

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 22 August 2013

Time: 6.00 pm

Please direct any enquiries on this Agenda to Samuel Bath, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718211 or email samuel.bath@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 Mark Connolly (Vice-Chair)
Cllr Stewart Dobson
Cllr Peter Evans
Cllr Nick Fogg

Cllr Richard Gamble
Cllr Charles Howard (Chairman)
Cllr Jerry Kunkler
Cllr Paul Oatway

Substitutes:

Cllr Liz Bryant
Cllr Terry Chivers
Cllr Ernie Clark
Cllr Dennis Drewett

Cllr Jeff Osborn
Cllr James Sheppard
Cllr Philip Whitehead
Cllr Christopher Williams

AGENDA

Part I

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

1 **Apologies for Absence**

To note any apologies for the meeting.

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

To approve and sign as a correct record the minutes of the meeting held on **1 August 2013** (copy herewith).

3 **Declarations of Interest**

To receive any declarations of disclosable 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 15 August 2013**. 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**

To consider and determine the following planning applications.

- 6a **13/01003/FUL - Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road), Tidworth, Wiltshire** (*Pages 11 - 22*)
- 6b **13/00707/FUL - Rushall Church of England Aided School, Pewsey Road, Rushall, SN9 6EN** (*Pages 23 - 28*)
- 6c **E/2012/1566/FUL - Marlborough College, Marlborough, Wiltshire, SN8 1PA** (*Pages 29 - 38*)
- 6d **E/2013/0238/FUL - Land adjacent Chute Forest Cottage, Chute Cadley, Andover, SP11 9EB** (*Pages 39 - 58*)
- 6e **13/00038/FUL - Land at Hare Street, Manningford Bruce, Wilts.** (*Pages 59 - 68*)

7 **Urgent items**

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

8 **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with **Section 100A(4) of the Local Government**

Act 1972 to exclude the public from the meeting for the business specified in **Item Number 9** because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in **paragraph 1 of Part I of Schedule 12A** to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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

- 9 **E/2010/0250/ENF - Untidy land at, Rum Jungle, Snails Lane, Castle Grounds, Devizes, Wiltshire SN10 1DB (Pages 69 - 76)**

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 AUGUST 2013 IN THE THE ASSEMBLY ROOM - DEVIZES TOWN HALL, DEVIZES, SN10 1BN.

Present:

Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg, Cllr Richard Gamble,
Cllr Charles Howard (Chairman), Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Cllr Jemima Milton and Cllr Philip Whitehead

58. Apologies for Absence

Apologies were received from Cllr Mark Connolly

59. Minutes of the Previous Meeting

The minutes of the previous meeting 20 June 2013 were signed and approved as a true and accurate record.

60. Declarations of Interest

There were no declarations of interest made by the Committee.

61. Chairman's Announcements

The Chairman announced that Items 7b and 7d were suggested for deferral and requested that members agree to this.

62. Public Participation and Councillors' Questions

No questions had been received from members of the public.

63. Public Right of Way Applications

**63.a CM09489 - Proposed Diversion of Part of Pewsey Bridleway 62 at
West Wick House, West Wick, Pewsey**

Public Participation

Mr Ken Bryant spoke in objection of the application.

Mr Richard Anstis (Agent) spoke in support of the application.

Mr Andrew Brown spoke in support of the application.

Mr Gerard Griffin (Applicant) spoke in support of the application.

Local member Cllr Jerry Kunkler agreed with part of the objection raised by Mr Bryant, but ultimately supported the applicants request for privacy. Cllr Kunkler stated that a condition should be placed on the application, that the current route should not be closed until the proposed diversion was complete and approved by the Council.

The Rights of Way Officer outlined the report which recommended the item be referred to SoSEFRA for determination with the recommendation that it is approved. The Rights of Way Officer then outlined the key considerations for the committee including S119 of the Highways Act 1980 which gives Councils the power to make orders to divert public paths. Such orders may be made if they are in the land owners' interest, and can only be confirmed if the new route is not substantially less convenient to the public, having regard to the effect the diversion will have on the enjoyment of the path or way as a whole.

Committee members were then given the opportunity to ask technical questions of the item.

Cllr Dobson asked if the proposed diversion included any stiles, and questioned the surface of diversion. IT was confirmed that the diversion would mostly consist of a hard compacted surface, and would not include any limitations.

Members then entered into debate on the item, discussing the legal responsibility for maintenance of the proposed diversion, the impact on public enjoyment of the new route, the quality and usability of the proposed diversion and impact on land owners privacy and interest. At the end of the debate it was;

Resolved:

To approve the application and recommend that the order dated 18 October 2012 be forwarded to the Secretary of State for Environment Food and Rural Affairs for confirmation.

64. **Planning Applications**

65. **E/2012/01444/FUL - Manor Farm Allington**

Public Participation

Mr Andrew Potts spoke in objection to the application.
Mr Jonathan Marston spoke in objection to the application.
Mr John Martin spoke in objection to the application.

Mr Richard Cosker (Agent) spoke in support of the application.
Mr Andrew Oram (applicant) spoke in support of the application.
Mr Andrew Fell spoke in support of the Application.

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

Cllr Phillip Whitehead, the local member, spoke in support of the Application stating that the applicants had taken into consideration the concerns and objections raised by residents and had sought to rectify these issues.

The Planning Officer introduced the report which recommended the application be granted planning permission and outlined the late item to be circulated (a list of representations received). Details of the application were summarised by the Officer, who also outlined the areas of key consideration. These were the balancing of economic, social and environmental factors that influence a sustainable development.

Members had the opportunity to ask technical questions of the committee, and a question was asked by Cllr Dobson around the use of specific colours in conditions. This was clarified, as specific colours are difficult to enforce, and are best left as being 'sympathetic' to surrounding area.

The debate of the item followed and amendments were proposed to the officer recommended conditions for conditions 4, 9, and 10. Additional conditions were proposed to limit the audible sound level emitted from air compression units.

The Planning Officer also provided further summary on the ecologist surveys on the biodiversity impact. The issues of the sites proposed position and financial viability of the development were also discussed.

Cllr Fogg outlined his disapproval of the application stating its impact on the AONB as a key reason for his opposition.

Cllr Gamble summarised the application of the NPPF and highlighted the conflict of protecting the AONB and promoting sustainable developments and the diversification of the Agricultural industry. The overarching theme of the document is in favour of sustainable development, and as a result was in favour of the application.

Councillor Dobson outlined concerns over the colour of the structure, the use of less favourable trees to disguise the development and the potential use of the structure should the venture fail.

A motion was proposed to add an informative on the guidance to usage of dark colours for the structure, and to the size of planted trees around the structure, and was approved. At the culmination of the debate it was;

Resolved:

To APPROVE planning permission for the application subject to the following conditions:

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 of the materials for the walls, curtains, roof, bulk milk tank and feed silo to be used on the development 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.

POLICY: PD1 of the Kennet Local Plan 2011

3. No development shall commence on site until additional landscaping details, to augment or amend the submitted Landscape Proposals and Management Strategy relating to the following matters have been submitted to and approved in writing by the Local Planning Authority:

a) details of the management and enhancement of the existing belt of Ash trees to the north of the site, which shall include a survey and report of the condition of all specimens, together with measures for the treatment, augmentation or replacement of the trees with new species, and a schedule of maintenance for existing and new planting, and

b) the replacement of references to *Fraxinus excelsior* (ash) in parts B and C of the Landscape Proposals and Management Strategy, and figures 1, 2 and 2a therein, with references to other native species trees.

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.

POLICY: PD1 and NR6 of the Kennet Local Plan 2011.

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.

POLICY: PD1 and NR7 of the Kennet Local Plan 2011.

5. The development hereby permitted shall not be first brought into use until the first seven metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: PD1 of the Kennet Local Plan 2011.

6. Any gates shall be set back 7 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

POLICY: PD1 of the Kennet Local Plan 2011.

7. Prior to the commencement of the development hereby permitted access details shall be submitted to and approved in writing by the Local Planning Authority, which shall show the provision of entrance radii to either side of the southern access of 5 metres, without kerbs, and

measures to prevent the discharge of surface water from both access points onto the public highway. The development shall be completed in accordance with these details. .

REASON: In the interests of highway safety.

POLICY: PD1 of the Kennet Local Plan 2011

8. No development shall commence within the site 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.

POLICY: PD1 of the Kennet Local Plan 2011

9. No internal or 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 in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional lighting shall be installed.

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

POLICY: PD1 of the Kennet Local Plan 2011.

10. The development hereby permitted shall be carried out in accordance with the following approved documents and plans, except insofar as amended by the requirements of condition 3 above:

Application form received at Wiltshire Council on 21.11.12;

Design and access statement and planning statement received at Wiltshire Council on 21.11.12;

Ecological Appraisal received at Wiltshire Council on 21.11.12;
Landscape and Visual Impact Assessment received at Wiltshire Council on 21.11.12;
Landscape proposals and management strategy received at Wiltshire Council on 21.11.12;
Drawing referenced 3636/SK100 received at Wiltshire Council on 21.11.12;
Soakage calculations received at Wiltshire Council on 21.11.12;
Location plan received at Wiltshire Council on 21.11.12;
Longitudinal and lateral sections drawing received at Wiltshire Council on 18.04.13;
Amended block plan and elevations received at Wiltshire Council on 18.04.13;
Assessment of noise impact received at Wiltshire Council on 18.04.13;
Odour management plan received at Wiltshire Council on 18.04.13;
Transport statement received at Wiltshire Council on 18.04.13;
Existing yard use statement received at Wiltshire Council on 18.04.13, and
Email from RCC Town Planning Consultancy received at Wiltshire Council 31.07.2013

REASON: For the avoidance of doubt and in the interests of proper planning.

POLICY: PD1 and NR7 of the Kennet Local Plan 2011.

11. Prior to the first use of the building hereby permitted the air compression equipment and enclosure which are to be installed on the western façade of the unit shall be completed in accordance with a design of construction (which shall have been submitted to and approved in writing by the Local Planning Authority) that ensures that the sound level emitted from the housing does not at any time exceed 65dB(A) at a distance of 1 metre from the installation.

REASON: To protect the amenity of nearby residents, and of the character of the locality

POLICY: PD1 of the Kennet Local Plan 2011

12. INFORMATIVE The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service dated 10.12.12

13. INFORMATIVE The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 19.12.12

14. INFORMATIVE It is expected that trees to be planted in accordance with the conditions relating to the approved landscaping above (conditions 3, 4 and 10) shall be of standard size, to offer maximum screening for the development at the earliest opportunity.

66. **E/2012/1216/FUL - Land to the rear of Wilcot Road, Pewsey, SN9 5EL**

This item was deferred by the Committee.

67. **E/2013/0122/FUL - New Inn, Winterbourne Monkton, SN4 9NW**

Public Participation

Mr Patrick Blake-Kerr (Agent) spoke in support of the application.

Mrs Stella Hall spoke in support of the application.

Mr Nigel Fielder spoke in support of the application.

Mr Bill Buxton (Chairman of Winterbourne Monkton Parish Council) spoke in support of the application.

The Planning Officer introduced the report which recommended the item be granted planning permission. Details of the application were then summarised by the officer. The planning officer outlined the key policies for consideration including PD1 of the Kennet Local Plan 2011 and section 7 of the National Planning Policy Framework. The considerations were summarised as being the visual impact and the affect on amenities in the area.

Committee members were given the opportunity to ask technical questions of the application.

Members of the public were given an opportunity to address the committee and state their views on the application.

Cllr Jemima Milton, local member spoke in support of the application, and raised the point that whilst the application had been brought to committee, it was broadly supported by local residents, providing that the adjoining pub was re-opened, and not converted. The confusion behind this, was the reason it had been called to committee, and Cllr Milton welcomed comments regarding proposed conditions.

The Planning Officer stated that it was reasonable to condition the application to ensure the future of the village pub in accordance with Policy ED29 of the Kennet Local Plan, which seeks to retain the existing range of social and community facilities in the rural areas.

A brief discussion was then had by members who raised the point that future planning applications would be required to convert the pub into a bed and breakfast, which would also go towards safeguarding the future of the pub in the

village. Cllr Kunkler and Cllr Fogg both then spoke in support of the application. At the end of the debate it was;

Resolved:

That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years 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 bed and breakfast accommodation hereby permitted shall not be first brought into use until the public house has re-opened.

REASON: To safeguard the use of amenities in the local area in accordance with Kennet Local Plan Policy ED29.

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

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

4) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location map & block plan, received on 15th March 2013;
- Existing floor plans, received on 4th January 2013;
- Existing elevations - main building; received on 29th January 2013;
- Proposed floor plans - main building; received on 15th March 2013;
- Proposed elevations - main building, received on 15th March 2013;
- Annex: Existing elevations, floor plans & roof plans, received on 15th March 2013, and
- Annex: Proposed elevations, floor plans & roof plans, received on the 15th March 2013.

REASON: For the avoidance of doubt and in the interests of proper planning.

68. **E/2013/0238/FUL - Land adjacent to Chute Forest Cottage**

This item was deferred by Committee.

69. **Urgent items**

There were no urgent items to discuss.

(Duration of meeting: 6.00 - 8.45 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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

REPORT TO EAST AREA PLANNING COMMITTEE

Date of Meeting	22 August 2013
Application Number	13/01003/FUL
Site Address	Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road), Tidworth, Wiltshire
Proposal	Two storey, 420 place primary school, with 30 place nursery, along with playing fields, external games courts, playgrounds and car parking
Applicant	Wiltshire Council
Town/Parish Council	TIDWORTH
Grid Ref	423413 149662
Type of application	Full Planning
Case Officer	Andrew Guest

1. Reason for the application being considered by the Planning Committee

The applicant is Wiltshire Council. The Council's Scheme of Delegation to Planning states that "... applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations". In this case two objections raising material planning considerations have been received.

2. Purpose of report

To consider the recommendation of the Area Development Manager to approve the application subject to conditions.

3. Report summary

The main issues in this case are, firstly, the principle of the proposal; and then assuming the principle is accepted the impact of the specific proposal on the following matters:

- Visual amenity;
- Residential amenity;
- Ecology;
- Flooding;
- Highway safety.

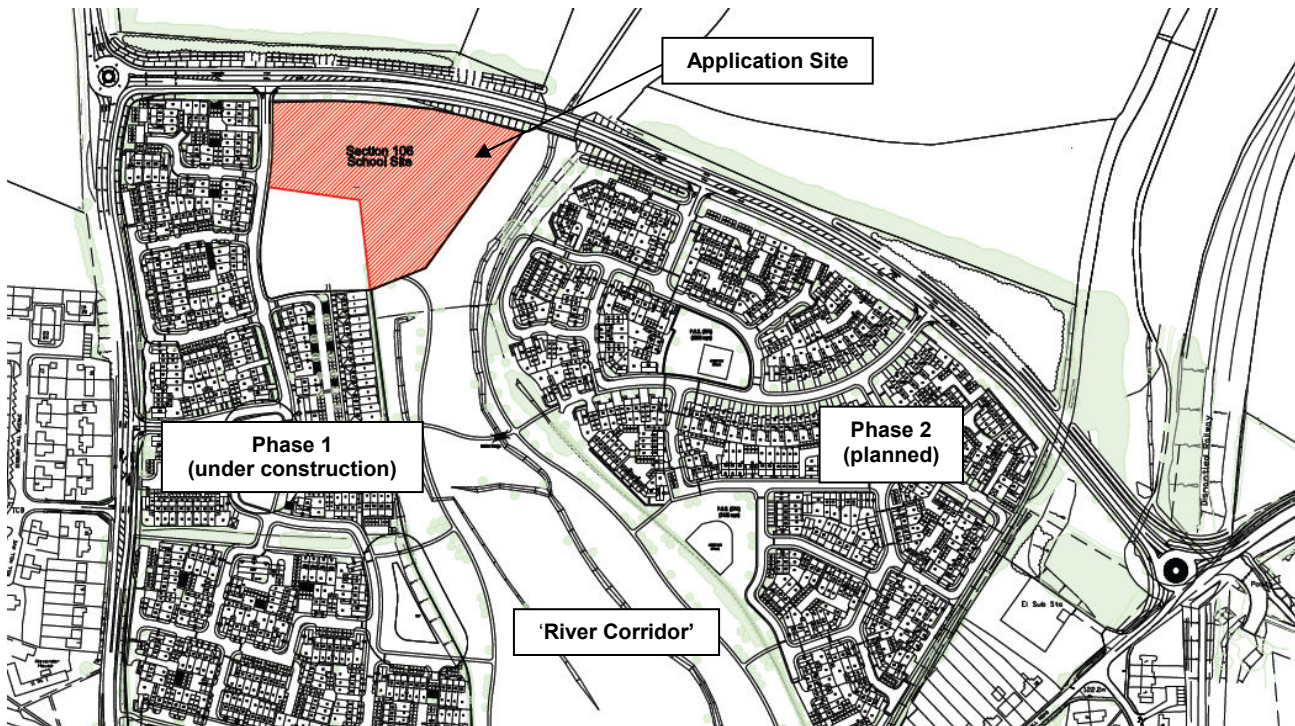
4. Site Description

The 1.2 ha application site lies to the immediate north of Tidworth. It forms part of a larger site (31.2 ha) which is a housing allocation in the Kennet Local Plan and which benefits from planning permission for 600 houses, a new primary school, and related open space and infrastructure. Building works for the houses and infrastructure (in Phase 1) have commenced although at the time of writing no houses are complete.

The application site is positioned towards the northern side of the larger housing site, and will be adjacent to (on its north and west sides) two principal roads within the new development. Beyond these roads there will be housing (to the west) and open countryside (to the north). To the east and

south east side of the site there will be an area of open land for informal recreation (referred to as the 'river corridor'). To the south is a relatively small area of land excluded from Phase 1.

Ground levels fall gently from west to east. Approximately half the site on its eastern side lies within a flood zone of the River Bourne.



Site Location Plan – showing adjacent new development which is presently under construction (Phase 1) or planned (Phase 2)

5. Relevant Planning History

E/09/1078/OUT – Outline planning application for 600 civilian houses, primary school, link road and landscaped public open spaces – approved 22/11/12

[This permission is subject to a S106 agreement which requires (amongst other things) the transfer to Wiltshire Council of a serviced 1.2 ha primary school site and a financial contribution to meet the cost of the primary school].

E/2012/1447/REM – Phase 1 of residential development for 289 dwellings (reserved matters application for approval of appearance, landscaping, layout and scale) – approved 28/03/13

13/01044/VAR – Vary condition 11 of E/2012/1447/REM to incorporate the erection of rear conservatories to 66 dwellings in the northern part of Phase 1 – approved 17/07/13

6. Proposal

It is proposed to construct a 420 place primary school and a 30 place nursery on the site together with related playing areas/fields, access and parking facilities and landscaping.

The primary school comprises a two storey building positioned towards the west side of the site. Immediately adjacent to the primary school (to its south) would be the nursery in a single storey building. The primary school has a more or less square 'footprint' with the classrooms and functional spaces set around a central hall. The design of both buildings is contemporary – the primary school notably having mono-pitch roofs on each of its four sides screening from view a central flat-roofed section over the hall.

To the rear (east) of the buildings play areas, games courts and playing fields would be laid out, and to the front (west) an access road from the new estate road serving 27 parking spaces and a service yard. Also at the front would be an enclosure containing a biomass boiler, fuel store, sprinkler tank and a school recycling centre.

In view of the fall of the land some cut and fill would be necessary to accommodate each of the parts of the development.

Within and at the edges of the site it is proposed to carry out landscaping for amenity purposes and to create wildlife habitats.



Site Layout

7. Planning policy

Kennet Local Plan: Policies PD1, HC19, HC37

Wiltshire Core Strategy Pre-Submission Document:

8. Consultations

Tidworth Town Council: TTC endorses and supports everything in the proposal, except the car parking. The Design and Access Statement shows the way the applicant has arrived at the number of car parking spaces they intend to provide.

The Wiltshire Local Transport Plan, 2011-2026, Car parking Strategy (March 2011) provides the following maximum parking standards:

- Staff parking ratios 2/3 FTE staff (40 FTE staff therefore 26 parking spaces)
- Visitors parking spaces 1/7 FTE staff (40 FTE staff therefore 5 parking spaces)
- Parents parking spaces 1/20 pupils (420 approx. Therefore 21 parking spaces)
- Accessible spaces 2 required, but included in the above numbers

Maximum total allowable parking spaces is therefore 53. However parent parking spaces are not to be incorporated within the proposals, partly to discourage travel by car to the school, and partly because the restricted site area would require the loss of valuable external pupil play area to incorporate additional parking spaces. The 22 maximum number of parking spaces for parents, calculated from the formula, have therefore not been incorporated in the scheme, resulting in a maximum staff and visitor parking allowance of 31 spaces. 27 spaces have been incorporated into the scheme.

TTC accept they have a problem with space for Car Parking but just dismissing the requirement for parent and visitor car parking is not the answer! The formula above gives a scant 21 spaces for parents, which is probably insufficient to cope with parents attending parents' evenings, school plays (eg the Christmas nativity) and sports days and there would be parents' cars abandoned on kerbs all round the neighbouring estate roads. Then just to dismiss this requirement is breathtakingly arrogant and totally ignores the needs of the residents in the adjacent houses, let alone the needs of the pupils and their parents.

Even the arithmetic used to calculate the numbers of parking spaces is adrift.

- 2/3 of 40 is 26.7, so should be rounded up to 27 (not 26)
- 1/7 of 40 is 5.7 so should be rounded up to 6 (not 5)
- 1/20 of 420 is 21 (but quoted later as 22....)
- Adding up their figures gives 52 (not 53...) but should be 54...!!

So, what should they do? The applicant must make provision for an overflow parking area, for say 30-50 cars, on the flood plain if necessary. This space would not be denied to the area set aside for sports facilities as it would only occasionally be used for car parking and could normally be used as a netball or basketball court.

As for the school itself, it is a shame that WC has had to build on the smaller plot as a deal for the additional land from Persimmon to accommodate a 40 place school fell through. So the school has to be built upwards, rather than outwards.

The design itself looks unspectacular but TTC has been spoilt by the £32M Wellington Academy and this was never going to compete architecturally with that. So it will be a functional school that will look OK and meet the needs of pupils and staff. TTC agrees that parking should be reduced for parents as we should encourage walking and cycling etc. However, there should be spaces for visitors (many of whom will be from outside of Tidworth) and 27 spaces for staff and others is not enough.

Security looks good and TTC is content there will be a sprinkler system. As for the playing fields being in the flood plain, TTC has always known this would be the case. However. page 9 of the Design and Access Statement does say that they want to do some levelling work and discussions with the Environment Agency are underway in this regard. That said, any changes to the levels will mean less room for the flood plain, which in turn means less capacity to store water, which means water coming down the Bourne earlier than it would at present, so may lead to flooding further down or water travelling faster if the plain is narrowed. So there may not be progress on this in the long term.

TTC is also happy that the school will be used for the community and the addition of a new nursery is very much welcomed.

Given the constraints of the site because of the failed negotiations with Persimmons, TTC believe this is a good application and should be supported, subject to more parking for staff/visitors confirmation on the kitchen.

Wiltshire Council Highways: No objection.

The main issue from a highway viewpoint is the parking provision on site. However, given the constraints of the site there is no way that parking can be increased without a consequential loss of facilities. It is accepted that there will be an element of on street parking but this will also have the effect of reducing the speed of traffic entering the development.

Whilst it would be preferred to see more on-site parking provision, it must be borne in mind that published parking standards for schools are maximum.

Wiltshire Council Public Protection: Requested more technical details on the proposed biomass installation in relation to noise, fumes and disturbance. These details have been supplied and the response of Environmental Protection will be reported at the meeting.

Wiltshire Council Ecologist: no objection.

A phase I habitat survey was initially carried out in relation to the adjacent housing development and this was updated in February 2013 covering only the area of the school application site. No ecological constraints were identified by the survey, other than the potential for low numbers of reptiles to use parts of the site.

The site itself is quite constrained, however it is recognised that a considerable level of ecological enhancement will have been achieved through the landscape strategy for the site and that there is really no space to fit any further enhancements for biodiversity into. The landscaping has been designed to incorporate the provision of suitable basking areas for reptiles on some south facing banks, together with a good level of ground cover planting that will afford good connectivity for reptiles and small mammals, throughout the site.

All ecological issues have been suitably addressed at this site.

Environment Agency: **views awaited.**

Sport England: no objection, subject to conditions.

9. Publicity

The application has been publicised by way of site notice and neighbour letter.

The publicity has generated one objection from Persimmon Homes South Coast (the company presently developing the larger site) for the following reasons:

- The nursery is situated close to the southern boundary. If it were repositioned further north then what would otherwise be an incomplete proposed landscape buffer to this boundary could be

avoided. The provision of landscaping at this point would mitigate what would be an imposing flank wall against a future housing area.

- There is no mention as to whether or not floodlighting is planned for the games courts or playing fields. If such lighting is likely then this may have adverse implications for future nearby occupants and the wider appearance of the landscape.
- Concerns are raised at the lack of clarity associated with the proposed appearance of the sprinkler tank, chimney and other plant (the biomass enclosure). It would be churlish to say that this group of structures appears to have been something of an afterthought but there is no clear indication of external finishes, only limited reference to the height of the chimney and information about emissions including noise from this plant cannot be found within the application papers. Whilst it is accepted that these structures are situated below adjacent street level and so partially hidden from view in the round without further amplification there is cause to express legitimate concerns on behalf of future occupants of approved houses opposite as to the potential adverse implications for their residential amenity. Could not this plant be situated at a greater distance from the proposed houses?

10. Planning considerations

There are a number of issues to consider with this application – firstly, the principle of a new school in this location; and then, assuming the principle is accepted, the impact of the specific scheme on visual amenity, residential amenity, highway safety, surface water management/flooding and ecology.

10.1 Principle of the development

The allocation of the larger site for residential development and a primary school and the subsequent outline planning permission have established the principle of a school in this general location. This is in accordance with Policy HC19 of the Kennet Local Plan.

Due to a predicted increase in demand for school places in Tidworth since the outline application, the proposed primary school is now larger than that originally planned – 420 places instead of 210 places. The application demonstrates that a larger school can still be accommodated on the original site without detriment to the quality of its design or to the amenities of the wider area, in accordance with Policy PD1. This is considered further below.

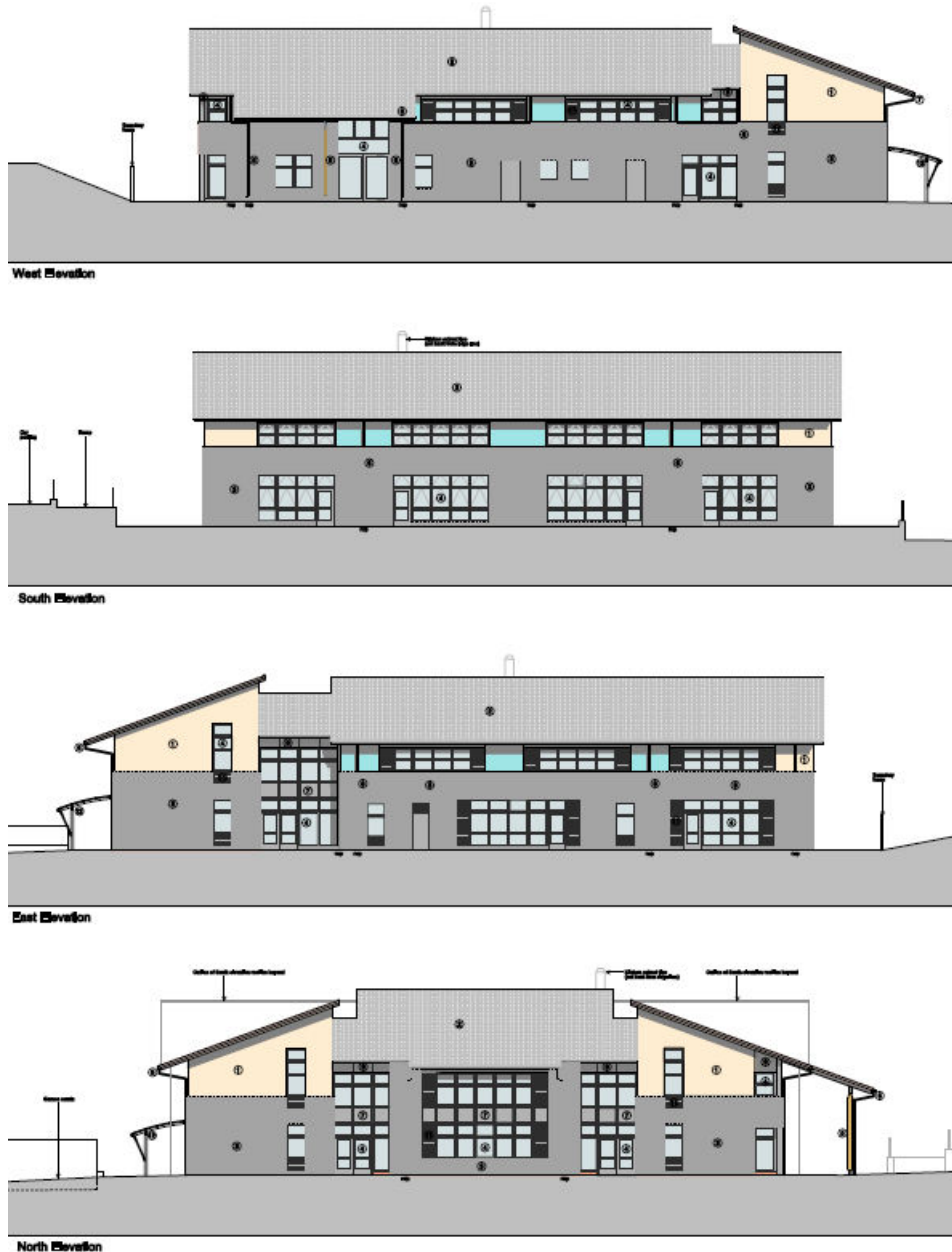
The principle use of the site will be a school. In addition it is intended to allow use for community purposes (some of the internal space and the outside games areas/playing fields), and the main building and outside spaces have been designed to accommodate this. Dual use is supported by Sport England, and to this end it recommends a condition to require this together with a management plan for its operation. However, as the applicant does not yet know what the 'new' community surrounding the school will require, and because the applicant is the Council which takes its community responsibilities seriously in any event, such a condition is considered unreasonable and unnecessary.

10.2 Visual amenity

The application site is situated within a larger housing site which is currently under construction. Within the context of this new residential development the new school will be complimentary as a matter of principle.

Despite their relatively large size, the new school buildings will not dominate the surrounding residential development. Maximum height remains just two stories which will be comparable to the nearest new houses. Adequate margins are retained between the new school buildings, play areas/fields and car

park to avoid a cramped appearance and to allow landscaping to soften and break-up the development. It is acknowledged that the nursery building would come closer to the south edge of the site, but as it is of modest proportions it is not considered that it would have a detrimental impact on whatever development may be planned for the adjoining land. Equally, the biomass enclosure is considered to be a relatively modest element of the whole development which would be adequately distanced and screened from the public highway and nearby houses to ensure no harmful impacts on amenity.

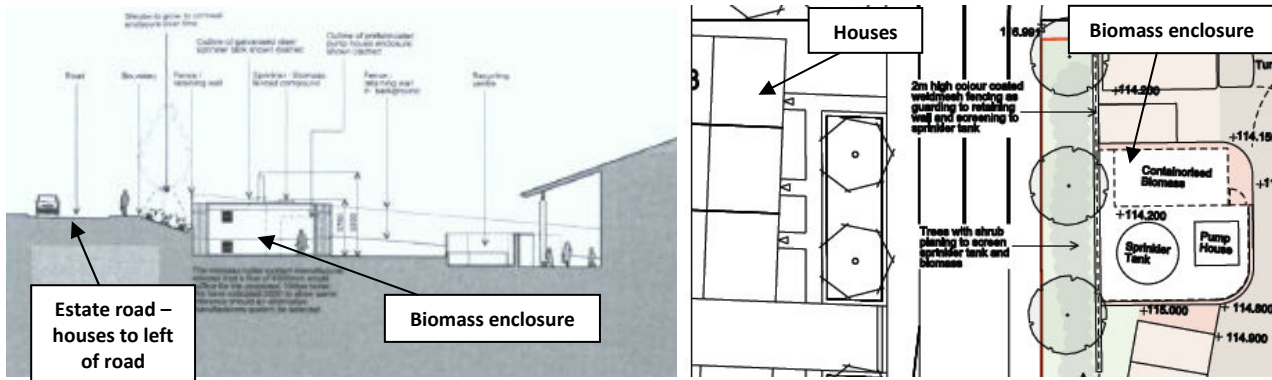


Elevations - school

Although some 'cut and fill' would be necessary to accommodate the buildings and the levelled open areas (playing fields, games courts, etc.) on the site, the extent of this is limited, and within the context of the surrounding development (which includes a much more elevated new road to the immediate north of the site) would not detract from the beauty of the landscape.

10.3 Residential amenity

The houses which will neighbour the new school are still under construction. However, it is evident from the context drawings that these houses are sufficiently distanced from the site to ensure no loss of amenity through overlooking or general disturbance. Detailed comments from Environmental Protection on the biomass enclosure will be reported to the committee.



Section drawing and site plan extract showing relative positions/levels of biomass/plant enclosure and closest new houses

School traffic can be a cause for conflict between parents' dropping-off/collecting children and residents of nearby houses. In the interests of sustainability the application is supported by a Green Travel Plan which encourages travel to the school by means other than motorcars. Despite this, it is inevitable that some of the children will be dropped-off/collected by car. The limited and short term inconvenience this may cause to nearby residents at the beginning and end of the school day would not amount to a sufficient reason to reject the application on residential amenity grounds.

There is no floodlighting proposed on the games courts or playing fields. A condition is recommended requiring details of such lighting to be approved, should it be proposed in the future. External lighting in the car park and beside paths would be appropriately discrete and directed.

10.4 Highway safety

The proposal offers a safe access to the site from the adjacent main estate road. Specific parking provision is made for 27 cars, and this is considered acceptable by the Highways Officer having regard to the maximum parking standards which apply.

The Town Council expresses concern that a far greater number of parking spaces should be provided to cater for parents dropping-off/collecting children. However, an objection based on this is unsustainable for the reasons set out above – specifically, any short term need for this parking can be accommodated through adequate and safe on-street parking, and the school will discourage dropping-off/collection by car in any event through its Green Travel Plan. Additionally, the applicant advises that experience has shown that on-site drop-off/collection arrangements invariably lead to congestion and delay within the school itself.

The applicant has acknowledged the Town Council's specific concerns about parent parking for events (such as school plays and parents' evenings), and has amended the drawings to indicate overflow car parking on the games courts at these times.

10.5 Surface water management and flooding

To the east side of the site is the River Bourne. Part of the application site on this lower side lies within the floodplain of the river. For this reason development on this part of the site is limited to games areas and playing fields. Some cut and fill is proposed to accommodate these, although not to such an extent as to be prejudicial to the floodplain.

The Ground Investigation Report which accompanies the application concludes that soakaways for the management of surface water would not be effective on the site. In view of this the application proposes large attenuation tanks instead to be sited underneath the games courts. These tanks would collect the surface water from the development and allow its slow discharge into the Bourne via a short length of swale. The applicant's agent explains:

"The drainage strategy in the Flood Risk Assessment reviewed and commented on by the Environment Agency includes a short length of surface water swale outside the site boundary, crossing the linear park where this connects into the existing river.

The swale is a V-shaped ditch 3m wide with sloping sides of around 1 in 3, the surface of which would be a continuation of the adjacent grass land. Like the River Bourne into which it discharges, this swale would generally be dry, but would provide a route for surface water to drain away when ground water levels are high. The swale is necessary as, during periods of exceptional high ground water, it is not possible for surface water to drain to soakaways.

The discharge into the swale is from very large attenuation tanks (surface water storage tanks) under the games courts that ensure water is discharged into the swale at a slow steady rate to meet the Environment Agency's requirements".

This solution to surface water management is satisfactory to the Environment Agency.

10.6 Ecology

The Council's ecologist is satisfied that there are no ecological interests adversely affected by the proposals, and she supports the habitat enhancements which are offered through the landscape strategy accompanying the application.

To safeguard ecological interests some works will have to be carried out prior to commencement of actual development, these comprising removal of a hedgerow (to safeguard potential reptiles and nesting birds) and the erection of reptile fencing. In this instance these operations are not considered to amount to commencement of development.

10.7 Conclusion

This planning application is for a primary school and nursery, in accordance with the allocated use of the land and its outline planning permission. The design of the school is considered appropriate for its context, and will not cause harm to interests of acknowledged importance including both visual and residential amenity. Parking provision satisfies maximum standards, and any short term overflow can be accommodated on-street in any event. Measures are incorporated to manage surface water and potential flooding.

For these reasons the application is recommended for approval subject to conditions.

RECOMMENDATION

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

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

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

REASON: In the interests of highway safety.

- 4 Any gates across the vehicular access to the site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

- 5 The Green Travel Plan Framework for Primary School accompanying the application shall be implemented following first occupation of the school. The results of its implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 6 The new playing field and pitches shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), before they are first brought into use.

REASON: To ensure the quality of pitches is satisfactory and they are available for use.

INFORMATIVE: The Natural Turf for Sport document can be obtained from the Sport England website: www.sportengland.org .

- 7 No external flood lighting of the games courts or playing fields/pitches shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication

"Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Tidworth Primary School Design and Access Statement (and appendices) dated 28/05/13

Drawing no. 275928 Site P 02 P05 (location plan in context) dated 31/05/13

Drawing no. 275928 Site P 202 T3 (site plan) dated 12/07/13

Drawing no. 275928 P 0 202 P02 (ground floor plan) dated 31/05/13

Drawing no. 275928 P 1 202 P02 (first floor plan) dated 31/05/13

Drawing no. 275928 P R 200 T06 (roof plan) dated 15/07/13

Drawing no. 275928 E 200 P03 (elevations- school) dated 31/05/13

Drawing no. 275928 S 200 T03 (general sections) dated 16/07/13

Drawing no. 275928 E 203 P01 (elevations - nursery) dated 31/05/13

Drawing no. 275928 Site P 203 (proposed fence types) dated 28/06/13

Drawing no. 275928 E 201 T02 (elevations in context) dated 28/06/13

Drawing no. 275928 E 202 T02 (elevations in context) dated 28/06/13

Drawing no. 275928 Site P 210 T02 (site plan - landscape areas) dated 28/06/13

Drawing no. P148-1693 (external lighting) dated 28/05/13

Drawing no. C-01 P3 (drainage strategy) dated 21/05/13

REASON: For the avoidance of doubt and in the interests of proper planning.

- 9 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

Appendices: None

Background Documents Used in the Preparation of this Report: Development Plan

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	22/08/13
Application Number	13/00707/FUL
Site Address	Rushall C of E Aided School Pewsey Road Rushall SN9 6EN
Proposal	Provision of new single mobile classroom with cloaks and toilet accommodation.
Applicant	Wiltshire Council Department of Resources Strategic Property Services
Town/Parish Council	RUSHALL
Grid Ref	412437 156070
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been submitted by Wiltshire Council, but has attracted local objections raising planning issues. It therefore stands to be determined by committee.

1. Purpose of Report

To consider the recommendation that the proposed mobile classroom be given a 5 year temporary planning permission.

2. Report Summary

The main issues to consider are whether the design of the mobile classroom is acceptable, whether it would have an adverse visual impact within the AONB, whether it would be harmful to neighbour amenity and whether additional traffic generated by higher pupil numbers would have an adverse impact on highway safety.

3. Site Description

Rushall school lies towards the northern end of Rushall, on the eastern and southern side of Pewsey Road on a bend in this road. It is situated between residential properties and adjoins School House, formerly part of the school but now in private ownership.

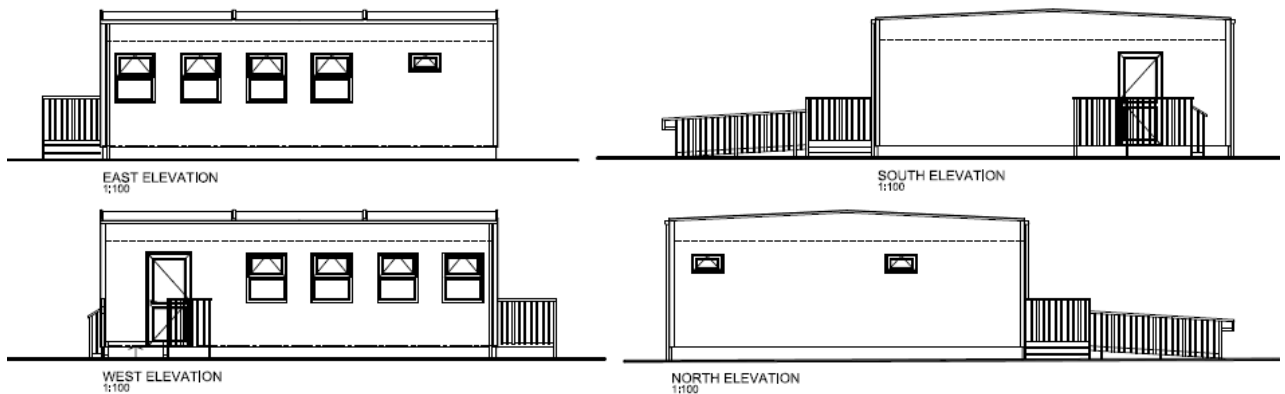
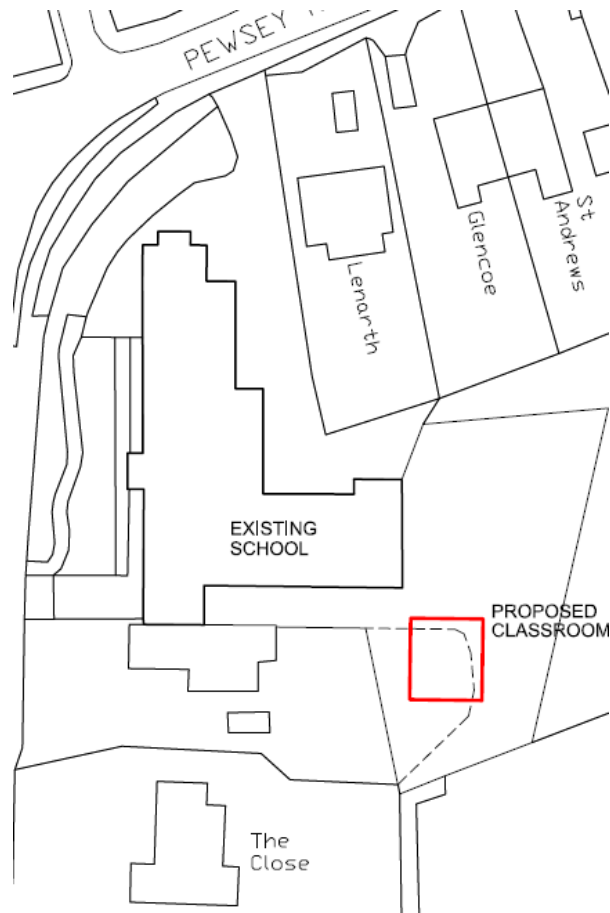
4. Planning History

In 2007 planning permission was granted for a 2 storey classroom and nursery extension (ref. K/57182/F).

In 2010 planning permission was granted for a detached pavilion (ref. E/10/0751/FUL).

5. The Proposal

A 5 year temporary planning permission is sought for a mobile classroom, to be located on land adjoining the school playground which is currently partially occupied by a greenhouse and a shed. The mobile classroom would be situated beyond the end of the garden of School House, separated from it by an existing fence.



6. Planning Policy

Relevant planning policies are policy PD1 of the Kennet Local Plan and central government planning policy set out in the National Planning Policy Framework.

7. Consultations

Rushall Parish Council: Objects strongly for the following reasons:

- What will happen after the mobile classroom is removed? Will there be an application for a permanent structure? A logical solution would be the reversion of School House to Rushall school (the house is currently up for sale).
- The school is located close to a sharp bend on a busy road. There is a lot of congestion at school drop-off and collection times, with parking in the road and the obstruction of private drives. There is no system of traffic control. There is a substantial risk of accident. The school traffic plan is out of date.

- The proposed development increases the density of buildings in a rural location.
- The proposed materials are inappropriate.
- There will be an adverse impact on the amenities of neighbouring properties, particularly School House, in terms of height and proximity of what is proposed and in terms of noise.
- The proposal will be visible from the footpath which crosses the field to the rear and will be an unwarranted intrusion into open countryside.

Upavon Parish Council: Support Rushall parish council's objection to the planning application on the grounds of overdevelopment and lack of parking within the school. The closed school at Upavon is adequate to accommodate the entire school at Rushall without the difficulties that presently exist with regard to Rushall.

Wiltshire Council Highway Authority: No objection. The site was visited at school close time on 09/07/13 and no undue problems were noticed on the highway. At the time about 20 cars were parked in the village hall car park. It was also noticed that a significant number of pupils travelled by bus and that the parking of the buses did not cause a problem. Furthermore the school is very proactive in the preparation and monitoring of its School Travel Plan and an update is underway to reflect the revised pupil numbers.

Schools by their nature have a high parking demand for two short periods during the day, but this in itself does not constitute a reason for a highway objection. In this case it is necessary to judge whether the increase in pupil numbers is such as to lead to an unacceptable increase in highway safety or risk. There have been no recorded personal injury accidents within 200m of the school during the last ten years.

Whilst appreciating the concerns of the Parish Council and local residents, based on the information supplied and on site observations, it is not considered that an objection on highway grounds would be sustainable.

8. Publicity

Neighbours: Objections have been received from 3 local residents. Their main concerns can be summarised as follows:

- The school site is being overdeveloped and is not big enough to accommodate the proposed numbers of pupils.
- Expansion is unnecessary as other local schools are short of children e.g. Chirton, whilst Upavon school has been closed.
- If expansion is justified, then the obvious solution is to acquire School House, which is up for sale.
- Traffic generated by the school leads to considerable congestion, with dangerous and inconsiderate parking. There is an accident waiting to happen and there is no scope for additional traffic resulting from more pupils.
- The school travel plan is out of date and the revision is unlikely to be in place by September 2013.
- The school has a negative impact against the use of the village hall, whose car park is congested at drop-off and pick-up times. This limits the viability of the village hall for hire.
- Higher pupil numbers will exacerbate the noise levels being generated by the school and reduce the privacy of neighbouring gardens. Noise from the classroom will impact the amenity of the adjacent School House.
- Despite the proposed obscuring of the windows, their opening will harm the amenity of School House.
- Smell from the compost heaps and vent pipe of the septic tank of School House will be detrimental to use of the classroom.

- The classroom will interfere with the septic tank soakaway of School House.
- The design is inappropriate for its surroundings in terms of its design, colour and size.
- The school hall could serve as a classroom. The school could use the village hall instead.
- The school pavilion could be converted/replaced by a classroom.

9. Planning Considerations

Rushall school is the only school in the village and surrounding areas. At present the school operates 4 classes. However school numbers are rising and the school needs to accommodate a fifth classroom. The school is full, and having been designated as outstanding at the last Ofsted, is popular with parents. The Education Authority has to take into account parental preference and the Government policy to expand good and outstanding schools. The two often go hand in hand.

The long term aim is to replace temporary accommodation with a permanent build at all schools where the forecasted pupil numbers justify the accommodation. However long term demand for places is not yet proven and limited capital resources mean that it is not appropriate to provide permanent accommodation at this stage. Hence a 5 year temporary planning permission is sought for a mobile classroom.

The mobile classroom would be located within the school grounds within a small garden area currently occupied by a greenhouse and shed. It would be situated beyond the end of the adjoining property 'School House', from which it would be separated by a boundary fence. It would be 'mexican pink' in colour and would have obscurely glazed windows facing towards School House.

Mobile classroom are not intrinsically attractive structures. However they are a typical and unsurprising feature of school sites and no objection is raised in this instance. Whilst recognising that the site lies within the North Wessex Downs AONB, the mobile classroom would be located in the built up area of the village. It would be situated 170m distant from the footpath that crosses the fields to the rear of the school, and views of it would be filtered by existing large trees. Furthermore, the mobile classroom would be read against the backdrop of existing buildings. The colour 'mexican pink' is not the vivid colour which its name implies. An examination of the colour chart in the manufacturer's brochure (Steni Stoneflex) reveals a muted colour which will not stand out in its context.

Whilst the mobile classroom would be clearly visible to the occupiers of School House, it would not be overbearing on this property or be materially harmful to their living conditions. Furthermore, it is proposed to obscurely glaze the windows on its western elevation which would look towards the property. This can be a requirement of a planning condition.

Whilst increased pupil numbers are likely to increase the noise from children playing in the playground, such noise will not materially harm the amenities of surrounding residents, and only occurs at certain times of the school day. Noise from the use of the classroom will not materially harm the amenity of School House, particularly with the aforementioned condition in place.

Smell emanating from the compost heaps and septic tank vent pipe of School House will not be detrimental to pupils using the classroom.

Schools by their very nature have a high parking demand for two short periods during the day. However the Highway Authority has observed a typical school pick-up time and has concluded that an objection to the proposal on highway grounds is not sustainable.

Furthermore there are no recorded personal injury accidents within 200m of the school during the last 10 years. The school is currently preparing an updated School Travel Plan and this is likely to be in place shortly. This will have the environmental option of school transport at its heart.

Apparently School House is not a viable option as the rooms are too small for the Government BB99 guidelines for a Primary Classroom. The Council would have to spend too much money converting the buildings to be suitable for a modern school. Also there are issues about using the upper floor for education.

It has been commented that the school site is being overdeveloped and is not big enough to accommodate the proposed numbers of pupils. However the size of the site meets the BB99 guidelines for a primary school.

It is unreasonable to expect the school to convert either the school hall or pavilion into a classroom.

10. Conclusion

There are considered to be no planning reasons to withhold planning permission for the proposed mobile classroom. However due to the design and nature of the proposed structure, this should be for a temporary 5 year period only. If there proves to be a longer term need for additional accommodation at the school, then it would be more appropriate to explore options to extend the existing buildings rather than to rely on a mobile classroom.

RECOMMENDATION

That a temporary five year planning permission be granted, 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 mobile classroom hereby permitted shall be removed and the land restored to its former condition on or before the expiry of 5 years from the date of this planning permission, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

REASON: This permission is granted solely to meet the needs of the present applicant and because the site is in a location where the permanent retention of a building of temporary construction is considered to be inappropriate.

- 3 The windows in the west elevation of the mobile classroom shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: 1316-01, 1316-02 and 1316-05 received 16/05/13

REASON: For the avoidance of doubt and in the interests of proper planning.

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REPORT TO THE AREA HUB PLANNING COMMITTEE

Date of Meeting	22 nd August 2013
Application Number	E/2012/1566/FUL
Site Address	Marlborough College Marlborough Wiltshire SN8 1PA
Proposal	Erection of floodlighting on hockey pitches
Applicant	Marlborough College
Town/Parish Council	MARLBOROUGH
Grid Ref	418472 168739
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 Councillor Nick Fogg.

1. Purpose of Report

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

2. Report Summary

The key issues in determining this application are considered to be;

- The impact of the proposed floodlighting upon the visual amenities of the area, the character and appearance of the conservation area and upon the North Wessex Downs Area of Outstanding Natural Beauty.
- Whether the proposed floodlighting would result in significant harm to the amenities of neighbouring occupiers both in terms of the proposed lighting and any additional noise.
- Whether the recreational, community and health benefits of floodlighting the pitch to allow its use during darker periods are sufficient to override resulting harm.

3. Site Description

To access the site, when approaching from the Devizes direction along the A4, after proceeding through the College buildings turn left at the mini-roundabout into Marlborough High Street and take the first left turning after the church into Back Lane. The site can be found on the left hand side after approximately 250 metres, just after the buildings, opposite the entrance to Hughenden Yard car park.

The application site lies close to the town centre of Marlborough (to the south/ south-east) and to the north and east of College buildings. Its borders onto Marlborough College playing fields and open countryside beyond to the north. To the south lies the Marlborough Conservation Area from which and within the context of which the proposed lighting columns and floodlighting would be visible. To the east of the site lies Back Lane along which a number of private residences are situated, the nearest being c.23 metres away. The land slopes upwards to the north and the site currently comprises of two existing games pitches; the first, an existing floodlit hockey pitch at the west of the site and the second, to the east and nearer the private residences, an unlit Multi Use Games Area. The eastern pitch is situated at a higher level than the road, separated by a grass banking and an elevated footpath.



Site Location Plan

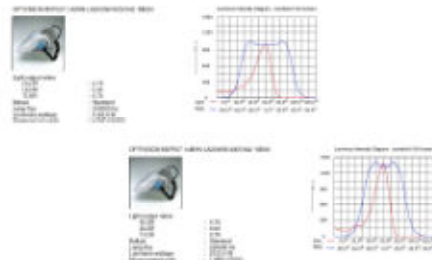
4. Planning History

- K/36740 Covered swimming pool with associated changing rooms, stores and plant.
- K/12824 Construction of new sand filled artificial turf playing surface
- K/79/0444 All weather playing surface
- K/86/1140 8 no. floodlight columns 16m high

5. The Proposal

The application comprises of two parts. The first part proposes the replacement of the existing 8 x 16 metre high floodlighting columns, each with 4 x 1500W metal halide lights on the western pitch with 8 x 15 metre high lighting columns with 3 x 2000W metal halide lights on each. These lights will be mounted horizontally rather than at the existing 60-70 degrees to reduce light spillage whilst meeting light level requirements for certain competitions including Hockey England Class II Ball Training, Junior and Low Grade Club Competition which requires a lighting level of 500lux.

The second part is to install 8 x 15 metre floodlighting columns with corner posts having two mounted 2000W metal halide lights and the others having three mounted 2000W lights and will also be horizontally mounted. This lighting will meet a lower lighting standard of 300lux for Class II Recreational/ Local/ Training purposes. The lux levels would be adjustable to enable these levels to be reduced according to use requirements. The floodlights will enable students and other organisations to better utilise this second pitch during darker winter months for the purposes of training and winter matches.



6. Planning Policy

Kennet Local Plan 2011 policies PD1 (Development and Design), NR6 (Sustainability and Protection of the Countryside) and NR7 (Protection of the Landscape) are applicable.

The National Planning Policy Framework is relevant, with particular regard to Chapter 7: Requiring Good Quality Design Chapter 8: Promoting Healthy Communities, Chapter 11: Conserving and Enhancing the Natural Environment and Chapter 12: Conserving and Enhancing the Historic Environment.

Draft Wiltshire Core Strategy Policies are not being afforded significant weight at this stage, as the Inspector has not yet reported on the examination in public, though the document does indicate the direction the Council wishes to take. Notwithstanding this, it is not considered that the proposed policies differ significantly in content such that this would warrant a different recommendation.

7. Consultations

Wiltshire Council Environmental Protection Officer – Initially raised no objections to the proposals. However, following significant concerns expressed by neighbours, including that of noise, neighbours commissioned and submitted a noise report which highlighted the potential noise levels created by hockey. This was considered key because, being a winter sport, the potential for this to be played on winter darker evenings would be much greater if facilitated by floodlighting of the second pitch. The applicants subsequently provided their own noise report and both of the reports have been scrutinised by Environmental Protection Officers.

In addition, The Environmental Protection Officer's original conclusions in respect of direct impact from the illumination of the Milford pitch still stand.

The comments from the Environmental Protection Officer sets out this position as follows;

'The applicant has submitted an acoustic assessment in regards to the increase of noise that may occur due to increased use of the pitch. The College hopes to leave the lights on until 22:00, therefore increasing the use of the pitch during the darker months of the year.

The two conditions recommended in our response dated 6th March 2013 should still be included with any planning permission granted as below. The submitted documentation classifies the area as Environmental Lighting Zone E1. This class denotes intrinsically dark environments such as national parks. In our opinion this area would more likely be classed as E2 which is low district brightness such as relatively dark outer suburban locations. On the basis that the area is E2, the lighting scheme complies with the Institute of Lighting Engineers guidance and we therefore do not object to the lighting scheme in principle subject to the two conditions set out below:

- Illuminations not to be used after 22:00hrs or before 08:00hrs in the morning.
- Lighting to be installed as per the information provided in the application (see document dated 20/12/12 Vector Lighting design Proposals for Hockey and MUGA)

Two noise assessments have been submitted; one produced by Ian Sharland Ltd behalf of some local residents and one by Acoustic Air on behalf of the applicant. It has been accepted that hockey is the noisiest sport likely to be played on the pitch. Both assessments agree on the background noise measurements and sound levels produced through playing hockey.

Having assessed the information supplied I recommend conditions are included in any planning permission granted that ensure the recommendations made in sections 4.17, 4.18, 4.19 and 4.20 of the Acoustic Air Assessment are put in place. To be clear the following matters should be conditioned:

- Goal backboards at the eastern end of the pitch should be lined with a resilient rubberised surface that will absorb sound energy and reduce peak noise levels by around 20dB.
- Resilient rubberised material to line the base of the pitch fence along the boundary closest to the dwellings and either side of the goal, to the height of where balls rise above ground level.
- No goal mouth practice sessions to take place at the eastern end of the Milfords Pitch.

In addition to this, having considered the difference between the background noise levels after 20:00 and both equivalent continuous and maximum sound levels measured of hockey playing I have to recommend that a condition is included in any planning permission granted to the following effect;

- Hockey will not be played on the Milfords pitch between 20:00 and 22:00.'

The applicants have advised that they would be agreeable to this recommendation.

Marlborough Town Council - Marlborough Town Council have no objection to this application subject to reassurance that there will be a reduction in light spillage, making them less intrusive to near-by properties and that they are low energy use. In an updated response, they comment that they would like to see a reduction of light pollution to the lower pitch and that before the lights are installed on the upper pitch a test is carried out to ensure that there is as little light pollution as possible so that local residents are not affected. [Officer note: the lighting plans and details are sufficient to demonstrate that the lights have been designed to minimise lightspill over the current situation. The installation of lights as a 'test' is not considered reasonable to include as a planning condition, or necessary in view of the lux plans provided]. In response to the latest noise reports, the Town Council note their contents but have not provided any additional comments.

AONB Officer - raise no comments in respect of this application but do request a number of planning conditions as stated below should the Council be minded to approve this application. The AONB is recognised for its dark landscape and the dark night skies should be protected from new sources of light pollution. However, it is accepted that subject to careful design, location and a limitation on hours of use the impact can be mitigated against in some cases. In coming to our decision we have noted the location is close to existing street lighting, the Marlborough urban area and there is existing floodlighting on site.

The planning conditions requested are to ensure the proposed floodlighting is of the proposed design that ensures cut off to the level of light overspill and that the lighting is positioned downward correctly. A further planning condition is requested to agree when the lights should be turned off at night, to ensure the lights are not left on late into the night.

Neighbour Representations – A total of six letters of objection have been received in respect of the application including two from a planning agent acting for the two of the neighbour objectors. None of the objectors are primarily concerned with the proposed replacement of the floodlights to the western pitch, though the planning agent recommends the opportunity be taken for imposing an hours restriction to 8pm on this pitch.

The concerns can be briefly summarised as follows;

- The introduction of floodlights to the currently unlit MUGA raises different questions and would be better dealt with through a separate application.
- Floodlighting of the MUGA will undoubtedly introduce significantly greater levels of light pollution which will lead to a loss of amenity to the neighbouring residents.
- Floodlighting of the MUGA would facilitate the playing of team sports/ games during hours of darkness in the winter months and there is a strong likelihood this would result in greater noise levels and associated disturbance which would result in a severe loss of amenity to neighbouring residents. This is due to the noisy nature of many team sports and the associated coming and going of those taking part and supporting the players. The impact of such disturbance is currently limited by the hours of daylight and is tolerable. The removal of this natural restriction will extend the impact and result in loss of amenity. Both this and the previous point would be contrary to the criteria in policy PD1 and high quality design criteria within the NPPF
- Further lighting, however limited and the likely increase in noise disturbance would spoil the character of the lane and be most unwelcome.
- Please note that noise disturbance is already at a high level and is not limited to when lights are turned off and local residents can be subject to further inconvenience after this happens. As residents close to the MUGA pitch (approximately 40 metres away) we can verify that the sound of hockey balls striking the goal backboard, and shouting from general team play, causes considerable noise during weekend daytime. The proposal that allows for such activity in the evening by installation of new floodlights is of particular concern to us and is unacceptable having regard to jobs which require different sleeping patterns and young children.
- Any planning benefits attributed to and for the college should not outweigh or be at the expense of the environment or the local residents.
- The proposed floodlighting would be harmful to the special character and setting of the conservation area which lies immediately adjacent and would consequently be contrary to policy PD1 of the KLP and the NPPF. The floodlighting would harm the intrinsically dark character of a rural nature notwithstanding its proximity to the town centre.

The planning agent acting for the neighbours subsequently submitted a detailed noise assessment which sets out that *‘.. a simple prediction of likely noise from hockey, for example, indicates that residual noise levels at the adjacent houses would exceed British Standard and World Health Organisation guideline values for residential occupation. Furthermore, peak noise levels would be twice as loud as currently experienced in the evening on Hyde Lane.*

The outline assessment detailed herein concludes that there would clearly be a loss of

residential amenity and that, of more concern, there is a risk that justifiable complaint would then be forthcoming.'

This report was based upon background noise level readings taken at the site from Monday 18th March to Wednesday 20th March.

The additional comments received from the agent acting on behalf of two neighbours raises the following points;

- His clients' objections remain in relation to noise and light pollution and therefore unreasonable loss of their amenity
- The Noise Impact Assessment highlights that there would be an adverse impact and suggests further measures to be put in place in order to make this proposal acceptable to nearby residential properties.
- There is an inconsistency in the lighting information. The report states MUGA lit to 300Lux but on appendix plans, calculations are based upon 350 Lux. Clarification is needed to properly assess.
- Lux levels at neighbouring properties would be >1 Lux, and up to 22 Lux to the south of the pitches. This would significantly impact upon residential amenity.
- The floodlighting of Hyde Pitch should be restricted to 20:00 hours on light pollution grounds by condition
- The acoustic report by the applicants indicates strong agreement with neighbour commissioned noise report, though the interpretation and expected impact reported are slightly different.
- It is of note that most properties in the area are owned by the applicant and therefore the lack of complaints to existing pitch or this application should not be taken as any indication.
- Both reports identify an adverse impact which could be mitigated through engineering noise control measures and limitation on the hours of use.
- The letter goes on to critique the noise report submitted by the applicant in some detail. The letter can be viewed in full under the application details on the Council's website.
- The letter summarises that peak noise levels will be higher and more numerous than peaks currently experienced, and, in absolute terms, of a magnitude which reaches the threshold for night time disturbance.

8. Publicity

The application has been publicised by way of a site notice installed at the site, neighbour consultations and advertisement in the local press. Re-consultation has been carried out following receipt of the noise impact assessment.

9. Planning Considerations

The NPPF and the supporting text in the 'Tourism and recreation section' of the adopted Kennet Local Plan support the principle of the provision and upgrading of recreational facilities such as the proposed floodlighting, recognising the importance of such facilities in promoting balanced communities as well as health benefits. However, the desirability of permitting the upgrading of such facilities must be balanced with other local factors such as the impact upon residential amenity, the visual amenities of the area (including the AONB landscape) and the duty to preserve the character or appearance of the adjacent conservation area.

The application includes a detailed supporting statement which outlines why the upgrading of existing floodlighting and the proposed lighting of the currently unlit pitch is considered necessary. This includes the fact that the current hockey pitch lighting does not meet latest standards for certain types of matches which require 500 lux lighting levels.

9.1 Upgrading of lighting to Hyde Pitch

The proposed lighting to the Hyde Pitch would replace existing lighting and due to the design of the lights should result in less light spill. The light stands would be c. 1 metre lower than existing

columns and the lights themselves, of a fairly standard appearance for this type of development. Consequently, there is no 'in principle' objection to this part of the scheme raised by neighbours, consultees or officers in terms of visual amenity, the conservation area, the AONB landscape or residential amenity. It has been suggested by objectors that the opportunity is taken to restrict the use of the floodlighting on this pitch beyond 8pm. However given that the hours of use of the current floodlighting is not restricted, and the proposals would not worsen this situation, restricting its use to before 8pm such a condition is not justifiable or reasonable having regard to this fallback situation.

9.2 Proposed new lighting of Multi Use Games Area (Milford Pitch)

The Milford Pitch was granted planning permission in 1988 and objections were received at the time by one resident who was concerned about illumination, a view which was shared by Marlborough Town Council. Since this time, the needs of the College and other organisations that utilise the College facilities have expanded and the College have included a justification for the upgraded requirements. This includes meeting match criteria for various sporting organisations and the College has also provided a list of local hirers of the pitches.

It is of note that neither of the pitches, currently in situ, including the illuminated Hyde Pitch, have any conditions restricting the hours of use or the type of sports which can be played. Consequently, the only restriction of the Milford Pitch is the natural restriction of daylight, which could restrict playing times down to around 4pm in the winter months but allow play as late as 10pm in the summer months. It is also noted that due to the lightspill from the existing Hyde Pitch, the western side of the Milford Pitch benefits from a degree of illumination whenever these floodlights are in use, such that it is understood the western side of the Milford pitch is used more informally beyond daylight hours when the darker nights draw in. It is believed students are allowed to utilise this facility up until 10pm but it is noted that after daylight hours the lack of lighting would not enable match play and would largely concentrate informal play towards the western end of the pitch, furthest from the neighbours.

Neighbours raised significant concerns about the potential for increased usage during the winter months facilitated by the proposed new floodlights, and the resulting impact on their amenities caused by both the lighting and also the additional noise. Environmental Protection Officers have examined the Lux Levels plan and lighting details provided including their design to help minimise lightspill and have concluded that subject to them being turned off between 10pm and 8am, the proposed lighting would not cause significant harm to the amenities of neighbouring occupiers so as to warrant refusal of planning permission on this basis.

As set out earlier in the report, both neighbours and the applicants have submitted noise reports which identify that background noise levels drop off around 8pm. Both reports agree that hockey is likely to be the noisiest form of activity during the winter months with neighbours reporting high noise peaks resulting from sticks and balls hitting the backboards in addition to shouting and noise from supporters. The noise report supplied by the applicants sets out a number of proposed mitigation measures, including the installation of a rubberised surface to the backboards and goal areas to help with sound deadening and Environmental Protection Officers have concluded that such measures should be secured via planning condition in the event Members are minded to grant planning permission, in order to help limit the noise 'spikes' caused by such activities.

Furthermore, Environmental Protection Officers have carefully considered the noise data and the particular noise spikes caused by hockey activities. Having regard to this data, they recommend that the Milford Pitch is not used beyond 8pm for the playing of hockey, which is when the background noise levels noticeably reduce. Again they recommend that this is restricted via planning condition.

10. Conclusion

The proposal would not have a significant adverse impact upon the visual amenities of the area or the AONB landscape having regard to its position close to the town centre and adjacent the existing illuminated pitch and the proposed design of the lights and would have only a broadly

neutral impact upon the character and appearance of the adjacent conservation area. The lightspill resulting from the proposed floodlights has been designed such that it will not result in significant harm to neighbouring occupiers subject to limiting the hours of use via condition.

The direct lighting of the eastern pitch would facilitate the use of this pitch for training and competition use during winter evenings. It is of note that the pitch is already in existence and can be utilised for any type of play with no restrictions. The additional potential for match play and practice during darker evening hours could result in harm to the amenities of the neighbouring occupiers. The submitted acoustic reports quantify the likely resulting noise and Environmental Protection Officers are satisfied that restricting the overall use of the lights beyond 10pm and the restriction of the use of the pitch for hockey beyond 8pm would be sufficient to preserve the amenities of neighbouring occupiers to a satisfactory level. On balance, the proposed floodlights would give greater sporting opportunities for both College students and other community organisations, in an area where there are few such alternative pitches for hire. It is acknowledged that the lighting and the play they would facilitate do have the potential to cause harm to nearest neighbouring occupiers however it is considered that the recommended restrictions would mitigate this harm to an acceptable degree.

Consequently, approval of planning permission with conditions is recommended.

RECOMMENDATION

Approve with 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 floodlights for the Milford (eastern) Pitch hereby approved shall not be illuminated outside the hours of 08:00 and 22:00 from Mondays to Sundays inclusive.

REASON: To minimise the impact of the floodlights upon the amenities of the area.

- 3 Following installation of the floodlights hereby approved to the Milford (eastern) Pitch, this pitch shall not be used for the playing of hockey matches or hockey training outside the hours of 08:00 and 20:00 from Mondays to Sundays inclusive.

REASON: The playing of hockey outside of these hours would be likely to give rise to concerns over residential amenity.

4. Prior to the first use of the floodlights hereby approved to the Milford (eastern) Pitch, goal backboards at the eastern end of the pitch and the base of the pitch fence along the boundary closest to the dwellings and either side of the goal up to the height of where balls rise, shall be lined with resilient rubberised material in accordance with details which have first been submitted to and approved in writing by the local planning authority. These linings shall thereafter be permanently maintained in accordance with the approved details.

REASON: To absorb sound energy to help reduce peak noise levels in the interests of preserving the amenities of neighbouring residents.

5. Following installation of the floodlights to the Milford (eastern) Pitch, no goal mouth practice sessions shall take place within the eastern half of the pitch when the pitch is illuminated.

REASON: To minimise the impact upon neighbour amenity of additional usage

facilitated by the approved floodlighting.

6. The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: Site Location Plan, Christy Lighting Ltd Pages 1 and 2 showing horizontal and vertical illuminance levels respectively, 05a-a12-0112594 and photographs confirming appearance and angle of lights, Lux Standards sheets x 4 and lighting specification report provided by Vector Design all received on the 27th December 2012.

REASON: For the avoidance of doubt and in the interests of proper planning.

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	22nd August 2013
Application Number	E/2013/0238/FUL
Site Address	Land adjacent Chute Forest Cottage, Chute Cadley, Andover SP11 9EB
Proposal	Erection of a Dwelling
Applicant	Mr John Burrows
Town/Parish Council	CHUTE FOREST
Grid Ref	423150 169263
Type of application	Full Planning
Case Officer	Rachel Yeomans

BACKGROUND

Members may recall that this application was deferred at the previous meeting of the Eastern Area Committee to provide a more detailed response to various points raised in representations by local residents. These are set out in the addendum to the report below, followed by the original committee report.

Addendum to Committee Report for application E/2013/0238/FUL for a new dwelling at Land Adjacent Chute Forest Cottage, Chute Cadley

The previously prepared committee report which was deferred from 1st August 2013 provided Members with a detailed summary and officer recommendation to the proposed scheme. However, following its appearance on the agenda, there was some criticism by neighbours that certain matters had not been adequately considered or addressed. In order to reassure Members, a detailed response to the matters raised is provided below. The full criticisms can be viewed in full on the Council's website.

- 1. No advice has been sought or given from the Conservation Officer. The planning officer is not the 'appropriate expertise' given her assessment containing the phrase 'broadly neutral impact' rather than preserve or enhance.*

There is no requirement for the proposal to be evaluated by a Conservation Officer and it is quite acceptable for Planning Officers to be making professional judgements on such applications. The Council has a limited conservation resource and must primarily concentrate this on dealing with listed building applications and major proposals in conservation areas. The original assessment was made by the Planning Case Officer and the Team Leader (who previously advised on this site) in conjunction with verbal advice received from the Conservation Officer. Comments on the setting of adjacent listed buildings were also made by the previous appeal Inspector which have been taken into account.

Para 128 of the NPPF states *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

The Case Officer has encouraged the agent to supply a Heritage Assessment but in the absence of this and with reference to both the Conservation Area Statement, Village Design Statement and from evaluations carried out during numerous site visits, it is not considered that the proposal would harm the character or appearance of the conservation area so as to warrant refusal of planning permission on these grounds.

It is agreed that the test to be applied is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. However, appeal Inspectors have regularly upheld in decisions that a 'broadly neutral impact' is considered sufficient to 'preserve' and consequently, the case officer has not erred in her judgement and application of this phrase or the duty under the primary legislation.

Notwithstanding this, a formal written response has been sought from the conservation officer and this is provided below;

'Site: The site is located at the edge of the hamlet of Chute Cadley and constitutes a modest roadside plot which, in recent years, formed part of the garden of the adjacent (listed) Chute Forest Cottage until it was sold separately by the current owners of the site. The site had been uncultivated for many years and could have been accurately described as 'wooded' until illegal felling works were undertaken to clear the central area within the site. Remaining trees and boundary vegetation are important to the character of the area and should be retained. In particular the frontage hedging is characteristic of the roadside boundaries throughout the hamlet, which the conservation area statement notes as being "one of the most significant features of the settlement". The statement goes on to advise that the "*special, enclosed character of the routes through the settlement should be protected by the resistance of proposals to open up frontages and to remove hedging.*"

Chute Cadley and Lower Chute were once separate hamlets in clearings in the former royal Chute Forest. Today however, the distinction between the hamlets has been blurred by encroachment within the paddocks which separated them until the mid/late C20.

Conservation Policy: The primary consideration in considering an application from the point of view of the historic built environment would be the requirement on the Council, under Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

In addition the Council has a statutory duty, under Section 66 of the Act, to have special regard to the desirability of preserving the setting of neighbouring listed buildings.

The NPPF set out the Government's planning policies for England and how these are expected to be applied. The purpose of planning is identified as '*contributing to the achievement of sustainable development*' which in turn is seen as having three dimensions – economic, social and environmental. Policy relating to the historic environment requires the identification and assessment of heritage assets which may be affected by a proposal and consideration of the impact of the proposals upon these assets and their settings with the overall aim of protecting and enhancing the historic environment by conserving heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment: The current application follows the refusal of an earlier proposal for the erection of a dwelling in 2011.

The design and scale of the proposed dwelling have been amended and proposals for the creation of the access, including a replacement hedge set slightly back from its current alignment, have been clarified.

The alignment and scale of the proposed cottage represent an improvement over the previous proposals as does the slight reduction in the area of frontage parking and confirmation of the retention of a boundary hedge to either side of the relatively narrow access. Whilst the design of the cottage (with prominent first floor dormer windows) is not particularly representative of vernacular forms in the vicinity, the materials are generally appropriate and the design does closely reflect that of a dwelling recently constructed on the opposite side of the road. I also note that the hedge immediately opposite the site has been set in from the roadside in a similar manner to that now proposed.

I remain concerned with regard to the gradual erosion of the area's rural character by construction and the potential for this to be exacerbated by the lack of amenity space within the plot which may prompt requests for the removal of surrounding vegetation. However, taking into account the current context, including both recently approved development in the area, works undertaken with the benefit of permitted development rights and the clearance of this site of its previous tree cover, I consider that the amendments to the scheme which have been proposed since the last submission are sufficient that the proposal must be considered to preserve the current character and appearance of the conservation area. As a result I am unable to object to the approval of the application.

Conditions should be added to secure an appropriate quality of materials and construction during implementation and to ensure the replanting of the hedge.'

2. This inclusion of Chute Cadley at the bottom of the settlement hierarchy does not make it a sustainable location for development by default, indeed if Chute was considered a sustainable location it would have had an allocation for housing development. The only facility in the village is a public house. The report fails to consider the wider sustainability role set out in the NPPF which includes the social role and cultural well being by the creation of a high quality built environment.

It is acknowledged that the location is not sustainable to accept the level of housing supply which may be commensurate with a larger town for example, and is therefore only suitable to take 'infill' development commensurate for a village with the limited facilities on offer. This reflects the balance between the Government's drive to significantly boost housing supply whilst balancing this with the 'golden thread' of sustainable development. Kennet Local Plan policy HC24 is considered consistent with the NPPF and the development proposal accords with the policy requirements of HC24. The significance of this drive for new housing has been borne out through a number of recently allowed appeals in which this issue was given priority over local issues which this Council refused planning permission for.

The design standard of the dwelling takes careful account of the constraints of the site and the local vernacular and is consequently modestly proportioned and suitably positioned and detailed. The NPPF is also encouraging of a proportionate response, and the lack of sustainable construction information means that this cannot be balanced as a positive into the decision making process. However, it must also be remembered that Building Regulations set out minimum standards for such matters in any case and considering the lack of any significant harm, officers do not consider that this should warrant a refusal of planning permission.

3. The highways assessment is incorrect.

The highways officer considers that traffic speeds here are of the order of 20 mph for which Manual for Streets (mfs) Table 7.1 provides a visibility distance of 25 metres. It may be that taking measurements of the traffic speeds would show lower speeds than 20mph giving further reduced visibility distances.

Providing visibility is provided as previously recommended an approaching motor vehicle will come into the view of the driver of an emerging vehicle at 25 / 26metres, and as such I would not wish to support a highway objection to this application for a dwelling at this low-key village environment.

4. *The building control assessment of the acceptability of the foul drainage on the site is also incorrect.*

Paragraph 1.54 of part H2 of Approved Document H does indeed state that the discharge from a packaged sewage treatment plant should be 10m away from any building or watercourse.

However, this contradicts paragraph 1.11 which states that packaged treatment works “ treat effluent to a higher standard than septic tank systems and this normally allows direct discharge to a watercourse”

Paragraph 1.12 also states that packaged treatment works discharging to a suitable watercourse “.....should also be considered where space is limited or where other options are not possible.

In addition to this, the Environment Agency no longer even seek an application for consent to discharge from a packaged treatment plant for anything under 5 cubic metres of discharge per day – this is equivalent to approximately 31 people occupying the building (See attached Environment Agency statement).

I have also attached technical guidance from Klargestor, one of the major producers of packaged treatment plants which also states that these plants can discharge directly to a water course – see page 6.

As a department we do accept packaged sewage treatment plant located in close proximity to buildings and discharging to watercourses or drainage fields.

Officer note; from this advice, it appears highly likely that adequate drainage is achievable and it is not therefore considered reasonable to refuse planning permission on these grounds.

5. *There has been no assessment of the impact on biodiversity as part of this application and I have been informed that bats have been regularly seen along the tree line. Bats are a protected species under the Habitats Directive and any development proposal that affects a Bat's habitat must consider the appropriate mitigation.*

Officers are required to assess whether applications warrant a protected species survey. In this instance, the likely opportunities for bats and their habitats and other protected species was considered very limited and did not warrant further onerous survey work. However, notwithstanding this, the Council's Ecologist has been asked to evaluate the potential of the site and has provided the following response which draws the same conclusions.

‘The plot consists entirely of a former garden, which has been neglected for some time, however the vegetation that covers the site remains a mixture of former garden plants and ruderal, opportunistic weeds, which are of negligible conservation value. The area that will be lost under the footprint of the house does not represent any significant loss to biodiversity. In the longer term, the remainder of the plot will eventually be turned into a garden once more and this will offer an equal, if not greater function for biodiversity to what is currently on the site. It is likely to be planted with flower borders and shrubs which will attract a significant number and variety of invertebrates which will in turn be prey items for a number of birds, bats and other small mammals.

The boundary trees are to be retained and will therefore continue to provide a function for biodiversity as an integral part of the foraging and commuting line used by birds, bats and other small mammals, and as potential nesting areas for native birds. The root protection zones proposed within the application will ensure that the integrity of these trees is not compromised.

None of the boundary trees offer features suitable for use by roosting bats, other than for “opportunistic” roosting by individuals. None have features that would support a colony of bats. There is therefore no requirement for survey of these trees in relation to bats. The retention of the trees will ensure that opportunistic roosting remains a potential function of the site. The construction of the proposed dwelling will not affect the potential use of the limited roosting opportunities in the trees.

The hedgerow to the front of the site is proposed for removal, with replanting further back to allow visibility. If native stock is used, I have no objection. I note there will be some additional hedge planting around the remainder of the boundary and this will increase connectivity of habitat and increase the function of the hedgerow as a wildlife corridor for secluded movement between different habitat areas by a range of birds and small mammals. The wider area is already given over to residential development and any increase in commuting corridors for wildlife throughout the locality such as planting new hedges or bulking up existing ones will increase the permeability of the landscape and thereby benefit biodiversity.

There are no other ecological issues in relation to this site and I make no objection to the application.'

To summarise, officers have fully considered the many issues and concerns raised by objectors and have sought the necessary expert advice where deemed necessary. The committee report was prepared as a proportionate summary of the many points raised following extensive consultations, negotiations and the applicants' submission of additional information to address some of these points. The additional criticisms have been thoroughly considered however, for the reasons given above, they do not cause officers to alter their professional judgement on the application proposal. Accordingly, approval of planning permission with conditions is recommended.

Reason for the application being considered by Committee

This application has been brought to committee at the request of the division member, Cllr Howard.

1. Purpose of Report

To consider the officer recommendation that the proposal be granted planning permission.

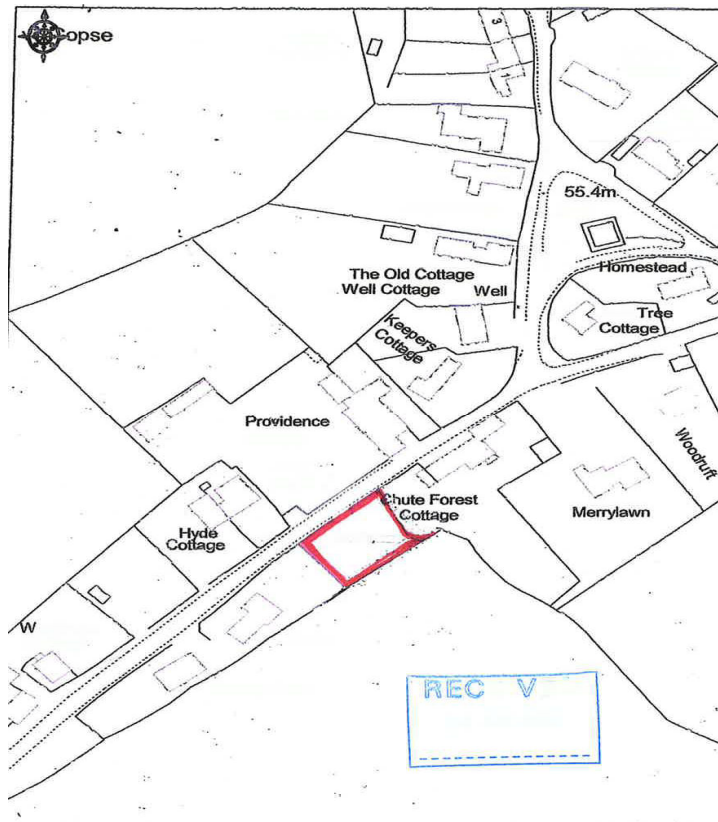
2. Report Summary

The key issues for consideration are:

- The principle of residential development in this location;
- Whether the proposals will preserve the setting of listed buildings and other non-designated heritage assets;
- Whether the proposal would preserve or enhance the character or appearance of the conservation area (including a broadly neutral impact);
- Impact on visual amenity, including whether the proposal represents good quality design, impact on the AONB landscape and trees;
- Highway safety;
- Impact on residential amenity.

3. Site Description

The application site lies on the southern side of Chute Cadley. The site can be accessed from Ludgershall by proceeding east along the A342 towards Andover. Before leaving Ludgershall and immediately before the sign for Faberstown, take the left hand turning signed Biddesden and Chute into Biddesden Lane. Proceed along this lane until the T junction and turn left. Keep following this road into Lower Chute. At the T junction, turn right (past the Hatchett Inn) and take the next left towards Chute Cadley. The application site can be found on the right hand side before the road splits. The site slopes upwards from the roadside to the southeast.



Site Location Plan

4. Planning History

E/2011/1627/FUL – Planning permission was refused for a new dwelling on the site on 25th January 2012 for the following reasons:

1. The proposed dwelling, by virtue of its scale, bulk, orientation and design would be cramped and out of keeping with the area and would thus fail to preserve or enhance the character and appearance of the conservation area. Furthermore, the scale of the dwelling, its proximity to the boundary and orientation within the site would be unneighbourly for occupiers of Chute Forest Cottage. The proposal is therefore contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.
2. The proposal makes inadequate provision for visibility splays at the site access and the local planning authority is not satisfied that the necessary visibility splays can be achieved without detriment to the character and appearance of this part of the conservation area and without use of third party land outside of the application site. The proposal is therefore contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.
3. The siting of the dwelling and its proximity to existing trees and landscape features would give rise to pressure from future occupiers of the dwelling to reduce or fell trees which make a positive contribution to the sylvan character of the area. As such the proposal is contrary to policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment.

It should be noted that this application proposed a much larger dwelling, tantamount to the appearance of an elongated barn conversion which was intended to be placed diagonally across the site. The dwelling now proposed has been the subject of protracted pre-application discussions in an attempt by the applicants to address the issues as fully as possible.

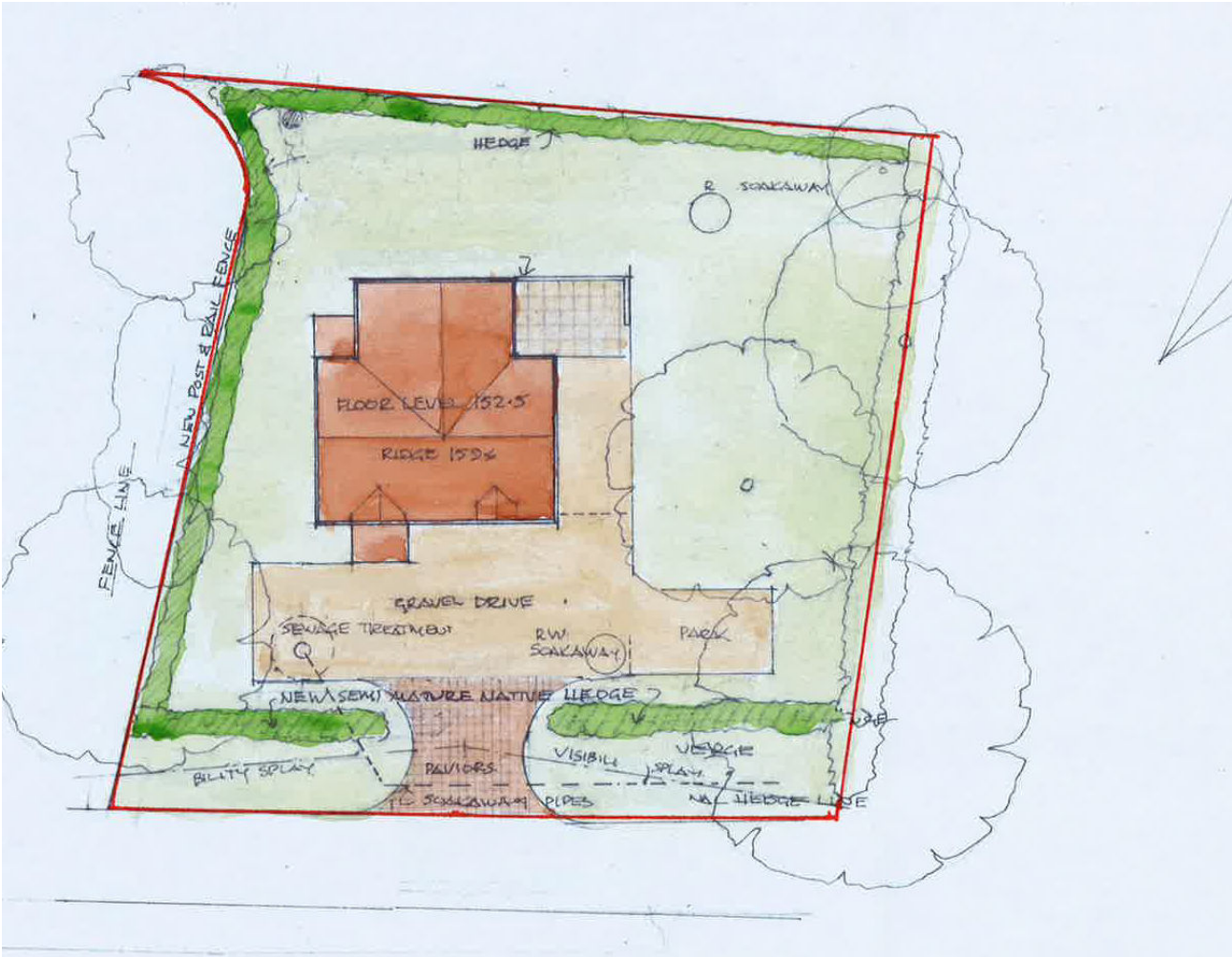
E/09/1030/TCA – The applicants carried out works to trees within the conservation area adjacent to Chute Forest Cottage consisting of the felling of two larch trees, one aspen poplar, and one elder described as dying, along with the re-shaping of two ash trees and one box elder. This application sought to regularise these works which were carried out without the benefit of consent. The Council objected to the felling of the poplar and the unspecified re-shaping of the two ash trees and the box elder however upon appeal the Inspector held that this was acceptable subject to the planting of two modest new multi stemmed birch trees.

K/10493 – Planning permission was refused and an appeal dismissed for a new dwelling on this site in April 1988. A copy of the appeal decision has been uploaded to the Council's website (under the documentation details for the current application) for full viewing. Given the age of this decision and the material planning changes since this time, particularly in respect of the Government's drive for new housing in sustainable locations and the publication of substantial new planning guidance (including the Kennet Local Plan 2011, the National Planning Policy Framework and the emerging Wiltshire Core Strategy, the Conservation Area Statement, Manual for Streets, the Kennet Landscape Conservation Strategy and the Village Design Statement in addition to the Inspector's decision to require only two replacement trees to be planted following site clearance, and other planning decisions nearby) it is considered that such changes must be factored into any decision.

It should also be noted that the larch, holly, maple and two ash in the western hedgerow are covered by a Tree Preservation Order.

5. The Proposal

The application proposes the development of a single detached cottage together with associated driveway, turning and parking areas and landscaping works. Since the application was submitted, the site plan and block plan have been amended to take account of a land ownership concern. In order to accommodate an addition new hedge on the applicant's land, it was suggested the dwelling be moved approximately 1.5 metres further southwest. The amended plan is shown below.



Block Plan



Elevations and Floor Plans of the Proposed Dwelling

6. Planning Policy

The following planning policies are considered of relevance to this proposal:

Kennet Local Plan - policies HC24, PD1, NR6 & NR7 are applicable.

The Chute Conservation Area Statement, the Village Design Statement for the Chutes, the Kennet Landscape Conservation Strategy, along with the Management Plan for the North Wessex Downs Area of Outstanding Natural Beauty are all material considerations.

The emerging Wiltshire Core Strategy is also a material consideration, but since the Inspector has not yet reported on the Examination in Public which was underway at the time of writing, it cannot therefore be afforded any significant weight. Within this document, Core Policies 1, 2, 26, 57, 58 and 60 are relevant.

The National Planning Policy Framework, with particular reference to:

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

It should be noted that sustainable development is an overarching objective which runs throughout this document.

7. Consultations

Wiltshire Council Highways – I attach comments on the revised plan. I am satisfied that providing the hedge is set back as detailed over the entire frontage the available visibility will be satisfactory. Manual for Streets (the newer guidelines) allows visibility at such low-key residential environments to be to the centre-line of the road, which [my colleague] did not make clear in his previous comments. The parallel splay as indicated will achieve this. I think a parallel splay should be provided as it will provide a better situation for the nearby property and good visibility of the access for approaching traffic.

I refer to the above planning application and to the amended plan number 3103/8. I am satisfied that provided the hedge is set back as detailed the available visibility will be satisfactory. I have no highway objections subject to planning conditions which have been incorporated into the recommendation.

Wiltshire Council Arboricultural Officer - The proposed scheme seems achievable without having a detrimental effect on the character of the site. Landscaping details and information on the re-positioning of the two multi-stemmed birch, required under the Tree Replacement Notice, should be detailed and agreed, although I note that the tree report only refers to one tree.

Services routes/soakaways should be detailed and agreed. The proposed hedging is at 600mm centres at 300mm between rows. This is deemed acceptable for larger stock on some nursery websites, but in my view it could look rather sparse until established, especially if the stock has limited branch structure. We usually ask for hedging at 450 centres, which is approximately 5 plants per metre.

In response to amended plans:

I am of the opinion that the proposed scheme, and in particular the sewage treatment plant, is unlikely to have a detrimental effect of the adjacent trees' long-term health. If the configuration of the pipe work for the sewage plant cannot be reconfigured to pull it out of the RPA of tree No 1, the short section within the RPA should be laid in accordance with National Joint Utilities Guidelines (NJUG 10) & BS 5837:2012.

Wiltshire Council Building Control Officer – Further to our earlier conversation I can confirm that the use of a package treatment plant and associated soak-away, as shown on drawing No. 3103.8, would satisfy the requirements of the Building Regulations.

Chute Forest Parish Council – A summary reads as follows;

The application only seems to deal with the first reason for refusal on previous application E/2011/1627/FUL. It does not adequately address the highways reason or the impact on trees. The applicants cannot achieve the required standard of visibility on their land.

The proposals are contrary to the Conservation Area Statement which states that 'the special enclosed character of routes through the settlement should be protected by resistance to proposals to open up and remove hedging'.

Planning history relates to unauthorised felling of trees in which the applicants were requested to plant two 'replacement' birch trees. As not covered by Tree Preservation Order and their current size does not warrant this status, the relocation of one could be agreed not to significantly affect the sylvan character of the area.

The Parish Council expressed concerns over foul drainage provision (these have since been provided and Building Control Officers are satisfied that this would offer a solution), and impact on trees and hedges (which the arboricultural officer has also advised would be acceptable subject to condition).

No indication of regarding works necessary at entrance has been provided – works stipulate 50mm topsoil removal only but there are concerns that this would not be suitable as there is a 600mm rise over the first 2 metres.

The Parish Council also pointed out a discrepancy in the plans and a boundary/ land ownership issue. These have since been updated to reflect title documents and survey drawing.

Chute Parish Council – The site is considered unsuitable and too small for a dwelling and no visibility to narrow highway entrance.

8. Publicity

This application has been advertised by way of a site notice, an advertisement in the local press and neighbour notifications. At the time of writing a total of 31 letters of objection have been received from 18 nearby residences. These set out the following summarised concerns:

- The safety of the access even with hedge removal.
- Concerns over accuracy of plans and ability of site to accommodate what is shown on the plans.
- Objection to infilling of last green breathing space between Chute Cadley and Lower Chute. Siting a house on the narrowest part of the road between Lower Chute and Chute Cadley will spoil the rural aspect between the villages.
- The proposal would set an undesirable precedent for further development.
- Once built upon, there is no going back.
- The site was an orchard, then a garden and allowed to develop into a wooded copse, associated with Chute Forest Cottage. This should be preserved and not cashed in for profit.
- The owners removed the trees unlawfully, harming the positive contribution this made to the character of the area and the wildlife. The owners were ordered to restore this to garden and not used as consideration towards a new development on the site.
- The plans (first set) do not show a septic tank or soakaway. There appear no real options for this given Root Protection Zones for retained trees, slope of site and greenfield run-off rate to be accommodated.
- Object to loss of existing mature yew, holly and box hedge to deal with the visibility issue. This would fail to preserve or enhance. New planting could not adequately replace this frontage as it would be set so far back as to change the intimate character of the street.
- The young trees planted following the illegal felling of trees have simply been dismissed as unimportant where in fact these are replacements for unlawful felling of mature trees.
- The Plot is very small and is constrained by trees such that they would not be protected during construction or afterwards.
- Any house built on this land would impose and overlook the houses opposite due to the

- ground level sloping towards the back of the site.
- The applicants do not live in the village nor have they for many years. They do not intend to live in the house and are trying to obtain planning permission for financial gain at the expense of the character of the village.
 - There is nowhere for construction vehicles during a lengthy construction process.
 - The house would overlook neighbouring houses and gardens to the detriment of neighbour privacy.
 - The proposed dwelling would be too close to neighbouring dwellings and is disproportionately large for the size of the plot.
 - The proposals contradict the Village Design Statement.
 - The excavations will cause damage to trees
 - The height of building on site levels will dominate
 - The site is an eyesore caused by unlawful felling of trees on the site and neglect. Applicants had no intention of returning the site to garden land and is an example of planning creep. The hedge should be reinstated and trees planted.
 - The amended plans demonstrate no resolution to access, visibility, protection of trees and wildlife and most importantly, highway safety.
 - Appears the property would impinge on drainage system of Chute Forest Cottage.
 - The plot has not increase in size, therefore a dwelling can still not be accommodated.
 - There is no need for new housing in Chute Cadley.
 - The proposal would have a detrimental impact on the special character and appearance of the conservation area and a potentially significant impact on listed buildings.
 - Concerns have been raised regarding the validity of the application – in relation to the layout, tree protection, services especially drainage, site levels and heritage impact.
 - The application does not overcome reasons for refusal upheld on appeal in 1988 or those in refusal dated 23rd August 2011.
 - The application fails on policy grounds in relation to HC24 and PD1 in that it would consolidate loose knit sporadic development and cannot therefore be considered an infill plot.
 - The driveway is inadequate leading to highway safety concerns.
 - Furthermore, the loss of hedging would not be in harmony with the village in that it would destroy the character of this part of the village which is characterised by intimate enclosure of narrow lanes bordered by mature hedging.
 - No formal Heritage Assessment has been submitted as required by the NPPF.
 - The dwelling would fill a wooded area which is part of the setting of listed building, Chute Forest Cottage and the loss of the hedge destroys this special character. It therefore fails to preserve or enhance the character or appearance of the conservation area, a duty required by the Planning (Listed Building and Conservation Areas) Act.
 - The listed buildings would be dominated by the proposed dwelling and this would weaken the spacious setting of the adjacent listed cottages.
 - The proposal is contrary to the Kennet Landscape Strategy which seeks to allow development which does not unacceptably damage local character.
 - The previous appeal considered whether the proposal would seriously harm the special environmental and landscape qualities and whether the site was large enough to permit the erection of a new dwelling without adversely affecting its character and appearance. Since this period additional constraints have emerged including the designation of the conservation area, and two adjacent listed buildings, the Conservation Area Statement and the Village Design Statement have all been published as well as significant tree constraints subject to Tree Preservation Order.
 - The new dwelling cannot provide visibility splays at the required standard of 25m x 2m as this would require land outside the applicant's control. We cannot understand why the Highway Officer believes visibility can now be achieved. This inconsistency is perverse.
 - No follow up has been provided to the arboricultural report following the sewage treatment plant.
 - Object to relocation of trees ordered to be replanted.
 - No justification has been provided to substantiate the harm to designated Heritage Assets (the conservation area and listed buildings) in accordance with the NPPF para 132.

- The proposals are inconsistent with policy PD1 B(3) and B(7).
- The proposed dwelling is within 7m of the neighbour's septic tank.
- The application process has been protracted and is having a significant effect on the village including stress and depression.
- The proposed additional vehicular movements and construction traffic would inevitably damage roadside verges which are an important feature.

9. Planning Considerations

9.1 The principle and impact on the character and appearance of the conservation area, including impact upon trees and the Area of Outstanding Natural Beauty.

It is of note that the Government have made it clear through the NPPF and ministerial statements that there should be a general presumption in favour of new housing in sustainable locations to address the national shortage. However, this clearly needs to be balanced with particular site constraints.

The site lies close to the boundary between the settlements of Chute Cadley and Lower Chute which are listed together under 'Table H5' as villages which are suitable for infill development subject to the following criteria as set out in policy HC24;

- a) Development must be within the existing building up area of the village;
- b) Development must not consolidate an existing sporadic loose knit area of development;
and
- c) Development must be in harmony with the village in terms of its scale and character.

The proposal should also comply with Policy PD1.

The application site is a gap between two dwellings in the area between two coalescing villages – Chute Cadley and Lower Chute. The 1988 appeal decision set out that at this time there was a clear visual break between the settlements and that there were potential other sites which could be developed if this one were allowed. In the opinion of officers, this has subsequently changed, with other new dwellings being found to be acceptable and this appears the final logical infill site left. It appears from historic maps that some form of building once occupied part of the site in the 1800's and therefore it seems unlikely that this site represents the original or last remaining gap between the two settlements.

Whilst planning policy has changed since the 1988 appeal decision, similar phrasing to that quoted by the Inspector exists in Policy HC24 of the adopted Kennet Local Plan 2011 in terms of the principle of 'infill' development. Policy HC24 permits infilling which is defined as 'a small gap within a group of houses, not sufficiently large for more than one dwelling'. In this instance it is considered that the site meets the definition of an infill plot and as a relatively distinctive linear settlement, where dwellings follow the pattern of the roads without significant gaps in between, it is not considered that the proposal would consolidate a loose knit or sporadic area of development. This accords with advice given at pre-application stage and is consistent with the decision made in 2011.

In respect of criteria c), the dwelling has been substantially downscaled and the design completely altered since the previous application. The proposed dwelling, although set on rising land, would be installed so as not to dominate the streetscene through its setting back from the roadside, its relatively modest height and its proposed floor level set into the site. This is shown through the provision of a finished ridge level some 70 cm lower than the ridge of Chute Forest Cottage. It is designed as a single detached dwelling facing the roadside with some space to both sides and this accords with the grain of development in the area. The style of the dwelling has been altered to better reflect the appearance and proportions of modest vernacular cottages in the area with high quality handmade materials, including bricks, clay tiles and flint. It is now considered that the

design is of a good quality and that the site could accommodate the scale of the proposed dwelling.

A key concern expressed by local residents and parish councils is the impact of the proposed dwelling upon the roadside hedge and upon the remaining trees on site which in turn would permanently harm the character of the area.

Whilst officers sympathise with the concerns of residents in assessing the proposed character and appearance of the site against its character and appearance prior to the removal of trees on the site, the Inspector held that such changes were acceptable and therefore its current state must be seen as the starting position.

The applicants have already created a large gap in the roadside hedge and it is of note that no consent would be required for its complete removal, notwithstanding the desire shared between officers, local residents, the parishes and the aspirations set out within the VDS and the CAS to preserve the intimacy created by roads bounded by mature hedging. Its loss would be required in order to secure adequate visibility required for a dwelling as set out by highway officers. Consequently, whilst the loss of the existing hedge could be deemed regrettable, officers consider that having regard to the fact this hedge could be removed at any date, the provision of a new semi-mature hedge planted behind the 2m parallel visibility would help to ensure the character of the area is not significantly harmed but is secured over the longer term.

The site layout and arboricultural report set out the Root Protection Areas for the trees on site. It was set out at pre-application stage that the retention of these trees and the importance of ensuring their retention over the longer term would be key in preserving the character of the site. The position of the dwelling, including service runs and parking and turning areas has been designed to take account of this, with a sufficient area now provided at the rear of the dwelling for amenity purposes, such that this should not result in undue pressure to significantly reduce or remove the adjacent trees. Following concerns expressed in representations, officers have sought additional advice in respect of both the proposed package treatment plant, the existing septic tank serving the neighbour's property, surface water drainage and the impact of these elements on trees. The applicant has now demonstrated that these matters can be addressed whilst complying with Building Regulations and ensuring no significant harm to trees subject to a condition. For this reason, it is not considered that these represent sufficient grounds for refusing planning permission.

The application would propose a new building on this site, however, it is not considered that this is incongruous with the character of the area and the proposal provides for the preservation or replacement of existing landscape features such that it is considered the proposed dwelling would have only a broadly neutral impact on the character and appearance of the conservation area and would not harm the objectives of the AONB.

9.2 Impact on setting of the adjacent listed buildings

The appeal Inspector, in determining the 1988 appeal, concluded that a dwelling on the site would not necessarily be seen as part of the setting of Providence Cottage across the lane and the well-established hedge between the site and Chute Forest Cottage would minimise the impact of the new dwelling. Since this time, it is noted that both buildings have been confirmed on the Statutory List (they were included as draft at the time of the previous appeal). However, officers are minded to agree with the Inspector's conclusions in this regard as the degree of separation, boundaries and positioning of the dwelling would not harm the setting of Chute Forest Cottage. The dwelling would be visible in the context of the setting of Providence Cottage, but set back from the opposite side of the lane and with a relatively modest ridge, it is not considered that this would impinge on the spacious setting of Providence Cottage such that the application should be refused for this reason.

9.3 Neighbour Impact

The proposed dwelling is sufficiently distant and positioned such that it would not significantly

harm the amenities of the occupiers of Chute Forest Cottage. The first floor windows in the front of the dwelling would look towards the garden of Providence Cottage, which is noted as their principal garden and which currently benefits from a relatively high degree of privacy. However, these first floor windows would serve bedrooms and would be set back some 14 metres across the lane from the nearest garden boundary of Providence Cottage. Therefore, whilst these would afford some views over the garden for Providence Cottage and consequently a degree of privacy would be lost for these neighbours, it is considered that having regard to the design and positioning of the proposed dwelling the level of overlooking would not result in significant harm to the amenities of the neighbouring occupiers such that it would warrant refusal of planning permission.

9.4 Highway safety

Some criticism has been directed towards the apparent inconsistency of highway comments. However, the Highway Officer comments clarify why this approach is not inconsistent and officers are satisfied that the proposed access and parking arrangements would not be detrimental to highway safety subject to conditions which are recommended in the event Members are minded to grant planning permission.

9.5 Other issues

Neighbours have raised the concern of damage to verges outside of the applicant's control and inconvenience of access during the construction period. Both of these matters are not capable of being controlled via planning condition but would be a civil matter.

10. Conclusion

The proposed dwelling is of a suitable design and scale for the locality and its position within the site and further submitted details demonstrate that the proposal would have only a broadly neutral impact upon the character and appearance of the conservation area and the AONB. No particular harm would result to the setting of adjacent listed buildings and the proposal as outlined would not be prejudicial to highway safety. The proposal would result in a degree of overlooking of the garden for Providence Cottage; however it is not considered that this would result in significant levels of harm to the amenities of neighbouring occupiers. The submitted location is sustainable in planning terms and having regard to the Government's drive to significantly boost housing supply, approval of planning permission is recommended. In the event Members are minded to grant planning permission, a list of suggested conditions is attached.

RECOMMENDATION

That planning permission be GRANTED with 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. Details shall include mortar mix and brick bond. Development shall be carried out in accordance with the approved details.

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

- 3 Notwithstanding the submitted details, no development shall commence on site until a sample panel of the external flintwork, including dressing, coursing and bedding of the flint, type of pointing and mortar mix, has been prepared on site and approved in writing by the Local Planning Authority. The external flintwork of the dwelling shall be

constructed in accordance with the approved details and the sample panel retained on site for comparison purposes during construction.

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

INFORMATIVE TO APPLICANT:

It is highly likely that flint work will need to be hand laid, using a traditional lime based mortar, with care taken not to smear mortar over the faces, to achieve the necessary density and lack of visible coursing which usually results from the use of pre-formed flint blocks.

- 4 No works shall commence on site until large scale details of window reveals, cills, eaves, ridges and verges and all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

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

- 5 The rooflight hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

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

- 6 The dwelling hereby approved shall be carried out in full accordance with the submitted levels details approved on plan 3103.8 as amended to take account of the survey levels.

REASON: In the interests of visual amenity, preserving the character and appearance of the conservation area, neighbour amenity and the setting of adjacent listed buildings.

- 7 Notwithstanding the submitted details, no development shall commence on site until further details of the hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) a detailed planting specification showing all plant species, supply, locations, planting sizes and planting densities. This shall be based on the amended plan set out on drawing number 3103.8 and shall include the provision of a semi-mature hedge to the frontage;
- b) finished levels and contours including details and cross sections of the levels across the front boundary;
- c) any gates or other means of enclosure;
- d) all hard and soft surfacing materials;
- e) the planting or relocation of two trees the subject of the previous replanting order, of a size and species and in a location to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and to preserve the character and appearance of the conservation area.

- 8 No demolition, site clearance or development shall commence on site until the protective fencing has been installed in accordance with the details set out in the Arboricultural Report dated December 2012. This shall be maintained in full accordance with these details until all works are complete and excess materials and plant removed from site. Any re-grading within Root Protection Areas or excavations necessary for the purposes of running any services shall not be commenced until full details of such works including mitigation measures have been submitted to and approved in writing by the local planning authority. All works shall subsequently be carried out in strict accordance with the Arboricultural Report or any subsequently approved details.

REASON: In order to protect trees to be retained in the interests of preserving the character and appearance of the area.

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

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

- 10 The dwelling hereby permitted shall not be first occupied until the first two metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 11 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900 mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

INFORMATIVE TO APPLICANT:

The intention of the above condition is not to permit works to the trees to be retained at either end of the site. Such works may require a Conservation Area Treeworks notice. Should the applicant consider that works are necessary to facilitate the required splay, full details should be submitted to the Council for their prior approval.

- 12 No part of the dwelling hereby approved shall be first occupied until the parking, access and turning areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.
- REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.
- 13 Any gates approved as part of condition number 7 shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.
- REASON: In the interests of highway safety.
- 14 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 any building forming part of the development hereby permitted.
- 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 given the constraints of this site.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.
- REASON: To safeguard the character and appearance of the area.
- 16 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 3103.8 received on the 4th June 2013, the Package Treatment Plant details and plan received on the 22nd April 2013 (unless updated and approved under condition number 8) 3103.7 received on the 19th February in respect of scaled elevations and floorplans only (Site Plan subsequently amended) and the Arboricultural Report by Certhia Consulting received on the 19th February 2013, Topographical Survey by Brunel Surveys received on the 23rd May 2013 and Site Location Plan received on the 4th June 2013.
- REASON: For the avoidance of doubt and in the interests of proper planning.
- 17 INFORMATIVE TO APPLICANT: The applicant is requested to note that there is local concern regarding the lack of available spaces to accommodate construction vehicles and the likely damage to roadside verges. The applicant should be sensitive to such concerns with regard to the timings, routes and locations of delivery or construction vehicles and should consider repairs to verges in the event that damage occurs.



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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 5

Date of Meeting	22nd August 2013
Application Number	13/00038/FUL
Site Address	Land at Hare Street, Manningford Bruce, Wilts.
Proposal	Erection of barn with PV panels to the south facing roof.
Applicant	Mr Stephen Purdy
Town/Parish Council	MANNINGFORD
Grid Ref	413897 159066
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 Councillor Oatway at the request of local residents and the Parish Council.

1. Purpose of Report

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

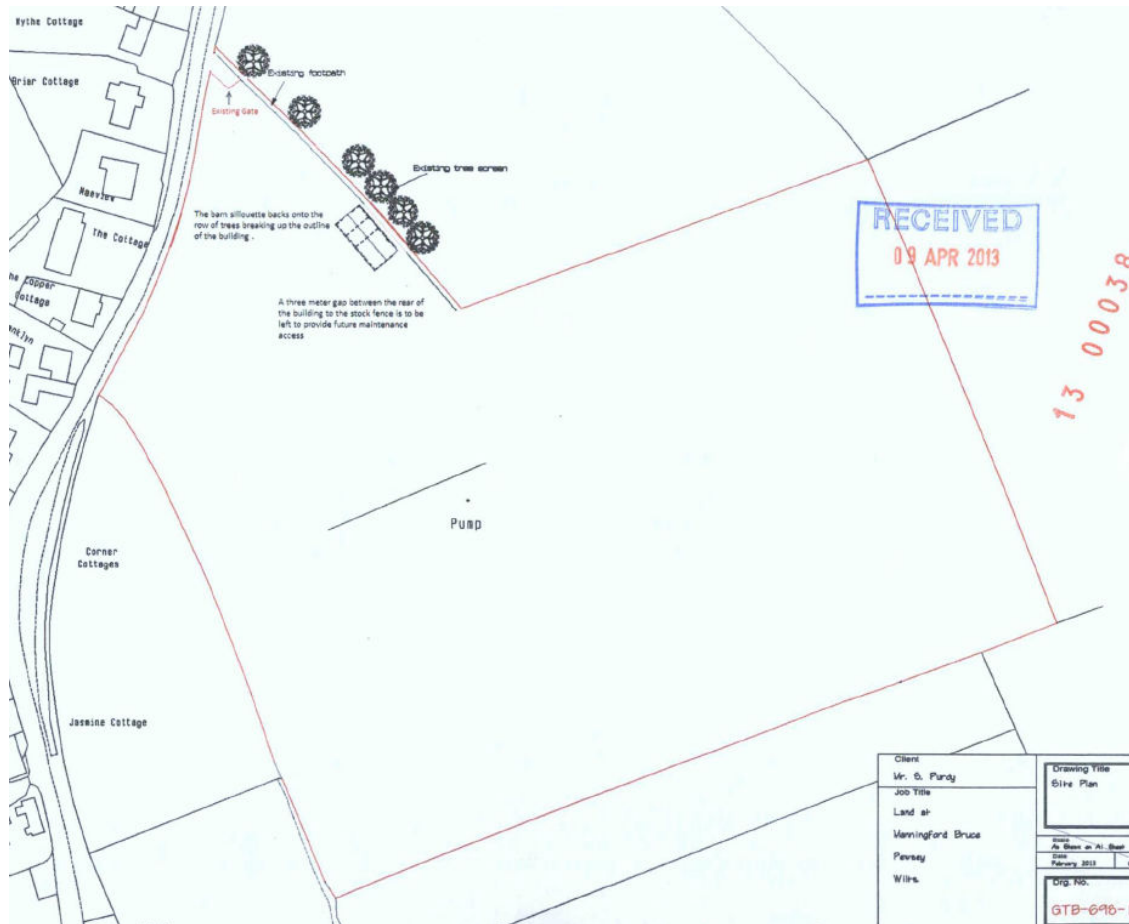
2. Report Summary

The key issues in considering this application are:

- The principle of the building and whether its scale is justified
- Impact of the building and the proposed photovoltaic panels upon the visual amenities of the area and whether the building would preserve the objectives of the North Wessex Downs Area of Outstanding Natural Beauty.
- Archaeological impact.

3. Site Description

The application site lies to the east of Hare Street. It can be accessed by proceeding out of Pewsey in an easterly direction (towards Devizes) along the A345. Take the right hand turning signed Manningford Bruce. Proceed through the village following the road, ignoring two left turnings. The road bends round to the right as dwellings continue on the left hand side and the application site can be accessed on the right, opposite these dwellings, adjacent a public footpath. The site is an open field bounded by a roadside hedge which sits on a slight banking but is relatively flat.



Site Location Plan

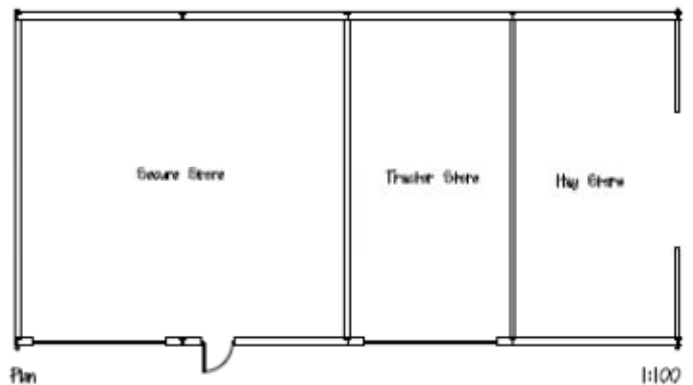
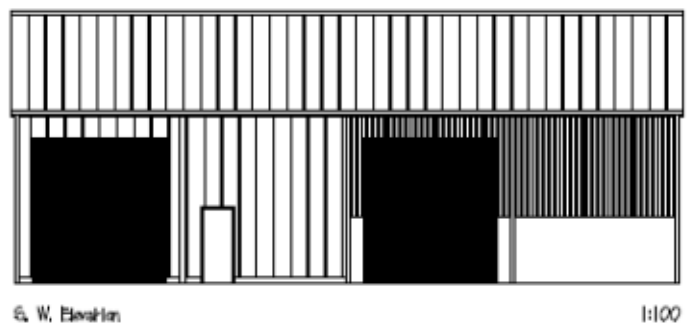
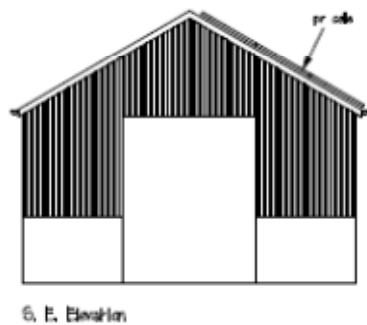
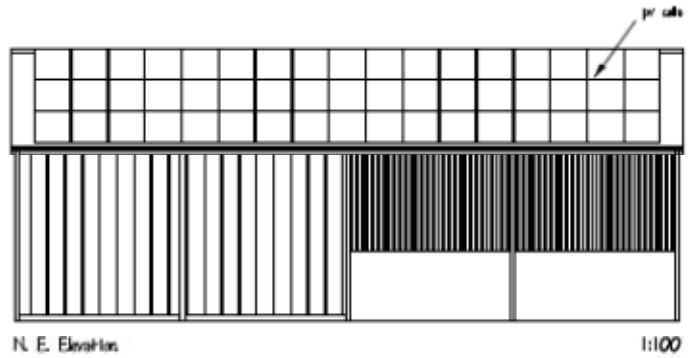
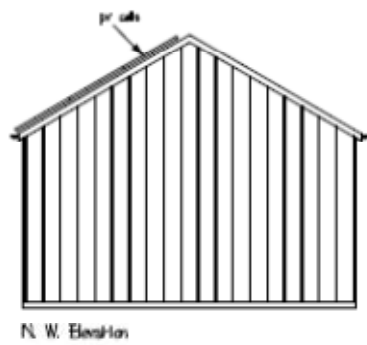
4. Relevant Planning History

E/2012/0594/FUL The erection of a barn; the provision of a new vehicular entrance and access track. Following negotiations, this application was withdrawn by the applicant.

5. The Proposal

The application proposes an agricultural barn in a field close to the village of Manningford Bruce measuring 18.2 metres long, by 9.2 metres wide with 4.6 metre eaves height and 7.5 metre ridge height.

Previous application E/2012/0594/FUL included an access track, amendments to the access onto Hare Street and a concrete hardstanding to aid access into the building. Following officer concerns about these elements, the applicant has omitted these elements from the latest set of proposals. The barn would be set in from the road by a minimum of c.43 metres and is intended to be placed parallel to the northeastern boundary adjacent to which lies a public footpath.



Amended plans and elevations

6. Planning Policy

Kennet Local Plan - policies PD1, NR6 and NR7 of the adopted Kennet Local Plan are relevant as is the National Planning Policy Framework with particular regard to Chapter 3: Supporting a Prosperous Rural Economy and Chapter 11; Conserving and Enhancing the Natural Environment.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), where there is a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

7. Consultations

Wiltshire Highways - The access has restricted visibility in both directions. However, it

appears that the smallholding uses are taking place and therefore it would be difficult to make a case that the proposed barn will lead to any increase in vehicles using the access. I have no highway objections.

Wiltshire County Archaeologist - The Wiltshire and Swindon Historic Environment Record shows that the proposed development lies close to a circular feature which has been identified from aerial photography as a possible Bronze Age round barrow. Previous comments from this department have recommended pre-determination evaluation, however, I understand from the applicant that the barn will be constructed on a concrete base and below-ground impact will be relatively shallow. I therefore consider that a proportionate response to the development impact is that an archaeological watching brief be undertaken during construction work

Manningford Bruce Parish Council – It is debatable that a profitable and sustainable business can be achieved and maintained on 4.2 hectares and there is no business plan to back it up. It is therefore difficult to justify a building of the scale proposed. A building of this size and the 51 PV panels would have a significant impact on the Area of Outstanding Natural Beauty. It is not clear what would be done with electricity generated from the PV nor is it clear that there is any commitment to install the panels. Consequently, the parish council object to the application in its current form and further consideration should be given to its scale and position.

AONB officer - We have been contacted by two local residents concerned about the above development. Based on the size of this proposal we would normally have left it to the Council to form their own decision in respect of AONB impact rather than commenting formally.

However, as we have been specifically asked to comment on this application please could we raise the following: If not already done, please could the Council's Landscape Officer comments be requested? Could the need for the building (and scale) be confirmed as required with the Council's Land Agent? If need is justified can any other improvements be made to siting, landscaping or colours to reduce the harm of this proposal? Please could it be confirmed with the applicant that there is no intention to have any new surfaced hardstandings, parking or turning areas. We assume the 51 PV panels will be connected to the grid. Could the applicant confirm that any new cables will therefore be buried?

Any new external lighting should be avoided – to protect the dark night skies of the AONB. Please could this be confirmed. Finally, should the Council be minded to approve this application, suitable planning conditions should be attached to control use of the building for agricultural purposes only.

8. Publicity

This application has been advertised by means of a site notice and neighbour notifications.

A total of five further objections have been received from local residents. Several residents and the parish council have made comments such as that they are pleased with the maintenance of the field, one recognises the need for a barn but questions its scale. Comments can be briefly summarised as follows;

- The North Wessex Downs Management Plan identifies the need for agricultural development to be justified on basis of viable farms and agricultural business. This application concerns a 10 acre hobby farm and so the building cannot be justified on agricultural needs grounds. There would be nothing added to the rural economy.
- Its scale is considered excessive (including height) and is unnecessary for the needs of the holding – 500-600 bales would require half of the land to be left for such

purposes and the livestock which could be kept on the remaining area would be insufficient to make a living from. The Council's agricultural advisor has not been could

- Its size and position would dominate the AONB landscape and would be visible from neighbouring residences.
- A position round the corner would reduce its impact and additional tree planting should be required.
- The barn should not be located 3 metres into the field simply for maintenance.
- Tree saplings would be planted to obscure view but it is not clear how the proposal will permit an entrance to the barn without significant alteration to the access track.
- There is no guarantee the applicant will install solar panels and therefore this element should not be given any weight
- A machinery shed in Manningford Abbots (K/58431/F) was refused in 2008 on grounds it was not connected with agriculture and would encroach into the countryside. This building can similarly not be justified.
- There is an archaeological interest in the land and surveys should be carried out before planning permission is granted
- The character of the AONB should take precedence over this development.
- Sustainability is a matter of proportionality and no matter how sustainable the development is if it is not justified it cannot be sustainable

9. Planning Considerations

9.1 The principle of the proposed building, including its scale.

The application proposes a new agricultural building of 168 square metres adjacent to the boundary on an open field and close to the built up form of the village. The applicant has set out within his Design and Access Statement that he is not primarily seeking to turn the land into a profitable agricultural business but is aiming to manage the land and to grow crops and rear livestock on a more subsistence level, thus making a positive contribution to food supply. The applicant has demonstrated these intentions in preceding years by turning this field which was previously less well managed, into a productive area, investing in the land through new fencing and gates, restoring hedges and clearing land of scrub vegetation. From site visits, it is clear that a large portion of the land is being utilised for arable crops whilst the remaining element (estimated at just less than half) is being utilised for the rearing of sheep, pigs and other livestock. The applicant owns 4.2 hectares in this location and it is understood that the applicant rents a further 10 acres (totalling 23 acres) and has previous farming experience.

It is accepted that whilst this may not be a conventional farm, seeking to operate at a profit sufficient to provide for the needs of the farmer, this does nevertheless qualify as 'an agricultural business'. It makes a positive contribution to the rural economy through the contribution of food into the supply chain as a result of the applicant's work. The fact that this business may not be delivering a profit should not be sufficient reason to deny any new buildings on the site as this use is a legitimate use of the countryside. (Officer note; new equestrian buildings for recreational purposes nor self-sufficient holdings would be expected to demonstrate financial viability) Furthermore, in an additional statement provided by the applicant (dated 5th July 2013), it is clear that the smallholding demands the support of other local businesses and services. Consequently, it is held that this smallholding does make a positive contribution to the rural economy, with a further benefit being that the land has been carefully tended and managed, resulting in a number of positive comments from neighbours

and the parish council who have acknowledged the improved appearance of the site.

The applicant is seeking to further invest in the smallholding by developing a building commensurate with the needs of the holding. The applicant has set out the various needs of the holding, and the scale of the proposed multifunctional agricultural building is not considered excessive having regard to the area of land being farmed and the varied farming activities being undertaken. This includes an area for storage of farm machinery, a secure storage area for fertilisers, storage of feedstuffs, hay storage, hospital / lambing shelter and inclement work area. The applicant has further quantified this through the provision of details of existing machinery. One neighbour has further estimated that half of the land would produce in the order of 500-600 small bales and this accords with general guidance on crop yields which suggests that 1 acre would produce somewhere in the order of 100 bales depending upon the quality of the land and growing season etc.

In summary, it is considered that this is an agricultural use compatible with the countryside, and that the proposed building can be justified for the needs of that holding and its further sustainable growth and expansion. The National Planning Policy Framework in Chapter 3: Supporting a Prosperous Rural Economy sets out that a positive approach should be taken towards sustainable new development including to well designed new buildings. The applicant is clearly operating from the land in question and in that sense, this is the most sustainable location for the building.

Some neighbours have quoted the refusal of planning permission for a machinery shed in Manningford Abbots (K/58431/F in 2008) as setting a precedent for refusal. However the use of that proposed building was not primarily to support agricultural need and was not considered necessary or reasonable in the countryside. It does not therefore set any precedent for this application.

Policy NR6 of the adopted Kennet Local Plan takes a generally protective stance towards new development in the countryside unless the development is demonstrated to be of benefit to the rural economy in the locality or to the social well-being of the rural economy. As set out above, the applicant's business is clearly making a positive contribution to the rural economy and it is considered that the proposed building can be reasonably justified to support the needs of this holding, such that it is considered compliant with this policy requirement.

9.2 The design of the building and its impact on the visual amenities of the area, including the North Wessex Downs Area of Outstanding Natural Beauty

The barn building is proposed to be located more than 40 metres from the road, a sufficient distance so as not to impinge upon residential amenity. The applicant has removed proposed changes to the access and a concrete access track from the scheme since the previous application was submitted following officer and neighbour concerns regarding this element of the works. The barn building would be sited close to a public footpath which runs along the northeast boundary of the site. Immediately to the northeast of this lies a row of tall shrubs/ trees which would provide a backdrop for the building and screening of the building from the north, helping to minimise the impact of the building on the wider landscape.

From Hare Street, with the exception of the five bar gated access into the site, this boundary benefits from a mature hedge set on a slight verge banking which would help to filter views from this public vantage point. The building would remain visible above the hedge, the public footpath from which uninterrupted views would be gained and from neighbouring properties, particularly from first floor level openings, although it should be remembered that private views are not a material planning consideration.

The design of the building is a typical agricultural building, of a utilitarian appearance

appropriate to its intended function. The proposed materials are typical of agricultural buildings and the final external appearance of such materials can be carefully controlled by condition in the event Members are minded to grant permission in order that to assimilate the building into its surroundings. The scale of the building is not so large that it would completely dominate the landscape as has been suggested. Conversely, officers consider that the building would have a localised impact but having regard to its proposed scale and mitigating factors such as the distance from Hare Street and existing vegetation and control over final external materials and coloration, it is not considered that the building would result in significant harm to the visual amenities of the area, the landscape character, views nor would it detract from the scenic quality of the Area of Outstanding Natural Beauty such that it would warrant refusal of planning permission on this basis. The landscape of the AONB would be conserved. Balanced with the other benefits the building would bring, the proposal is considered compliant with the requirements of Chapter 11 of the National Planning Policy Framework; Conserving and Enhancing the Natural Environment and Policies PD1 and NR7 of the adopted Kennet Local Plan 2011.

Whilst neighbours would clearly prefer that the building were located further northeast 'around the corner' of the public footpath and at 90 degrees in order that the building is less visually prominent, the applicant has set out that the proposed site is of poor quality for agricultural use because of previous dumping of rubble on the site and does not wish to move it as this would take more productive land out of use. Having regard to the siting proposed, as indicated above, the proposed siting is not considered harmful to warrant refusal of planning permission on this basis.

9.3 Proposed PV Panels

The proposed PV panels could aim help to contribute towards the electricity requirements for the building with excess going back to the grid helping to meet the Government's targets for carbon reduction. However, it is acknowledged that the applicant may choose not to install such panels and so their potential benefits should only be given limited weight in the decision making process. PV panels do have the potential to draw further attention to the building unless these are sensitively designed. Black panels, which are designed to absorb the light and are therefore not so reflective, installed as a large rectangle, with black factory finished edges to the panels are generally held to be the least obtrusive in sensitive areas. Therefore, if Members are minded to grant planning permission, a condition to this effect is recommended.

10. Conclusion

The proposed barn is justified for agricultural purposes in terms of the needs of the holding and will help meet the agricultural needs arising from the applicant's farming activities. The farming of this land makes a positive contribution both to the management of the countryside and to the rural economy by producing food on a more subsistence scale. The proposed building is a typical utilitarian construction in a suitable position, distant from neighbouring properties and sited where it would not result in any significant harm on the visual amenities of the area or the AONB subject to the conditions set out below. Consequently, approval of planning permission with conditions is recommended.

RECOMMENDATION – Grant planning permission 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 building hereby approved shall be used for agriculture only and for no other purpose as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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 development shall commence within the proposed development site, nor shall any underground cabling or servicing be installed (including cable runs to serve the solar PV panels) 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.

- 4 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: To protect the character and appearance of the area.

Notwithstanding the submitted details, the PV panels hereby approved shall be installed with a 'black' coloration with each panel having a factory finished black surround, and shall thereafter be maintained in accordance with these details.

- 5 REASON: To minimise the impact of the panels on the visual amenities of the area and preserve the scenic beauty of this Area of Outstanding Natural Beauty.

- 6 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: [Location Plan, Site Plan (excluding the annotation of 'proposed concrete track' both received on the 10th May 2013 and the amended plans 'Plan and Elevations' clarifying the orientation of the building received on the 22nd July 2013.

REASON:

For the avoidance of doubt and in the interests of proper planning.

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