

AGENDA

Meeting: Eastern Area Planning Committee

Place: Main Hall, Devizes School, The Green, Devizes, Wiltshire SN10 3AG

Date: Thursday 24 October 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 - 16*)

To approve and sign as a correct record the minutes of the meeting held on **22 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 17 October 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 **13/00714/FUL - M & Co (now Morrisons) 134 High Street, Marlborough, SN8 1HN** *(Pages 17 - 30)*

- 6b **13/00719/FUL - St Mary the Virgin Church, New Park Street, Devizes SN10 1DS** *(Pages 31 - 44)*

- 6c **13/01926/FUL - 15 Greengate Road, Wedhampton, Devizes, Wilts, SN10 3QB** *(Pages 45 - 54)*

- 6d **13/01852/CAC - Ham Cross, Ham, Marlborough, SN8 3QR** *(Pages 55 - 60)*

7 **Urgent items**

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

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2013 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Liz Bryant (Substitute), Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg, Cllr Charles Howard (Chairman) and Cllr Paul Oatway

70. Apologies for Absence

Apologies were received from;

- Cllr Richard Gamble (substituted by Cllr Liz Bryant)
- Cllr Jerry Kunkler

71. Minutes of the Previous Meeting

The minutes of the previous meeting held 1 August 2013 were signed and approved as a true and accurate record of the meeting.

72. Declarations of Interest

Cllr Mark Connolly declared a non pecuniary interest in item 6d.

73. Chairman's Announcements

No announcements were made.

74. Public Participation and Councillors' Questions

No questions had been received from members of the public.

75. Planning Applications

76. 13/01003/FUL - Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road), Tidworth, Wiltshire

Public Participation

There were no public speakers on this item.

The Local Member Cllr Mark Connolly spoke in support of the application and raised the possibility of placing working time restrictions on the development to ensure that the local community were not adversely affected during the construction period.

The Planning Officer introduced the report and outlined an amended recommendation to defer and delegate planning permission subject to the completion and satisfactory findings of the outstanding Biomass Survey. A late item received from Cllr Richard Gamble (the portfolio holder for Schools and Youth) was then presented to the committee which contained a summary of comments on the proposed application.

A letter was also received from Public Protection, outlining the position on Biomass and the ongoing discussions surrounding this. The Area Development Manager advised that this matter was capable of resolution. The Area Development Manager outlined the key areas for consideration namely PD1 HC19 and HC37 of the Kennet Local Plan. These were summarised as being the development and design of the plan, and the adequate provision of schooling in the area.

The Area Development Manager also outlined the impact on character and amenity of the local area and summarised surveys that had been commissioned including Biomass, flood plain and parking. These were all relevant considerations for the committee.

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

Cllr Stewart Dobson raised a question over parking provision and asked why parking had not been incorporated for parents. The Area Development Manager answered that the constrictive size of the site was a contributing factor, as was the proximity of the school to the surrounding area of housing.

A number of questions were asked about the development of a travel plan by the school, and it was clarified that governance arrangements of the school had only recently been agreed, and that it would be unreasonable to expect such a detailed plan in place at this stage.

Cllr Charles Howard questioned the use of school buses and cycling stands. It was clarified that the school would not be expected to provide bus services as its catchment area would most likely be served within walking distance, but that cycling stands would be installed.

A discussion was had by members and Cllr Liz Bryant raised the possibility of dual use of facilities with the local community.

At the end of the debate it was;

Resolved

That the decision to grant planning permission be DELEGATED to the Area Development Manager subject to the satisfactory resolution of the concerns relating to the biomass facility and to any conditions recommended by the Environment Agency considered necessary to enable the development to proceed and 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 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.

10 No external construction or demolition works shall be carried out before 0800 on weekdays and on Saturdays nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

77. **13/00707/FUL - Rushall Church of England Aided School, Pewsey Road, Rushall, SN9 6EN**

Public Participation

Mr Colin Gayle spoke in objection to the application.

Ms Alma Fowle spoke in support of the application.

Cllr John Rogers spoke on behalf of Rushall Parish Council

The Area Development Manager introduced the report which recommended the application be granted temporary planning permission. A late item received from Cllr Richard Gamble (portfolio holder for schools and youth) was also presented to the committee outlining Cllr Gamble's comments on the application.

The Area Development Manager outlined key areas for consideration including PD1 of the Kennet Local Plan. This being: the impact on character and appearance of the application on the local area and highway matters.

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

Cllr Stewart Dobson questioned the planned use of a particular colour for the building and asked if the committee could specify a colour. It was clarified that the committee could not suggest specific colours but could consider using a sympathetic colour scheme that complimented the local area.

Cllr Liz Bryant questioned the anticipated population growth in the area and asked if a temporary building was the correct solution. It was clarified that the permanence of the population bulge in the area would be clarified in future years as this would give a more accurate picture of future data. The temporary solution was proposed to deal with the bulge in short term whilst a longer term solution could be debated.

Cllr Paul Oatway then raised concerns over access to the school; and building as a result of inflated class sizes.

Following the questions from the committee, members of the public were given the opportunity to address the committee.

Following submissions from the public, the committee entered into a debate on the application. The committee questioned the suitability of existing highways arrangements to manage an increase in class size, and the impact on the surrounding community. At the end of the debate, it was;

Resolved

To GRANT planning permission for the application, 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.

78. E/2012/1566/FUL - Marlborough College, Marlborough, Wiltshire, SN8 1PA

Public Participation

Mr John Ivory Spoke in objection to the application.

Mr Philip Wood spoke in objection to the application.

Ms Jayne Norris spoke in support of the application.

Ms Sarah Kendall spoke in support of the application.

Mr Julian Beckett spoke in support of the application.

The Senior Planning Officer outlined the report which recommended planning permission to be approved for the application. The Senior Planning officer outlined a number of late items received including a copy of the lighting plan and requirements and five letters of support for the application from sports clubs user groups.

The Senior Planning Officer outlined key areas for consideration including PD1 of the Kennet local plan, NR6 and NR7 which are designed to safeguard rural and countryside amenity. The Senior Planning Officer also suggested changing recommended condition 5 of the application, stating that goalmouth practice should be restricting hockey activity only.

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

Cllr Bryant clarified that the existing floodlighting on one of the two pitches had no restrictions and this was confirmed by the Senior Planning Officer.

Members of the public were then given an opportunity to address the committee.

Following submissions, the application was opened for debate and a discussion was held on the impact of noise levels in relation to hockey activity.

Cllr Stewart Dobson stated that the facilities were important not just to Marlborough residents and questioned the need to restrict floodlighting any more tightly than that recommended in the proposed planning conditions.

Cllr Nick Fogg stated that he was in support of the application but suggested that using floodlighting until 22:00 as suggested in the recommended conditions would impact negatively on local residents amenity and it was proposed that the lighting be restricted to 20:00. Following discussion this was amended until 21:00.

At the end of the discussion it was;

Resolved:

To GRANT planning permission for the application 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 floodlights for the Milford (eastern) Pitch hereby approved shall not be illuminated outside the hours of 08:00 and 21:00 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.

NB: Cllr Stewart Dobson requested that his vote against the application be publicly recorded.

79. E/2013/0238/FUL - Land adjacent Chute Forest Cottage, Chute Cadley, Andover, SP11 9EB

Public Participation

Mr John Holroyd spoke in objection to the application.

Mr Jim Haines spoke in objection to the application.

Ms Lisa Jackson spoke in objection to the application.

Mr Eric Potter spoke in support of the application.

Mr David Close spoke on behalf of Chute Forest Parish Council.

The Area Development Manager outlined the report which recommended planning permission be approved for the application. The key considerations for

the committee were also outlined. These being: HC24, NR6 and NR7 of the Kennet Local Plan. The key considerations were summarised as being the preservation of the character and appearance of the conservation area; , the impact on setting of nearby listed buildings and highways access to the site.

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

Cllr Stewart Dobson questioned if a building had been on the land previously. It was clarified that a modest building appeared on a map in the 19th Century, but was no longer visible on the site and was not a relevant planning consideration..

Members of the public were then given the opportunity to address the committee.

As the local member Cllr Charles Howard then spoke and summarised the objections made against the application including the impact on the conservation area, the cramped appearance of the planned development, and contradiction to the village conservation statement.

Following public submissions the application was opened for debate

The Area Development Manager first clarified the relevant planning considerations for the committee following submissions from the public.

Cllr Liz Bryant sought clarification on the site and its relation to the Kennet Local Plan. The Area Development Manager clarified that HC24 of the Kennet Local Plan allowed for suitable infill developments.

A debate was held on the application's suitability as an infill development and the impact on the surrounding conservation area.

It was proposed to approve the development subject to the conditions outlined in the officer report, but this was defeated.

A motion was raised to refuse the application as it was contrary to PD1 and, HC24 of the Kennet Local Plan and contrary to Para 56 and 132 of the National Planning Policy Framework.

The motion was opened to debate.

Cllr Mark Connolly stated that the application was suitable for development under HC24 and opposed the refusal of planning permission.
Cllr Liz Bryant and Cllr Paul Oatway both expressed concerns against the proposed application.

Following debate it was;

Resolved:

To REFUSE planning permission for the application for the following reasons:

- 1 The proposed development would harm the character and appearance of the Lower Chute and Chute Cadley Conservation Area by virtue of the loss of an important sylvan character identified in the Conservation Area Statement and would create a cramped appearance in the conservation area. The proposal is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011.**
- 2 The proposed development would fill a natural green gap that creates the loose knit and sporadic built nature of this part of the village which is characterised by dwellings set within spacious plots as identified in the Chute Village Design Statement. The proposal is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011 and paragraphs 56 and 132 of the NPPF.**
- 3 The proposed development cannot achieve a safe and satisfactory highway access and cannot achieve the necessary visibility splays that would accommodate the stopping distances required to ensure safe egress from the access point and is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011.**

80. 13/00038/FUL - Land at Hare Street, Manningford Bruce, Wilts.

Public Participation

Ms Maria Gravina Coles spoke on behalf of Ms Andrea Atkins in objection to the application.

Ms Jacqui Burgess spoke in objection to the application.

Mr David Benest spoke in objection to the application.

Mr Purdy spoke in support of the application.

The Senior Planning Officer outlined the application which was recommended for approval. The key policy considerations for the committee were outlined as PD1 NR6 and NR7. These were summarised as the impact of the proposal on the landscape of this part of the area of outstanding natural beauty.

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

Councillor Stewart Dobson questioned the positioning of the barn and the rental/ownership status of other available land to the applicant.

Members of the public were given an opportunity to address the committee.

Councillor Paul Oatway spoke as the local member for the application and stated that there was a need for a barn for the land owner to store equipment and tools securely.

The reason for the positioning of the barn was clarified as due to the nature of the land in this location and the fact that better quality land would be lost if the barn was to be placed elsewhere. There was also better existing landscaping in the proposed location.

Following submissions the application was opened for debate, and the members discussed the impact of the barn on local residents' amenity. The Senior Planning Officer clarified that no protection was afforded in law for a land owners 'right to a view', and so this would not be a suitable reason for refusal.

Members debated the height of the structure and it was agreed that it was sufficient to allow for the storage of equipment and materials.

At the end of the debate, it was;

Resolved:

To Grant Planning permission for the application 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.

5 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.

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.

81. Urgent items

There were no urgent items for consideration.

82. Exclusion of Press and Public

Resolved:

To exclude members of the press and public (from Item 9: E/2010/0250/ENF on this agenda) in accordance with Section 100A(4) of the Local Government Act 1972 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 of the aforementioned act.

83. E/2010/0250/ENF - Untidy land at, Rum Jungle, Snails Lane, Castle Grounds, Devizes, Wiltshire SN10 1DB

The Area Development Manager outlined the Officers Report and summarised the history and occupancy status of the land.

The Area Development manger outlined the representations that had been made against the application and summarised the actions taken to date. A summary of the goods, materials and equipment stored on the land was made and the dwelling conditions were also outlined.

The committee discussed the options for enforcement and it was;

Resolved:

To authorise the Area Development Manager to take direct action to ensure full compliance with the Section 215 'Untidy Site' Notice served in relation to the site.

To place a legal charge on the land and to take any other action as may be necessary to recover the cost of the Council's reasonable expenditure

(Duration of meeting: 6.00 - 9.20 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

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	24 th October 2013
Application Number	13/00714/FUL
Site Address	M & Co (now Morrisons) 134 High Street Marlborough SN8 1HN
Proposal	Installation of external plant to the rear and first floor. External alterations.
Applicant	Mr Paul Kettlewell
Town/Parish Council	MARLBOROUGH
Grid Ref	418806 169182
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called into committee at the request of Councillor Fogg following concerns expressed by neighbours.

1. Purpose of Report

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

2. Report Summary

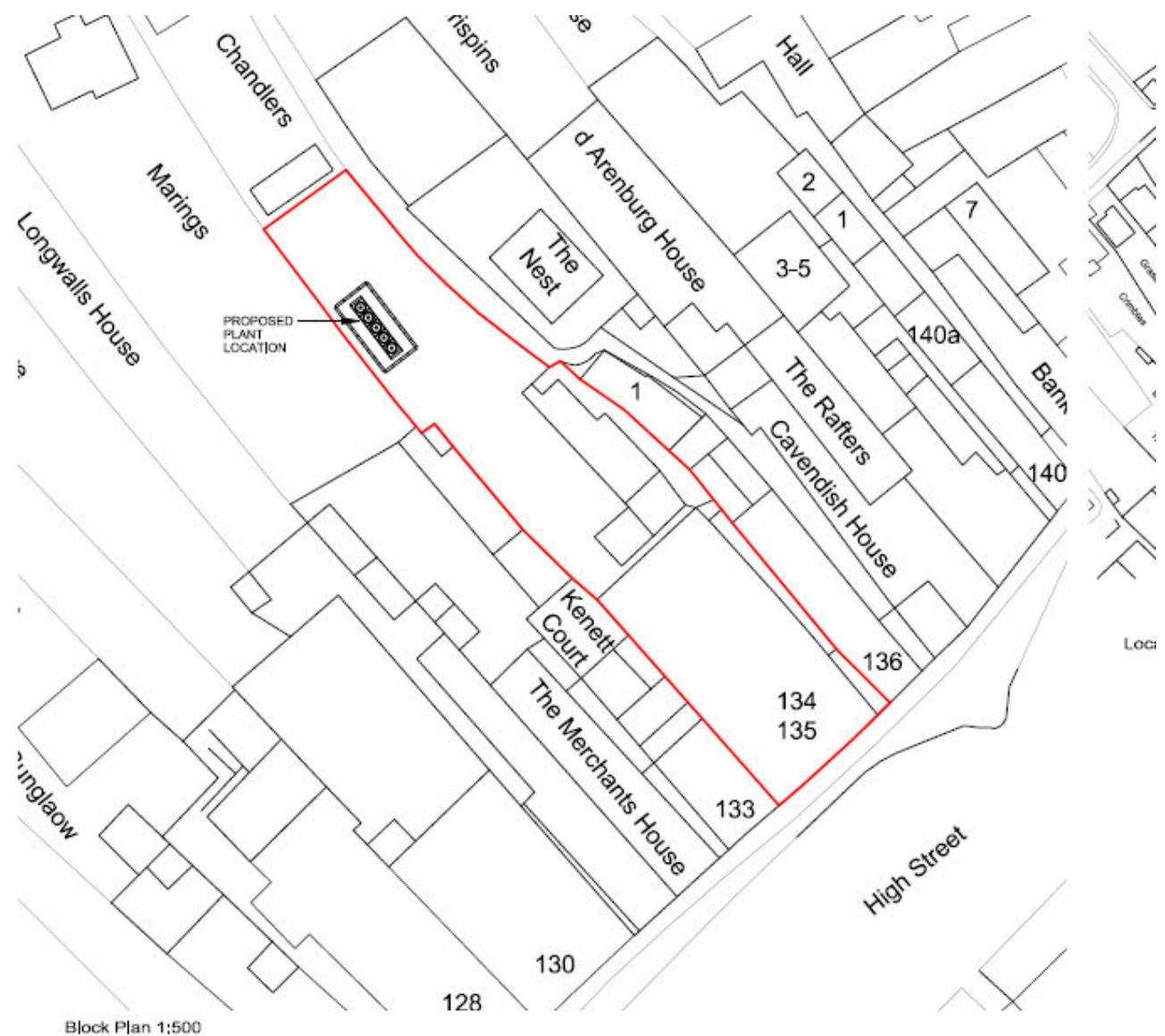
The key planning issues are considered to be;

- Impact on residential amenity and in particular whether the noise emanating from the plant together with the proposed opening hours would result in significant harm to the amenities of neighbouring occupiers.
- Visual impact of the proposed plant and alterations
- Whether the proposals would preserve or enhance the character or appearance of the conservation area and the setting and character of the grade II listed building.

3. Site Description

The application site is located at the north-east end of the main High Street in Marlborough on the northern side. The plant itself is proposed to be installed on an existing concrete slab, where plant was previously approved and also within existing housing on the first floor on the rear of the building (externally but within a lean-to structure). There is a public footpath to the northeast of the site that links the High Street with neighbouring residential properties along Back Lane to the north. The site is surrounded by commercial and residential properties on the High Street and residential properties along Back Lane and Chandlers Yard.

The site itself is a retail unit formerly 'M & Co' but prior to that, has been a Marks and Spencers food store and previously a Somerfield store. Plant was installed for refrigeration, air conditioning and air extraction purposes for the Somerfield store and then updated under previous planning permission K/55894/F in 2007. The proposed development lies within the curtilage of a grade II listed building, the designated Marlborough Conservation Area and the Marlborough Area of Special Quality.



Site location plan and existing concrete slab showing location of condenser plant

4. Relevant Planning History

K/32452 – Planning permission was approved in 1996 for alterations to the shopfront and the provision of three condensing units to the rear.

K/33921/L & K/33922 – Planning permission and listed building consent were refused in March 1997 for the erection of an acoustic screen at the rear of the property. This was due to the design of the proposed wall and the proposed materials which were considered would have a detrimental impact on the listed building and its setting, the conservation area and would have been intrusive in views from the adjoining dwelling.

K/34437 – Planning permission was refused in July 1997 for the retention of the existing noise attenuation features on the grounds that the level of noise and disturbance created by the refrigeration equipment housed within the extension was unacceptably high, resulting in loss of amenity for the occupiers of the adjoining residential property.

K/35170 & K/35169/L – Planning permission and listed building consent were granted in January 1998 for an amendment to noise attenuation features and concealment of the existing roof mounted extract fans.

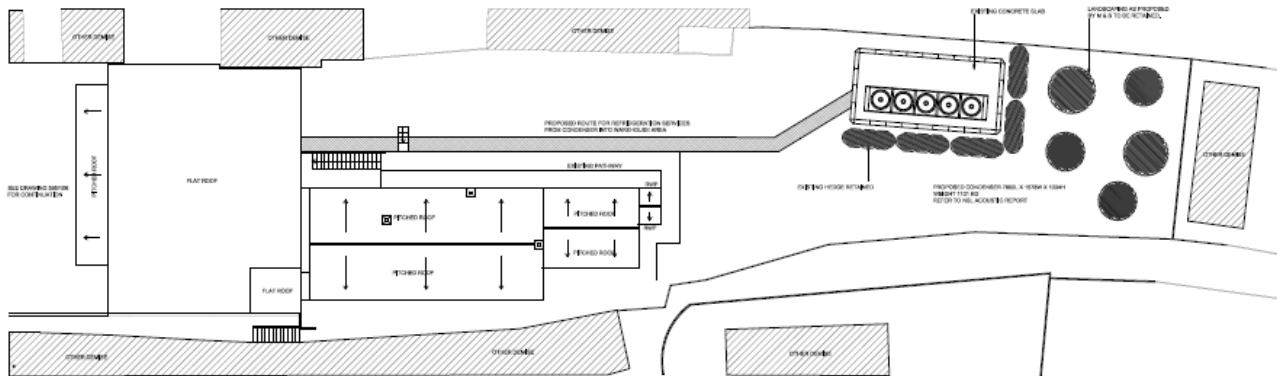
K/38586 – Planning permission was granted in March 2000 for a variation of the noise attenuation condition attached to planning permission K/35170. This was subject to a new condition that the structures containing the condensing units must be acoustically treated and/ or the condensing units silenced to ensure that the rating level (equivalent continuous A weighted sound pressure level (LAeq,t) adjusted for acoustic character) from any plant or machinery does not exceed 41dB on any day at the boundary of any domestic properties within 100m of the site.

K/55894/F – Planning permission was granted in April 2007 for a new condenser unit enclosed within an acoustic plant screen. This followed extensive investigation and noise monitoring by the Environmental Health Team at the request of committee following allegations that the measurements provided by the applicants were inaccurate. In his comments at this time, the Senior EHO advised that 'the predicted noise level for the plant in night-time mode is 25dB(A) at ten metres. This is extremely low and the actual noise levels experienced in the neighbouring properties will be significantly below this due to the further attenuation offered by garden walls.... The background noise levels during the day are typically 40dB(A) and the maximum rated noise level at the closest boundary is 43dB(A). This is well within the 5dB difference recommended in BS4142.'

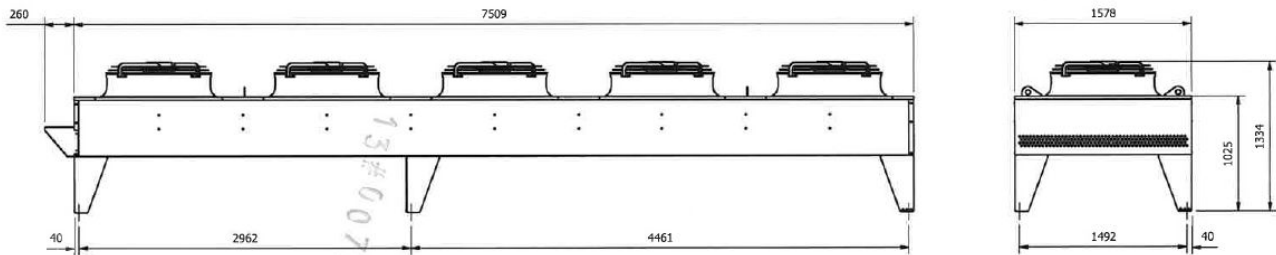
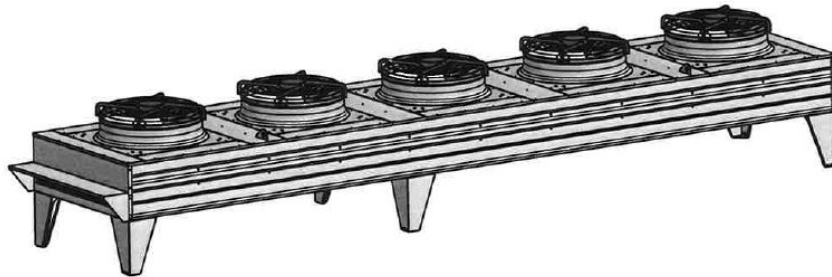
Since this planning permission was granted, the Environmental Health Team have reported complaints by two parties on one occasion only. Following investigation, the noise levels were found to be excessive and this was due to plant failure. The matter was rectified and no subsequent complaints were received.

5. The Proposal

The current application proposes the installation of new condenser plant on the existing concrete slab at the rear and for the purposes of assessing the impact of the proposals as a whole, also includes the installation of air conditioning units within the existing housing upon the roof at first floor level. The application includes very modest external alterations to the existing building including the installation of four small vents.



Plan showing positioning of proposed condenser plant to rear.



Appearance of condenser plant to rear.

6. Planning Policy

Kennet Local Plan 2011 – Policies PD1 (Development and Design), HH11 (Marlborough Area of Special Quality)

The National Planning Policy Framework – with particular regard to

Chapter 1: Building a Strong, Competitive Economy

Chapter 2: Ensuring the Vitality of Town Centres

Chapter 7: Requiring Good Design

Chapter 11: Conserving and Enhancing the Natural Environment.

In particular, paragraph 123 sets out that planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Chapter 12: Conserving and Enhancing the Historic Environment

7. Additional Statement by the applicant

The applicant has responded to a number of requests to provide additional information including the following data:

‘Technical Note received on 6-8-2013: AC Plant

Further to our earlier discussion regarding the AC enclosure at roof level, we confirm having predicted the noise impact of locating the AC units within the existing acoustic enclosure.

Based on the nearest residential property being 12m from the enclosure and with acoustic louvres approximately 200mm – 300mm deep, the following noise levels at the nearest residence are predicted:

Period	Predicted noise level at residence	Existing minimum background noise level, LA90*
Daytime	23dB(A)	24dB(A)
Night-time	18dB(A)	19dB(A)

*Based on environmental noise survey undertaken in rear garden of store

It can be seen that noise from the AC units is predicted to be below the prevailing background

noise level, based on our environmental noise survey undertaken in the rear yard, in accordance with the requirements of Wiltshire Council.

No correction for reflections has been included in our assessment; the predictions are based on an opening (the acoustic louvres) in the wall. There is no reflective surface behind the louvre other than the internal room itself, which is accounted for in the calculations. ‘

Technical Note received on 28-8-2013: Refrigeration plant noise readings

Further to our recent site surveys to measure noise from the installed equipment, we can confirm the following:

Measurements were taken between 05.00 and 06.00 hours on Friday 23rd August 2013. Readings were taken with the unit on and off at 10m from the unit and at the site boundary.

Short measurements were taken so as to exclude extraneous noise sources (e.g. distant road traffic) where possible.

Location	Plant On	Plant Off
10m from unit	30.2dB(A)	30.9dB(A)
Site boundary	34.8dB(A)	34.6dB(A)

It can be seen that, at 10m from the unit, the reading with the unit on is lower than the background reading. It can be inferred that this is due to a variation in the background noise climate at the time and that turning the unit on did not elevate the noise level. It can therefore be determined that the contribution from the equipment is no louder than a level 10dB below the background reading, i.e. at 10m the plant is no louder than 20dB(A) and is likely to be lower.

At the site boundary, the small variation in noise level with the plant on and off is, again, likely to be due to a variation in the background noise climate. As such, the plant noise level is no louder than 25dB(A) and likely to be lower.

Whilst compliance with the local authority criterion of 19dB(A) at the boundary cannot be conclusively demonstrated due to the relatively high background noise climate at the time, plant noise is likely to be in compliance.

It is noted that readings could not be taken earlier (i.e. before 05.00 hours) when background noise levels would typically be quieter due to ongoing overnight roadworks on the High Street.’

8. Consultations

Marlborough Town Council – Support this application subject to written assurances from Morrisons that concerns around refrigeration and air conditioning have been addressed and resolved. In response to the additional information, a ‘no objection’ response has been received.

Wiltshire Highways – No objections

Wiltshire Council Archaeologist – No objections

Wiltshire Council Environmental Protection Officer – Initially requested additional information including additional noise survey information and clarification on a number of technical matters. Following several site visits to consider neighbour concerns including noise levels and the ‘stepping up’ of the operational plant which was occurring on warmer afternoons, Environmental Protection Officers are now satisfied that from the evidence supplied, the impact on amenity would not be significant to warrant refusal of planning permission. Conditions are recommended in the

event Members are minded to grant planning permission, as a safeguard to limit noise impact. The Senior EPO provides a detailed explanation as follows;

'As you are aware, while this application has been out for consultation the equipment has been installed. There have been some teething problems with the condensers in the back garden but I believe that these are now resolved. I am aware that some members of the public have concerns about the sound levels produced by these condensers and the associated documents that have been submitted. I will therefore now go into quite a lot of detail regarding this matter.

Condensers to the rear of the premises

When this application was first made the applicant asked for some guidance as to what target they should use when carrying out the required noise assessment. They were advised that they should aim for a target of the sound level from the equipment not exceeding the background noise level at the quietest time that it was in operation. It may be important to make it clear here that this recommendation was guidance for the acoustic consultants in this specific case.

The noise consultants carried out background noise measurements and found that the lowest background noise level was 19dB (A) at night and 24dB (A) in the day. It should be noted that these are extremely low background noise measurements and are exceptionally low for a town centre location. These levels, particularly the daytime level of 24dB are met infrequently and for short periods, the majority of the time the background noise level is higher than this.

Following the problems after installation the equipment has now been set so that it works at a maximum of 44% of available duty. The applicants have had a noise assessment carried out to measure the sound level against background when it is working at this maximum available duty. The results have been submitted to the planning department in the NSL document dated 28/08/2013. This department accepts the information set out in the document as evidence that the guidance provided to the applicants acoustic consultant is being complied with.

Some local residents have expressed that they do not believe the document is evidence that our guidance is being complied with. I therefore feel the need to explain the following.

Where two noise levels are operating at the same time they cumulatively contribute to the equivalent continuous noise level (LAeq) except where there is a difference of 10dB or more between the two noise levels. When there is a difference of 10dB or more the lower noise level ceases to contribute to the overall dB level. In this case, when referring to the NSL document dated 28/08/2013 we can see that the measured sound level does not increase when the equipment is on compared to when it is off. The background noise level is considered as a noise source itself. Because the sound level does not increase when the equipment is switched on we can see that the contribution of the equipment is 0. Therefore the sound level attributed to the equipment must at least 10dB below the sound level that was measured when the plant was off. These calculations are based on a generally accepted rule but if anyone would like further information I would refer them to the following guidance document: Horizontal Guidance for Noise. Part 2 – Noise Assessment and Control published by the Environment Agency.

When the survey associated with the NSL document dated 28/08/13 was carried out the engineers ensured that the equipment was working at its full operating (daytime) duty of 44%. The document therefore shows that when operating at its maximum duty the condensers are producing a maximum sound level of 25dB. It is important to note that at night time when the shop is closed the equipment would not be working at anywhere near this level.

I visited the site with a colleague on 03/09/2013. The visit was arranged so that we could have a better understanding of the set up of the equipment and so that we could make a subjective assessment of the equipment working at maximum duty. It was not practical or necessary for us to carry out a further environmental noise survey using digital monitoring equipment due to the length of time a full assessment would take, the fact that one had already been completed by NSL and because any survey is dependent on all noise sources in the environment at the time of the survey

therefore carrying it out in the middle of the working day would be impractical. Engineers were there to ensure that it was working at maximum available duty. Our subjective assessment was that the sound level was not at a level that would cause loss of amenity at neighbouring properties.

It should be noted here that a sound level being below background does not mean that the sound will not be audible. The LA90 which is used for background noise measurements is a measurement of general noise; the fan noise is a specific noise which may therefore be audible even if the decibel level is below background. Sound from the equipment will at times be audible in gardens directly adjacent to the equipment however we do not to consider that this sound level is likely to cause loss of amenity.

British Standard 8233 gives give standards good and reasonable acceptable levels of noise for residential properties. The document recommends that 'in gardens and balconies etc. it is desirable that the steady noise level does not exceed 50LAeqT dB and 55 LAeq, T dB should be regards as the upper limits.' It can be seen that the sound levels from the condensers when working at maximum level are resulting in LAeqs significantly below these guidelines.

In respect of the air conditioning plant, the technical note confirms that at the nearest residence, the noise levels with the units running should be at or below the existing lowest background noise levels and this consequently gives no particular cause for concern in respect of neighbour amenity. A condition is recommended in the event Members are minded to grant planning permission to limit noise levels accordingly.

To ensure that the equipment is operated and maintained so that the sound levels do not exceed those set out in the submitted documents I recommend that conditions are included in any planning permission granted. Great consideration has been given to the wording of the conditions to ensure that the conditions are enforceable should the need arise in the future.

9. Publicity

This application has been publicised by means of a site notice, neighbour letters and a site notice. A further notification and opportunity for consultation has been permitted to interested parties following the receipt of additional technical information and a modest change to the positioning of the rear plant.

Letters of representations have been received from 5 neighbouring addresses. Three of these express objections to the application and two of these neighbours have submitted numerous letters which are available to view on file and on the Council's website. Two of the neighbours have expressed no objection to the principle of the proposed development provided that the machinery does not emit excessive noise levels and are at least as low as equipment installed for Marks and Spencers; opening hours should be restricted; the hedge and tree screening must be left in situ and the area at the rear should be maintained on a regular basis.

The main objections raised can be briefly summarised as follows;

- The original noise assessment is flawed – background noise measurements taken from wrong location (in High Street) and affected by roadworks taking place. No adjustment was made to account for the amplification of the noise due to reflection. The topographical characteristics of the site, the position and size of associated buildings do not suggest that reflected noise adjustment should be assessed as zero.
- The application is inaccurate and has not be thoroughly researched.
- The plant will be visible from neighbouring windows.
- The noise assessment calculations are all based upon daytime noise from 7am until 11pm seven days a week – this does not accord with our interpretation of 'daytime'. [Officer note: The 'daytime hours' are taken from standardised noise guidance for day time/ night time periods for the purposes of noise calculation.]
- The extended opening hours are totally unacceptable given that this is a residential area.

- Although the M&S plant was quieter than the Somerfield plant, there were many times when the noise was unacceptable.
- Kennet Court is not taken account of in the noise calculations and has a window at second floor level which could be affected.
- Noise and vibration calculations should be carried out for plant behind the louvers, particularly in respect of proposed longer trading hours. If including extract equipment for food preparation, adequate filters should be provided.
- Sound insulation should be requested internally to prevent noise from banging of storage doors, staff room and clattering of metal trolleys, which are very noticeable in the early hours. [Officer note: the proposal does not require change of use planning permission therefore this request would not be a material planning consideration in respect of the current application]
- The fact that the units are already up and running indicates that this is a 'done deal' and will not be given proper consideration.
- Survey figures clearly show noise levels would be raised significantly above background levels in the Marlings.
- The Sound Power Level quoted in the specifications for the proposed refrigeration machine in this application is 60dB(A) combined with a Mean Sound Pressure Level of 28dB(A) at 10 metres, which is a significant increase above the existing background noise levels and will detrimentally affect amenities of neighbouring residential properties 25 hours a day The decibel (dB and dB(A) is a logarithmic scale, a 20dB increase in dB units increases the Sound energy by a factor of 100.
- Due to poor thermal insulation characteristics the excessively large refrigeration capacity required will cause excessively high levels of noise. The building is not suitable as a chilled/ frozen goods retail facility of the type proposed for this reason.
- Food stores on this site, including M&S have been the subject of noise nuisance complaints and noise nuisance enforcement procedures.
- Noise from this type of operation caused by the refrigeration plant and machinery combined with the air conditioning units on the roof plus the extractor vents on the rear wall, especially with the proposed extended opening hours to 11pm 7 days a week, will be unacceptable on this site surrounded by residential homes and gardens and would spoil and interfere with their legitimate use and enjoyment.
- The amended plans do nothing to allay concerns previously raised.
- Ample opportunity existed when the Condenser unit commenced full operation in August for the applicant to demonstrate compliance with local authority criterion but they did not. On the contrary, they demonstrated they could not.
- What the applicant has demonstrated for certain is that when neighbouring residents have their windows open and are spending time in their gardens on hot sunny days, the units will be running so fast and long it will be the worst case scenario for this quiet residential neighbourhood. The application is a classic candidate for rejection and the authority should stand by its noise criterion and deny approval.
- With reference to the EHO's recommendations, that the 'rating noise' level limit of the condensers at 10m should not exceed 'background noise' level measured of any ten minute period. 34dB(A), the lowest background noise level in the afternoon at 10m from the condensers equates to 54dB(A) at 1m from the condensers, 35.9dB(A) at the nearest residence and 44.5dB(A) at the boundary with The Marlings garden which is twice as loud as the lowest afternoon background noise level and four times as loud as the lowest daytime background noise level measured by NSL.
- The proposed conditional limit would apply 365 days a year and allows the noise level to rise in this widely acknowledged 'exceptionally quiet residential area' to noise levels only experienced in the High Street.
- NSL (in technical note of 28-8-13) that the rating noise level of the condenser at 10m will be no louder than 20dB(A) and likely to be lower and at the boundary 25dB(A) and likely to be lower and will not exceed the lowest background noise at the boundary of the site (in compliance with the Wiltshire Council recommended target). This being the case, why does the EHO recommendation allow a rating noises so much higher , at least 14dB(A) and to

be assessed 10m from the condensers. The rating noise should not be allowed to add to background noise and therefore should be assessed at the boundary. Why would you allow more noise on the site than is necessary or required?

10. Planning Considerations

The main issue associated with this application is the impact of the proposed condenser and air conditioning units on the amenity of neighbouring residents and the compatibility of this type of plant with this quiet residential location.

The site is visually well screened from public viewpoints and subject to the retention of the existing landscaping, there are no particular concerns regarding the impact on the appearance of the conservation area or the setting of the listed building.

10.1 The principle of the proposal and impact upon residential amenity

The use of the site as a supermarket does not require planning permission as this falls within the existing permitted A1 use of the site. The site is located within a town centre location where such businesses may be reasonably expected to be found and the occupancy of this retail unit by Morrisons could be considered to enhance Marlborough's vitality and support one of the underlying key principles of the NPPF, to build a strong, competitive economy. It is of note that previous occupiers of this site (Marks and Spencers and Somerfield) had plant/gained planning permission for plant in this location subject to conditions. Listed building consent (based on whether the impact would preserve the special interest of the listed building and its setting only) has already been granted for the works and the proposed new signage is the subject of a separate application for advertisement consent.

In respect of the current application, clearly the presence of residential properties and their gardens at the rear of the High Street is an important consideration and the installation of the plant under consideration should be subject of scrutiny to ensure that the health and quality of life of neighbouring occupiers is not significantly harmed and the NPPF recommends that mitigation measures are considered to help address concerns. Whilst the site is located on the main High Street, it is recognised by neighbours, residents and the applicants that noise levels at the rear of the High Street are exceptionally low for this type of location. This is backed up by the background noise readings. Criticism was made of the original noise assessment submitted by the applicants and since this time, further calculations and technical information has been provided to gain a full understanding as to the type of equipment, how it operates, the tonal nature of the noise, mitigation measures and the safeguards in place to ensure it does not operate above any agreed levels. Several site visits have been carried out to assess the plant operating at capacity in situ, and to understand the 'teething problems' of the stepping up of the plant on warm afternoons. It is believed this latter issue has now been resolved but in the event that this caused future issues, it may be possible to deal with this either through the recommended conditions or through Environmental Protection legislation.

Environmental Protection Officers are satisfied that from the evidence provided, together with their site evaluations to assess the noise for themselves at the maximum operating capacity, that the proposals would not result in any significant loss of amenity to neighbouring occupiers. In response to criticisms over their recommended conditions and for clarity, the following points are made;

- 1) The acoustic hood is fitted – this is the metal casing that can be seen around the top of the compressor fans. The metal is perforated inside so that it will absorb some noise.
- 2) In response to the neighbour criticism over the EPO recommended noise restriction condition; 10m is the distance to the boundary which has the nearest residential property (The Nest) on the other side of it. We therefore are requiring that they meet the limit set at this distance. 10m is the distance that has been used in the submitted assessments. It would not be reasonable to set the limit at 3m which is the distance to the boundary to the

south west. There are no residential properties adjacent to this boundary.

We could not term the condition 'at the boundary' because firstly this does not define which boundary and secondly the boundary is a substantial brick wall. Any measurements would need to be taken 3 ½ m away from this wall to prevent reflections affecting the measurements.

The condition includes that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period measured at 10m from the condensers. This should ensure that the noise resulting from the plant should not exceed average background noise levels as it was noted from the noise survey data that there were infrequent occasions where the lowest background noise level was unusually low (24dB daytime and 19dB night-time).

11. Conclusion

The application has been the subject of particular and detailed scrutiny to ensure that sufficient evidence has been obtained to enable full and proper evaluation, supplemented through a number of site visits. It is concluded that the noise levels emanating from the proposed plant would not cause significant harm to the amenities of neighbouring occupiers such that would warrant a refusal of planning permission. There are no other issues which raise any particular concerns.

RECOMMENDATION

Approve with conditions

- 1 All soft landscaping comprised in the approved details of landscaping in respect of the discharge of condition number 2 relating to planning permission K/55894/F shall be maintained in situ, free from weeds. 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 first agreed in writing by the local planning authority.

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

- 2 The store shall not be open to members of the public outside the hours of 07:00 and 23:00 from Mondays to Sundays inclusive.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenities of the area.

- 3 The condensers to the rear of 134-135 High Street, Marlborough which serve the refrigeration equipment shall be set to work at no more than 44% of maximum duty. The condensers shall be operated and maintained to ensure that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 10m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 4 The air conditioning units in the acoustic enclosure at roof level of 134-135 High Street, Marlborough shall be operated and maintained to ensure that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 12m from the condensers. The

meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 5 Any delivery lorries serving the store shall not be loaded or unloaded outside of the hours of 08:00 to 20:00 Monday to Saturday and 10:00 to 20:00 Sundays.

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

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

p595/102 received on the 20th May 2013

595/103 received on the 31st May 2013

595/106 received on the 20th May 2013

595/104A received on the 20th May 2013

595/105B received on the 9th August 2013

595/101A received on the 3rd July 2013

595/105A received on the 3rd July 2013

RF-NB105.dwg received on the 31st May 2013

595/107 received on the 31st May 2013.

Noise Survey and Impact Assessment dated 14th June 2013 (insofar as not superseded by additional noise data following maximum capacity of plant change to 44% to deal with 'stepping up')

Raw Noise Data received on the 24th July 2013

AC Plant Noise Technical Note dated 6th August 2013

Refrigeration Plant Noise Readings received on the 28th August 2013

Technical data (3 sheets) for Mitsubishi Air Conditioning Units received on the 30th May 2013.

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

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	24 th October 2013
Application Number	13/00719/FUL
Site Address	St Mary the Virgin Church, New Park Street, Devizes SN10 1DS
Proposal	Proposed new cloister and ancillary accommodation to support the existing church building along with associated rebuilding of a boundary wall (resubmission of E/2012/1477/FUL)
Applicant	St John's & St Mary's PCC
Town/Parish Council	DEVIZES
Grid Ref	400599 161609
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

The application has been called to committee at the request of the division member, Cllr. Sue Evans.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are as follows:

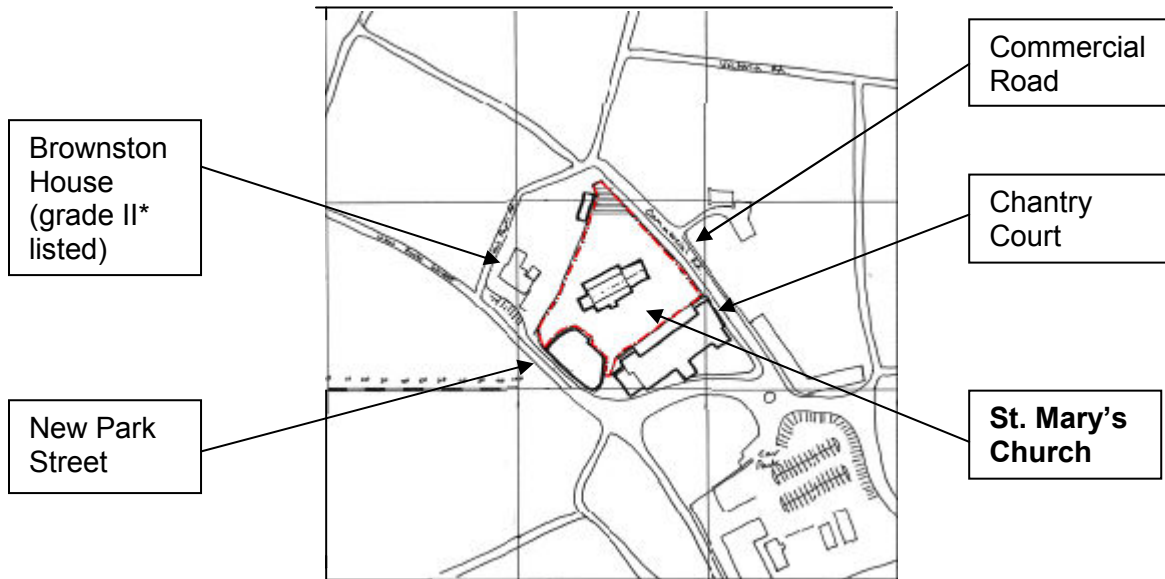
- Whether the proposal would cause harm to the grade I listed building and its setting and to nearby heritage assets.
- Whether any harm to the listed building and its setting would be outweighed by the public benefits of the scheme.
- Whether the proposal would have a detrimental impact on the character and appearance of the Devizes Conservation Area.
- Whether the proposal would harm the roots of protected trees.
- Whether there would be any harm to buried archaeology.
- Whether any harm would be caused to neighbour amenity.
- If there would be adequate parking for the proposed development.

3. Site Description

St. Mary's Church is a grade I listed building in the centre of Devizes. It lies at the eastern end of New Park Street, on the north side of the road and close to the roundabout. The site is bounded to the north by Commercial Road, to the east by the Chantry Court retirement flats, to the west by residential and commercial properties and to the south by New Park Street. It is enclosed by a churchyard containing a number of mature trees which are protected as they are located within a conservation area. There is no vehicular access to the site.

St Mary's is one of two churches of Norman origin in Devizes. It was founded to serve the town which grew up to support the castle (as opposed to St. John's which served the castle garrison itself). Whilst of Norman origin, much of the church other than the chancel was rebuilt in C15. The fact that the church is included on the List at Grade I means that it is amongst the most important of buildings within the country (only 2.5% of all listed buildings in the country are Grade 1 and only 4 in Devizes).

The site is located in a sensitive historic context, within the Devizes Conservation Area and the immediate setting of a number of key listed buildings, including the Grade II* listed Brownston House to the west.



Location Plan

4. Planning History

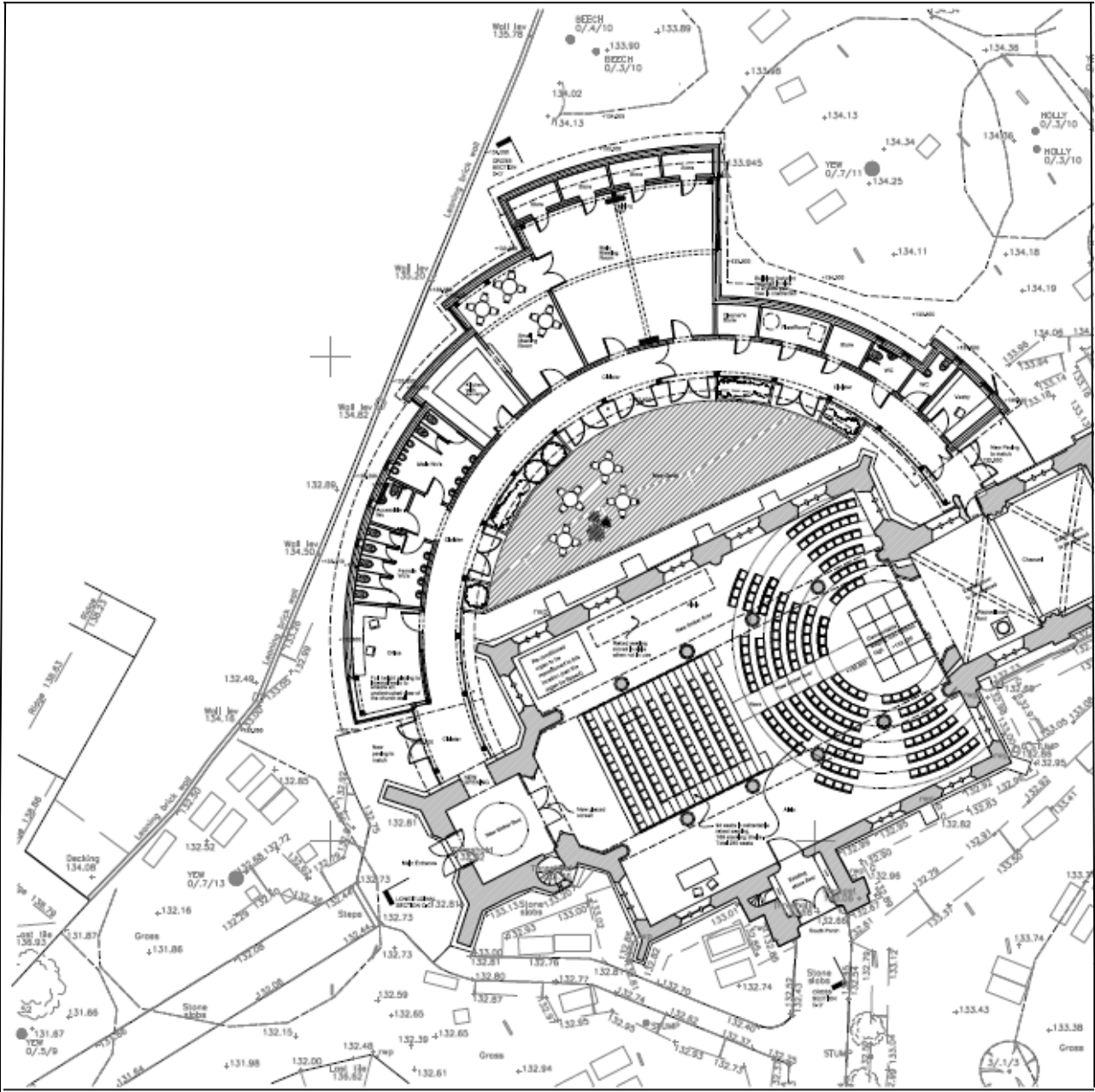
E/2012/1477/FUL – an application for a similar scheme was withdrawn in March 2013.

5. The Proposal

The current application is the re-submission of an earlier scheme (ref. E/2012/1477/FUL) which was withdrawn. The proposal is to construct a semi-circular extension to the west side of the church to provide an office, two meeting rooms, kitchen, toilet facilities, stores, a plant room and a vestry. The footprint of the extension would cover a large portion of the existing churchyard. The applicant states in the submitted design and access statement that the design concept is a modern interpretation of the historic idea of a cloister enclosing a 'garth (grassy quadrangle)'. The cloister itself would be used as a public space for hanging art or for photographic exhibitions. The new external courtyard would be accessed from the cloister and would be hard landscaped with stone paving and setts. Proposed materials would include oak, sedum and through coloured render. It is proposed that a section of the curtilage listed wall on the western boundary of the churchyard would be rebuilt. The submitted archaeological evaluation indicates the need for the excavation and re-interment of an estimated 850 articulated burials in order to facilitate the development.

A number of changes to the withdrawn scheme are now proposed, albeit the original design concept remains unchanged. These are as follows:

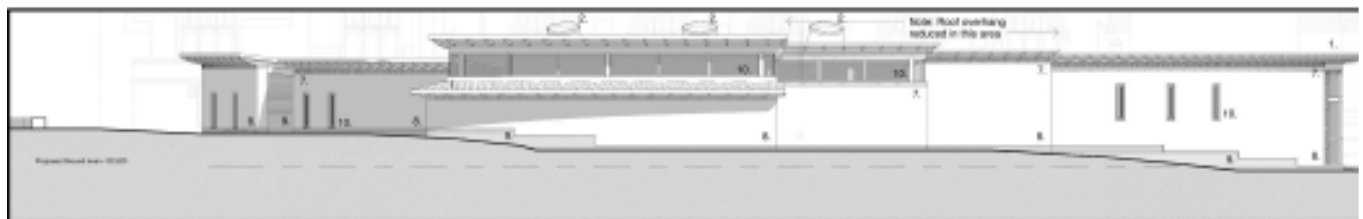
- The footprint has been altered slightly in response to the concerns raised by the Council's Arboricultural Officer regarding encroachment into the root protection area of the nearby yew tree.
- The proximity of the proposed extension to the adjacent boundary wall has been acknowledged and the rebuilding of a section of this wall is now proposed.
- A larger area of glazing has been incorporated in areas adjacent to the entrance and access to the tower.
- A through colour render would now be used instead of the white painted brick previously proposed.



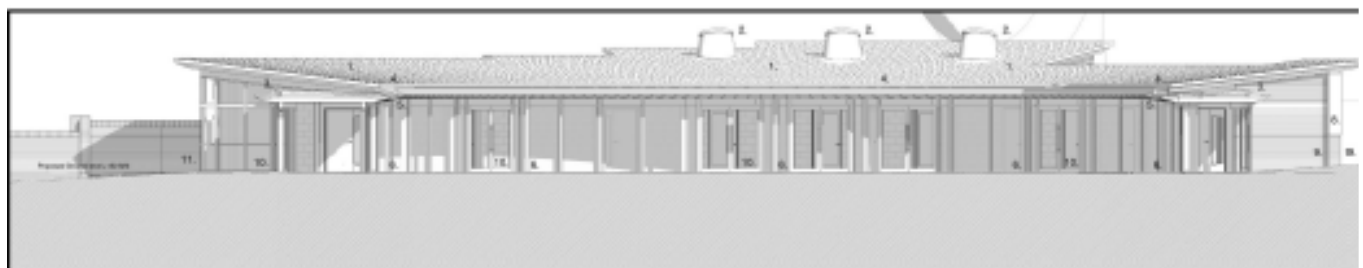
Block Plan



NORTH WEST ELEVATION with CONTEXT



NORTH WEST ELEVATION without BOUNDARY WALL

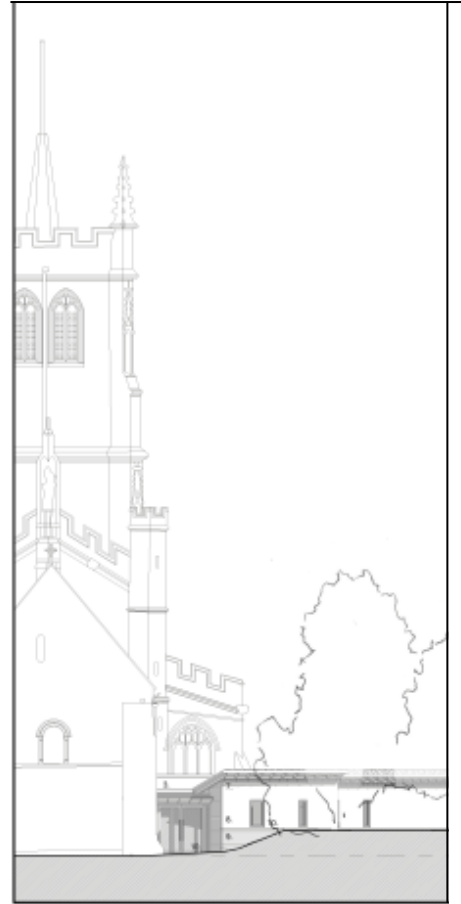


SOUTH EAST ELEVATION

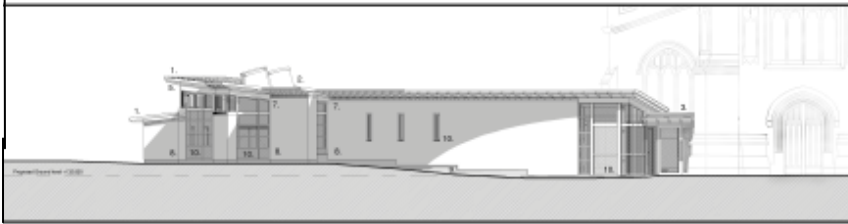
North-West and South-East Elevations



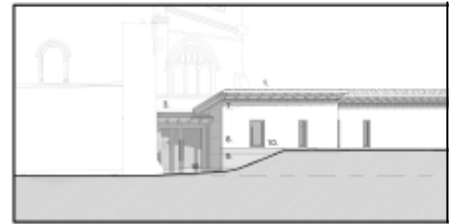
SOUTH WEST ELEVATION with CONTEXT



NORTH EAST ELEVATION with CONTEXT

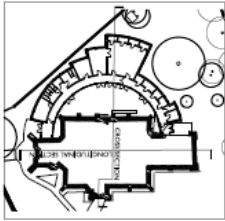


SOUTH WEST ELEVATION without BOUNDARY WALL or TREES

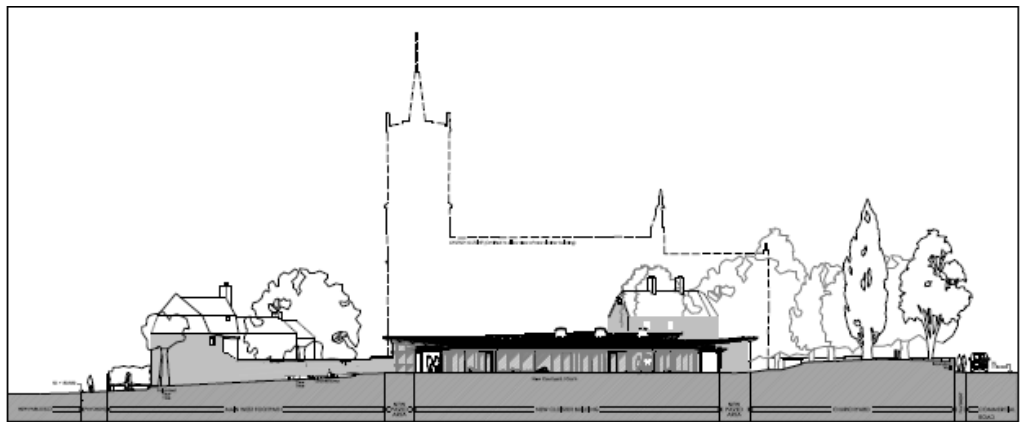
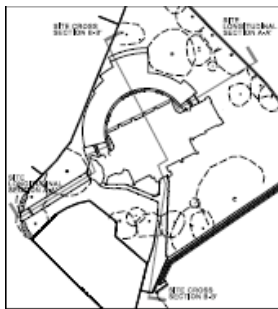
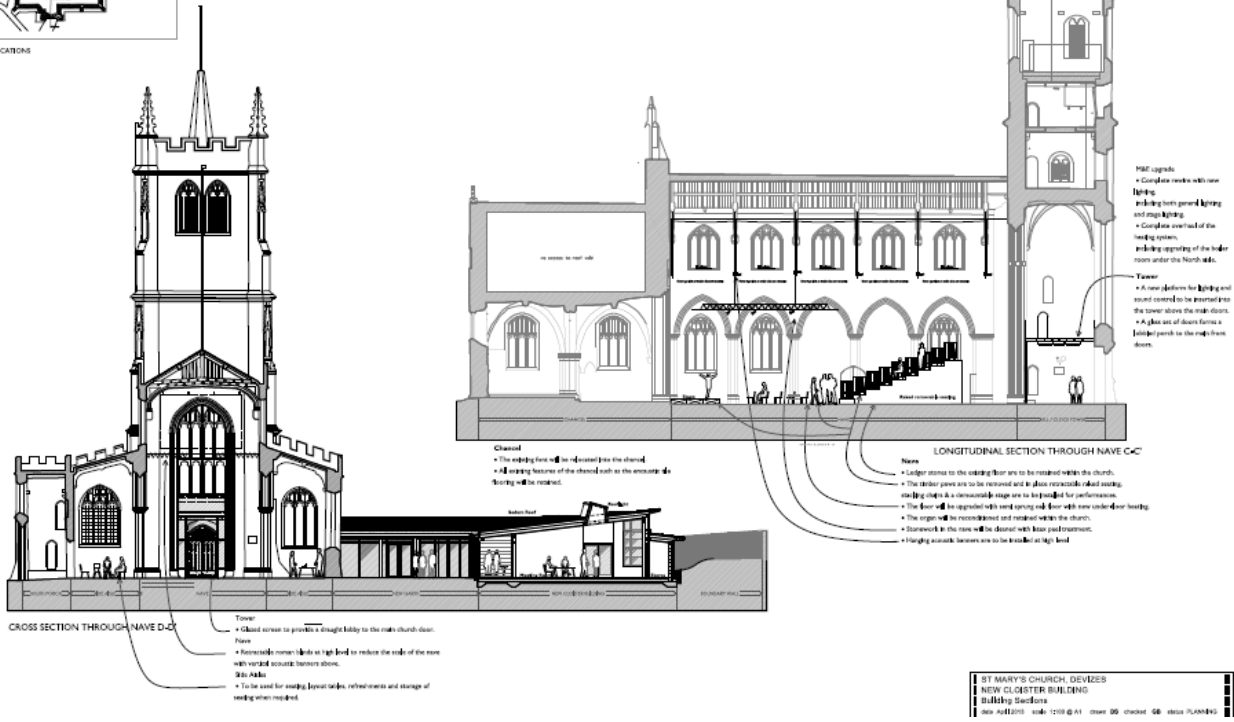


NORTH EAST ELEVATION without TREES

South-West and North-East Elevations



SECTION LOCATIONS



Sections

The application has been accompanied by supporting documentation including, inter alia, a Statement of Significance, a Statement of Need, a Historic Building Assessment, a business plan, an archaeological evaluation, a summary report on the consultation exercise undertaken and the consultation questionnaire.

It is evident from the submitted details that the church itself would be used as an events space, with a continuing use for worship fulfilling a secondary role (St John's Church would fulfil the main worship role for the two churches). This would fall within the same use class as the church (ie. D1 non-residential institutions) and therefore would not involve a change of use for which planning permission would be required.

Reference is also made in the supporting literature to proposed works within the main body of the church. These do not require the benefit of listed building consent as the building is intended to remain in use for worship and is therefore currently covered by the provisions of the Ecclesiastical Exemption Order 2010. Instead, the Church's own regulatory regime (faculty legislation - which is required to give equivalent consideration to conservation issues as does the secular listed building consent regime) applies and will run alongside the secular planning process. Although listed building consent is not required, the impact on the listed building and its setting and on other heritage assets is still a material consideration in respect of this planning application.

The applicant has provided a response to the Conservation Officer's comments. These are available for viewing on the Council's website but the main points can be summarised as follows:

- The 'ongoing maintenance funding' is not secured and will cease with the cessation of church services. The monies released will then go to the Alms House Branch of the Poor Lands Charity.
- The Council's Arboricultural Officer is happy with the amended plans in respect of impact on the nearby yew tree.
- The roughcast through colour lime render is a traditional finish used extensively in Wiltshire buildings from the 16th century onwards. The addition of a Bath stone dust into the render mix will give the render a warm colour which will blend well with the cut Ashlar stone walls of the church. The choice of sedum for the roof finish is designed to respond sensitively to the churchyard setting. The addition of sedum onto a roofing membrane will greatly increase its life. The proposed lead and zinc detail (for the edge flashings, gutters and the roof to the glazed link) will respond appropriately to the church.
- The solution to route a section of the drainage underneath the church takes into account that the existing floor will be lifted and replaced as part of the internal upgrading works. Non-intrusive surveys have been carried out within the church, which have established that there are a number of sleeper walls beneath the floor forming a void. The drainage pipes can therefore be located in this zone.
- The difficulty of access during construction has been recognised and a highly regarded local building company has been consulted. The new cloister will not add substantially to the maintenance costs of the facility as it is designed to modern standard of insulation and energy efficiency.
- A number of alternative uses for St. Mary's have been considered and rejected ranging from commercial storage (road access inadequate) to providing a new worship space for another parish in the town (rejected by the congregation).

6. Planning Policy

Kennet Local Plan 2011:

PD1 – Development and Design

Wiltshire Core Strategy Pre-Submission Document 2012:

CP57 - Ensuring high quality design and place shaping

CP58 - Ensuring the conservation of the historic environment

In due course the Wiltshire Core Strategy (WCS) will replace the Kennet Local Plan as the statutory local plan for the East Wiltshire area. The Wiltshire Core Strategy Pre-Submission Document went out to public consultation in February 2012 and the WCS was presented for examination in July 2012. The inspector's report is awaited and the WCS is not expected to be adopted until late 2013/early 2014. The policies in the WCS do not, therefore, yet carry full weight when making planning decisions.

National Planning Policy Framework (NPPF) 2012:

Introduction

Section 7 - Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

The Planning (Listed Buildings Conservation Areas) Act 1990: Section 16.

PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide

English Heritage document - New Work in Historic Places of Worship, 2012

Devizes Conservation Area Statement, September 2005

7. Consultations

Devizes Town Council: Positively give its support to the proposal, as it believes that the scheme will enhance the town's artistic facilities and keep one of the town's most important buildings in public use for this and future generations. It also states that careful consideration has been given to the design of the new cloister and believes that the right balance to preserve the church's history whilst delivering a contemporary and flexible extension has been achieved.

English Heritage: Objects to the application. Advises that whilst the endeavours by the congregation and community to increase the use of the church is fully commended, it is not possible to support the current scheme due to the substantial harm it will have on the significance of the church and its tower, its surroundings and on the conservation area. It is further considered that there is not a strong enough case for the public benefits envisaged from this scheme outweighing this harm. It is therefore considered that this proposal does not meet the tests of paragraph 133 of the NPPF.

Wiltshire Council Conservation Officer: Objects to the application. Advises that current government policy requires that the Local Planning Authority makes an informed assessment, weighing the impact on the special interest of the affected heritage assets against the public benefits which will result. Considers that the project represents a significant intervention which, both in terms of direct impact on the fabric and character of the church and in terms of the impact of the development within its setting, will harm the special interest of the building. Is unable to conclude objectively from the information provided that these proposals represent the 'optimum viable use' of the building and that the harm which will be caused is outweighed by the public benefits. As a result, the application cannot be considered to meet the requirements set out in legislation, government policy and guidance.

Wiltshire Council Arboricultural Officer: Considers that the amended scheme adequately addresses the previously raised concerns regarding potential damage to the mature yew's rooting system although details of how service routes could be constructed within the vicinity of any tree's root protection area without causing damage will be required. Remains concerned that the proposal would result in the loss of an important green space in town and an overall setting for the yew tree.

Wiltshire Council Archaeologist: No objection subject to a condition requiring the submission of a written programme of archaeological investigation (including on-site and off-site work) before the commencement of development on site; and the completion of these works in accordance with the approved details.

Wiltshire Council Ecologist: The comments made on the previous application at this site are still valid ie. that the trees should have a root protection area (RPA) provided during the construction process to

ensure that their integrity and function for biodiversity is not compromised and that any exterior lighting is angled downwards and not allowed to shine directly onto the canopy of any trees. This will ensure that foraging routes for bats and small mammals are not adversely affected.

Wiltshire Council Highways Officer: No objection.

8. Publicity

The application has been publicised by way of a site notice, press notice and letters to owners/occupiers of adjacent properties.

Two letters of representation have been received, one in support and one objecting to the proposal. The letter of objection makes the following key points:

- There are concerns regarding the proximity of the proposed building to the neighbouring property (48 New Park Street) and its height.
- It has not been possible to achieve a distance of 1 metre from the boundary wall.
- The application does not include a section between the proposed building and 48 New Park Street.
- The proposed re-building of the boundary wall is welcomed.
- The loss of the existing open space between 48 New Park Street and St Mary's Church and the close proximity of the wall and roof of the proposals (rising to approximately 3.6 metres above the ground level of my property within 500mm of the boundary wall), will have a detrimental effect on the setting of 48 New Park Street, which is a Grade II listed building. It is requested that this loss is taken into consideration when weighing up the benefits provided by the proposed new use for St Mary's Church.

The letter of support makes the following comments:

- I must declare an interest in that I am a Trustee of the St Mary's Development Trust, but it is an indication of the level of my enthusiasm that in the middle of a very busy period in my life, I feel it is important to be active in this enterprise.
- St. Mary's is a very beautiful church with excellent acoustics. It has an interior and ambience that encourages excellence of performance and our plans seek to maximise this beauty and use without interfering with the clean lines of the architecture. Thus with the pews removed we have a versatile space for arts use, theatre, dance, music unique in the area.
- In order to service this there must be up-to-date facilities for both artists and audience and the cloister, tucking neatly into the elbow of the church, answers this elegantly and with style, adding to the attraction of the building. As a professional performer myself, I know how important it is to have services of a practical and comfortable nature, and allied with the 'wow' factor of the original building the word will soon spread that this is a new venue of great interest.
- At present, many people in Devizes are not even aware of the church, standing there neglected and hidden behind what can only be called the ugly buildings of the sheltered housing. Opening up the entrance towards the market will heighten the profile of the church whilst in no way hindering what remains of its lovely aspect. It is part of our heritage in the town, and it would be criminal if we allowed the building to decline through lack of use.
- On the other hand, this imaginative plan would open up a performance space of a size not available in the area at present and its attractiveness is likely to put it on the list of visiting national companies in the arts which will only serve to attract more people to visit the town, thus providing more business for local restaurants and other services. At the same time, access to such an attractive performance venue can be a great incentive for local companies and add to the communal feeling of pride in belonging and taking part in such events.

9. Planning Considerations

9.1 Impact on Listed Building, its Setting and Nearby Heritage Assets Versus Public Benefit

9.1.1 Policy context

The most up-to-date planning policy is contained within the National Planning Policy Framework (NPPF) 2012. A number of paragraphs in the NPPF are considered to be relevant to this application. Paragraph 129 requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal and states that this includes development affecting the setting of a heritage asset. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 states that where a proposed development would lead to substantial harm, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply – the nature of the heritage asset itself prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; conservation by grant funding or some form of charitable or public ownership is not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 9 of the NPPF advises that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty of the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses.

Policy PD1 of the Kennet Local Plan requires a high standard of design, with specific regard given to, inter alia, scale, height and massing; relationship to townscape and landscape context; and relationship to historic features.

Emerging policy is contained in Core Policies 57 and 58 of the Wiltshire Core Strategy Pre-Submission Document, Feb 2012. These policies now carry some weight as the Core Strategy has been through an Examination in Public, although full weight can only be given once the Inspector's report is received and the Strategy adopted. Notwithstanding this, Core Policies 57 and 58 continue the themes of Policy PD1 in the Kennet Local Plan and the NPPF, requiring proposals to be sympathetic to conserving historic buildings, to respond positively to existing townscape in terms of building layout, height, mass, scale, design, materials etc and to conserve areas of heritage significance, including the character, setting and cultural significance of designated and non-designated heritage assets.

The saved PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide provides useful guidance on assessing the significance of a heritage asset. It further emphasises the need for a new building to be designed to respect setting by virtue of its scale, proportion, height, massing, alignment and use of materials.

9.1.2 Scale/Amount

The proposed extension would create a large footprint filling much of the area on the western side of the church right up to the boundary wall and close to the churchyard trees. It would therefore amount to an 'overdevelopment' of the site. Whilst the proposed development would not be unduly prominent from the southern approach and the visual impact would be limited from the south-west entrance, from the north and from within the churchyard itself the new structure would dominate views of this side of the church. In fact, the views of the north aisle would be lost except from within the proposed extension itself.

The church tower makes a strong visual statement and is visually prominent. It is a particularly dominant part of the church when viewed from the gates at the west entrance. It is considered that the proposed extension would impact on the tower, resulting in a discordant juxtaposition and therefore a reduction in its dominant presence.

Overall, it is considered that the proposal would have a substantial impact on the church itself and its presently spacious setting.

The proposed extension would come close to the western site boundary and the grade II and grade II* listed buildings beyond, but the main impact on the setting of listed buildings is on the church itself.

9.1.3 Siting/Form

It is noted that the Statement of Significance identifies that the existing church is “essentially a building of a single period, on a regular symmetrical plan”. Whilst the curved form has the potential to appear as an attractive and interesting structure in its own right, there are concerns that the substantial low level plan has no precedent in the existing building and would appear as an alien feature in this context, disrupting the regular symmetrical form and architecture of the building. Current guidance (English Heritage - New uses for places of worship, 2012) places greater emphasis on making sure that proposed extensions harmonise with the existing building, suggesting that the “forms, roof pitches and volumes traditionally presented by aisles, transepts, vestries and porches provide an established vocabulary for extending such buildings which would allow an addition to form a harmonious composition with the host building and consequently appear as a natural development from the building.” In this case, the proposed extension is self-consciously different from the existing building. Whilst in some circumstances this may be an appropriate response, on this occasion, taking into account the scale of the proposed extension, there is a risk that it would dominate some aspects of the church, detracting from the intentional pre-eminence and status of this key building.

The impact of the proposal is increased as a result of the chosen built form which encloses a large open courtyard area and exacerbates the apparent bulk of the extension. From outside viewpoints, this would give the impression of more accommodation being provided than is actually proposed. The pleasantness and practical usability of this courtyard space is also questioned as the building’s aspect means that the space will be constantly within the shade of the church and risks being damp and underused on all but the hottest of summer evenings. Left-over spaces with poor accessibility, created adjacent to the tower and to the north-east of the north aisle, risk becoming unattractive areas.

9.1.4 Design/Materials

Minor changes have been made to the design of the proposed extension in response to the concerns previously raised by officers. The proposed materials have been amended from painted brick to a lime render which represents an improvement. Furthermore, a larger area of glazing has been incorporated in areas adjacent to the entrance and access to the tower which would allow a lighter link and improved continuing visibility of the tower’s fabric. Whilst these design changes are welcomed, officers are concerned about the long-term quality of appearance of the proposed render and sedum roofed structure in this sensitive historic context. Furthermore, there is no precedent in the area for sedum roofs and consequently, this may well appear as a discordant feature in this historic setting.

Guidance in respect of proposed additions to churches, set out in English Heritage’s document ‘New work in historic places of worship’, 2012, states that “We recommend that materials should harmonise with those of the existing building. In many cases this will mean matching materials, although where a close match cannot be achieved, a complementary material or finish may be appropriate. Materials should be durable and of high quality and display a high level of workmanship and detail.” It is considered that the proposed choice of materials would conflict with this advice.

9.1.5 Public Benefit

Current conservation policy set out in the NPPF requires that proposals which would harm the significance of a heritage asset (either via direct alteration or via development within their setting) should be justified and that the harm should be weighed against any potential public benefit. A considerable

area of concern with regard to the proposal lies with its justification and with the sufficiency of the information provided to allow the required assessments to be made. It is acknowledged that the Design and Access Statement has been expanded in support of the current application. However, the amendment concentrates on the argument that, in the applicants' opinion, the impact on the setting of the church will be limited. However, little additional information has been produced in relation to the objective assessment of justification and need.

A number of letters of support from potential new users have been submitted, however, there remains no objective analysis or audit of these which would provide a reliable indicator of the need within Devizes for such a project. Few appear to relate to a new need within the town which is currently not catered for at all. It is also unclear what duration or frequency of use any of the supporting organisations would be likely to generate, nor is there any assessment as to how well the facilities which are now proposed (for example stage size, storage facilities etc.) would meet the detailed needs of these potential users.

No additional information has been provided with regard to the early development of the project and the various options which have been considered and included or discounted. The information starts at the point at which two possible options were tabled – the current project and an alternative of a drop-in centre. There is no evidence that any other options, which might include more limited or low-key proposals, have been considered or why (if they have been) they have been discounted as inappropriate or unfeasible/unviable.

It is possible that other potential options for supporting an enhanced continuing use of the church and more meaningful public access have been correctly discounted for reasons of feasibility or viability and, similarly, it is possible that there may be a genuine 'long term and sustainable' public need in Devizes for such a facility, however, it is not considered that an objective case has been made which would outweigh the harm that would be caused to the church, its setting and surrounding heritage assets.

Current government guidance requires that the Local Planning Authority make an informed assessment, weighing the impact on the special interest of the affected heritage assets against the public benefits which will result. Officers consider that the proposal represents a significant intervention which would harm the special interest of the building. It is also considered difficult to conclude objectively from the information provided that these proposals represent the 'optimum viable use' of the building and that the harm which would be caused is outweighed by the public benefits.

9.2 Impact on character and appearance of Devizes Conservation Area

St. Mary's Church is set back from the principal streets within its green churchyard setting. Important views of the church and churchyard are obtained from Commercial Road. The tower in particular forms an important streetscene feature, above the surrounding frontage buildings. There are also key views from the south and south-western gateways. The churchyard itself is notable as one of few green spaces within the historic core of the town – a view confirmed in the Devizes Conservation Area Statement (p.25).

The proposed extension would take up most of the width of the churchyard on the western side of the church. The applicant contends that views from the main vantage point ie. Commercial Road, would be limited due to the presence of the existing tree canopies. Officers disagree with this contention. Commercial Road is set down at a lower level than the churchyard so clear views are possible underneath the tree canopies. The proposed extension would therefore result in the construction of a large built form in an important gap between existing buildings which provides a pleasant green space and a setting for the visually important trees on the site. It is therefore considered that the proposal would have a detrimental impact on the character and appearance of this part of the Devizes Conservation Area.

9.3 Impact on protected trees

The revised scheme proposes an amendment to the footprint of the building so that it would now be outside of the root protection area of nearby trees and in particular the visually important yew. It is therefore considered that no harm would be caused to the roots of trees although in the event that the application is approved contrary to the officer's recommendation, conditions would be necessary

requiring details of service runs and the erection of protective fencing during the construction period.

9.4 Impact on buried archaeology

An archaeological evaluation has been carried out within the churchyard to inform the likely impact of the proposal on buried archaeological remains, in particular the likely number and date of burials. The evaluation established burials of nineteenth to early twentieth century date within the 'cemetery soil' but no other archaeological or building remains were revealed. Consequently, the Council's Archaeologist has raised no objection to the proposal subject to a condition requiring the submission and approval of a written programme of archaeological investigation. It is recommended that such a condition is imposed should members decide to grant planning permission for the proposed development.

9.5 Impact on ecology

It is not considered that the proposed development would cause any harm to protected species such as bats provided that the trees are protected during the construction phase and any exterior lighting is angled downwards and not allowed to shine directly onto the canopy of any trees, to ensure that foraging routes for bats and small mammals are not affected. This could be ensured by way of condition in the event that planning permission is granted.

9.6 Impact on neighbour amenity

The proposed extension would be located close to the boundary with the adjacent property, no. 48 New Park Street and at a higher level. However, the positioning of the buildings and the separation distances involved are such that there would be no harm caused to neighbour amenity eg. overlooking or overbearing impact.

9.7 Parking implications

The church occupies a town centre location with plenty of public parking in the vicinity. It is therefore not considered that the proposal would give rise to any parking implications over and above those associated with the existing use.

10. Conclusion

Officers are mindful of the need to promote the continuing use of this grade I listed building and strongly support proposals which will facilitate both more diverse uses and greater public access in order to secure the long term future of the building. However, the Council is also required by law to balance the impact of such proposals and the needs of the community against any harm which would result to the fabric, character and setting of the heritage assets and the Devizes Conservation Area. Notwithstanding the improvements to the design and materials, from a built conservation perspective it is not possible to conclude that the proposal constitutes either the optimum viable use of the building or that the public benefit which would result is sufficient to outweigh the harm to this Grade 1 listed building which would be caused.

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:

- 1 The extension, by reason of its scale and size, siting, form, design and materials/detailing, would cause substantial harm to the grade I listed building and its setting, to the character and appearance of this part of the Devizes Conservation Area. No evidence has been provided to adequately demonstrate that the proposal represents the optimum viable use for the building or that there is an overwhelming local need for the facilities such that the public benefit of providing them would outweigh the substantial harm that would be caused to the heritage assets. The proposal would therefore be contrary to Policy PD1 of the Kennet Local Plan, Policies CP57 and CP58 of the Wiltshire Core Strategy Pre-Submission Document 2012, the Introduction and Sections 7 & 12 of the National Planning Policy Framework (NPPF) 2012 and guidance contained in the Devizes Conservation Area Statement.

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	24 th October 2013
Application Number	13/01926/FUL
Site Address	15 Greengate Road, Wedhampton, Devizes, Wilts, SN10 3QB.
Proposal	Erection of attached dwelling and extension to existing dwelling (resubmission of withdrawn application E/13/0202/FUL)
Applicant	Mr David Morrison
Town/Parish Council	URCHFONT
Grid Ref	405869 157759
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 Cllr Philip Whitehead.

1. Purpose of Report

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

2. Report Summary

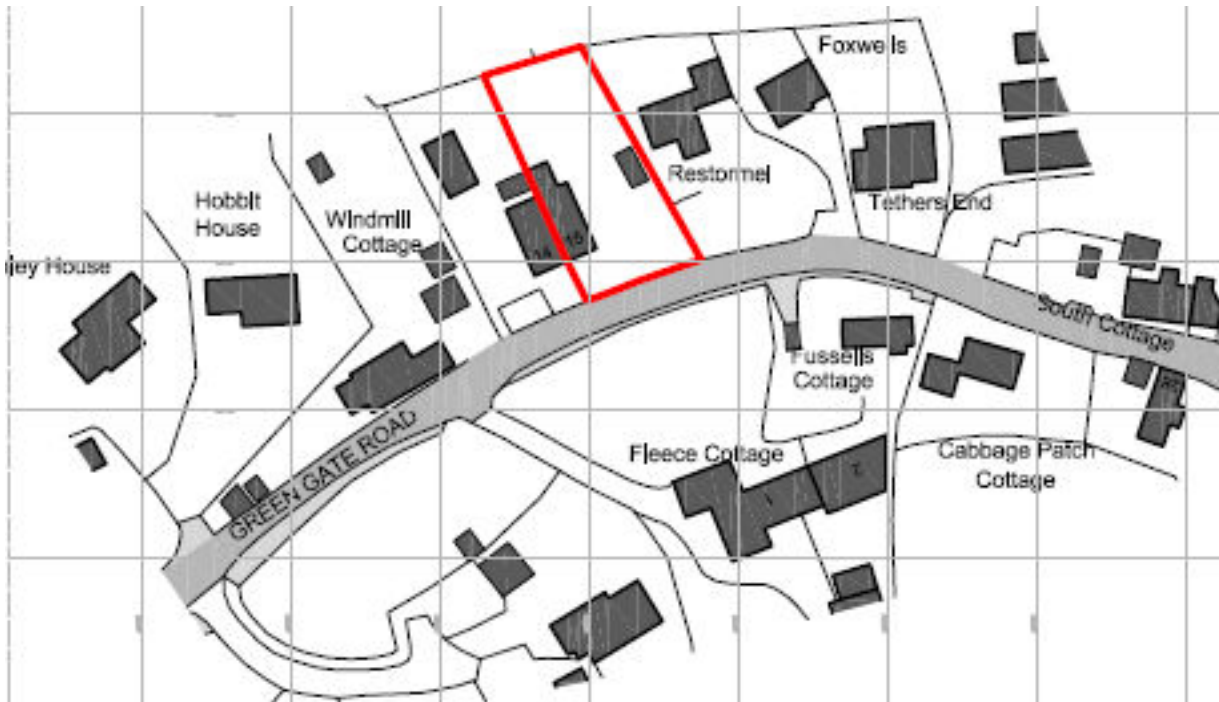
The key issues for consideration are;

- The principle of the proposed dwelling in this location
- Design, the visual amenities of the area, including impact on the North Wessex Downs Area of Outstanding Natural Beauty and whether the proposals would preserve or enhance the character or appearance of the conservation area
- Neighbour impact
- Highway safety
- Ecology
- Drainage

3. Site Description

The application site lies within the built up area of the village of Wedhampton. It lies on the principal access road into the village and can be found by proceeding from Devizes south along the A342. Proceed for a few miles past the turning for Lydeaway Old Potato Yard and take the next left turning signed for Wedhampton. The site can be found a few hundred yards along on the left hand side. The village is quite compact and contains properties of a wide variety and styles, from historic farmyard properties constructed from traditional materials to modern detached properties. Some are set back from the road and are detached and set within large gardens whilst others adjoin other properties or front almost directly onto the roadside.

The application site includes one of a pair of traditional semi-detached red brick properties associated with the former farmyard. These properties occupy a position elevated from the roadside and are constructed from red brick under a double Roman clay tiled roof. The application site includes the right hand semi which currently benefits from a sloping access driveway and parking towards the east of the site. Once beyond the sloping driveway/ roadside banking, the site is relatively level and benefits from vegetation to the rear of the site.



Site Location Plan

4. Planning History

The current application follows a previous attempt to gain planning permission for a two storey extension and a single detached dwelling set back between number 15 Greengate Road and 'Restormel' a more modern, fairly non-descript property set further back to the northeast. During the course of that application, officers expressed concerns about the compatibility of the proposed detached dwelling on this site and sought its omission from the proposals (reference E/2013/0202/FUL). The proposed two storey extension was considered acceptable and was granted planning permission.

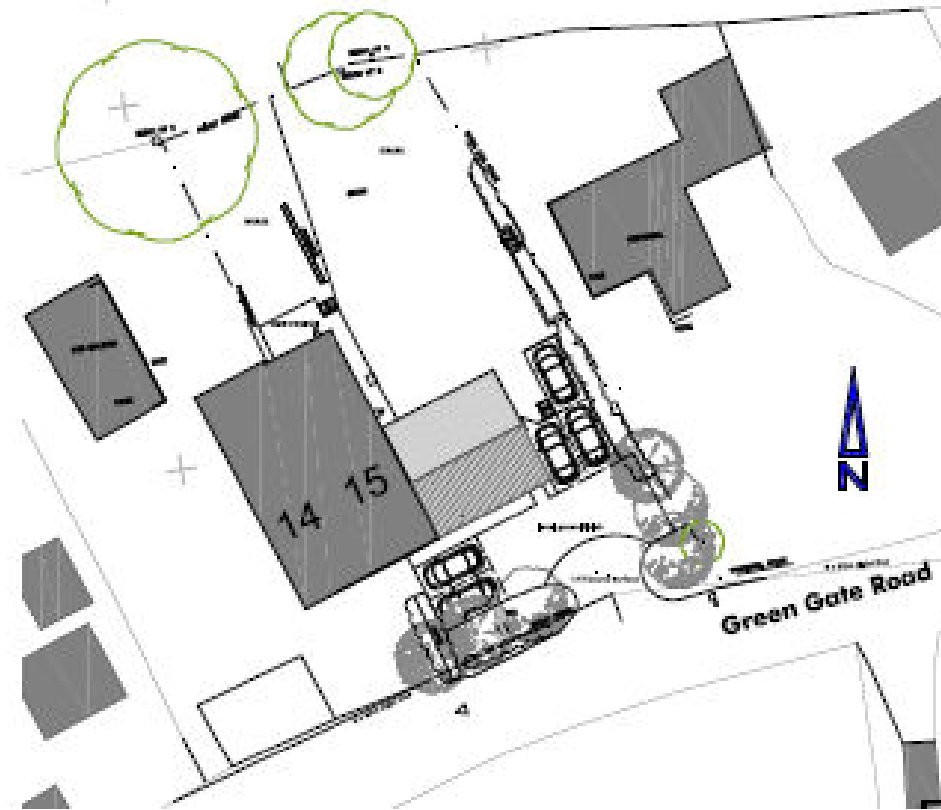
The case officer considered it likely that some form of dwelling may be capable of being accommodated on the site and engaged in further discussions about how best this may be achieved. This is part of the normal pro-active service the local planning authority are required to provide in accordance with Government requirements. This does not pre-empt the outcome of a subsequent application which must be the subject of consultation but provides a professional planning opinion as to the likely outcome of any subsequent planning application when considered against planning policy.

E/2013/0202/FUL	Erection of extension to existing dwelling;
K/38064	Retention of outbuilding.
K/38310	Garden room extension, kitchen extension and first floor roof alteration.
K/38612	Extension and alterations to existing barn to form summer house.
K/39935	The erection of a single storey kitchen extension.

5. The Proposal

The current application comprises of two parts; firstly, it seeks a similar two storey extension to that previously approved, albeit that side elevation windows would not be possible as this is where the attached dwelling is proposed and; secondly, it proposes an attached dwelling, to follow the ridge and eaves lines and general design of the existing cottages to form a terrace. The terrace would give the appearance of a central double fronted cottage, with matching mirrored smaller cottages each side to maintain the symmetry. The application includes small amendments to the

access in order to improve visibility and provides 5 parking spaces plus a driveway for turning at the front of the existing and proposed property. The application also provides for the retention of the majority of the existing beech hedging to the front.



Proposed Block Plan



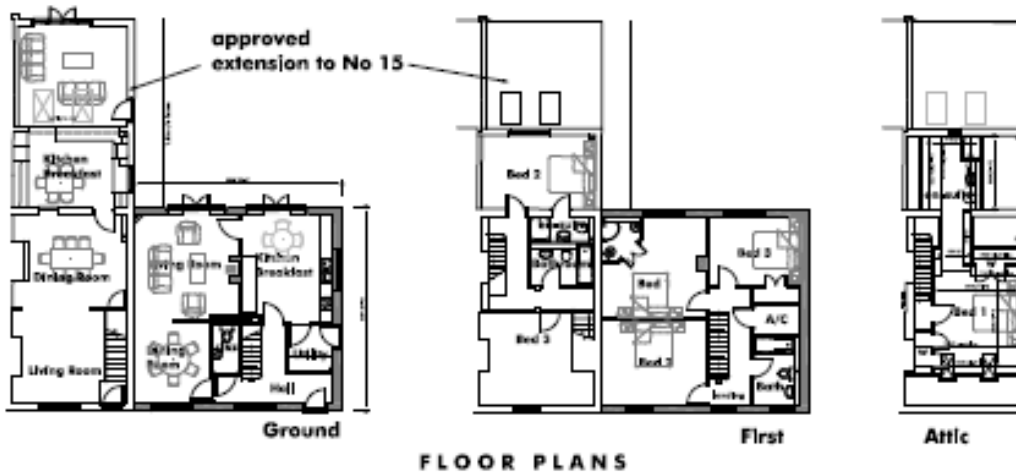
Existing Front Elevation



Above: Proposed Front Elevation Streetscene Drawing



Above: Proposed Rear and Side Elevations



Proposed Floor Plans

6. Planning Policy

Kennet Local Plan - Policies HC24 and PD1 are applicable as is the adopted Conservation Area Statement for Wedhampton.

The National Planning Policy Framework is relevant and Chapters 6: Delivering a Wide Choice of High Quality Homes, 7: Requiring Good Design, 11: Conserving and Enhancing the Natural Environment, 12: Conserving and Enhancing the Historic Environment.

7. Consultations

Wiltshire Council Conservation Officer – The proposed extension to the pair of cottages with another cottage of the same style/design, is actually the preferred option (to that originally proposed under application E/13/0202/FUL), discussed with the previous case officer at the time of consultation. This is slightly different, as the proposed cottage is larger than the existing, but the character is the same and the scale is not disproportionate or visually damaging to the streetscene.

There are no objections to the proposal from a Conservation point of view, subject to conditions.

Wiltshire Highways –The suggestion of an attached dwelling is a far better option and frees up more room for parking and turning. No highway objection is raised subject to conditions. The recommended gradient condition has since been clarified as set out below.

Wessex Water – No objections

Parish Council-

1. The content of the application appears in several respects to be at odds with the Conservation Area Statement (CAS) and in our view represents overdevelopment in this designated Conservation Area and Area of Outstanding Natural Beauty (AONB).
2. The conversion of two elevated and prominent semi-detached farmer's cottages into a high and wide terrace, which is very nearly double the width of the existing, is considered too overpowering and will make a significant change to the established street scene of the area. This is exacerbated by the proposed attached dwelling being a double fronted new build in contrast to the single fronted existing semi-detached farm cottages. This we believe to be contrary to the views expressed in the Design and Access Statement para. 11.12 "*The proposed development.....is in harmony in terms of its scale and character*" and at 12.2 "*.....proposed dwelling and the proposed extension can be successfully accommodated on the site without having any detrimental impact on the character and appearance of the designated conservation area and the amenities of the occupiers of the adjacent dwellings*".
3. The negative effect on the amenity available to and enjoyment of the two existing cottages, namely no direct access to the rear of No 15 in particular and the lack of space for storage of waste/recycling bins for No 15 and the proposed new attached dwelling. Car parking /manoeuvring space is very restricted and will in itself restrict access to the back of the property(s). The proposed removal of a Beech hedge and bank to change the access and provide limited parking space appears at odds with CAS criteria.
4. The design of the No 15 extension has been changed from that approved in an earlier application (E/2013/0202/FUL) but is referred to in the Design & Access Statement (para. 5.7 and 8.5) as 'almost identical' to that approved. However, it is three storeys with loss of windows along the side to facilitate the new attached dwelling with resulting significant loss of internal light.
5. There are inconsistencies between the Design and Access Statement and the plans for the new attached dwelling, for example it quotes a two storey development when the plans clearly show four Velux windows in the roof space which appears to have no permanent access. This does suggest further development at a later stage.

Note: We will be writing separately to our local WC Councillor, Philip Whitehead, regarding the planning process and the potential implications of some references in the Design and Access Statement with regard to prior interaction with the WC Planning and Highways Officers.

6. We have been made aware of the fact that bats are resident close by and maybe within the two existing cottages, on this basis we would have expected a full ecological survey to have been provided. (Post UPC Planning Meeting Note: We are advised that there is also a colony of small black and white bees in the greensand bank of no.15 facing Greengate Road.)

8. Publicity

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

A total of 10 letters of objection have been received in response to this application. The Parish Council's comments are reported in full above as they cover almost all of the key issues raised in the letters of neighbour objection. These letters can be viewed in full on the Council's website.

In addition, the following points are made;

- This is a narrow lane which is well trafficked and cannot accommodate parking or the

additional traffic generated by this dwelling, its visitors and deliveries and increase likelihood of accidents to pedestrians and other road users.

- The dwelling would be uncomfortably close to neighbours and would harm their amenities.
- The removal of the beech hedge and bank is at odds with Conservation Area criteria.
- The purpose of this is for commercial gain only and is not in the interests of the Wedhampton community.
- Drainage of rainwater in Greengate Rd is already an issue.
- Neighbour's views would be obstructed
- Sewerage system is already at capacity
- The site has poor access and shared parking which is not appropriate.
- Would prefer to see a smaller detached property.
- Skylights should match those in number 14 to be more in harmony.

9. Planning Considerations

9.1 Principle of the additional attached dwelling

The application site currently lies within the built up area of a village identified as suitable for limited additional housing according to the criteria set out in Policy HC24 and which includes infill development with a single dwelling. The National Planning Policy Framework encourages development within sustainable locations and the delivery of a wide choice of good quality homes. It is considered that HC24 is compatible with the NPPF and therefore the principle of the proposal is acceptable provided that;

1. The proposal does not consolidate an existing sporadic, loose knit area of development;
and
2. The development is in harmony with the village in terms of its scale and character.

In assess the first criterion above, whilst there is no regular and distinct grain of development, the village is well contained, with dwellings situated along the lanes in a relatively close knit way albeit that most are situated within reasonably sized gardens and the site lies within this well-contained area of development. The area in which the site is located is not considered sporadic or loose knit which the development proposal would consolidate and the application therefore complies with this criterion.

The second requirement is considered in more detail below.

9.2 Whether the proposal represents harmonious development which would preserve the conservation area and the visual amenities of the area

The semi detached properties are identified within the Wedhampton Conservation Area Statement as being 'significant unlisted buildings,' likely because of their agricultural links to the former farming traditions of the village and their attractive appearance. They appear as a single symmetrical pair set amongst a variety of styles of detached houses in the immediate vicinity. In fact, the Conservation Area Statement sets out that 'for the most part of Greengate Rd, 20th century development borders the north of the hamlet that makes little contribution to Wedhampton's rural character'.

The previously proposed single detached property would have introduced a further more modern style of property within very close proximity of both 15 Greengate Rd and Restormel. However, the current application proposes an attached dwelling to follow the design principles established in the existing pair of dwellings and increases the gap between it and the neighbouring detached dwelling over the previous scheme. The way in which the proposed new dwelling has been designed would increase the built form from a modest matching pair of semis to a small terrace. However, the pleasing symmetry of the existing cottages is followed through by proposing a frontage which would appear as a central double fronted cottage with matching mirrored modest cottages to each end. The eaves and ridge lines and positioning of the frontage would also follow the existing with the new fenestration and design features including red/orange bricks and profiled clay tiles in keeping with the existing properties.

The addition of an attached dwelling would increase the presence of the properties within the streetscene. However, set back from the lane to the front and seen in the context of such a variety of properties, its sympathetic scale and design which follows the attractive elements of the existing terrace would result in a building which preserves the character and appearance of the conservation area, and which would not dominate or overdevelop the site or streetscene. The greater sense of space to the northeast as a result of the attached property would help to ensure its compatibility with the area. The elevations, plans and details provided are sufficient to demonstrate that the proposals would not result in any significant detrimental impact to the visual amenities of the area but would enable important landscape features to be retained and the attractive character to be replicated. This opinion is shared by the conservation officer.

The proposal would be well contained within the settlement of Wedhampton and would not have any significant impact on the wider AONB landscape. Retained trees and hedges and control over final details would ensure there is no particular conflict between the proposal and the AONB.

Consequently, the application is considered in harmony with the village in terms of its scale and character and would preserve the character and appearance of the Wedhampton Conservation Area.

9.3 Residential amenity and waste

The application allows for suitable amenity space for each dwelling in excess of the 50 square metres required by Supplementary Planning Guidance: Community Benefits from Planning. This would be sufficient for both properties to meet the day to day needs of the householder. Bin storage has not been specified within the application however sufficient space clearly exists for the proposed new property.

For waste water disposal, the application proposes to connect to the mains sewer which neighbours advise is at capacity. Wessex Water have raised no particular concerns regarding the proposed new dwelling and it should also be noted that the site is sufficiently large to accommodate a package treatment plant/ septic tank should this be necessary and is not therefore considered a sufficient reason to withhold planning permission. Surface water drainage would need to comply with Building Regulations but can also be covered by a planning condition in the event Members are minded to grant planning permission.

Turning to the amenities of neighbouring occupiers, the dwelling would be positioned such that it would not affect the amenities of number 14. The most affected property would be Restormel. However its positioning further forward than its neighbour, the gap of 8 metres between the properties and the positioning of fenestration mean that the proposed dwelling would not be overbearing or overshadowing so as to warrant refusal of planning permission on this basis. No first floor windows are proposed to the side elevation and the impact on privacy would therefore be limited, mostly restricted to oblique views over the hedging from first and second floor windows, which would not be significant.

One neighbour has mentioned that the dwelling would result in obscured views from neighbouring dwellings however it should be noted that this is not a material planning consideration.

9.4 Highway safety

The proposed site layout would better allow for suitable means of access, parking and turning areas for five vehicles, whilst enabling a reasonable amount of soft landscaping to be maintained and provided. The parking provision accords with adopted parking standards and highway officers have raised no concerns about the principle of the location of the proposed dwelling nor the proposed access, parking or turning arrangements and advise no objection.

9.5 Ecology

The presence of bats in the local vicinity is cited as a reason necessitating a full bat survey however the proposed works will have only a limited impact on the existing property, the existing

garden is well cultivated and the application does not involve the removal of buildings or large trees. It is not therefore considered that a protected species survey is warranted in this instance as the proposals are unlikely to harm protected species or their habitats. This would not override any statutory protection afforded under the Habitats Directive.

9.6 Two storey extension

The windows serving the roofspace and gable above first floor level for the original part of number 15 would remain the same. In view of the existing extant permission for the existing extension, the only material difference in this part of the proposal for consideration would be the lack of fenestration which could now be provided to the side elevation. However, the front and rear rooms would continue to benefit from windows in the front and rear elevations, leaving the central dining area only without a window. This space could be lit using borrowed light techniques but given the proposed open plan arrangement it is not considered reasonable to raise objection on these grounds.

10. Conclusion

The site offers a suitable location for the development of a single dwelling. The scheme proposed would enlarge the frontage of the existing dwellings into a terrace but in a manner which would be sympathetic to their scale and character. Its proposed positioning, set back from the road in line with the existing pair of dwellings together with the gap between the proposed dwelling and Restormel are sufficient to ensure the visual amenities of the streetscene are not harmed and the dwelling would only have a broadly neutral impact upon the character and appearance of the conservation area. The scheme would provide an additional high quality dwelling which would make a modest contribution to the Government's requirements within the NPPF to significantly boost housing supply, whilst being in harmony with the village. No further issues identified would cause concern sufficient to warrant a refusal of planning permission and approval of the application 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 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3 The eaves and verge detailing, porch canopy, window headers, cills, window reveals, chimney and rainwater goods to be used on the new dwelling hereby approved shall be finished to match the detailing on the existing dwelling, known as 15 Greengate Road, unless otherwise first agreed in writing by the local planning authority.

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

- 4 No works shall commence on site until details of 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 1:10 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 and all external window joinery shall be painted to match the existing dwelling.

REASON: To secure harmonious architectural treatment in the interests of preserving the character and appearance of the conservation area.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) all hard and soft surfacing materials;
- f) refuse storage areas and any housing;

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

- 6 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.

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

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 and extensions.

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

REASON: In the interests of highway safety.

9 The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

10 No part of the development hereby permitted shall be first occupied 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.

11 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

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

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

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

1412-planning, Design and Access Statement and Planning Supporting Statement, Block Plan, Elevations and Floor Plan drawings, House and Site Surveys all received on the 17th July 2013.

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

REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	24 th October 2013
Application Number	13/01852/CAC
Site Address	Ham Cross, Ham, Marlborough, SN8 3QR
Proposal	Demolition of existing barn
Applicants	Mr and Mrs Robinson
Town/Parish Council	HAM
Grid Ref	433120 163136
Type of application	Conservation Area Consent
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee:

This application is brought to committee at the request of Divisional Member, Councillor Wheeler on the following grounds:

- Visual impact upon the surrounding area

1. Purpose of Report

To consider the recommendation that the application for demolition be refused.

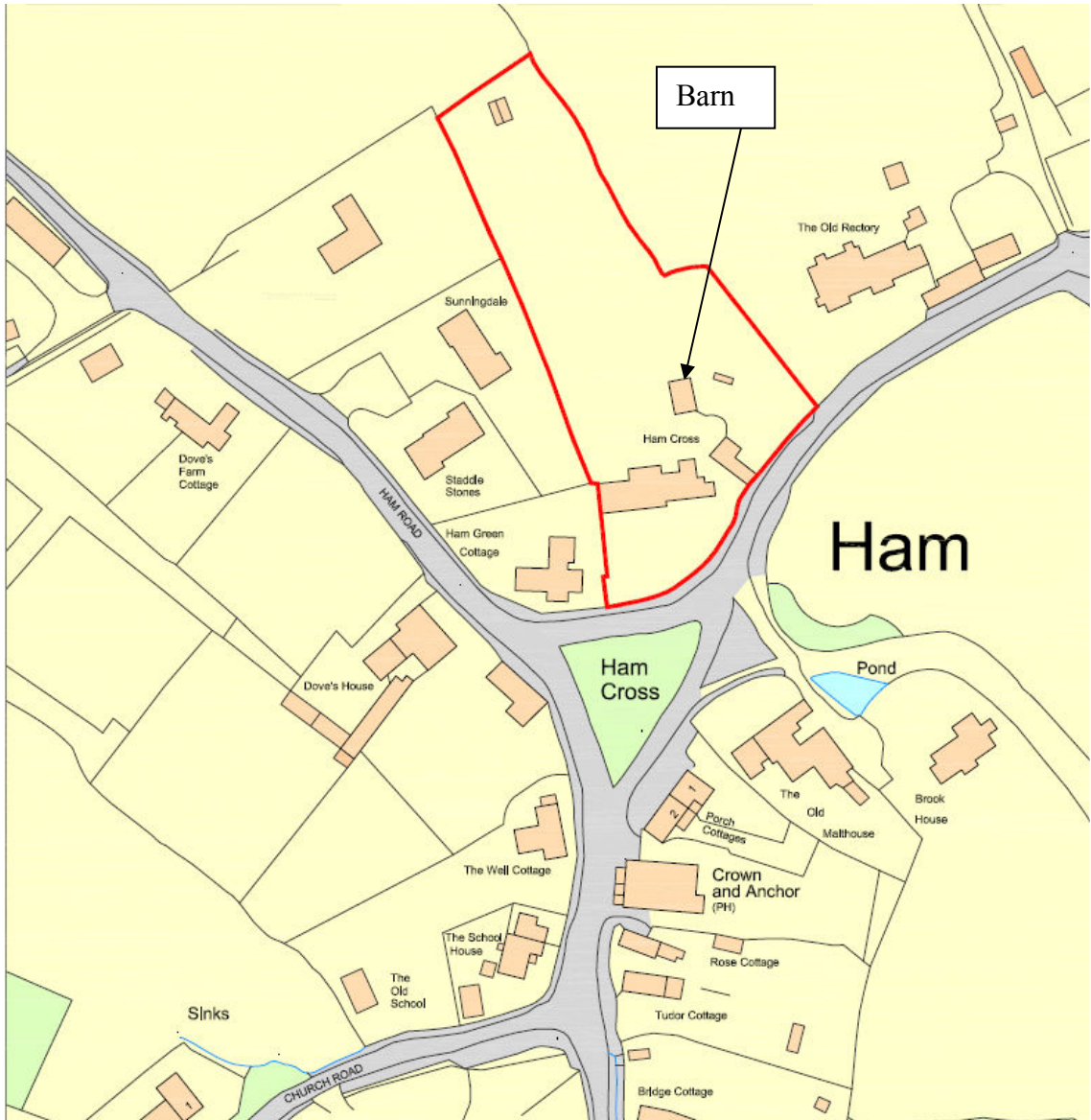
2. Report Summary

The key issue for consideration is:

- Whether the demolition of the barn would have a negative impact upon the character and appearance of the Ham Conservation Area.

3. Site Description

The application concerns a barn within the curtilage of Ham Cross, a former farmhouse with 17th century origins in Ham, lying within the built up area of the village just off the central village green. It is visible in views around and looking into this part of the village. It is situated within the Ham Conservation Area. The Ham Conservation Area Statement, adopted as supplementary planning guidance by the Council in 2005 notes that '*The house, the outbuildings, the trees and grounds are all significant to the character of the conservation Area*' and the house, barn, roadside stable and frontage wall are all positively identified in this document as significant unlisted buildings.



Western Elevation



Northern Elevation

4. Site History

Earlier applications in 2012 and this year to demolish the barn were withdrawn

5. The Proposal

The application proposes the demolition of the existing barn location to the north of the main dwelling.

6. Planning Policy

- Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 – requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- The National Planning Policy Framework outlines government policy, including the historic environment (Section 12).
- The PPS5 Practice Guide is still extant, providing guidance on making changes to Heritage Assets.

The Ham Conservation Area Appraisal was adopted as Council policy (Supplementary Planning Guidance) in 2005, following local public consultation.

7. Consultations

Ham Parish Council

No objections to the application

Wiltshire Council Conservation Officer

Strong objection to the demolition of the barn on the grounds that it will cause substantial harm to the character and appearance of the conservation area.

Wiltshire Council Ecologist

No objection – the barn is not used for bats nor does it offer any realistic roosting potential.

8. Publicity

The application has been advertised with press and site notices. No further representations have been received.

9. Planning Considerations

9.1 Significance of the Barn

The barn was positively identified (along with Ham Cross (formerly Doves Farmhouse), its roadside stable and frontage wall) as a significant unlisted building in the Conservation Area Statement for Ham which was adopted by the Council in January 2005. The building makes a positive contribution to the character and appearance of this part of the village. The form and character of the building suggest a date from the mid-late C19 (the building also appears on the 1st Edition Ordnance Survey of 1880) and are characteristic of agricultural buildings of this period within the area. It remains reasonably intact, albeit that the original thatched roof has been replaced at some point by a corrugated roof overlain by a thin layer

of thatch, which has now deteriorated. The building is prominent from the adjacent public lane and forms a significant group with the former farmhouse and stable which clearly reflect the historic functions of the site and which reinforce the area's rural and agricultural connections.

The significance therefore lies in it being an historic former farm building and as part of the group of outbuildings that are associated with Ham Cross. It has importance in presenting a reference to the former use of the site as a farm.

9.2 Impact of its Demolition on the Conservation Area

The Conservation Area Statement notes that "*The house, the outbuildings, the trees and the grounds are all significant to the character of the Conservation Area*". The Statement goes on to advise that "*Outbuildings of traditional design and materials should as far as possible remain unaltered*" and that the quality of the environment within the village is potentially threatened by, amongst other things, "*Any further loss of traditional agricultural buildings and community facilities in the village*".

Under the NPPF, loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. In this case, it would be fair to say that we can consider the proposal as less than substantial harm to the conservation area. In which case, paragraph 134 of the NPPF requires a balanced assessment where the harm should be weighed against the public benefits of a proposal.

It does not appear that any objective assessment of heritage value or of the contribution of the building to the conservation area has been provided in support of the application. A report from a structural engineer suggests that the condition is poor – however, the context of this report and the brief that was given to the engineers is not made explicit. The scope and nature of the proposals which were put out to tender suggest that this opinion was given in the context of a desire for a substantially upgraded/altered building with a new clay tile roof (for which it was not designed). The roof structure is of slender construction, reflecting its original construction for a thatched roof. It is unsurprising that a proposal to introduce the heavier clay tile roof would require very substantial works of alteration and upgrading in order to take the additional weight of the tiles. Associated proposals for full underpinning, for the replacement of all wall and roofing surfaces, introduction of high standards of insulation, dpc etc. all suggest a scheme that is far in excess of that which would be necessary to facilitate the continuing low-level use of the building for its current purposes of ancillary accommodation and storage.

An alternative view is represented within the Bat Roost Inspection which notes that "*despite the neglected appearance of the roof, the building is in very good condition*". Photographs within this report suggest a clean and well maintained building (other than the remnants of the thin overlaying covering of thatch which has a disproportionate impact on the appearance of the building from a distance) which has the potential to continue to serve its current function with only modest investment in maintenance, such as could be expected for any outbuilding.

The Government's new website of planning guidance (currently under consultation) sets out a definition of public benefit: "*Public benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*" It notes that public benefits may include heritage benefits such as sustaining or

enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset or; securing the optimum viable use of a heritage asset.

In this case the proposals involve the loss of an unlisted building which has been identified as making a positive contribution to the conservation area. Its loss would involve harm to the setting of the similarly considered farmhouse and stable and to the character and appearance of the wider conservation area. It cannot be claimed that **any** public benefit would result from the removal of the building and no convincing evidence has been provided that a continuation of the current use of the building is unviable. As a result the requirements of local and government policy are not met and the application should be recommended for refusal.

9.3 Continued deterioration of the building

It is noted that the applicants have stated that as they intend to restore the building and it will over time just be allowed to gradually deteriorate. However it is worth noting, in recognition of this problem, current government guidance makes it clear (NPPF paragraph 130) that the deteriorated state of a heritage asset as a result of deliberate neglect should not be taken into account in assessing an application.

RECOMMENDATION

The application is recommended for refusal for the following reasons:

The proposed demolition of the barn would result in the loss of a heritage asset identified as a significant unlisted building which positively contributes to the character and appearance of Ham Conservation Area and has strong importance in presenting a reference to the former use of the site as a farm. Therefore, its loss would have a detrimental impact upon the character and appearance of Ham Conservation Area. As the requirements of current legislation have not been met to demonstrate that the public benefits of its demolition would outweigh the harm, the proposal is contrary Central Government guidance contained within Section 12 of the National Planning Policy Framework and to the aims and objectives of the Supplementary Planning Guidance contained within the Ham Conservation Area Statement

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