Manor Farm. In respect of Wansdyke Dairy Farm, the most relevant application is E/09/0663/FUL. Retrospective consent for the retention of a straw barn, machinery storey, straight store, slurry handling store, silage clamps, attenuation pond and cattle building was granted by committee. These buildings form a large part of the site at present and, in particular, the cattle building represents a significant physical feature.

5. The Proposal

This application comprises a number of elements which must be viewed as a whole. Essentially, the main build components of the application are:

- (a) The erection of a large country house and associated outbuildings/landscaping within the countryside of Ham Spray, on the redundant Wansdyke Dairy Farm site. This is to replace both the extensive agricultural buildings complex here and a smaller cottage elsewhere within the site which is to be demolished.
- (b) The conversion and extension of an historic barn to residential use, also within the open countryside of Ham at the Manor Farm Site.

Accompanying these two residential dwellings, the application also includes a number of other aspects, including landscape and environmental improvements to the AONB:

- (a) Demolition of the existing large range of redundant farm buildings and slurry pit at Wansdyke Farm;
- (b) Demolition of Greensand Cottage adjacent to the Wansdyke Dairy Farm site;
- (c) Creation of two new statutory/definitive bridlepaths;
- (d) Creation of one permissive footpath;
- (e) Restoration of an area of farmland between the two farm sites, including landscaping and biodiversity improvements;
- (f) Creation of new access at Manor Farm;
- (g) Alteration to existing access at Wansdyke Dairy Farm, and
- (h) Re-contouring of land and creation of new internal access track at Wansdyke Dairy Farm.

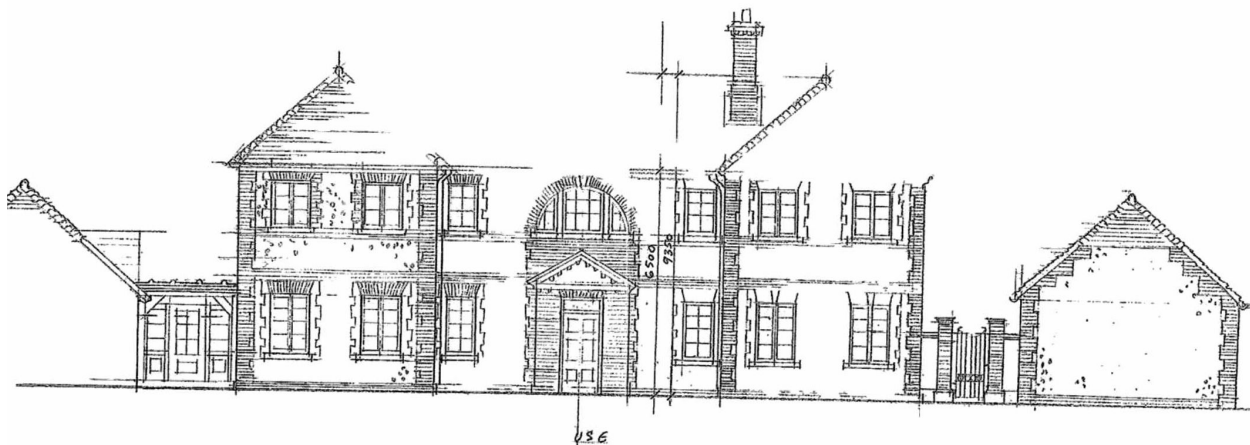
During its consideration, the application has been amended to (a) expand and improve upon the landscaping principles at each site; (b) remove the new access proposal at Wansdyke and re-use and improve the existing farm access; (c) provide plans showing the defined residential curtilage for each plot; (d) provide basement plans for the Wansdyke site and (e) remove a ground floor window in the guest barn at the Manor Farm site.

Set out below are extracts from the plans showing the key elements of the planning application:

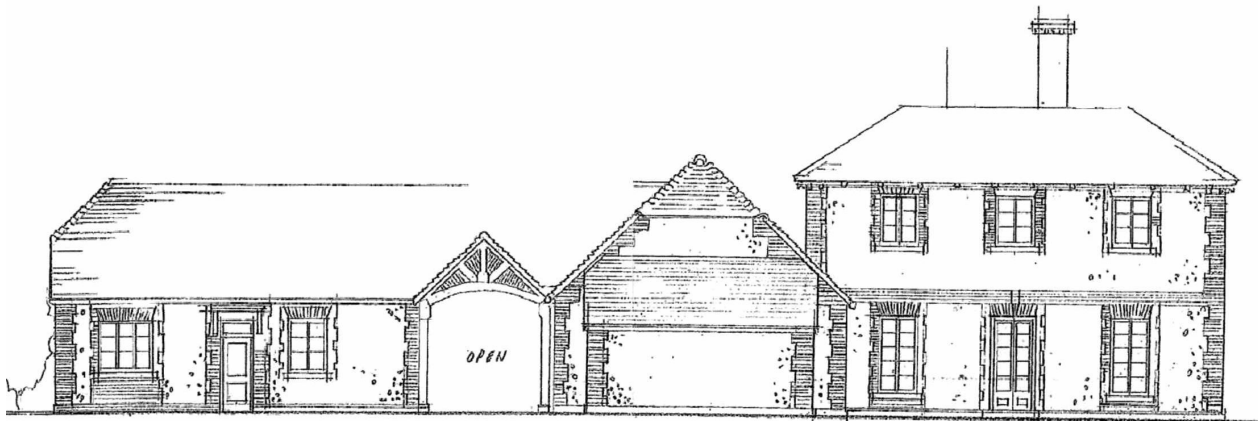
Plate 6 (below): Part elevations of the proposed new dwelling and outbuildings at Wansdyke Dairy Farm (not to scale)



Part of the south (rear) elevation of the dwelling facing towards the open countryside

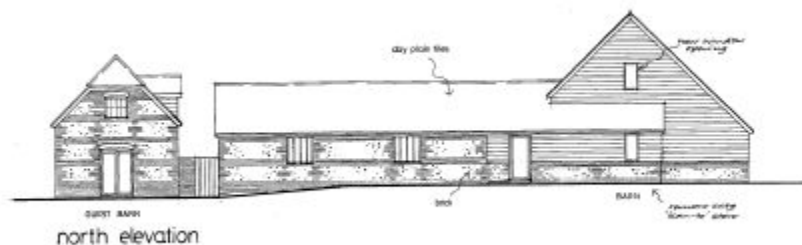
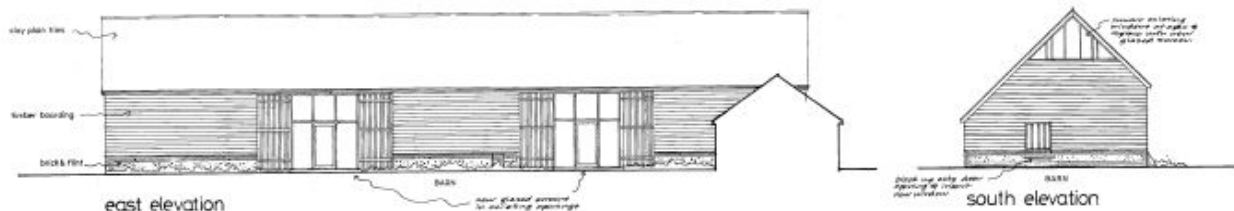


Part of the north (front) elevation of the dwelling



East (side) elevation of main house, staff wing and pool

Plate 7 (below): Part elevations of the proposed new dwelling (conversion and new build) at Manor Farm (not to scale)



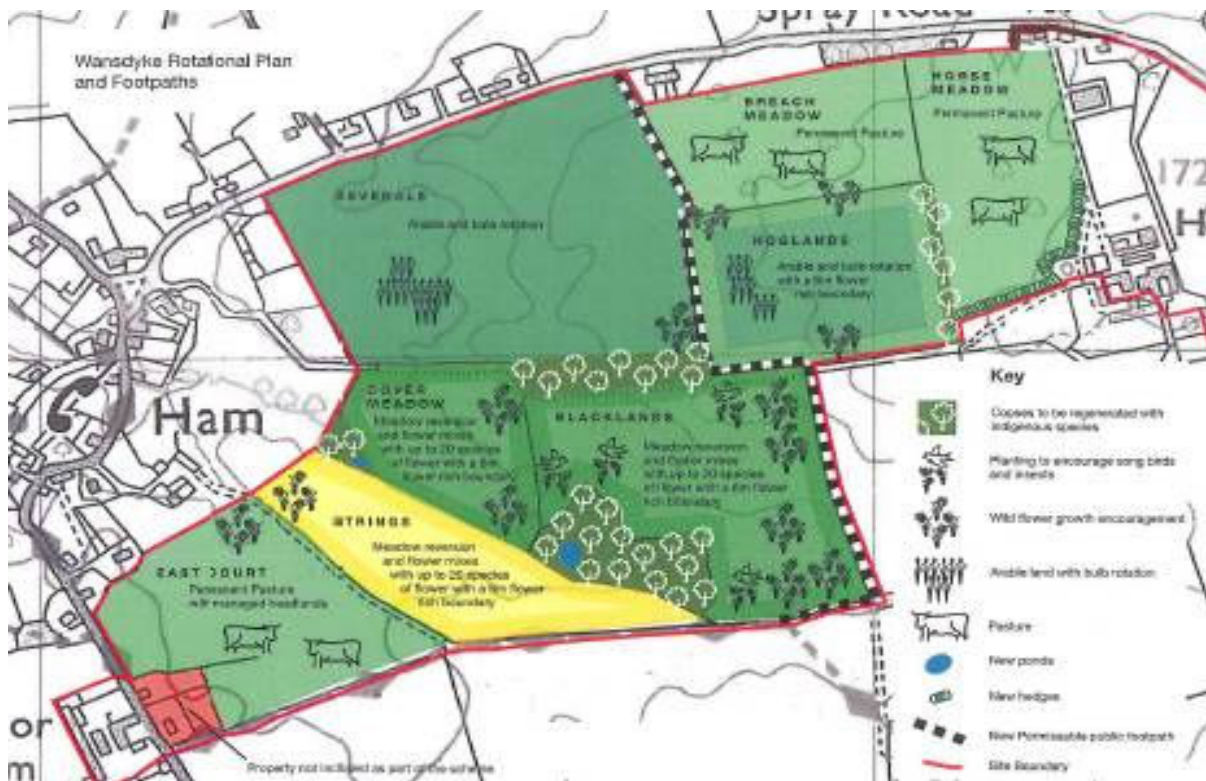


Plate 8: Regeneration area (indicative)

6. Planning Policy

Both sites lie, in planning terms, within the open countryside of the AONB where planning policies HC25 (replacement dwellings), HC26 (dwellings within the open countryside), PD1 (general development principles) and NR6 (sustainability and protection of the countryside) of the local plan (saved policies) are the pertinent considerations.

In respect of central government advice, PPS5 (Planning and Historic Environment), PPS7 (Sustainable Development in Rural Areas) and PPS9 (Biodiversity and Geological Conservation) are relevant to the determination of this application. Alongside this, the North Wessex Downs Management Plan (2009) and Kennet Landscape Conservation Strategy Supplementary Planning Guidance (2005) are material considerations.

7. Consultations

The comments below represent a summary of those received to date. Any additional comments will be reported verbally at the meeting.

Ham Parish Council –

Councillors agreed that they supported the application (both in its original and amended forms) subject to:

- a) covenants being agreed and signed which gave a beneficial interest to the Parish Council and restricted any development, both now and in the future, to the envelope/footprint of the proposed plans; and
- b) a section 106 agreement for the regeneration area being entered into by the applicant; and
- c) should the current or future owner of the Wansdyke estate wish to erect additional agricultural buildings, these must be sited at Lower Spray so that they do not adversely impact the village or its surroundings.

Wiltshire Council Development Control Engineer –

No objection to the new highway alterations at either site subject to conditions in respect of provision of accesses as shown, visibility splays, surfacing of the first 4.5 metres of the accesses, position of gates and permanent closure of existing access at Manor Farm.

Wiltshire Council Environmental Health Officer –

No objection subject to conditions ensuring that the findings of the reports submitted with the application in respect of soil testing in the area to be gardens following demolition is carried out. Furthermore, the Council should view any reporting into the findings of this survey including remediation proposals if deemed necessary.

Likewise, the recommendation for a visual assessment of areas under and around the oil storage tanks needs to be secured by a condition and this should include a remediation and validation strategy if contamination has occurred.

Wiltshire Council Rights of Way Officer –

No objection – support for the new bridleways and permissive path. The bridleways would be useful additions to the network for riders. The applicants will, however, have to pay for the making of a dedication agreement and any onerously expensive maintenance requirements.

Wiltshire Fire & Rescue Service –

No objection – generic fire safety advice provided.

Wiltshire Council Ecologist –

No objection subject to conditions ensuring:

- a) All development shall be carried out in accordance with the mitigation measures for bats and barn owl set out in the submitted ecology report, and
- b) Prior to commencement of development, the Regeneration Area shall be subject to an ecological survey by an experienced ecologist. The recommendations of this ecological survey shall inform an Ecological Management Plan for the area, which shall be approved by the Local Planning Authority.

Environment Agency –

No objection subject to conditions in respect of surface water drainage and groundwater and contaminated land being imposed alongside informatives regarding private foul drainage, water efficiency, waste, site management and oil storage forming part of any approval.

North Wessex Downs Planning Officer -

The North Wessex Downs AONB raise no objection to this application subject to conditions and a legal agreement to ensure that all the landscape improvement works offered as part of this application are secured. This form of development would not normally be acceptable in itself, however the North Wessex Downs AONB accept in this case that there will be positive benefit to come from the scheme.

8. Publicity

A site notice has been posted and neighbour notification has taken place. 3 letters of objection have been received to the scheme. Any comments subsequently received will be reported verbally at the meeting. The comments received so far raise the following key concerns.

1. The so called 'enhancement', and associated re-contouring of the central area of the land, is completely unnecessary, and is intended only as a sop to the villagers. It has no bearing on the main purpose of this application which is for permission to build residential property on agricultural land, and would only serve to turn an area already designated as 'of outstanding natural beauty' into something unnatural and contrived. It would also involve a change of land use from agricultural to something approaching horticultural (fairyland ornamental gardens). The village does not need it.
2. Such 'enhancement' would also require permanent maintenance and would therefore, at some time in the future, have to become self-financing, with all that that would imply for the village and its residents. Or, alternatively, it would be left to deteriorate into something neither natural nor beautiful. The present landscape would not be recoverable and the area would be scarred forever.
3. The planning officer drew specific attention to this matter in her letter to the applicant (June 2010) with regard to the previous application 0334. Quote - "As it stands, the landscape is already of high visual quality, hence its inclusion within the AONB designation. The area has an intrinsic special quality and farms and their associated land and buildings form part of this". She also implied that she considered the 'enhancement' proposal to be a ruse (*my word*) to justify the building proposals

within the application "despite (*them*) being contrary to policy".

4. I also believe that the extent and character of the residential developments proposed are not suited to a village of this size and character. The idea of converting a barn into a mansion is no different from building a mansion to look like a barn - as with the proposal to erect new residential buildings to look like farm buildings - all of which will add even further to the fake Disneyland effect that these proposals as a whole will have on the village.
5. Were this application to succeed it would have an adverse effect on the village over a wide area, I believe the Planning Authority should take into account that the so-called 'Enhancement' proposal would have the effect of turning a great swathe of village land into a virtual private estate to the proposed new properties.
6. My initial reaction is that in principle this application is not a great deal different from the one which was turned down earlier in the year. One difference being that the original proposed residential house was to be a replacement dwelling but the new application is for an agricultural barn to be converted into a house, with extensions and other ancillary outbuildings, which would give a total floor space in the region of 7,000 square feet. To quote from the Wiltshire Councils objection letter 'The proposed dwellings will be large detached countryside houses.....inappropriate within the countryside of the North Wessex Downs AONB. I am also concerned about the harmful precedent that could be set in approving such a scheme' The barn conversion would be between two and three times the size of any nearby residential property.
7. I am also concerned that if planning permission was to be given for a barn conversion, a future owner of the site might successfully apply to build a larger house on the same site. There is a precedent for this concern, namely, my neighbour bought a bungalow with planning permission to build a 3 bedroom thatched cottage and he then applied successfully to build a three story 5 bedroom house with a tiled roof!
8. One of the proposed footpaths abuts land belonging to Doves Farm and would compromise one of the few areas where the farm owners have been able to soften the environmental impact of modern agriculture and encourage environmental biodiversity. This is the only part of the farm which is not already dissected by, or very close to, a public right of way. The area in question has been developed as a wildlife sanctuary with two areas in the Countryside Stewardship Scheme. If the new path is constructed, walkers and riders would have a negative effect and disturb the natural ambience and wildlife habitat. An alternative proposal would be to create a new bridlepath adjacent to a current farm track.
9. Wansdyke is a large farm and needs a good complement of farm buildings. If the current buildings are all removed there will be new applications for more buildings on greenfield areas which will be hard to refuse under current legislation.
10. This farm has changed owners 4 times in my adult life and each new owner wants new farm enterprises, it is folly to allow the great majority of the buildings and farmyard to disappear.
11. If the Council are minded to approve this application then one or two mansions is not what is best for the community. Ham already has a disproportionate amount of larger houses and these tend to be owned as second homes by people. This adds very little to the social cohesion of the village nor do they contribute to village life. There is much in planning legislation regarding encouraging a mix of residential properties, including social housing in larger schemes. This application flies in the face of such matters, so a few smaller houses would be closer to the spirit of planning guidance.
12. As a direct neighbour to the Manor Farm site, we have been in discussions with the applicant's agent, who had agreed to remove the window on the east elevation of the Guest Barn, but this window has not been removed from the latest plans (drawing no:100803-04). In our opinion, this window is intrusive as it looks out over the road and directly faces our house, and it is also the only window on this elevation on either the Guest Barn or garage/cartshed and as such looks out of place and is unnecessary. The plans show that there are already 2 windows in this room of the Guest Barn so in our opinion there will already be plenty of light, without the requirement for this further window on the east elevation.

9. Planning Considerations

It is considered that the main issues in determining this application are:

- Whether the proposal is acceptable in principle
- Whether the proposal would have a detrimental impact on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Whether the design of the two dwellings and associated buildings are acceptable
- Whether the scheme would give rise to an adverse impact upon residential amenity
- Whether the scheme is acceptable in respect of highway safety
- Whether the scheme would cause harm to protected ecological species and/or their habitats
- Whether the proposed footpaths are acceptable both in terms of their suitability for formal adoption by the Council and in respect of impact upon adjacent farmland
- Impact upon the setting of the adjacent listed Ham Spray House

Whether the proposal is acceptable in principle

In deciding whether to accept this scheme in principle, Members need be aware of the policy and legislative context as well as the material considerations which your officers consider relevant. The national and local planning policy context is well established and quite clear in that new dwellings within the open countryside should be highly restricted in principle, both on sustainability and landscape impact grounds. However, as the site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) the Council also has a duty under Section 85 of the Countryside and Rights of Way (CROW) Act 2000 when *“exercising or performing any functions in relation to or so as to effect an AONB, the authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB”*. This legislative duty plays an important role in determining this particular application.

Wansdyke Dairy Farm: Judged on its own, the erection of the large detached country house within the open countryside is considered contrary to national and local planning policy. The scheme does not accord with HC25, the replacement dwelling policy, because it is in a very different location to the one that it replaces and is significantly larger than the dwelling to be demolished. Neither does the scheme accord with HC26 relating to housing within the countryside as the proposed dwelling is not required for the needs of an agricultural or forestry worker nor is it a form of holiday accommodation.

Manor Farm: Likewise, Manor Farm also falls, in planning terms, within the open countryside where the proposed residential conversion of the barn is contrary to policy HC26. Policy HC26 does allow for the residential conversion of a listed building within the countryside where this is the only economic means of retaining the structure but the barn in question is not a listed structure.

Material Considerations: Therefore, in strict policy terms, both schemes are considered to conflict with existing planning policies on residential development. However, it is your officers view that there are material considerations which, in this instance, justify overriding the established policy stance:

- (i) In their reduced form and improved design, the visual impact of the two dwellings upon the character and appearance of the AONB has been significantly lessened since the previous submission. The existing farm buildings (whilst an accepted part of rural landscape and viewed as part of AONB rural character) in this instance are generally very large scale modern buildings (particularly at the Wansdyke site) which are nonetheless highly visible and there is a strong local desire for their removal. Indeed, the Kennet Landscape Conservation Strategy states that the majority of the landscape character in which the site lies has been significantly weakened by agricultural intensification and “repair” to the landscape is required. Neither large houses nor large farm buildings are particularly akin to the area and both can have a harmful visual impact. However, in this revised scheme, the dwellings have been significantly reduced in scale and their designs on the whole simplified. For example, the floorspace of the new dwelling at Wansdyke has been reduced by approximately 44% and at Manor Farm by approximately 59%. This much reduced visual impact of the dwellings combined with the loss of the large modern redundant farm buildings (especially the former Dairy Unit at Wansdyke Dairy Farm) is considered to overall represent an enhancement to the appearance of the AONB. This stance is supported by the North Wessex Downs AONB Management Group.

- (ii) The environmental and landscape regeneration improvements to the area of land between the two sites, the landscaping at each site and the creation of footpaths are all seen as significant enhancements to the AONB as required by the CROW Act. The provision of the two bridlepaths and permissive footpath are positive attributes to the AONB creating wider access for all.
- (iii) Both farm sites are now redundant under the new ownership and are therefore highly unlikely to return to an agricultural use. Whilst the loss of the farming enterprise in these locations is regrettable, an alternative use nonetheless needs to be found at either site. There are local concerns that any likely viable agricultural or employment alternatives may have a more intensive use causing a harmful local impact, e.g. traffic/smell nuisances and may have an unacceptable impact in their own right.
- (iv) This application has been accompanied by the submission of a heritage statement demonstrating that the historic barn at Manor Farm is a heritage asset worthy of retention and permanent conversion/use to ensure its long term viability. The barn, whilst not listed, is considered to be a heritage asset under the new PPS5 (which is more recent than HC26) and the scheme is therefore considered to conform to the spirit of HC26 which allows for the residential conversion of listed structures to residential use if this is the only economic means of conversion.
- (v) In line with the new localism agenda and approach to planning, there is strong local support (parish council) for the alternative use of the Wansdyke Farm site and from the North Wessex Downs AONB Management Team for the environmental enhancements.

Taking a holistic development management approach to the proposal, it is considered that the cumulative impact of the various material considerations referred to above result in a significant benefit to the AONB and justify overriding planning policy in this instance. None of the above material considerations on their own would be sufficient to justify granting consent for these dwellings otherwise considered contrary to policy but viewed as a whole the cumulative benefits/considerations are considered to outweigh the policy objections.

Whether the proposal would have a detrimental impact on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB)

The application site lies within a particularly remote part of the countryside designated as an Area of Outstanding Natural Beauty (AONB). Within the AONB there is a requirement for councils to consider whether development conserves or enhances the natural beauty of the landscape. PPS7 states that AONB's (together with National Parks and the Broads) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty.

The Wansdyke Dairy Farm site is particularly prominent in long distance views from public rights of way within the AONB. Whilst farm buildings are an accepted part of the established landscape, the buildings at this site are particularly large and are therefore significant modern structures in the wider landscape. The proposed dwelling is to be accompanied by significant landscaping (the principles of which are shown on the submitted plans) and, on balance, it is considered that the dwelling would be less evident in views of the site and would be less harmful to the appearance of the AONB than the current farm buildings. The new internal access track, pond and re-contouring works are relatively small scale developments and again well contained within the site and with the appropriate landscaping and conditions (i.e. materials for track) will ensure that no harm is caused to the character or appearance of the AONB.

Manor Farm is a much smaller scale farmyard but nevertheless it still has an impact upon both long and short term views. The proposed conversion and extensions are now modest in relation to the scale of the site and the accompanying landscaping will ensure that the site and its domestication does not have a detrimental impact upon the character or appearance of the AONB.

Your officers have recommended a set of conditions for both sites which are considered very important in ensuring the impact of the two dwellings does not have an adverse impact upon the AONB, e.g. removal of certain permitted development rights, modest "tightly drawn" residential curtilages for both dwellings, materials and landscaping. Your officers therefore recommend these conditions are imposed.

Impact upon the setting of the adjacent Grade II listed Ham Spray House

This assessment is two-fold in that one must look at the impact of the loss of the farming activities as well as the impact of the new dwelling and associated outbuildings/landscaping upon Ham Spray House.

PPS5 refers to the need for planning authorities to 'treat favourably applications that preserve those elements of the setting (of a designated heritage asset) that make a positive contribution to or better reveal the significance of the asset.' In this case, farming activities are to be transferred over to Lower Spray Farm, located to the north of the Spray Road and therefore there is no requirement for the existing farm buildings, which are all modern. Modern farm buildings are fundamentally built for their practical merits rather than aesthetic and due to some of them being disused, it is fair to say that the site in general appears rather unsightly when in close proximity (that is within the boundaries of the site itself). Ham Spray House which is Grade II listed is located in the immediate vicinity of the farm buildings and so they can be said to be part of the setting of the house. Whilst it could be regrettable to lose a farm on this site, there having been one located here in association with Ham Spray House since the earlier 19th century, it is probably true to say that Ham Spray House will be better experienced with the removal of the farm buildings, that is to say it will be more visible as a building in its own right, rather than as a smaller adjunct to a modern farm complex that would not have been in existence at this scale during its historic association with the Bloomsbury group.

The proposed house, to be located on the Ham Spray farm site, will be a large country house. The development will consist of the classically designed main house with attached pool house and also a barn/ garage complex. With the right choice of materials and quality of workmanship the buildings will no doubt result in a significant country house. However, the house itself is located far enough away from Ham Spray House to have no direct impact on its setting. The landscaping will be beneficial in providing a better visual setting for the listed building.

It is therefore your officers view that the scheme will not have an adverse impact upon the setting of the Grade II listed Ham Spray House.

Whether the design of the two dwellings and associated buildings are acceptable

In respect of design, the two dwellings have been significantly reduced in scale and simplified in appearance since the last application.

Although the new dwelling at Wansdyke Dairy Farm is no doubt a significant country house, its classical design is considered acceptable. With the right choice of materials (brick and flint) and high quality external finish (which can be secured by condition) the dwelling will be appropriate for its large setting. Views of the dwelling are mainly long distance and in such views, with the landscaping, the dwelling is considered acceptable.

The Manor Farm site has more direct impact upon the streetscene being close to the village and opposite another small cluster of dwellings. The barn and outbuildings would be set back from but visible from the road as one heads towards the village of Ham.

This is an historic farmstead site, previously linked to Manor Farm (the farmhouse of which is located to the north of the site). The barn is the last remaining historic farm building on this historic farmstead site, the others having been demolished in the later 20th century. It therefore has significance in being the only surviving historic farm building of this former farmstead, a farmstead that was characteristic for this area (in terms of layout, building types, building materials etc.). The building can therefore be considered to be a 'heritage asset' in relation to the terms set out in PPS5.

The barn has already been converted to a private place of worship for a previous owner (a basic and unauthorised conversion). The proposals contained within the application are to convert the barn to residential use, extend and alter it and re-position the vehicular entrance. In line with the advice set out in PPS5, the retention, full conversion and regular use of this heritage asset is considered to be very important. The alterations to the barn itself are considered acceptable with not too much interference to the fabric and character of the barn. Although long, the extension, in terms of its scale, form and position can be said to be subordinate to the barn.

Likewise, the two additional outbuildings are considered to be of relatively modest scale and the proposal to form a loose courtyard group is acceptable. The use of brick and flint along with some timber boarding is an appropriate finish and alongside the landscaping will ensure the new residential dwelling is not unduly prominent within both long and short distance views within the AONB.

Whether the scheme would give rise to an adverse impact upon residential amenity

Wansdyke Dairy Farm: The proposed dwelling at this site is well contained within its own curtilage and landscaped setting. The immediate neighbours are a satisfactory distance away from the dwelling and, as such, the scheme is not considered to cause harm to amenities. The access revisions to create a more modest entrance would bring traffic further away from the dwelling at this junction and overall there would be a reduction in traffic in comparison to the current agricultural use.

Manor Farm: Again, this scheme is well contained within its own site and sited a satisfactory distance away from neighbouring properties so as not to give rise to an adverse impact in respect of neighbour amenity. A ground floor window has been removed from the scheme by the agent at the request of a neighbour opposite. This is not considered necessary in planning terms because the window would be quite a distance from the neighbouring boundary but it is a “good will” gesture on behalf of the agent. Your officers do not therefore consider it necessary or reasonable to impose a condition restricting ground floor windows such as this. It is believed that the agent will privately secure the permanent removal of this window through the separate unilateral agreement that is being worked upon with the Parish Council and lies outside of the scope of this planning application.

Landscape Regeneration and Footpaths: None of these aspects of the scheme are considered to give rise to an adverse impact in respect of residential amenity.

Impact Upon Highway safety

The new access at the Manor Farm site is viewed as an improvement to the existing access arrangement with improved visibility. The access alterations at the Wansdyke Farm Site will result in greater visibility whilst at the same time narrowing the access to reduce its visual impact. The highways department is satisfied with the scheme. Subject to the conditions recommended by the highways department being imposed, your officers are satisfied with the scheme in respect of highway safety.

Whether the scheme would cause harm to protected ecological species and/or their habitats

The development will involve the loss of roosts of brown long-eared and pipistrelle bats, and seven species of foraging bat at both sites through demolition of Greensands Cottage at Wansdyke Dairy Farm site and the conversion of the tithe barn at Manor Farm. Four species of bat including the endangered barbastelle bat were recorded foraging at this site. The same populations of bat are considered to use both sites. The Manor Farm site also supports a nesting barn owl in one of the agricultural buildings.

All British bats and their roosts are fully protected at all times under the Habitats Regulations (2010), and the proposals could potentially result in a breach of this legislation if granted permission. It is understood that a derogation licence would be secured from Natural England prior to commencing any works to known bat roosts, nonetheless as a competent authority Wiltshire Council has a legal responsibility under Regulation 9(5) to have regard for the requirements of this legislation in the carrying out of its functions including determination of planning applications.

The applicant has therefore submitted bat survey data and a mitigation plan dealing with potential impacts upon bats at both of these sites. This sets out how disturbance and injury of bats will be avoided through careful timing of works, sensitive working methods and supervision by a licensing bat worker where necessary. It also includes details of compensatory roost provision to ensure that roosting opportunities are maintained for returning bats. Your officers are therefore satisfied that these measures are sufficient to ensure that the favourable conservation status of the species concerned would be maintained at a favourable conservation status, and that the application could be determined in accordance with the requirements of the Habitats Regulations.

A barn owl nesting site will also be lost through the demolition of agricultural buildings at Manor Farm. The barn owl is a national and local Biodiversity Action Plan species, and as such is a material planning consideration in planning decisions. The applicant has therefore made a commitment to provide two

barn owl boxes at this site in compensation for the loss of the original nest site. This should ensure that any negative effects upon the local barn owl population would be mitigated to acceptable levels and that the permission could be granted in line with relevant planning policy.

The applicant has also provided a concept plan for regeneration of the farmland between the two sites. In principle this scheme could have significant benefits for local biodiversity if implemented fully, particularly for wildflowers, invertebrates, amphibians, reptiles and bats including the endangered barbastelle bat. The regeneration plan is welcomed and sets out the principles for this area, however an ecologist should survey the site to identify the specific benefits that can be delivered in line with PPS9.

The scheme is therefore considered acceptable by your officers in respect of its impacts upon protected species and their habitats subject to appropriate conditions ensuring that the ecological recommendations are carried out and that an ecological survey of the regeneration area is carried out.

Whether the proposed footpaths are acceptable both in terms of their suitability for formal adoption by the Council and in respect of impact upon adjacent farmland

The county rights of way officer has walked the proposed routes and is satisfied that these are acceptable to adopt formally (bridlepaths only) and considers these to be a positive addition to the local rights of way network within the AONB. It is recommended that the appropriate condition is applied to any planning permission to secure the implementation of these footpaths.

An objection has been received from the owner of adjacent farmland to one of the footpaths and the impact upon the neighbouring land and wildlife scheme encouraged at this part of the farm. It is not considered that the footpaths would cause demonstrable harm to wildlife. The footpath would run along the shared boundary and this is a common feature of the national footpath network and there is no particular reason why in this instance wildlife improvements on neighbouring land should be harmed. Furthermore, the increase in public accessibility is in this instance considered to override these perceived concerns of the adjacent landowner.

10. Conclusion

The scheme, viewed as a whole, is considered to result in an overall enhancement to the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty. Although the two proposed dwellings are strictly contrary to policy if viewed on their own, your officers consider that in this instance there are material considerations that justify overriding this well established policy stance. It is important to note that these material considerations must be viewed collectively as individually none of the considerations would be sufficient to override the policy stance.

In all other respects (e.g. design, landscape impact, ecology, neighbour amenity, highway safety, impact upon listed buildings/heritage assets, contamination, archaeology) the scheme is considered acceptable subject to the appropriate conditions.

Members are therefore recommended to approve the application subject to the following conditions.

RECOMMENDATION

It is recommended that planning permission be granted for the proposal, for the reasons set out below, and subject to the following conditions

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

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

REASON:

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

2. No development within the application site shall commence until:

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

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

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

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

REASON:

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

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

REASON:

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

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

REASON:

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

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

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

and

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

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

REASON:

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

6. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details and window surround details), doors, rainwater goods, chimneys, porches and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

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

REASON:

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

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

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

REASON:

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

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

REASON:

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

10. Notwithstanding the approved plans, no development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until the access has been completed in accordance with the details shown on the approved plans and visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 33 metres to the east and 33 metres to the west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

13. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of the proposed ground floor slab levels for all of the approved buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON:

In the interests of visual amenity.

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

The scheme shall include:

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

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

REASON:

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

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

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

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

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

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

REASON:

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

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

REASON:

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

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

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

REASON:

In the interests of ecology.

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

REASON:

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

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

REASON:

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Wansdyke Dairy Farm site.

REASON:

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

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

REASON:

In the interests of visual amenity.

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

REASON:

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

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

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

and

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

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

REASON:

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

24. No development relating to the barn conversion and outbuildings at the Manor Farm site shall commence on site until details of the finish to external timber (both on the existing barn and new buildings), including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

REASON:

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

25. No development relating to the new buildings at the Manor Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors and

rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

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

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

REASON:

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

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

REASON:

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

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

32. No part of the development hereby permitted at the Manor Farm site shall commence on site until details of the proposed ground floor slab levels for the new buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON:

In the interests of visual amenity.

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

The scheme shall include:

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

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

REASON:

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

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

REASON: To protect the ecology of the site.

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

REASON:

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

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

REASON:

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

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Manor Farm site.

REASON:

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

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings over 10 cubic metres shall be erected anywhere within the residential curtilage of the new dwellings permitted at the Manor Farm site.

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

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

REASON:

In the interests of visual amenity.

40. INFORMATIVE TO APPLICANT:

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

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

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

41. INFORMATIVE TO APPLICANT:

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

Applicants are advised to refer to the following for further guidance
<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>
<http://www.savewatersavemoney.co.uk/>

42. INFORMATIVE TO APPLICANT:

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

Site Waste Management Plan

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

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

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

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

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

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

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

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

Further information can be found at www.netregs-swmp.co.uk

43. INFORMATIVE TO APPLICANT:

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

44. INFORMATIVE TO APPLICANT

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

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

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

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

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

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

DF01, Received on the 25th October 2010;

DF02, Received on the 25th October 2010;

DF03, Received on the 25th October 2010;

DF04, Received on the 25th October 2010;
 DF05, Received on the 25th October 2010;
 DF06, Received on the 25th October 2010;
 DF07, Received on the 25th October 2010;
 DF08, Received on the 25th October 2010;
 DF09, Received on the 25th October 2010;
 DF10, Received on the 25th October 2010;
 DF11, Received on the 25th October 2010;
 Lower Ground Party Room floor plan (Wansdyke Site), Received on the 2nd February 2011;
 138WD01 (Wansdyke Site Survey), Received on the 25th October 2010;
 Sections through bund and pond Sheet 1(Wansdyke Site), Received on the 25th October 2010;
 Section Lines Overlaid Sheet 2(Wansdyke Site), Received on the 25th October 2010;
 Sections through bund and pond Sheet 3(Wansdyke Site), Received on the 25th October 2010;
 Proposed entrance to Wansdyke Dairy site, Received on the 4th March 2011-03-21;
 PPS 25: flood risk assessment (Wansdyke Site), Received on the 25th October 2010;
 Environmental Desk Study (Wansdyke Site), Received on the 25th October 2010;
 Manor Farm Site Location Plan, Received on 25th October 2010;
 Manor Farm Landscape Proposals, Received on 2nd March 2011;
 100803-01, Received on the 25th October 2010;
 100803-02, Received on the 25th October 2010;
 100803-03, Received on the 25th October 2010;
 100803-04, Received on the 25th October 2010;
 100803-05, Received on the 25th October 2010;
 100803-06, Received on the 25th October 2010;
 138MF01 (Manor Farm Site Survey), Received on the 25th October 2010;
 PPS 25: flood risk assessment (Manor Farm Site), Received on the 25th October 2010;
 ECOSA Phase 1 and Phase 2 ecological surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;
 ECOSA Updating Phase 2 bat surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;

Appendices:

None

Background Documents Used in the Preparation of this Report:

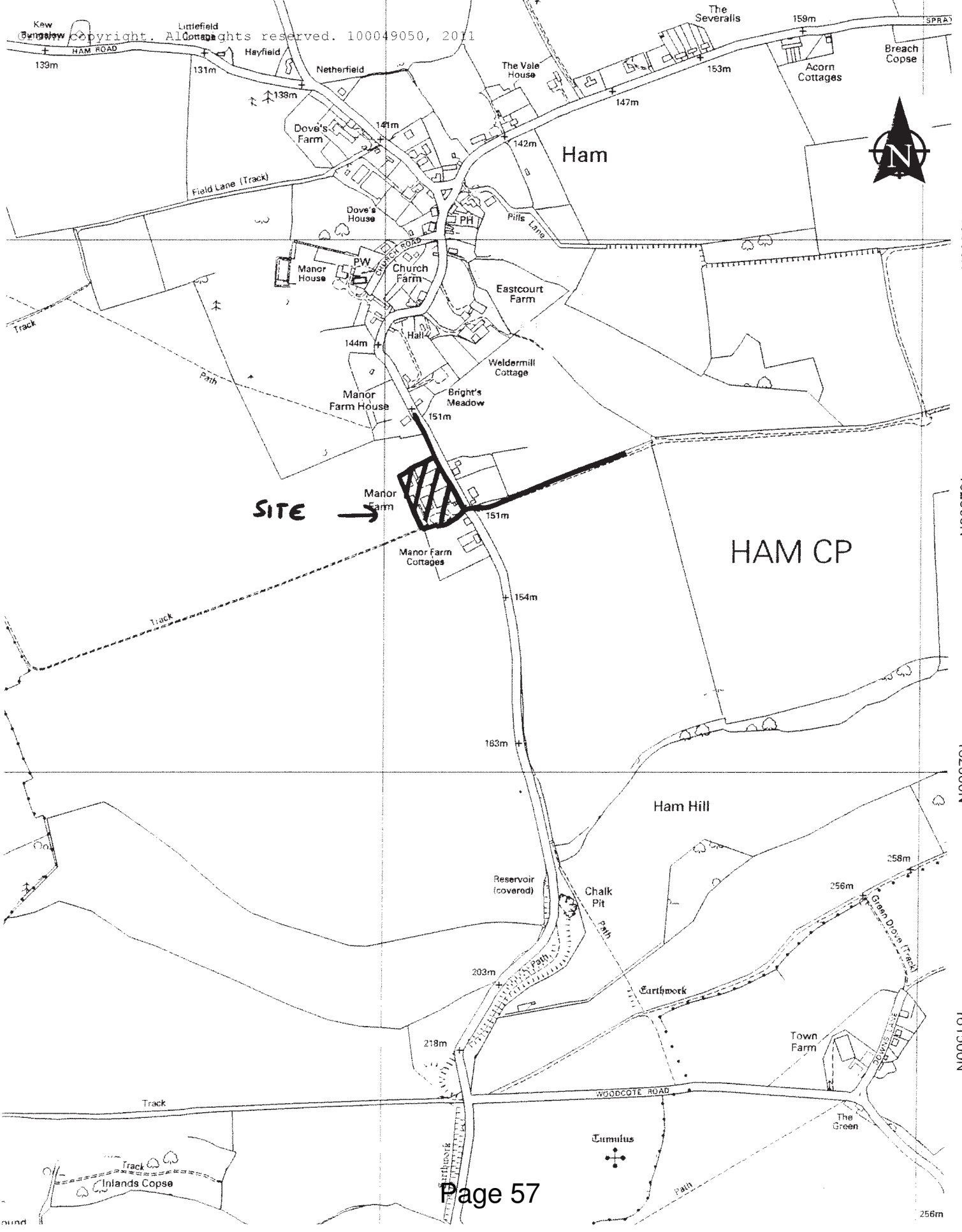
Application files

Date of Printing: 22/03/11

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