

AGENDA

Meeting: Eastern Area Planning Committee

Place: Council Chamber - Council Offices, Browfort, Bath Road, Devizes SN10 2AT

Date: Thursday 9 August 2012

Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@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 Liz Bryant

Cllr Trevor Carbin

Cllr Nigel Carter

Cllr Bill Douglas

Cllr George Jeans

Cllr Simon Killane

Cllr Jerry Kunkler

Cllr Francis Morland

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**

To receive any apologies for absence.

2 **Minutes of the Previous Meeting (Pages 1 - 10)**

To approve and sign as a correct record the minutes of the meeting held on **19 July 2012**.

3 **Declarations of Interest**

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the

officer named on the front of this agenda **no later than 5pm on Thursday 02 August 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Applications (Pages 11 - 12)**

To consider and determine planning applications in the attached schedule.

6a **E/2012/0797/FUL: 32 The Brittox, Devizes, SN10 1AJ (Pages 13 - 18)**

6b **E/2011/1708/FUL: The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL (Pages 19 - 28)**

6c **E/2012/0408/FUL: Darrells Farm, Ramsbury, SN8 2HL (Pages 29 - 42)**

Please note that this application was withdrawn and will not be discussed at the meeting.

6d **E/2012/0318/FUL: Land at Oaklands, 6 Oak Lane, Easterton SN10 4PD (Pages 43 - 56)**

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

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EASTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING
HELD ON 19 JULY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES,
BROWFORT, BATH ROAD, DEVIZES SN10 2AT.**

Present:

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

Also Present:

Cllr Jeffrey Ody and Cllr Anthony Trotman

41. **Apologies for Absence**

Apologies were received from Cllr Chris Williams.

Cllr Williams was substituted by Cllr Jerry Kunkler.

42. **Minutes of the Previous Meeting**

The minutes of the meeting held on **28 June 2012** were presented. It was,

Resolved:

To approve the minutes as a true and correct record.

43. **Declarations of Interest**

There were no declarations.

44. **Chairman's Announcements**

There were no announcements.

45. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

46. **Planning Applications**

Attention was drawn to the late list of correspondence received, and attached to these minutes, concerning Item **6b** as listed in the Agenda pack.

46.a E/2012/0359/FUL - 21-22 High Street, Marlborough, SN8 1LW - Change of Use of Ground and First Floors to A1/A3 Use

Public Participation

Mr Richard Pitts spoke in objection to the application.

Mrs Liz Rolph spoke in objection to the application.

Mr Robert Holman spoke in objection to the application.

Mr John Kirkman, Campaign to Protect Rural England (CPRE), spoke in objection to the application.

Cllr Margret Rose, Marlborough Town Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved. It was stressed that though the applicant's decision to proceed with altering the premises and trading with changed use from A1 to Mixed A1/A3 prior to the decision of the Committee was regrettable, it was not a criminal offence and could not be a consideration for the Committee in determining whether the application should be approved or denied.

The key issues were highlighted as being whether the development would make a positive contribution to the vitality and viability of the Town Centre in accordance with relevant plans. Survey and interview evidence produced by the applicant had been submitted in support of that judgement. Sixteen out of Seventeen appeal decisions to permit Coffee shop developments in Town Centre locations nationally was also raised.

The Committee then had the opportunity to ask technical questions of officers. It was queried how applicant submitted data on footfall to the operating business could be considered when the fact of its operating without planning permission was not a consideration.

The lack of a fire escape was also questioned. Members further sought clarification on policy ED18 of the Kennet Local Plan, retained within the Wiltshire Core Strategy. It was stated that the National Planning Policy Framework paragraph 23 partially superseded policy ED18.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Nick Fogg, then spoke in objection to the application.

A debate followed, during which the impact of the principles of the Localism Act 2011 on the application was raised in terms of local consultations, and it was confirmed Environmental Protection officers had raised no objection subject to precautionary conditions with regards to noise. The evidence submitted by the applicant regarding footfall was discussed, and whether it had been

independently produced. It was stated that the Town Council and local Chamber of Commerce regarded the application as not benefiting the High Street.

The implications of the National Planning Policy Framework regarding town centres offering a diverse retail offering was raised, with emphasis on the need to reflect individuality.

At the conclusion of debate, it was,

Resolved:

That the application be REFUSED for the following reason:

The proposal conflicts with policy ED18 of the Kennet Local Plan, which states that planning permission in this designated Prime Shopping Area will not be given for the change of use of ground floor premises to uses other than Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended unless the development makes a positive contribution to the vitality and viability of the centre.

The Council does not believe that the proposal meets these criteria; it considers that the applicant's evidence on this point is unsubstantiated and that the proposal would conflict with the National Planning Policy Framework (para 23) that seeks to promote the individuality of town centres, which in the case of Marlborough centres on the broad range of local independent operators.

It would also conflict with the objectives of the Marlborough Area Plan, which seeks to maintain a vibrant and healthy High Street through support of independent businesses.

2) The proposal makes no provision for a fire escape from the first floor.

46.b E/2012/0613/FUL - Lower Upham Airfield, Ogbourne St George, Marlborough, SN8 1SZ - Erection of Dual Purpose Hangar/Agricultural Store to replace the Polytunnel Hangar currently in use (granted permission under Application No. E/11/0135/FUL)

Public Participation

Mrs Marina Morrison-Atwater spoke in objection to the application.

Mr George McDonic spoke in objection to the application.

Mr John Kirkman, Campaign to Protect Rural England, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved, and gave details of four extra letters of support and one of objection since the report had been published. It was clarified that as the application did not include proposals to increase the number of aircraft

permitted for the site, the key issue was solely whether the application would adversely affect the scenic quality of the Area of Outstanding National Beauty.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Chris Humphries, then spoke in objection to the application.

A debate followed, where the increase in size from the temporary to permanent building was assessed, and it was clarified that any increase in size for the building in question would not affect the total number of aircraft permitted within the totality of the site, and the increase was in part to permit improved grain storage on the main site where necessary. The design of the proposed build was discussed, including colouring, and it was highlighted that the North Wessex Downs AONB Unit had raised no objection to appearance of the proposed build.

At the conclusion of debate, it was,

Resolved:

That planning permission be refused for the following reason:

The site is located in the countryside outside of the Limits of Development for any settlement. It is within the North Wessex Downs Area of Outstanding Natural Beauty, where it is the Council's policy to protect the character and appearance of the landscape. The erection of this permanent new building, of a larger size than the existing temporary structure currently in situ, would have an adverse impact on the appearance of the landscape and would therefore conflict with policy NR7 of the Kennet Local Plan.

46.c E/2012/0152/FUL - Manor Farm, West Overton - Erection of a Steel Portal Framed Grain Storage Building with Concrete Apron Area

Public Participation

Mr Max Dissanayake spoke in objection to the application.

Mrs Carolyn Gittens spoke in objection to the application.

Mrs Gillian Roberts spoke in objection to the application.

Mr William Bird, BK Grain Engineers, spoke in support of the application.

Mr Paul Clark, applicant, spoke in support of the application.

Cllr Paul Burrowbridge, Fyfield and West Overton Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved, highlighting the key issues as the principle of the

proposed grain drier and storage building, highway safety and impact on residential amenity at the proposed location, which had been determined as the most appropriate available to balance all requirements. It was clarified that the land north of the A4 lay within a World Heritage Site and that Highways had withdrawn their objection following the proposal to introduce visibility splays and a passing bay on the approach lane, and Environmental Health raised no objection subject to conditions.

The Committee then had the opportunity to ask technical questions, and it was stated that the previously utilized Grain dryer was inadequate for purpose, and located within the village, closer to nearby houses.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr Jemima Milton, then spoke, stating it was unfortunate that a new building was required, but it was the most appropriate location and a necessary function, and stressed that suitable conditions were required to mitigate the concerns of local people.

A debate followed, where the needs of the ongoing agriculture business were discussed and the impact upon the local highways network, and the details of traffic movements and passing places was highlighted. Discussion of specific conditions relating to lighting and noise were also raised.

At the conclusion of debate, it was,

Resolved:

To grant planning permission for the following reasons, and subject to the following conditions:

The decision to grant planning permission has been taken on the grounds that the proposed development is required for the efficient operation of the farm holding. The site chosen, in the centre of the holding, is considered to be an appropriate location, having regard to the need to balance the landscape impact, impact on neighbours and traffic generation, subject to the conditions attached, and having regard to the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011, namely policies PD1; HH1; HH3; NR6 and NR7

Subject to the following conditions:

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

REASON:

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

- 2 No works shall commence on site (including any groundworks) until:**

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON:

To enable the recording of any matters of archaeological interest.

- 3 The grain dryer hereby approved shall only be used to store and dry grain produced from the land holding identified on the submitted plan (parcels 1-6) or for other agricultural purposes ancillary to the agricultural use of that identified land only.

REASON:

The use of the building to service land outside of this area may give rise to fresh planning considerations, including highway safety and residential amenity which may require further consideration by the local planning authority.

- 4 No development shall commence until details of the translocation of the hedge have been submitted to and agreed in writing by the local planning authority. Details shall include methodology and timing for transplanting. The hedge shall be transplanted in accordance with the approved details and shall be gapped up in accordance as per the specification on 'Screen Planting for Entrance and Grain Dryer'.

REASON:

In the interests of visual amenity and highway safety.

- 5 All soft landscaping comprised in the approved details of landscaping detailed on Screen Planting for Entrance and Grain Dryer dated 28th January 2012 shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON:

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

- 6 All spoil shall be disposed of in accordance with disposal details which have first been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of visual amenity.

- 7 No part of the development shall be first brought into use until the passing bay shown on the plans hereby approved has been formed in accordance with the approved details.

REASON:

To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 8 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600 mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON:

In the interests of highway safety.

- 9 The building hereby approved shall not be first brought into use until the access has been laid out and provided as detailed on plan number BK/1559/7 and the first 7 metres of the access has been surfaced in a well-bound consolidated material (not loose stone or gravel) and shall be retained as such thereafter.

REASON:

In the interests of highway safety.

- 10 The entrance gates hereby approved shall not be installed until details of those gates (including height, materials and design of the gates) have first been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 11 The plant hereby approved shall not be first brought into use until the plant has been installed in accordance with the details and mitigation measures set out in the Environmental Noise Survey and Plant Assessment (2650_ENA_1 dated 31st Jan 2012). The plant and its housing shall thereafter be maintained in accordance with the approved details unless otherwise first approved in writing by the local planning authority.

REASON:

To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 12 Before the building is first brought into use, a Traffic Management Plan shall be submitted to and agreed by the local planning authority in writing. The plan shall direct drivers of delivery vehicles to the shortest route to the A4 and shall include provision for the erection of a sign at the site exit directing drivers of delivery vehicles leaving the site to turn left. The sign shall be erected before the building is brought into use and shall thereafter be retained.

REASON:

In the interests of road safety.

- 13 No loading of lorries shall take place at the site, and no deliveries shall be dispatched from it, outside of the hours 08:00 - 1800 Mondays- Saturdays, nor at any time on a Sunday.

REASON:

To protect the amenity of nearby residents.

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

REASON:

In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 15 **INFORMATIVE TO APPLICANT:**

In respect of condition number it is recommended that the work, in the form of an archaeological watching brief, should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office and there will be a financial implication for the applicant.

- 16 **INFORMATIVE TO APPLICANT:**

The applicant should be advised that the passing bay will require the separate consent of the Highway Authority, and that a minor legal agreement will be required to secure the works, the costs of which would fall to the applicant.

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

Plan Ref:

Screen Planting for Entrance and Grain Dryer received on the 20th April 2012, BK-1559-7, BK-1559-6-R2 and BK-1559-8 received on the 26th April, BK-1559-3-R1, BK-1559-2-R1, WT/Fm/110.1, received on the 1st February 2012

Additional information received in the letter from BK Grain Handling Engineers, letter from Three Counties Farms and plan showing Land Holding at Manor Farm all received on the 12th April 2012.

47. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.25 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

Minute Item 46.

PLANNING SERVICES GROUP

POST REPORT REPRESENTATIONS

WILTSHIRE COUNCIL

EASTERN AREA COMMITTEE

DATE: 19th July 2012

Agenda No. Application No.	Location		No Objection	Objection	No Comment
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2. E/2012/0613/FUL	Lower Upham Farm Airfield, Ogbourne St George, Marlborough, SN8 1SZ	Letter of Representation – Mr Keith C E Hart 06.07.12		X	
		Letter of Representation – Mark Sexton 06.07.12		X	
		Letter of Representation – Phil Hall 08.07.12		X	
		Letter of Representation – Brian Cornes 09.07.12		X	

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Agenda Item 6

EASTERN AREA PLANNING COMMITTEE

INDEX OF APPLICATIONS ON 09/08/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
(a)	E/2012/0797/FUL	32 The Brittox, Devizes, SN10 1AJ	Change of use of ground floor to mixed A1/A3 use	Permission
(b)	E/2011/1708/FUL	The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL	Demolition of existing farm buildings and erection of 15 no. residential dwellings.	Delegate to the Area Development Manager
(c)	E/2012/0408/FUL	Darrells Farm, Ramsbury, SN8 2HL.	The demolition of existing farm units and subsequent erection of two steel portal framed buildings for use as microbrewery and distillery. Proposal includes retention and renovation of dutch barn, and also making good of existing concrete as required.	Permission
(d)	E/2012/0318/FUL	Land at Oaklands, 6 Oak Lane, Easterton SN10 4PD	Proposed construction of dwelling	Delegate to Area Development Manager

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	9 th August 2012
Application Number	E/2012/0797/FUL
Site Address	32 The Brittox, Devizes SN10 1AJ
Proposal	Change of use of ground floor to mixed A1/A3 use
Applicant	Nero Holdings Ltd
Town/Parish Council	Devizes
Grid Ref	400487 161427
Type of application	Full Planning
Case Officer	Jenny Fivash

Reason for the application being considered by Committee

This application has been brought before the Committee at the request of the Division Member, Councillor Nigel Carter.

1. Purpose of Report

To consider the recommendation that the application for planning permission be granted subject to conditions.

2. Report Summary

The main issues to consider are:

- Impact on the Listed Building
- Impact on the Conservation Area
- Impact on vitality of town centre

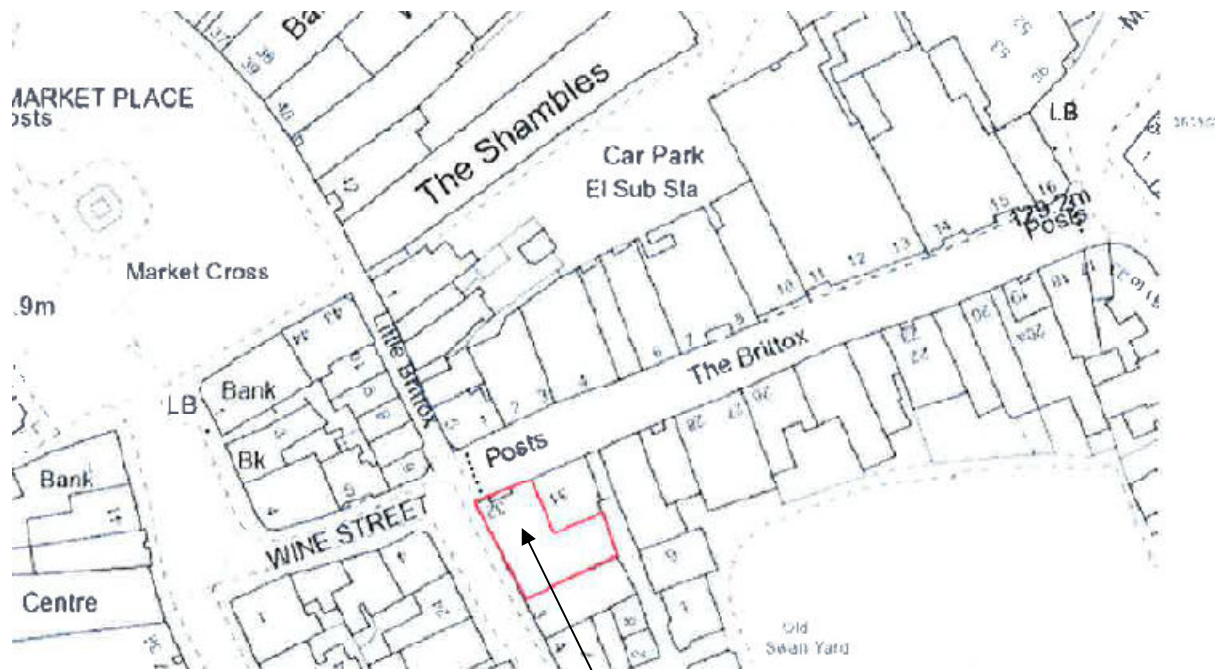
3. Site Description

The application site is located within the Conservation Area of Devizes and is a grade II listed building. The site is located on the corner of The Brittox and High Street. The site is a vacant A1 shop formally occupied by Curry's. The building is shop is three stories in height, but this application relates to the ground floor, not the upper floors.

4. Planning History

E/2012/0752/LBC – Fit new timber shopfront, new fascia signage, canvas awnings and shopfit ground floor interior – under consideration

E/2012/0751/FUL – Fit new timber shopfront, new fascia signage canvas awnings and shopfit ground floor interior – under consideration



Site Location

5. The Proposal

The application seeks full planning permission to change to use of the existing A1 shop to a mix of A1 and A3. The unit would be used as a café namely Caffé Nero. The change of use relates solely to the ground floor. The unit at ground floor is open plan so the conversion of the building would not result in any dramatic change to the interior.

The alterations to facilitate the change of use are being dealt with under separate applications listed in section 4 of this report Planning History.

6. Planning Policy

National Planning Policy Framework -Section 12 Conserving and enhancing the historic environment and section 2 on the vitality of town centres

Kennet Local Plan 2011 - ED18 Prime Shopping Areas.

The building is listed (Grade II) and is located within the Devizes Conservation Area.

7. Consultations

Devizes Town Council - No objection.

Wiltshire Council Conservation Officer - No objections to the principle of the change of use.

Environmental Protection - No objection subject to conditions to control noise and odour.

8. Publicity

The application was advertised by site notice/press advert/neighbour notification.
Expiry date: 26 July 2012

Summary of points raised:

- 1 Letter of objection received. 1 letter neither objecting nor supporting. Comments relate to:
- The Brittox should be retained as a retail area
 - The spread of 'A' boards and seating areas, display areas is already an eye sore
 - Too many cafes, coffee shops and similar nearby
 - Outside seating would need to be carefully controlled

9. Planning Considerations

9.1 Listed Building

The proposed change of use would not harm the character or historic fabric of the listed building. Alterations to the external appearance are being considered under the separate applications for these works that have been submitted for planning permission and listed building consent. There would be a benefit in bringing the prominent ground floor of the listed building back into a viable new use.

9.2 Conservation Area

The proposed change of use to a mix of A1 and A3 would not harm the character of the conservation area, which is already characterised by a mixture of commercial uses. As with the listed building, there would be a benefit in terms of the appearance of the area in bringing the vacant ground floor back into use.

9.3 Vitality of the prime shopping area

The site is located within the prime shopping area of Devizes defined in policy ED18 of the Kennet Local plan. Within this area, the policy states that planning permission will not be given for the change of use of ground floor premises to uses other than Class A1 retail unless the development makes a positive contribution to the vitality and viability of the centre.

Members will be familiar with this issue as it was debated at length at the last planning committee meeting when considering the Caffè Nero application against the same policy in Marlborough.

However, there are some significant differences between the current situation in Marlborough high Street and The Brittox. Whilst Marlborough High Street has a low level of vacant units (approximately 5 out of over 100 units), The Brittox currently has 5 vacant out of 29 units (this unit ex-Currys; ex-Ethnique; ex-Millers; ex- travel agents; Julian graves – currently in receivership). As 24 out of the 29 units are (or were) in retail use, this amounts to a vacancy rate of more than 20% (5/24). The vacant units also vary in size, with the former Millers store offering a larger retail frontage and more floorspace than this site.

It is known (both from national surveys and from the site-specific surveys carried out in Marlborough) that Caffè Nero does attract custom and footfall, and its longer opening hours than most retail units attract custom to the town centre outside of the 9-5/5:30 window that most shops trade at.

The National Planning Policy Framework promotes a town centre first policy that encourages local planning authorities to promote competitive town centres that provide customer choice and a diverse

retail offer which reflects the individuality of town centres. The Council's Core Strategy topic Paper on retail notes that the mix of uses in a town centre is vital, to offer choice to shoppers and quality restaurants, coffee shops, cafes bars and other leisure facilities are all important to encourage frequency of visit and longer stay times.

In the circumstances, it is considered that a coffee shop use in these premises would offer a positive contribution to the vitality and viability of the town centre.

10. Conclusion

It is considered that the proposal would both contribute to the vitality and viability of the town centre and secure a viable use for a listed building in a prominent position in the town. Accordingly, planning permission is recommended, subject to the conditions set out below.

RECOMMENDATION – Grant planning permission, for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development, by bringing a vacant unit in a listed building located in a prominent position in the conservation area into a viable new use, would make a positive contribution to the vitality and viability of the town centre. This would be in accordance with policy ED18 of the Kennet Local Plan and with the guidance contained within the National Planning Policy Framework.

Subject to the following conditions:

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

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

- 2 The ground and first floor of the premises shall only be used for A1 retail purposes or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 3 No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

REASON: In the interests of residential amenity and to protect the vitality and viability of the primary shopping area.

- 4 Before the change of use takes place, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the insulation against noise emissions from extraction fans, compressors and any similar equipment. Such scheme as is approved shall be implemented in accordance with the approved details before the change of use takes place.

REASON: In the interests of the amenities of the area.

- 5 The change of use shall not take place until a scheme for the control of fumes from extractor fans and similar equipment has been submitted to and approved in writing by the Local Planning Authority; and the development shall not be brought into use until that scheme has been implemented in accordance with the approved details.

REASON: In the interests of the amenities of the area.

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

Application form received on 20 June 2012; Letter/Planning Statement received on 20 June 2012;

Plan Ref: Site Location Plan received on 20 June 2012; Plan Ref: CN539-EX received on 25 July 2012; Plan Ref: CN539-100 received on 20 June 2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 7 INFORMATIVE TO APPLICANT: This permission authorises a Change of Use only and does not authorise any works or alterations that may require planning permission, Listed Building Consent or Advertisement Consent.

Appendices: None

Background Documents Used in the Preparation of this Report: None

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	9 th August 2012
Application Number	E/2011/1708/FUL
Site Address	The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL
Proposal	Demolition of existing farm buildings and erection of 15 no. residential dwellings.
Applicant	Mr & Mrs R Iliffe
Town/Parish Council	Ogbourne St George
Grid Ref	420521 174358
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

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

1. Purpose of Report

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

2. Report Summary

The main issues to consider are whether the principle of the development is acceptable, whether it provides an acceptable layout, whether the design of the dwellings is acceptable, whether an appropriate level of affordable housing is proposed, whether the proposed "green" represents an appropriate form and amount of open space provision, whether adequate landscaping is proposed, whether the development raises any highway safety concerns and whether there are any residential amenity concerns.

3. Site Description

Pooles Yard is located in the heart of the village on the south western side of High Street, diagonally opposite the Parklands Hotel. It is occupied by a number of redundant modern farm buildings and extensive areas of cracked concrete hardstanding. Milking ceased in 1995 and the yard has been far less intensively used since then. The condition of the buildings, yard and layout are not fit for modern purpose. The yard is surrounded by residential development on three sides and by open fields belonging to the farm holding on the fourth (south western) side.



4. Planning History

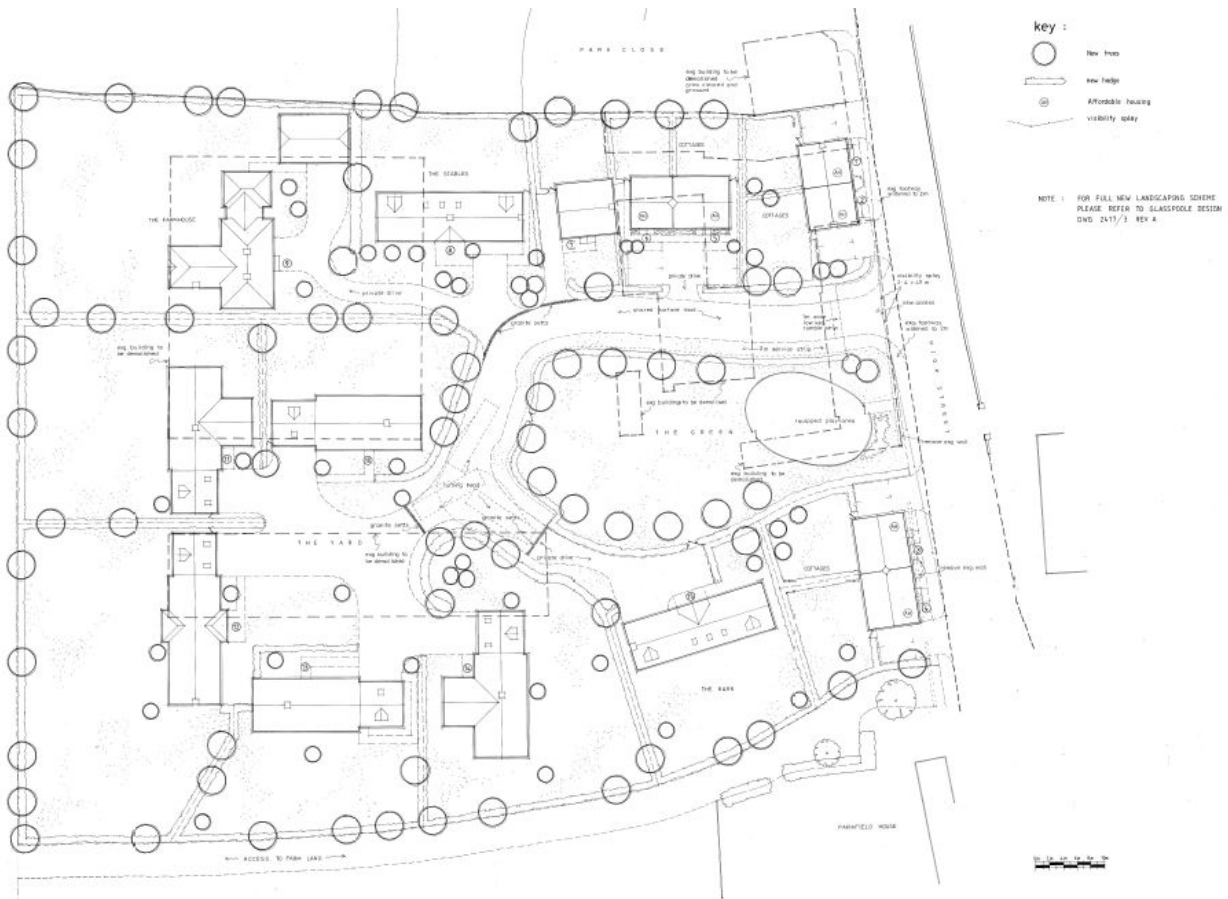
In March 2012 planning permission was granted for a replacement farm complex on the eastern edge of the village on the corner of Copse Drove Road and Bytham Road (ref. E/2011/1683/FUL). The initial permission was for a single large building measuring 60m by 42m by 11m tall, to be used for a combination of grain storage and lambing pens. The siting of a notional second barn was shown on the approved plans. This would be the subject of a future application.

5. The Proposal

The proposal is to demolish all of the existing buildings and to remove all the concrete hardstandings on the site and to erect a development of 15 dwellings around a central green. The latter would include an equipped play area. There would be 9 detached open market dwellings and 6 semi-detached affordable ones. The site would extend beyond the current built up area as defined by the existing farm buildings. The silage clamp would be removed and reinstated to field. A fully detailed landscaping scheme has been provided.

6. Planning Policy

Ogbourne St George is classified as a village with limited facilities hence local plan policy HC24 is relevant. So too are policies PD1, HC32, HC35, HC37 and NR7. Structure plan policy C8 covers developments in the AONB. Central government planning policy is set out in the National Planning Policy Framework.



7. Consultations

Parish Council: The revised plans are an improvement, but still objects for the following main reasons:

- The proposal is contrary to policy HC24. While the parish supports development within the existing built area, the proposals take in considerable amounts of green field land on the southeast and southwest sides of the site. This could only be justified if there were significantly more planning gain and community development. The extra area proposed for development far exceeds the area allocated for the green.
- Accepts the merits of a green with a ready equipped playground provided that it is clearly owned by the Parish as a village amenity and is not solely for the development. While the green should be maintained at least for an initial period as part of the development, this must not undermine general village ownership and use. However the parish continues to believe that it is to an extent still the “wrong sort of green”. What the village needs is a flat area for genuine recreational use by adults and children alike. Land should be provided elsewhere in the village for recreational use.
- Houses 1 and 2 would now both have direct vehicular access to the High Street. This would exacerbate the anticipated parking problem in the High Street.
- The lack of garages and adequate storage space in the houses 7, 8, 9 and 15 is very short-sighted.

Environment Agency: No objection subject to conditions.

Thames Water: Various comments, but no objection raised.

Wiltshire Council Ecologist: The site supports a number of breeding birds and the buildings support night roosts for bats. These features are of relatively low conservation importance and the submitted ecological survey report includes a number of recommendations to mitigate any likely impacts. No objection subject to a condition requiring these recommendations to be undertaken.

Wiltshire Council Education: Pupil numbers at Ogbourne St George Primary and St John's School and Community College, Marlborough are over capacity. Requires education contributions to fund 4 primary school places and 3 secondary school places.

Wiltshire Council Environmental Protection: Requires the imposition of a contaminated land condition.

Wiltshire Council Head of New Housing: 6 affordable houses are proposed whereas policy HC32 requires 7. Welcomes the revised plans showing the provision of 3 no. 3 bedroomed affordable houses, better reflecting the need in the parish.

Wiltshire Council Highways: No objection subject to conditions.

Wiltshire Council Landscape Consultant: No objection. The proposal would bring about beneficial landscape impacts. It is refreshing to see a scheme where some thought has been given to design and enough space has been allowed to accommodate some meaningful tree planting.

Wiltshire Council Technical Officer: Requires financial contributions for the maintenance of the play area and the green.

8. Publicity

Representations have been received from 17 local households. 8 are in support. The other 9 range from objection to partial support but with concerns. The main concerns raised can be summarised as follows:

- The houses and gardens extend beyond the footprint of the current farm buildings. This is contrary to policy HC24 and must not be allowed to set a precedent.
- Would not want to see future infill development around the site.
- The scheme as submitted is fine. Concern that if approved, the site will be sold on and an alternative scheme will come forward: the site should be developed as per the current scheme. Further expansion beyond the proposed site limits will not be acceptable.
- The extra traffic which will be generated by the development will use the single tracked Bottom Lane as a cut through, exacerbating the existing dangerous situation. Bottom Lane should be made one way.
- Visitors to the affordable homes and to the green will park on High Street, exacerbating existing problems of congestion on High Street and around road junctions. High Street is already heavily used as a car park for walkers on the Ridgeway.
- The proposed green should not be for the exclusive use of the development. The green will not provide a true "village green": a small piece of green space is not the same as a village green.
- Maintenance of the village green must not be a financial burden on the Council Tax payer or on the Parish Council.
- The site area of the green is much less than the area which the development extends beyond the current footprint of the farm buildings.
- Regret at the proposed demolition of the brick and sarsen boundary wall proposed by the revised plans. It should be retained and used as the rear wall of garaging.
- The development must not exacerbate existing local flooding problems caused by storm run-off.
- There will be loss of light to the property "The Old Forge".

9. Planning Considerations

As is typical of so many historic farmyards, the site is located in the heart of the village. It is occupied by a series of dilapidated and redundant farm buildings and cracked concrete hardstandings whose condition, size and layout are not fit for modern farming practice. This was recognised earlier this year when planning permission was granted for a large replacement building on the eastern edge of the village. The site detracts from the character and appearance

of the village and no objection is raised to the principle of the site's redevelopment for housing.

Ogbourne St George is a "village with limited facilities" and hence the relevant housing policy is HC24 rather than HC22. HC24 villages do not have defined "Limits of Development". However, the policy requires any redevelopment of existing buildings to be both within the "existing built up area" and to be "in harmony with the village in terms of its scale and character".

Concerns have been raised that the proposed development extends beyond the existing built up area. This is certainly the case. For although there are benefits in the area of the silage clamp being restored to grass, the houses and gardens of the proposed new houses do generally represent an urban extension: on the south west boundary the new houses sit on the site of existing buildings but their gardens extend 22m into the countryside, whilst on the south east boundary both the houses and their gardens extend into green land, by up to 32m (although towards a line of existing houses, not towards open countryside). This is technically contrary to policy and stretches the policy to the limit. However, it is not considered that this encroachment materially harms the landscape character of this part of the AONB, and given the overall net benefits of ridding the area of a dilapidated farmyard and given the design merits of the proposed residential scheme (discussed later in this report), there is considered to be no planning harm in allowing this relaxation of normal policy requirements. To allow this application would not necessarily undermine the local planning authority's position in determining future applications elsewhere by setting a damaging precedent: any such applications would be determined on their own planning merits.

In forming the above conclusion, officers are mindful of the fact that a fully detailed and high quality landscaping scheme has been submitted with the application. This will (amongst other things) provide for native hedging with trees incorporated within it to provide a fitting boundary with the open countryside.

The overall design concept has been devised so as to mimic what could have been expected to be a traditional farmstead, with a series of buildings built around a "farmyard" (plots 10 to 14) and other what could have been "converted farm buildings" such as a "barn" and a "stables" (plots 15 and 8). Whilst the affordable houses at the front of the site could be viewed as traditional farm workers' cottages. The design and layout of the dwellings is considered pleasing, and it is notable that no objections have been received on design grounds. Furthermore traditional materials would be used: brick and timber boarding and plain clay tiles and slate. It is considered that the proposal satisfies the requirement of policy PD1 for good design and of HC24 that the development is "in harmony with the village in terms of its scale and character".

Another aspect of the layout is the location of the majority of the houses around a central green. This will help to create a sense of place and adds to the overall quality of the development. Following representations from the parish council, a children's play area has now been located within part of the green. However the green still remains a generally contentious part of the scheme, with certain members of the local community believing it is "the wrong sort of green" and advocating the provision of a larger area of recreational space elsewhere on the applicant's landholding. There is also a feeling that the green should be the preserve of the whole community, not just the occupiers of the new development.

The proposed children's play area satisfies the requirement of policy HC35 with regard to the provision of children's play space. Hence the Council's Technical Officer raises no objection to the application, merely requiring the relevant financial contributions to secure the maintenance of both the play area and the green. This can be secured as part of a S106 legal agreement. There are no planning grounds to refuse the application for providing the "wrong sort of green". Not only is the green of an adequate size, but it helps create an identity and sense of place to the development. If the village is lacking in adult recreational space, it is not the role of the planning system to extract land and contributions from the applicant beyond what the policy requires in order to satisfy pre-existing deficiencies which are unrelated to the development.

The agent has indicated that the applicant is anticipating vesting ownership of the green with the parish council, to enable the space to be used by all within the village, not just the occupants of the new development.

The brick and sarsen wall at the front of the site is the only feature of note which would be worth incorporating into the scheme and was indeed to have been retained to the front of the site at a reduced height. However, following adverse comments from certain parties this has regrettably been removed from the scheme and will now be demolished. Since the wall is not a heritage asset, and given the lack of public enthusiasm for its incorporation into the scheme, the local planning authority is not insisting that it be retained.

Only 6 affordable houses are proposed, 1 less than would be required by policy HC32. However, this is not a significant shortfall. Furthermore it is in line with the 40% requirement that is proposed by the draft Wiltshire Core Strategy. The proposed number of affordable units is therefore acceptable. The size of the units is also acceptable. The originally submitted plans had proposed exclusively two bedroomed units. However, in response to the results of the March 2012 Parish Housing Needs Survey, 3 of the units will now be three bedroomed.

The Highway Authority raises no objection to the proposal. Adequate on-site parking will be provided. There is therefore no reason why the development should exacerbate existing congestion in High Street.

The scheme will not be detrimental to the amenity of any adjoining residents. Whilst noting the objection made by the occupier of The Old Forge, there will be a 20.5m separation distance from the nearest new house (plot 3), sufficient to ensure that no material loss of light will occur.

There is a slightly sub-standard separation distance of around just 11.0m between the rear of the houses at plots 1 and 2 and the side of the house at plot 5. However this relationship would be evident to potential occupiers of these dwellings and is not sufficiently sub-standard to warrant refusing the application.

The Environment Agency raises no concerns regarding either flood risk or contamination, subject to conditions.

The site supports a number of breeding birds and the buildings support night roosts for bats. These features are of relatively low conservation importance and the submitted ecological survey report includes a number of recommendations to mitigate any likely impacts. No objection is therefore raised on ecology grounds subject to a condition requiring these recommendations to be undertaken.

10. Conclusion

No objection is raised to the principle of redeveloping the farmyard for housing. Although the site boundary would extend beyond the existing built up area, this would not be to the detriment of the landscape character of the area and hence there is insufficient planning harm to justify a refusal on HC24 grounds. The development proposes an interesting layout made up of well designed dwellings around a central green, contributing towards the creation of a sense of place. The requisite amount of children's play space is provided: there are no planning grounds to insist that either a different form of open space be provided or that additional open space be provided off-site. An acceptable amount and size of affordable housing is proposed. The scheme raises no highway safety concerns and will not be detrimental to the amenity of adjoining neighbours.

RECOMMENDATION

Defer and delegate to officers to GRANT planning permission subject to the applicant entering into a S106 legal agreement to secure the affordable housing provision, financial contributions for the maintenance of the play area and the green and financial contributions towards educational provision, and subject to the conditions below. The reason for granting planning permission is as follows:

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 National Planning Policy Framework, to Kennet Local Plan 2011 policies PD1, HC24, HC32, HC35, HC37 and NR7 and to Wiltshire and Swindon Structure Plan 2016 policy C8.

Subject to the following conditions:

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

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

- 2 INFORMATIVE TO APPLICANT:

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

- 3 No development shall commence on site until all the existing farm buildings, including concrete hardstandings, have been demolished and all of the resulting demolition materials and debris have either been removed from the site or set aside for recycling as part of the construction works. Any materials set aside for recycling and not subsequently used for this purpose shall be removed from the site before any of the dwellings is first occupied.

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

- 4 Prior to the occupation of any of the dwellings hereby permitted, the silage clamp shall have been removed and its former area restored to grass.

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

- 5 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

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

REASON: In the interests of visual amenity.

7 All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the dwellings 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 landscaping setting for the development.

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

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

9 All development shall be carried out in full accordance with the recommendations of Section 4 of the submitted ecological Biodiversity Assessment (Lindsay Carrington, September 2010), unless otherwise agreed in writing with the Local Planning Authority.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

10 None of the dwellings hereby permitted shall be first occupied until a 2m wide footway has been provided over the frontage of the site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

11 None of the dwellings hereby permitted shall be first occupied until the visibility splays detailed on plan number 091204-32 B have been provided. The splays shall be kept free of obstruction above a height of 200mm above carriageway level at all times.

REASON: In the interests of highway safety.

12 Development shall not 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 also include: (a) infiltration test to determine the site specific infiltration rate and to confirm that groundwater levels will not interact with the proposed drainage scheme, and; (b) details of how the scheme shall be maintained and

managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage scheme.

13 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (A) A preliminary risk assessment which has identified: (i) all previous uses; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors, and; (iv) potentially unacceptable risks arising from contamination at the site.
- (B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (C) The results of the site investigation and detailed risk assessment referred to in (B) 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.
- (D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) 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: Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site, further details will be required to ensure that risks are appropriately addressed.

14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To protect local water interests from pollution.

15 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General

Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellings at plots 1 to 7.

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.

- 17 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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 18 The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

REASON: In the interests of the visual amenity.

- 19 INFORMATIVE TO THE 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.

- 20 INFORMATIVE TO THE APPLICANT:

The Highway Authority will seek to adopt the road leading into the site as public highway.

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

Plan Ref.

091204-26, 091204-27, 091204-28, 091204-29, 091204-30 and 091204-31 received 08/12/11;

091204-102 A received 09/01/12;

091204-22 D, 091204-25 A, 091204-32 B, 091204-33, 091204-34 and 091204-35 received 11/05/12;

2417/3 rev A received 23/05/12

Appendices:	None
Background Documents Used in the Preparation of this Report:	None

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	9 th August 2012
Application Number	E/2012/0408/FUL
Site Address	Darrells Farm, Ramsbury, SN8 2HL
Proposal	The demolition of existing farm units and subsequent erection of two steel portal framed buildings for use as microbrewery and distillery. Proposal includes retention and renovation of dutch barn, and also making good of existing concrete as required.
Applicant	Ramsbury Estates Ltd.
Town/Parish Council	Froxfield
Grid Ref	427249 169970
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to Committee at the request of the Division Member, Cllr Humphries.

1. Purpose of Report

To consider the recommendation that the application be approved with planning conditions.

2. Report Summary

The key issues for consideration are:

- The principle of the proposal;
- Impact of the proposal upon visual amenity, including the North Wessex Downs Area of Outstanding Natural Beauty landscape;
- Impact upon residential amenity;
- Impact upon highway safety; and
- Impact upon ecology, and in particular the potential of the site as a habitat for bats.

3. Site Description

The application site is a former pig farm set on an historic airfield on an elevated plain. The existing buildings are utilitarian and dilapidated in appearance with two bunded lagoons adjacent and large expanses of concrete which are also in a poor state of repair. The site is visible from the road which runs between the A4 and the village of Ramsbury and although the main buildings are set back from the roadside, they are visible from both from the road and a public footpath which runs to the western boundary which affords closer public views of the site.

The site can be accessed by proceeding from Marlborough along the A4 towards Hungerford for approximately 3½ miles. At Harrow Farm crossroads, take the left hand turning towards Ramsbury (left is signed for Chisbury). Proceed along this road for just over a mile and at the junction continue to follow the road left. The access to Darrell's Farm is on the left on the second sharp bend. The four tenanted farm cottages are a little further along this road on the left hand side.



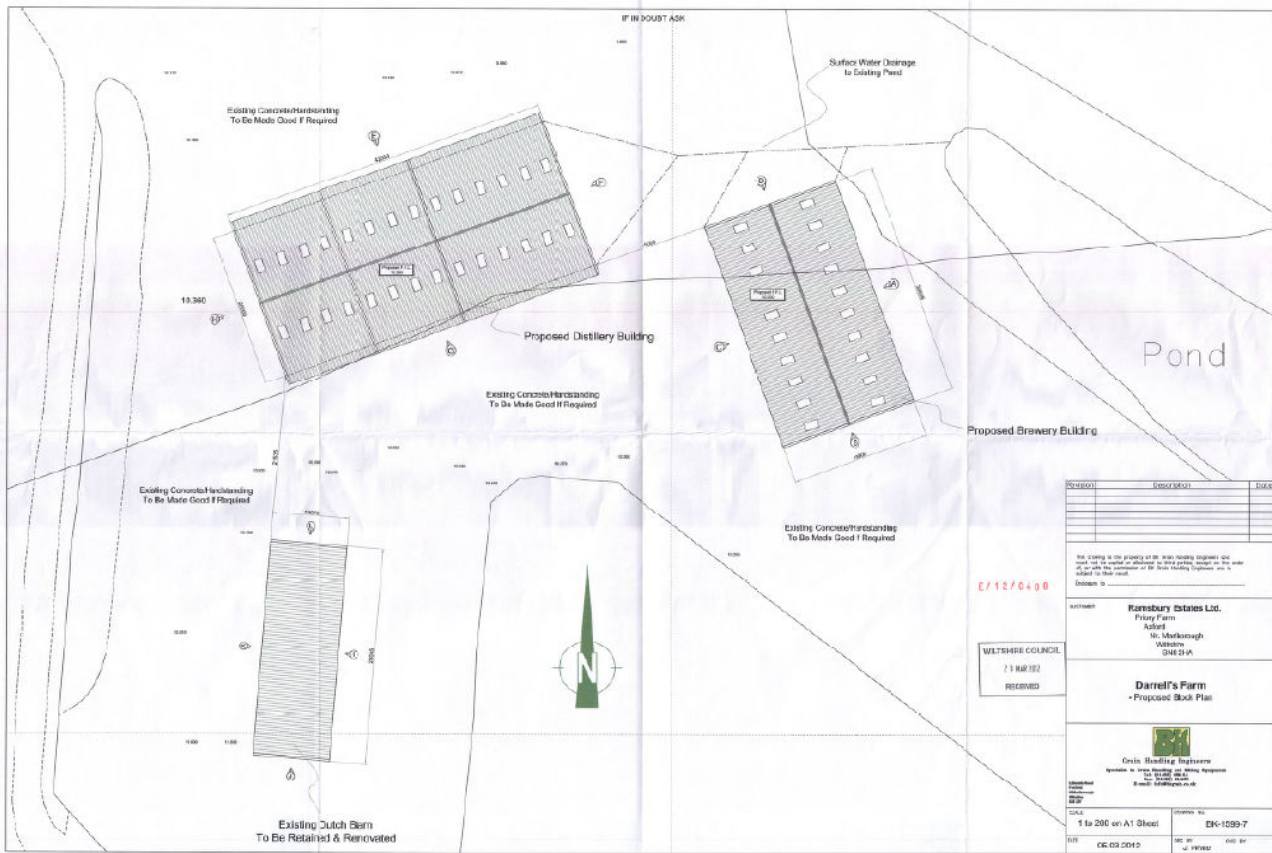
4. Planning History

There is no planning history relating to this site which is of particular relevance. However, it may be of note that the applicants have received a recent grant of planning permission at Stock Close Farm, Aldbourne, under planning reference E/2011/1164/FUL for the expansion of the enterprise in that location. This included the construction of a new building and conversion of existing buildings to provide similar facilities. No objection was raised to the principle of this proposal which was seen as an extension of a previous farm diversification proposal which made a valuable contribution to the rural economy. Since that previous application (which has not yet been implemented but remains extant), it is understood that Ramsbury Estates acquired Darrell's Farm and saw the benefits of bringing this farm back into use to provide their expanded brewery facilities because of the unsightly

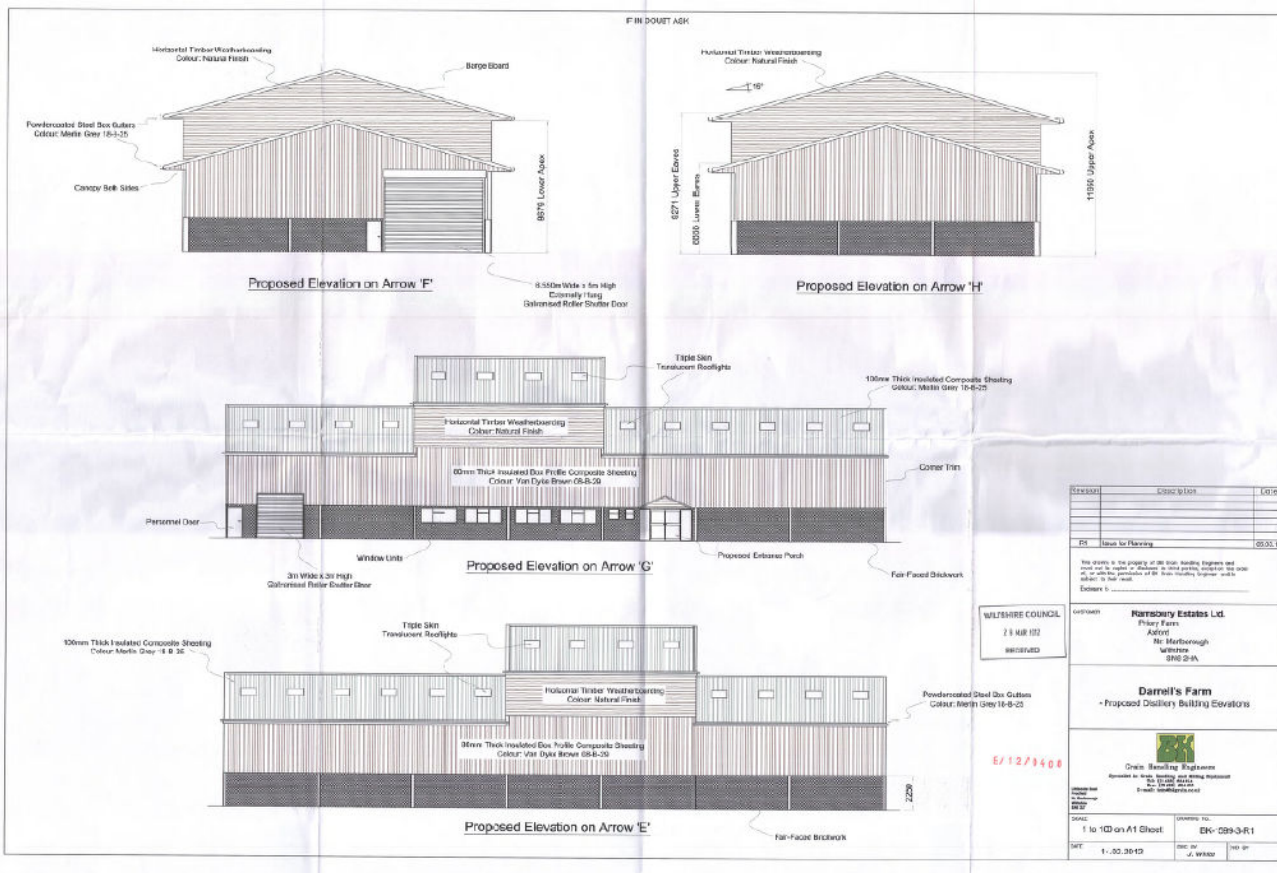
state of the site and the level of investment needed to address this. Darrell's Farm is also closer to Bridge Farm which is a main grain handling facility for Ramsbury Estates and is from where the grain is sourced for processing. The agent has confirmed that this is the applicant's preferred option as an alternative proposal to the previous consent.

5. The Proposal

The application proposes the demolition of the low rise piggery units, the existing large building and silos on site. It also proposes renovation of the existing dutch barn building, together with associated repair and improvements to the access and a comprehensive landscaping of the site. In place of the existing structures, in addition to the renovation of the existing dutch barn building, two new buildings are proposed. One of these is proposed to be the distillery building, which would be c.8.7 metres to the ridge, 6 metres to eaves for the main part of the building over a total footprint of c.42 metres x 20 metres. This is similar in scale and position to the existing barn structure and silos, save for a taller tower section for the distilling process which would extend to almost 12 metres at the ridge over a 12.5 metre section of this building only. A second building is proposed perpendicular to this building further east for the brewery, where the existing low rise piggery units are located. This would measure some 31 metres x 18 metres to a ridge height c. 8.6 metres. This building would be located to the west of existing bunding serving the lagoon. The application also includes a car parking area and extensive landscaping, some of which would be undertaken as direct improvement and mitigation for the development and other elements as part of the Estate's wider landscape restoration works.



Site Layout Plan



Elevations of proposed distillery building

6. Planning Policy

Policies PD1 (Development and Design), NR6 (Sustainability and Protection of the Landscape) and NR7 (Protection of the Landscape) of the adopted Kennet Local Plan 2011 are relevant.

Government policy contained in the National Planning Policy Framework is also a material consideration, in particular, Chapter 3 'Supporting a prosperous rural economy' and Chapter 9 'Conserving and enhancing the natural environment'.

7. Consultations

Wiltshire Council Environmental Protection Team – No objection to the principle of the proposal subject to final control over the attenuation of noise and odour emissions.

AONB Officer – Following the submission of the Landscape and Visual Impact Assessment, raises no objections subject to control over final details including spoil disposal, open storage, materials, landscaping and management, external lighting. The proposals amount to a rural diversification proposal and the benefits of this need to be considered. The taller section of building appears will be more prominent than the existing buildings, however, the general agricultural appearance of the site will be preserved and the landscaping will help to mitigate in the longer term. The erosion of the rural highway network is something to be avoided and additional clarification as to vehicle movements should be provided.

Wiltshire Council Highways Officer - Initially, highways recommended refusal on the basis that the submitted details were insufficient to fully assess the impact of the proposals upon highway safety. However, based on the very limited information provided at this time, it was assumed the use would likely lead to an increase in traffic over the previous agricultural use and concerns were raised about the impact of the proposals upon highway safety.

A Transport Statement was then submitted by the agent to set out the previous and proposed vehicle movements. This attracted criticism from Highways Officer who considered the submitted information to be lacking and inaccurate in places, sufficient that an objection on highways grounds was sustained.

The agents have subsequently submitted information direct from a former employee at the farm who has verified both the vehicle numbers and types of vehicles visiting the site during the previous agricultural operations. Consequently, the Highways Officer has reconsidered the latest submission and has provided the following table of comparison of vehicle movements and the comments below:

	PIGGERY			BREWERY	
	Per annum (trips)	Per day (trips)		Per annum (trips)	Per day (trips)
Light vehicles	1008 Note 1	2.8		4972 Note 2	13.6
Tractors + trailers	660 Note 3	1.8		92 Note 4	0.3
Small HGV's	320 Note 5	0.9		500 Note 6	1.4
Articulated HGV's	968 Note 7	2.7		12 Note 8	0.03
Total	2956	8.2		5576	15.33

Total HGV's	1288	3.5		512	1.43	60 % less
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Note 1. Piggery light vehicles are the annual totals of the regular visitors and the manager as set out in the Gordon Buckingham letter.

Note 2. Brewery light vehicles are the staff movements based on 7 staff 5 days per week and half staffing at weekends, plus transit delivery movements - see table page 3, of the letter dated 12th July by Michael Wheat.

Note 3. Piggery tractors and trailers are the 330 loads of slurry removal in the Gordon Buckingham letter.

Note 4. Brewery tractors and trailers are the 32 + 60, wheat from Bridge Farm and waste removal, in the table page 3, of the letter dated 12th July by Michael Wheat.

Note 5. Piggery small HGV's are the rigid lorry movements (minerals, cereal, creep feed and breeding stock)

as set out in the Gordon Buckingham letter.

Note 6. Brewery small HGV's are the 6.6 – 7.5 tonne lorry distribution movements as in the table page 3, of the letter dated 12th July by Michael Wheat.

Note 7. Piggery articulated HGV's are the feed stuff movements and the livestock movements as set out in the Gordon Buckingham letter.

Note 8. Brewery articulated HGV's are the 6 No. deliveries of barley malt p.a. in the table page 3, of the letter dated 12th July by Michael Wheat.

Highway Officer's Comments:

“As you are aware I have received a letter dated 12th July 2012 from the transport agent Michael Wheat, and a copy letter from the former manager at the piggery detailing the traffic movements which the piggery generated. The information provided on the piggery traffic movements has corrected a number of the assumptions made in the earlier Transport Statement and in turn these have been accepted by Michael Wheat and summarised in the revised table in his recent letter. For example it is now accepted by the agent that the staff lived on site, and that two thirds of the 3 million gallons of slurry removal did not involve public roads. I consider the revised information on piggery movements to be now generally correct, and the letter provided by the former manager provides verification.

“To assist in comparing the previous and proposed uses with greater clarity, I have produced a comparison table (above). While the brewery will generate an increase in overall traffic movements, the numbers of small heavy goods vehicles will be similar to the previous use, and the numbers of large (articulated) vehicles less. The number of vehicles generated by the brewery overall will be around 15 trips per day which is about 1 trip every 50 minutes on the network, on average.

“I withdraw my previous recommendation of refusal. There should be a planning condition that prior to the development being brought into use the passing bays on the roads leading to the site shall have been improved in accordance with details to be first submitted to and approved by the Local Planning Authority.

“There should also be a planning condition to require the provision of the vehicle parking and turning areas as detailed on the submitted plans, with the areas so provided being thereafter maintained and kept available for the parking and turning of vehicles.

“The applicants should be advised that the works within the public highway will need to be secured by a Section 278 Agreement prior to commencement of the works.”

Wiltshire Council Ecologist – The submitted report is adequate and no objection is raised to the impact on protected species subject to works being carried out in accordance with the report's recommendations.

Ramsbury and Axford Parish Council – No objection.

Froxfield Parish Council – Whilst the parish would like to support the application, villagers (over 100) are alarmed by the potential for damage, disruption and compromise resulting from an increase in traffic and large traffic through Froxfield village and the parish council and residents would object to any proposal which increases such traffic. The local road network is considered completely unsuitable, passing close to many listed buildings and adjacent an unfenced children's

recreation area. The only compromise residents would accept is for Ramsbury Estates which owns land adjacent to Darrell's farm to use their own private roads / airfield coming from Park Road off the A4 which is far safer and direct. (It is understood in relation to this latter point that Ramsbury Estates do not currently have a clear right of access over the entire route and in any case, the Highways Officer was not satisfied that this would address highway safety concerns) Please see website for full details of comments. The letters appended to the parish council's representation have been included in the 'letters of representation' below.

8. Publicity

This application has been publicised by means of a site notice erected at the entrance of the site, neighbour letters and an advertisement in the local press.

Eight letters of objection have been raised to the proposals, six representations expressing support in principle but express reservations on highway grounds and are subject to stipulations particularly regarding traffic routes and expansion and one letter of support have been received in respect of the above application. It should be noted that the principal concern of nearly all the objectors is the sizes, numbers and route taken by vehicles to and from Darrell's Farm resulting from the proposed use, and the issues that this would cause. Many are supportive of the proposed redevelopment of the existing farm buildings but only if private roads can be used. The comments can be briefly summarised as follows;

- Both accesses from the A4 opposite the turning for Chisbury or through Froxfield village, are unsuitable to take large vehicles being narrow with few passing places, twisty, steep and further restricted by parked cars. The 30mph speed limit is not adequate to address safety concerns.
- These access routes run close to people's houses, many of which are listed or within the conservation area. The roads are unsuitable for the traffic resulting from this commercial proposal and would lead to damage of property, including historic properties, attractive verges as well as causing noise and disturbance to local residents.
- The roads through Froxfield village are walked by many residents including many elderly residents of the Almshouses and children using the unfenced recreation park there are concerns about the safety of pedestrians from an increase in heavy vehicles using the network. Traffic would also pose a danger to cyclists using the Wiltshire County Cycleway, horse riders and farm animals.
- Ramsbury Estates may expand the business which would bring in additional traffic from elsewhere, similar to their large corn drier which serves land over near Hungerford. Further expansion should be restricted. There would also be concerns resulting from retail sales which may increase traffic.
- Ramsbury Estates already have permission for this up at Stock Close Farm which should be pursued given that the road is much straighter, wider and safer.
- This is a light industrial use which is not compatible with the area's designation as an Area of Outstanding Natural Beauty.
- The proposed harm will not likely be balanced by any particular benefits to Froxfield residents.
- The traffic implications must be considered cumulatively with the traffic for Bridge Farm, which is already heavy, particularly at harvest time.
- The traffic resulting from the proposal would not be seasonal but all year round.
- The planning application claims that one big advantage for the Brewery and Distillery being based at Darell's Farm is its proximity to Bridge Farm where the grain is stored. However, it is understood that the grain is **not** malted at The Brewery but in another county. It then

travels back to the brewery to be made into beer and ale. It then leaves the brewery and travels quite some distance to an external bottling plant. Does it then, as bottled beer travel back to the brewery, only to finally leave the brewery again for delivery to the customer? This would result in a significant amount of traffic especially if the process is similar for distilling.

- The buildings are large and tall and better suited to an industrial estate. Once granted, future expansion may be difficult to resist.
- The proposed brewery and distillery are an improvement on the piggery and the proposals are supported. Ramsbury Farm Brewery at their current location have done a good job of making their buildings attractive and well maintained. Whilst this location is suitable for the scale of the micro-brewery proposal, planners should take into account the growth of the business. The issues of increased traffic and noise would become a problem for a larger brewery and distillery in this quiet rural setting.
- The planning department should be able to impose conditions requiring the applicant to use their own road network.

9. Planning Considerations

The application site whilst set back from the road, is visually prominent on this high plain within the North Wessex Downs Area of Outstanding Natural Beauty. Being a former pig farm and constructed on a former airfield, the site contains many dilapidated low-rise pig houses, expanses of concrete which are in a poor state of repair, bunded lagoons and two separate large structures (a double barn with silos adjacent and a dutch barn). The site is rather an eye-sore in the landscape and the lack of maintenance at the farm in recent years, including wider field boundaries is apparent. The applicants recently acquired the site and having already gained planning permission for the expansion of the existing brewery, latterly considered that this site may offer a better opportunity for redevelopment of the farm to provide the brewery / distillery facilities as a preferred alternative to the existing site at Stock Close Farm, Aldbourne as outlined above. The key planning issues are addressed below.

The principle of the proposal

The current application proposes similar facilities to those recently granted approval at Stock Close Farm, Aldbourne from the conversion of existing buildings and provision of a new building within the farm complex. This proposal was considered acceptable as an extension of a farm diversification enterprise. Consideration was given to the resulting traffic and the extent of the business in this rural location; however the applicants explained that the enterprise employs local people based in the surrounding villages, harvests grain from the local fields, utilises local spring supplies and mainly supplies public houses in the local area. Consequently, the proposal was considered acceptable in principle and the proposed scheme is not dissimilar with regard to the principle of the proposal, save for this site being closer to Bridge Farm which is a main grain handling facility for the Estate. Chapter 3 of the NPPF remains supportive of this view and states that economic growth should be supported in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development which includes both:

- 1) Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and
- 2) Promote the diversification of agriculture and other land-based rural businesses.

This is consistent with the approach in policy NR6 towards countryside enterprises which are of benefit to the rural economy.

Impact upon visual amenity and the AONB landscape

Policies NR6 and NR7 in addition to chapter 11 of the NPPF set out the need to preserve and enhance the natural environment, views and visual amenity. It is considered that the removal of existing buildings and comprehensive landscaping of the site has the potential to significantly benefit the appearance of the site and its impact on the wider landscape. The scale of the buildings is not significantly larger than existing development on the site, however the impact of the taller distillery tower proposed must be considered.

In terms of their design, the use of brick, with brown profile sheeting and merlin grey roofs, and natural timber weatherboarding (natural grey roof to the dutch barn to match existing) on these large buildings, will result in a utilitarian appearance as per many modern agricultural buildings. Their coloration will however, help to minimise their impact on the wider landscape. The use of different materials may give a slightly more commercial appearance, however the brick will likely only be visible from close to the site and may be screened by landscaping over time.

The taller section of building will undoubtedly be visible and is perhaps regrettable in this open landscape. However, this is a small section of the building and is of a height comparable to some large scale agricultural structures. It would be seen within the context of the existing farm complex and long term, would be mitigated to a degree by the landscaping proposals. The photomontages VP1- VP13 located at the end of the LVIA show the likely impact of the structure in the landscape. Officers are satisfied that the benefits the proposal would bring in terms of the enhancement of the site in landscape terms would outweigh the impact of this section of taller building.

It is noted that the proposed buildings contain rooflights. However, these are over a relatively small proportion of the roof only and the building is unlikely to be utilised at night, when lighting and light spill maybe more of a concern.

Additional controls are recommended in the event Members are minded to approve planning permission to ensure the proposed landscaping is implemented and the buildings finished in accordance with the plans. Control is also recommended over open storage, spoil removal and external lighting.

Neighbour Impact

Environmental Protection have raised no concerns relating to the principle of the proposals subject to final controls of noise and odour mitigation and conditions are recommended to address these. The four nearest properties are understood to be tenanted farm estate cottages and the next nearest neighbours are a significant distance from the site. Concerns have been raised by local residents regarding the impact of noise and disturbance of vehicles on their amenity. The submitted transport assessment and additional information provides sufficient detail to be satisfied that the vehicle movements would not be significantly increased over and above the previous farm operations, which are a valid fallback situation as the farm could be brought back into use without any further grant of planning permission. Consequently, it is not considered that the impact on residential amenity would be significant so as to warrant refusal of planning permission on this basis.

Ecology

Due to the large number of buildings to be demolished, the ecologist required a protected species survey in order to assess the likely impact on protected species and their habitats. This was duly carried out and no evidence of bats were found. Recommendations have been made within the

report to avoid harm and this is recommended as a condition in the event Members are minded to grant planning permission.

Highway Safety

I am satisfied that the amended data received by the applicant represents a realistic comparison of existing and proposed traffic movements. Highways Officers have rigorously examined this information and do not consider that the proposals would result in significant harm over and above the former situation which would warrant refusal of planning permission on highway safety grounds. Please refer to highway officer comments under consultee section above. Consequently, it is not considered that the proposals would be detrimental to highway safety however a condition is recommended in order to improve passing bays within the highway on the local road network to help alleviate passing issues.

10. Conclusion

The scheme represents a farm diversification proposal which is considered an acceptable form of sustainable development and would secure significant landscape improvements and the demolition of unsightly dilapidated buildings. The replacement buildings would not cause significant harm to visual amenity or the wider AONB landscape. The concerns of local residents, particularly with regard to vehicular movements and highway safety are understood and this aspect of the proposals has been subject to particular scrutiny. However, having regard to the previous vehicle movements, the proposals would not give rise to a significant increase in the traffic level / type so as to warrant refusal of planning permission on this basis. Approval of planning permission is therefore recommended.

RECOMMENDATION

That planning permission be GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011 namely: policies NR6, NR7 and PD1 of the adopted Kennet Local Plan.

Subject to the following conditions:

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

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

- 2 This permission shall enure for the benefit of the applicant only and shall not enure for the benefit of the land. Use of the land and premises shall revert to agricultural use on cessation of the use by the applicant.

REASON: The proposal has been granted permission having regard to the special circumstances and needs of the present applicant.

- 3 No development shall take place until details of the bricks to be used for the external walls (including samples) have been submitted to and approved in writing by the local planning authority. All other finishes shall be carried out in accordance with the approved elevations unless otherwise first approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 4 All soft landscaping comprised in the approved details of the landscaping set out in section 6.3 and figure 7 of the submitted Landscape and Visual Impact Assessment, WH Landscaping Consulting Ltd, May 2012, shall be carried out in the first planting and seeding season following the first use of the buildings for the use hereby granted 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.

- 5 All spoil shall be disposed of in accordance with disposal details which have first been submitted to and approved in writing by the local planning authority.

REASON: In the interests of visual amenity.

- 6 No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the site, except within the buildings unless otherwise first agreed in writing by the local planning authority.

REASON: To enable the local planning authority to retain control over open storage to safeguard the visual amenities of the area and the character of the North Wessex Downs Area of Outstanding Natural Beauty.

- 7 No part of the development shall be brought into use until the passing bays on the roads leading to the site shall have been improved in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 8 The development shall not be first brought into use until the vehicle parking and turning areas as detailed on the submitted plans have been provided. These areas shall thereafter be maintained and kept available for the parking and turning of vehicles

REASON: In the interests of highway safety.

- 9 No development shall commence on site until a scheme for the insulation against noise emissions from grain handling, conveyors, extraction fans, compressors and any similar brewing/ distilling equipment, has been first submitted to and approved by the local planning authority. Such scheme as approved shall be implemented to the satisfaction of the local planning authority before any part of the development is first brought into use.

REASON: In the interests of neighbour amenity.

- 10 No development shall commence on site until a scheme for the control of odours from brewing / distilling equipment has been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until that scheme has been implemented in accordance with the approved details.

REASON: In the interests of neighbour amenity.

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

REASON: To safeguard the visual amenity of this rural area and the character of the North Wessex Downs Area of Outstanding Natural Beauty.

- 12 All development shall be carried out in full accordance with the agreed precautionary measures, as set out in Section 6 of the submitted ecological survey report (Chalkhill Environmental Consultants, 2012), unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the preservation of protected species and their habitats.

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

Plan Ref: BK-1599-4-R1, BK-1599-8, BK-1599-5-R1, BK-1599-6, BK-1599-7, BK-1599-2-R1, BK-1599-3-R1, BK-1599-9, BK1599-1-R1 all received on the 29th March 2012, Protected Species Survey received on the 11th June 2012, LVIA dated May 2012 and Transport Assessment and additional information received on the 15th May 2012, 1st June 2012, 11th June 2012 and 12th July 2012 respectively.

- 14 **INFORMATIVE TO APPLICANT:** The applicants should be advised that the works within the public highway will need to be secured by a Section 278 Agreement prior to commencement of the works and there will be a cost implication for the applicant.

- 15 INFORMATIVE TO APPLICANT: In respect of condition number 11 above, the applicant should note that it is the Council's preference that no external lighting is installed on the site. Should this be considered necessary, the applicant will need to demonstrate that this will not cause any particular harm to the visual amenities of the area.

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	9 th August 2012
Application Number	E/2012/0318/FUL
Site Address	Land at Oaklands, 6 Oak Lane, Easterton SN10 4PD
Proposal	Proposed construction of dwelling
Applicant	Mr P Hannant
Town/Parish Council	Easterton
Grid Ref	401991 154980
Type of application	Full Planning
Case Officer	April Waterman

Reason for the application being considered by Committee

This application is referred to committee at the request of the Division Member, Cllr Grundy.

1. Purpose of Report

To consider the recommendation to grant conditional planning permission for the development.

2. Report Summary

The main issues in this case are the principle of residential development at this location and the detailed aspects of the proposal, including:

- a) Grain and density of development in the locality
- b) Character and appearance of the area
- c) Impact on heritage assets
- d) Trees and landscaping
- e) Impact on residential amenity of neighbouring property
- f) Highway, access and parking matters
- g) Wildlife habitat
- h) The provision of affordable housing in the locality

All to be evaluated with regard to the extant development plan, national policy and other material considerations.

3. Site Description

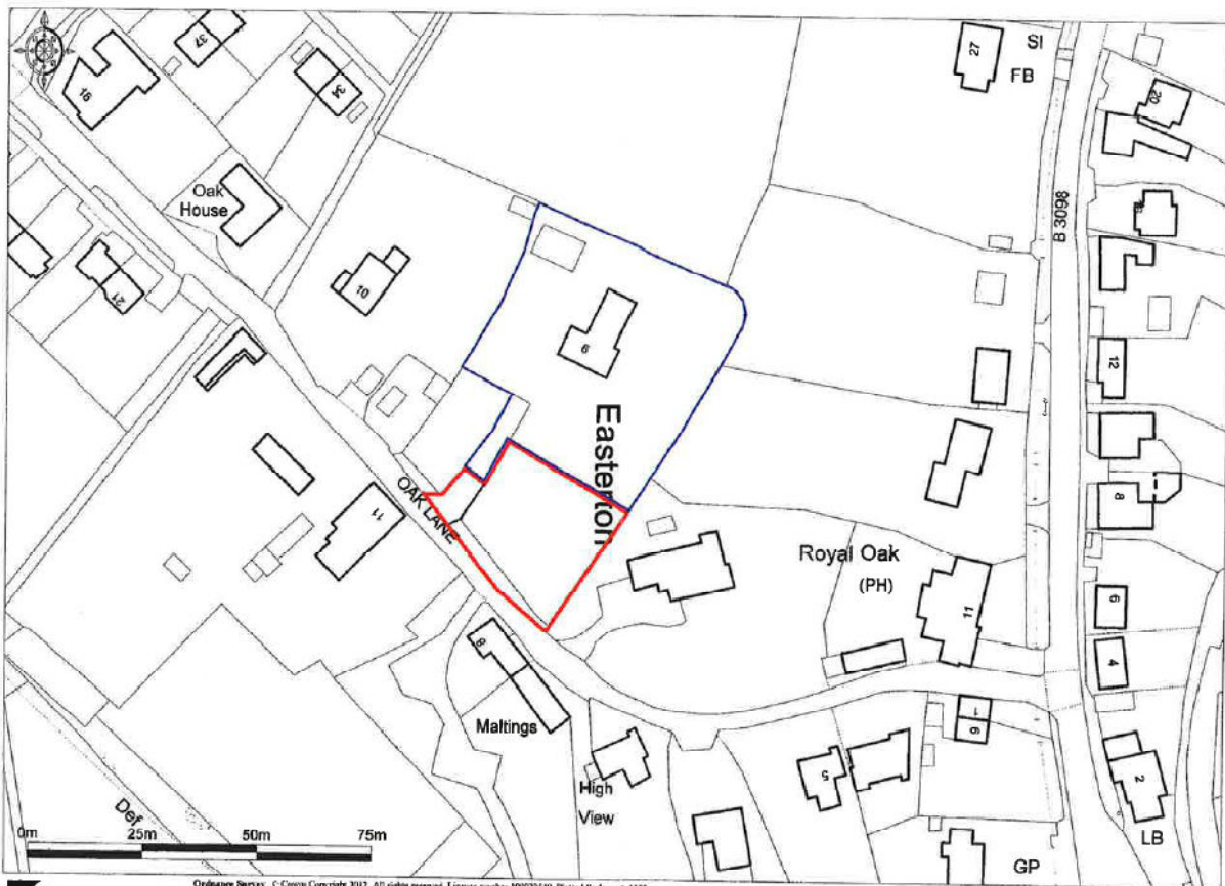
The site comprises a very roughly rectangular plot of the front garden of Oaklands, no. 6 Oak Lane, Easterton. It is between 23 and 29 metres deep, and between 27 and 29 metres wide. Excluding the driveway that would serve any new dwelling on the site, the frontage onto Oak Lane measures 29 metres. It is located within the built up area of this village, with housing on three boundaries and across the road. There are no significant trees within the site, although the eastern boundary is marked by a number of large trees, together with an under storey of hedge plants. The majority of the site is fairly flat (and laid to lawn), having been levelled in recent years, but its plateau still stands above the road level by between 3 and 5 metres. The site levels slope down towards the

road frontage, this gradual slope being partly covered in hedge and shrub plants. The convex slope of the site towards the road results in little of the site interior currently being visible from the lane, except from points close to the junction of the access driveway with Oak Lane.

Public approaches to, and public visibility of the site, are limited to that from Oak Lane, which is a narrow carriageway without pavements leading uphill from its junction with Easterton High Street. Housing on either side of the lane is either hard by the carriageway edge (mainly on the south western side in the vicinity of the site) or set back and above the lane behind hedging and walls. The appearance of the site when moving north-westwards is restricted to its frontage stone and brick wall, with the vegetation above screening views of the site until the access driveway is reached. The vista looking north/north-eastwards from Oak Lane is centred on the replacement two-storey dwelling (Oaklands), with the site itself being partly visible looking back only when having passed the access. Views of the site on approach from the upper part of Oak Lane are similarly restricted: when travelling downhill from the development at Haywards, the lane again narrows between hedges and high brick walls, and the site becomes partly visible when the new thatched dwelling on the north eastern side (Holly Cottage) is passed.

Members are encouraged to walk along Oak Lane, and along the footpaths leading to the south west and north east from the lane at points close to the site, to gauge the degree of visibility into the site from the public domain.

The site lies within the Easterton Conservation Area, and development on the site would be considered to be within the setting of the Grade II* Listed Building “Kestrels” across the road.



4. Planning History

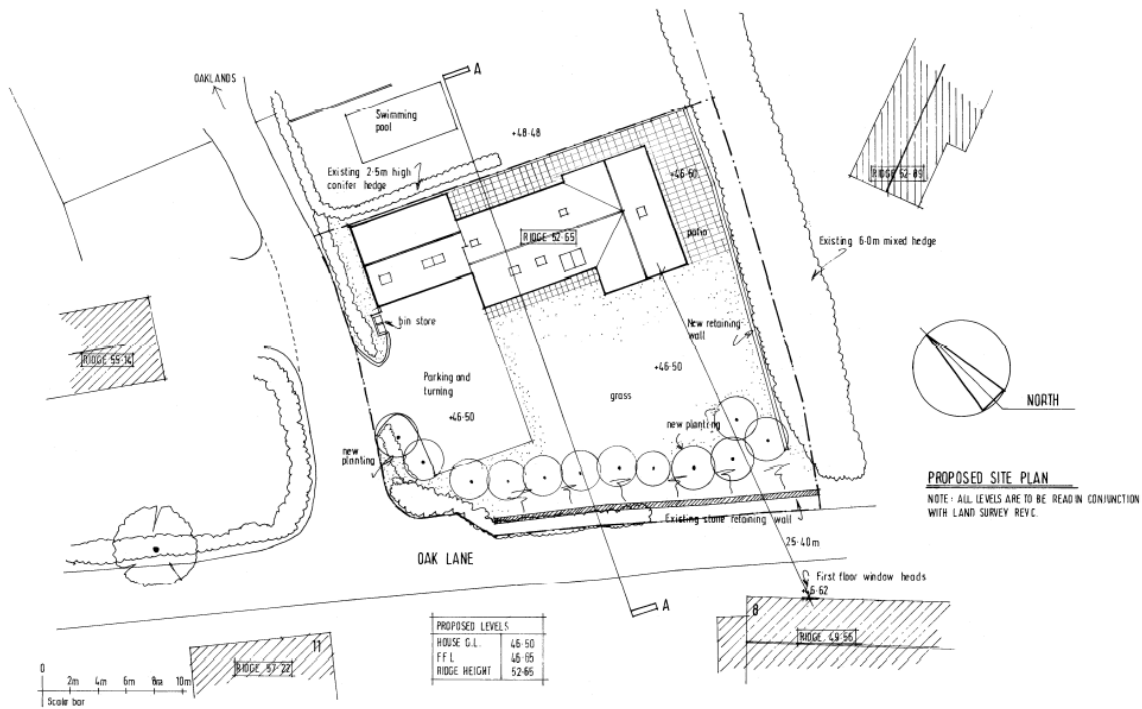
K/58928/FUL - Demolition of bungalow and erection of two storey house: approved 11th August 2008.

E/09/0075/FUL - New dwelling and cartshed-style garage: refused 12th March 2009, appeal dismissed 30th October 2009.

E/10/0485/FUL - Erection of new dwelling and cartshed-style garage: approved 2nd July 2010.

5. The Proposal

Full planning permission is sought for a new dwelling with attached garaging, parking and turning space and garden area.

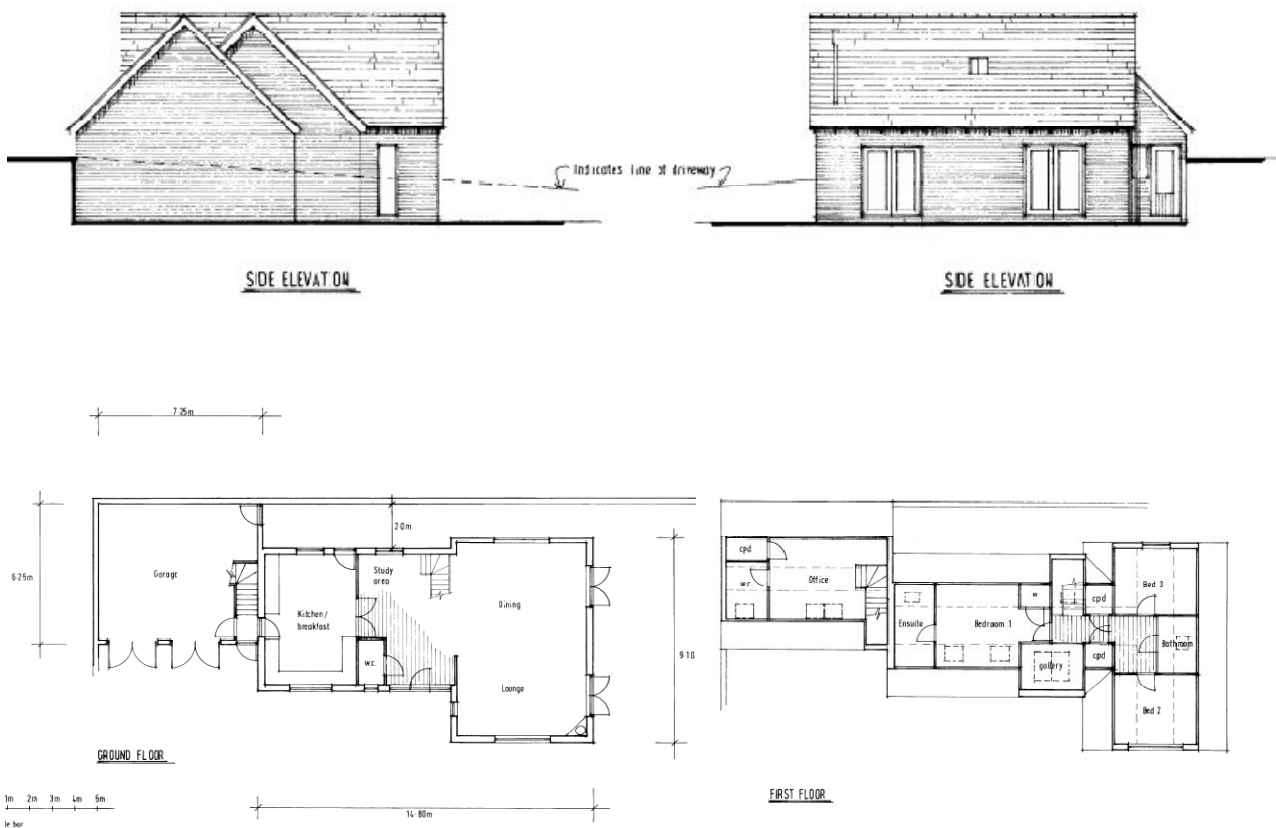


The amended design and location for the scheme shows a building with eaves height at ground floor ceiling level, containing living accommodation on both the ground floor and within the roof space, set towards the eastern corner of the site. The main L-shaped range of the building, together with the dog-legged double garage, is proposed to be finished in red multi brickwork, stained timber boarding and plain clay tiles, with stained timber doors and casement windows, and metal framed rooflights.



FRONT ELEVATION

New hard-surfaced areas would comprise strips of paving on three sides of the dwelling, and a parking/turning area and access connecting to the existing drive serving 6 Oak Lane and Holly Cottage. All hard-surfaced areas are confirmed to be permeable. Structural and living boundary treatments would comprise the retention of the existing stone and brick retaining wall fronting onto Oak Lane, retention of the hedging and shrub plants along the front boundary, retention of the 6 metre high mixed native hedge separating the site from the house and garden to the east, retention of the conifer hedge separating the site in part from the remainder of the garden of no.6 (to the north east) and a new retaining wall marking the break of slope along this sub-dividing line. New planting parallel to the south west (road) frontage of the site would comprise a mixture of rowan and white beam, and new hedging (native species) would line the north western edge of the site for its length except for that section allowing access to the site. A section of existing 2m high close boarded fencing running back from Oak Lane along the side of the existing driveway to no. 6 would be removed.



The amendments that have been secured for the scheme (from its initial submission) comprise a reduced amount of digging out of the site such that site levels would be lowered by only about 0.9 metre compared with those at present (i.e. existing levels average around 47.4 metres at the back part of the site, the initial slab level was proposed at 45.5 metres, and a new level is proposed at 46.5 metres) lessening the degree of major earth-moving engineering operations. The design of the building has been altered to reduce the floor-to-eaves height of the main range, bringing the eaves down to ground floor ceiling height, and consequently, the overall floor-to-ridge height of the building has been reduced. While the proposed slab level of the building has, therefore, changed to be closer to the existing land level (as less digging out is now proposed) the alteration to the scheme would leave the proposed ridge height of the new building at 52.65, as originally proposed. The parallel ridges of the garage and of the main range would now be the same as each other, and their plan alignment would be closer, producing a more (but not completely) continuous line.

No alterations to the existing driveway, leading northwards from Oak Lane, which serves Oaklands and the new thatched dwelling (Holly Cottage), or its junction with Oak Lane are proposed.

6. Planning Policy

National Planning Policy Framework 2012
Historic Environment Planning Practice Guide 2010

Wiltshire and Swindon Structure Plan 2016
DP1 Delivering sustainable development
DP2 Infrastructure
DP3 Development strategy
HE7 Conservation Areas and Listed Buildings

Kennet Local Plan 2011
PD1 Development and design
HC1 Strategic housing provision
HC7 Housing layout
HC24 Villages with limited facilities
HC28 Affordable homes target
HC29 Definition of affordable housing
HC32 Affordable housing contributions in rural areas

Conservation Area Statement for Easterton September 2003
Village Design Statement for Easterton and Eastcott 2005

7. Consultations

Conservation Officer (Initial submission)

Description of the Site

The site forms part of a garden area of a modern dwelling located alongside Oak Lane at the edge of the village. It is within the designated Easterton Conservation Area. The lane is a narrow, sunken, rural lane lined by banks and hedges. On the opposite side of the lane from the site is 'Kestrels', which is a grade II listed building: it lies at right angles to and immediately adjacent to the lane.*

Relevant Legislation/Policies

From the point of view of the historic environment a primary consideration is the duty placed on the Council under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area.

There is also a duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF outlines current government policy, including the historic environment.

The PPS5 Practice Guide is still extant.

The Easterton Conservation Area Statement provides supplementary planning guidance.

Assessment & Conclusion

I understand that the application has had pre-application advice. A summary of the comments from the Principal Conservation Officer were as follows:

"In my opinion this new scheme, in combination with changes which have already been approved, would have a significant detrimental impact on the character and appearance of

the conservation area and setting the listed Kestrels. I can see no evidence of any mitigating factors which might justify the harm caused and must conclude that the statutory tests would not be met. As a result, I am unable to provide my support to the proposal.”

The objection to the principle of a new building in this location is largely based on the following concerns:

- A relatively small plot for the level of development proposed,*
- Resultant site being dominated by buildings, hard boundaries and surfaces,*
- Cumulative erosion of the rural character of the immediate area,*
- A prominent dwelling with limited opportunities for mitigation via landscaping,*
- Design is out of character in this context,*
- The scheme will result in significant harm to the rural character of the lane and the setting of grade II* listed Kestrels.*

Upon assessment of the current application, I am of the opinion that none of the concerns identified previously, by both the Principal Conservation Officer and the Senior Planning Officer, have been addressed to mitigate the impact of the new building within its sensitive setting.

The design of the building is out of character with its context and is a large building in a relatively compact plot. The driveway entrance cuts through the bank and over half of the site is given over to the house and its associated garage, parking and patio area. The provision of impermeable or semi-impermeable surfaces significantly erodes the rural character of the area.

Bearing in mind the strong objections to the principle of a new dwelling in this location from my colleague, I see nothing before me that overcomes any of these concerns that may make a new dwelling more acceptable. Therefore I can only voice my objection to the principle of the development and am unable to provide any support to the application.

Summary

Objection to the principle of development in this location, which is considered to further erode the rural character of the immediate area and negatively impact on the setting of a grade II listed building.*

Highways Development Control Engineer

No objection, subject to a condition requiring the provision of a visibility splay being kept clear of all obstruction to vision above 900 mm above the carriageway level between a point on the access onto Oak Lane 2 metres back from the edge of the carriageway to a point on the carriageway edge 18 metres to the south.

A 2 metre distance for the visibility splay is permissible at a quiet traffic location such as this, and consequently no alteration to the front wall will be required. Only some trimming of overhanging vegetation at the end of the wall will need to be carried out to provide the visibility specified.

Affordable Housing Officer

Discussions with the housing team have concluded that there is no established mechanism for translating into financial contributions the normal 50:50 market housing:affordable housing provision ratio that is set out in policy HC32 of the Kennet Local Plan 2011. For small sites in villages and other rural areas this issue will be addressed in the emerging Core Strategy, but it is too early to apply the proposed policy yet. Strictly speaking the only outcome for cases where the second unit of housing is not indicated as being “affordable” is, therefore, a refusal of planning permission as the policy HC32 requirement cannot be met. At present in the northern area of Wiltshire this issue is dealt with by a sum of £26,000 being accepted as a financial contribution towards the Council’s costs in bringing forward affordable housing units off-site. The use of a similar arrangement for this site in the central area could work, on the understanding that such a legal agreement to oblige this payment to the Council would stand outside normal current practice,

and precede whatever mechanisms are to be brought in for the new Core Strategy policies.

Easterton Parish Council (Initial submission)

OBJECT

Reasons for refusal based on local knowledge:-

1. *Policy PD1, B(7)----With the Grade11* listed building "Kestrels" above (opposite) and a Grade11 building below (opposite) at "High View" 7 Oak Lane, all contained within the Easterton Conservation Area we fail to see how these buildings and the area will be respected/protected by the proposed development.*
2. *Policy HH5---- This proposal will adversely affect the setting of the Conservation Area being an over development of the existing site and, although efforts have been made to "hide" the proposed dwelling from view, the not inconsiderable roofline will be visible from parts of Oak Lane itself quite apart from the surrounding dwellings.*
3. *The approved thatched cottage (2011) was the 1st infill in the curtilage of 6 Oak Lane BUT one of the arguments then accepted by this Parish Council was that it would replace a former stable building. This proposal cannot follow that precedent.*
4. *The considerable number of objections received should be taken into account when reaching a decision.*

(Amended Plans)

The above comments are re-iterated unchanged, except for the final paragraph which, for the amended plans, reads:

4. *The considerable number of objections received, variously incorporating reasoning related to the above statements, should be taken into account when reaching a decision.*

8. Publicity

The initial planning application submission was advertised in the press, and publicised by on-site notices and delivery of letters to neighbouring properties.

Publicity for the amended plans comprised further on-site notices and neighbour notification letters, giving a full three week period for comment (instead of the usual 14 days for amended proposals).

The application has attracted a large number of representations, at initial and revised stages, of both objection and support, many from long-term residents of the village.

The issues raised in the comments include:

(Initial submission)

- Principle of dwelling on the site is unacceptable
- Oak Lane cannot accept more traffic
- Highway dangers to pedestrians, cyclists and horseriders
- No need for additional housing as the Jam factory site is being developed.
- Creates tandem development
- Does not preserve the appearance of the Conservation Area
- Nearby properties will lose privacy
- Design is not in keeping with other buildings

- Construction works involved with earth removal will be dangerous
- The plans and photos submitted are insufficient and misleading
- Rural setting of Oak Lane is being lost
- House is too large for the plot or its location
- Proposal would be overbearing and invasive
- An office is proposed, increasing traffic over and above that for an additional dwelling
- Harms the setting of the Listed Buildings close by
- Wildlife habitat would be lost
- Loss of outlook towards the plain
- Concerns over soakaway impact on retaining front and side walls
- Affordable housing should be provided
- This is the third house on land that once had just one bungalow
- No objection in principle, but requests for some amendments to lessen impact and improve appearance

(Revised submission)

- Repetition of many objections previously made
- Despite changes the principle of any new dwelling is unacceptable
- Amended plans appear to make no difference
- One previous objector withdraws comments and expresses support for the scheme
- Retention of the frontage wall and foliage is welcomed
- No significant impact on adjoining properties
- Building will be set back and have no effect on Listed Buildings
- New housing helps stimulate the economy, and brings new families to the village.
- New houses adjoining the plot are well designed, this would also be.

The full text of each of the representations received to date is available to view on the Council's website, on the planning pages relevant to this application. Members are encouraged to read the full versions of all comments made, as the above summary is not a verbatim copy of the views expressed.

There have also been numerous questions and comments raised regarding the procedure for dealing with this application, many relating to the public consultation exercise. Care has been taken to explain the processes when requested relating to the normal and, in this case, additional public consultations that have taken place.

9. Planning Considerations

a) Principle of residential development.

The site lies within the built-up area of Easterton, with residential uses surrounding it on all sides. The development would not consolidate an existing sporadic loose knit area of development, and it is considered that in its amended form the development would be in harmony with the village in terms of its scale and character.

b) Grain and density of development in the area, and character and appearance of the area.

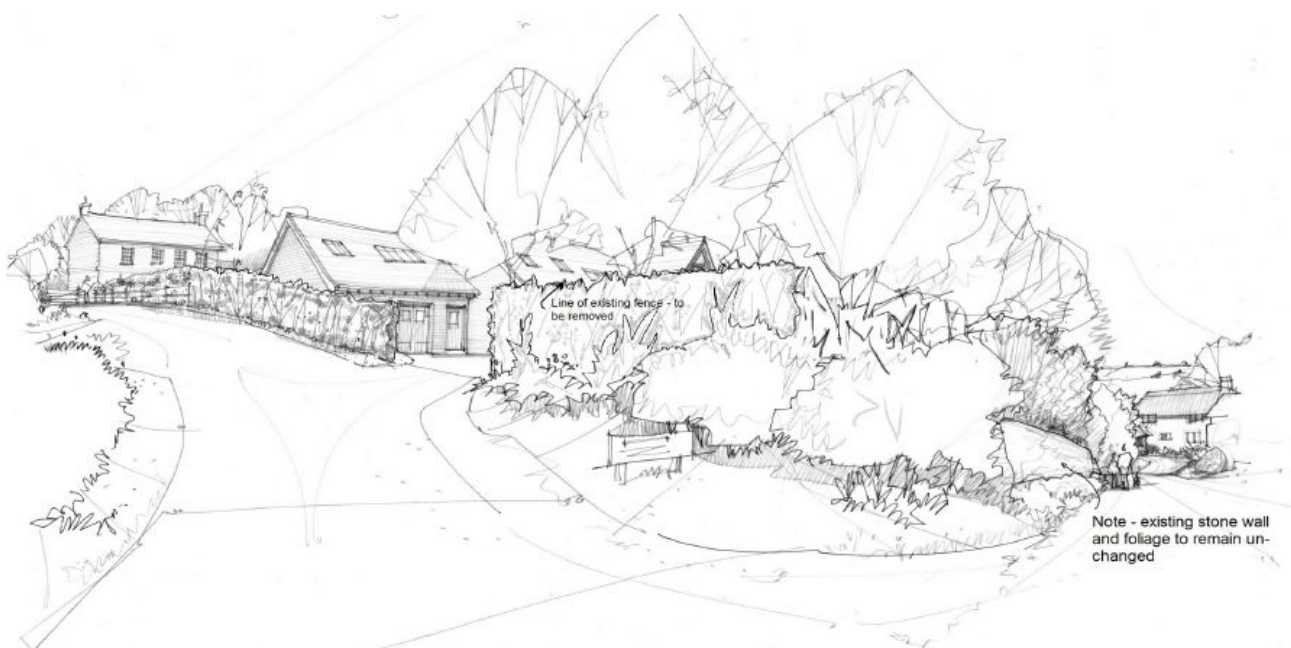
There is a wide variety of plot shape and size for dwellings along Oak Lane, and a similar diversity of size, orientation and location of buildings within each plot. Dwellings included in this range comprise wide span two-storey and roof brick and stone buildings at the edge of the carriageway; modern brick two storey homes set back from the lane; rendered and slate roofed Edwardian detached homes, and whitewashed, rubble stone or brick and thatched cottages. Other buildings along the lane include detached garages, felt-roofed stable ranges and timber and corrugated sheet metal clad outbuildings.

The over-riding character trait of the area is the narrow enclosed nature of the lane itself, as the built structures that either provide that enclosure, or are screened from view because of its sunken nature comprise a very eclectic mix of age, scale, form and materials, such that there is no dominant style to which any new development should necessarily conform.

The ridge heights of the proposed and existing dwellings on and near the site are indicated on the proposed drawings. At 52.65 metres the proposed ridge would be lower than that of Holly Cottage to the north west (55.14 m); that of the two storey house to the east of the site (52.89 m); that of Kestrels opposite the driveway (57.22 m) and of Oaklands itself (57+m). The ridge height of no. 8 Oak Lane, across the lane from the site, is given at 49.56 m, but at a distance of more than 25 metres between the existing and the proposed dwelling, this difference in height is not considered to cause any overbearing effect on the character of the area generally.

The proposed development, in its amended form, is considered to preserve the character of the lane, by retaining and augmenting the street frontage wall and vegetation lining the lane and the access driveway, and by ensuring that the new structures are, where visible from public vantage points, of materials, form, scale and orientation that would not dominate the existing structures along Oak Lane, but instead take reference from some of the more modest buildings in the area. To ensure that other additional householder development (that would normally be permitted by Development Order) does not change unacceptably the impact that the proposed dwelling has on the character and appearance of the locality, it is recommended that a condition restricting normal permitted development rights for extensions to the building, and for the erection of garden buildings, is imposed.

A perspective drawing of the proposed dwelling has been submitted as an illustration of the proposal: as the information shown cannot be scaled, the drawing does not form part of the formal submission for the scheme, but is given as additional information.



Perspective view of proposed new dwelling when viewed from bottom of existing driveway.

c) Impact on heritage assets.

The Listed Buildings in Oak Lane comprise Kestrels (Grade II *, opposite the site driveway) and High View (Grade II, some 40 – 50 metres to the south east of the proposed building, also on the opposite side of Oak Lane from the site). The “setting” of these buildings comprises the public and private space around them with and within which they are read. The opportunities from public

vantage points to view either of the Listed Buildings in the same vista as the proposed building are limited. Where it is possible, other non-listed buildings surrounding the site play as much, if not more of a role in the foreground or background of the listed buildings than would the proposed development. From the principal public close range view of Kestrels and of High View, the site does not form a significant part of that vista, and it is considered that the proposed development would have no detrimental impact on the setting of either Listed Building.

The character and appearance of this part of the conservation area are noted above: with regard in particular to the historic, architectural and natural elements within the locality that contribute to that character, it is considered that the proposed development would not harm or dilute the quality of the street scene by intrusion of new elements, loss of or alteration to built forms, or loss of green features. The proposed structures and landscaping have been designed to create minimal disturbance to existing features of merit.

d) Trees and landscaping.

The significant belt of greenery along the south eastern boundary of the site is marked for retention and the suggested conditions set out requirements for the protection of these plants during the construction period, together with the implementation of the new planting indicated on the plans.

e) Neighbouring residential amenity.

As a result of the distances between the proposed front and rear-facing windows and those of existing dwellings in each of these directions, it is considered that no adverse intervisibility of habitable rooms would ensue from the construction of the proposed development. There are no upper floor windows proposed in either of the side walls of the proposed building, and those shown to serve the eastern ground floor room would be screened from views into or from the neighbouring property by the retained trees and hedging on this boundary.

f) Highway, access and parking.

Adequate and appropriately permeable parking and turning facilities are proposed, and the use of the existing access drive onto Oak Lane (which serves both Oaklands and the new thatched property, Holly Cottage) is acceptable, subject to the permanent provision of the required visibility splay.

g) Wildlife habitat.

The site currently forms a lawned area of garden serving Oaklands. No alert has been received from the Wiltshire Wildlife Trust (who screen all planning applications against records for the existence of protected species and their habitats) and consequently no ecological survey has been requested or carried out. However, the applicant will be reminded that any development on the site would still be subject of legislation relating to protected species and habitats.

h) Affordable housing provision.

This development would represent the second new dwelling to be created on the garden area of no. 6 Oak Lane, and as such should comply with the requirements of policy HC32 of the Kennet Local Plan 2011 regarding a 50% affordable housing provision on the combined site. This proposal does not include any proposal to transfer the unit created to a Registered Social Landlord to provide such affordable housing. To mitigate the lack of provision of affordable housing that this scheme would normally trigger, however, the applicant has agreed to enter into a Section 106 agreement with the Council to make a financial contribution that would assist in such provision in the locality, along the lines of the mechanism currently operating in the north part of Wiltshire. A sum of £26,000 has been discussed with the housing team, which would be used to subsidise an appropriate scheme within the Devizes Community Area of the Council's choosing.

In advance of policies and mechanisms being finalised to address this issue in the emerging Core Strategy, this method of dealing with the existing affordable housing policy requirements is considered to achieve the best interim outcome.

10. Conclusion

The proposed development, as amended and with the legal obligation in place relating to affordable housing, is considered to address and comply with the policies of the development plan and national planning policy framework, and there are no material considerations that would point to the requested planning permission being withheld.

RECOMMENDATION

That authority is delegated to the Area Development Manager to GRANT planning permission for the development, subject to the landowner entering into an agreement with the Council under Section 106 of the Town and Country Planning Act (as amended) to secure a financial contribution of £26,000 towards the cost of provision of affordable housing units within the Devizes Community Area, and subject to the suggested conditions set out below.

Subject to the following conditions:

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

REASON:

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

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

REASON:

In the interests of visual amenity and the character and appearance of the area, in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011 and policy HE7 of the Wiltshire and Swindon Structure Plan 2016.

- 3 No development shall commence on site until details of the hard and soft landscaping indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) measures for the protection of the trees and hedge plants on the south eastern boundary during the construction period;
- (b) all species, planting sizes and planting densities for new soft landscaping;
- (c) a planting and maintenance schedule for the new soft landscaping;
- (d) a specification for the materials and installation/construction methods for the hardsurfaced areas, all of which shall be water permeable;
- (e) finished levels and contours, and
- (f) materials and construction details of all new means of enclosure.

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of the character and appearance of

the Conservation Area, in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011 and HE7 of the Wiltshire and Swindon Structure Plan 2016.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building 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, in the interests of the character and appearance of the Conservation Area, in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011 and policy HE7 of the Wiltshire and Swindon Structure Plan 2016.

- 5 The development hereby permitted shall not be occupied or first brought into use until the area between a point in the centre of the access drive 2 metres back from the carriageway edge and a point at the carriageway edge 18 metres to the south east has been cleared of any obstruction to visibility at and above a height of 900 mm above the carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON:

In the interests of highway safety, in accordance with the requirements of policy PD1 of the Kennet Local Plan.

- 6 The dwelling hereby permitted shall not be first occupied until and unless the parking and turning space indicated on the approved plans have been laid out in accordance with the details required by condition 3 above. These facilities shall be retained for these purposes for the duration of the occupation of the dwelling.

REASON:

To provide appropriate facilities for the parking of vehicles in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011.

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

REASON:

To secure an appropriately sustainable standard of construction for the development, in accordance with the requirements of policy DP1 of the Wiltshire and Swindon Structure Plan 2016.

- 8 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 those Orders with or without modification), no development within Part 1, Classes A, B, C or E shall take place on the dwellinghouse hereby permitted or within its curtilage.

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, in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011 and HE7 of the Wiltshire and Swindon Structure Plan 2016.

- 9 No development shall be commenced on the site until details of the location and height of a datum point expressed externally and permanently on a fixed structure within the site or within land associated with Oaklands, no. 6 Oak Lane, shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed with a ground floor finished level not exceeding 46.50 m when referenced against this datum point.

REASON:

To secure an appropriate finish for the development, in the interests of the character and appearance of the conservation area in which the site lies and to ensure that the impact of the development on the amenity of the neighbouring residence is acceptable, in accordance with the requirements of policy PD1 of the Kennet Local Plan 2011 and policy HE7 of the Wiltshire and Swindon Structure Plan 2016.

- 10 This decision relates to documents and 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.

The relevant documents are:

Application form;
Design and Access Statement;
Land survey drawing referenced DRoakTOP01 Rev C;
Site location plan drawing referenced 11-004/LP1 and
Proposed chimney detail drawing referenced 11-004/D1 received at Wiltshire Council on 12th March 2012;
Site section drawing referenced 11-004/SS1 Rev B;
Ground floor plan drawing referenced 11-004/1 Rev B;
First floor plan drawing referenced 11-004/2 Rev A;
Front elevation drawing referenced 11-004/3 Rev B;
Side elevations drawing referenced 11-004/4 Rev B;
Rear elevation drawing referenced 11-004/5 Rev B;
Additional information sheet May 2012, and
Structural Survey Report dated 11th May 2012 from Structural Solutions Management Ltd, all received at Wiltshire Council on 22nd May 2012, and

Site layout plan drawing referenced 11-004/SP1 Rev C received at Wiltshire Council on 1st June 2012.

11 INFORMATIVE

This permission is governed by and shall be read together with an Agreement made under Section 106 of the Town and Country Planning Act 1990 as amended, between the applicant, landowner and Wiltshire Council, dated xx xx xxxx, to secure a financial contribution from the landowner towards the provision of affordable housing within the Devizes Community Area.

12 INFORMATIVE

The attention of the applicant is drawn to the advice and requirements of the Wiltshire Fire and Rescue Service, as set out in their letter to the Local Planning Authority, of 22 March 2012, referenced KDC00001/SR, which is available within the "View Plans and Documents" tab of the Planning Explorer East pages of the Wiltshire Council website www.wiltshire.gov.uk

13 INFORMATIVE

The developer is reminded that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting bats, or other protected species or their habitats. You should note that the work hereby granted consent does not override the statutory protection afforded to any protected species and you are advised to seek expert advice if you suspect that the works would disturb any protected species. For further advice, please contact the Ecologist at Wiltshire Council.

Appendices: None

Background Documents Used in the Preparation of this Report: None