

## AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room - The Corn Exchange, Market Place, Devizes,  
SN10 1HS  
**Date:** Thursday 5 June 2014  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieron Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

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### Membership:

Cllr Mark Connolly (Vice-Chair)  
Cllr Stewart Dobson  
Cllr Peter Evans  
Cllr Nick Fogg MBE

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

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### 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

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# AGENDA

## Part I

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

1 **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 3 April 2014.

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 Wednesday 28 May 2014. 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 Appeals** (*Pages 9 - 10*)

To receive details of the completed and pending appeals.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **14/02863/FUL:St John`s Marlborough, Granham Hill, Marlborough, SN8 4AX** (*Pages 11 - 22*)

7b **13/06712/VAR: Land off Melksham Road, Westbrook Park Farm, Westbrook, Bromham** (*Pages 23 - 30*)

8 **Urgent items**

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

**Part II**

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

**None**

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## **EASTERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING  
HELD ON 3 APRIL 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE,  
MARKET PLACE, DEVIZES, SN10 1HS.**

**Present:**

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Nick Fogg MBE,  
Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler,  
Cllr Paul Oatway and Cllr Christopher Williams (Substitute)

**Also Present:**

Cllr Stuart Wheeler

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**13. Apologies for Absence**

Apologies were received from:

Cllr Evans

Cllr Williams was present as a substitute.

**14. Minutes of the Previous Meeting**

The minutes of the previous meeting held on 20 February 2014 were presented.  
It was;

**Resolved**

**To approve and sign the minutes of the meeting held on 20 February 2014,  
as a true and accurate record.**

**15. Declarations of Interest**

There were no declarations of interest.

**16. Chairman's Announcements**

The chairman outlined the procedures for the meeting. There were no further announcements.

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

The Chairman outlined the procedure for public participation. No questions had been submitted from the public or Councillors.

18. **Alton Village Design Statement**

Public Participation

No members of the public registered to speak on this application.

Mike Wilmott, Area Development Manager, outlined the officer's report which recommended that the Village Design Statement (VDS) for The Altons be approved as a material consideration for the purposes of development management.

The VDS outlined the characteristics of the village and the surrounding countryside focusing on the landscape setting, shape of the settlement and the nature of the buildings noting that the VDS had been carried out according to Wiltshire Council's Village Design Statement Protocol.

There were no technical questions.

The members entered into debate focusing mainly on the amount of work put into the VDS.

It was;

**Resolved**

**To APPROVE The Alton Village Design Statement as a material consideration for the purposes of development management.**

19. **Rights of Way Items**

Public Participation

Mr Bernie Gribble spoke in objection to the application.

Mr Colin Philips spoke in objection to the application.

Sally Johnson spoke in support of the application.

Mr Michael Wood spoke in support of the application.

Mr Tony Prior spoke in support of the application.

Mr Peter Gallagher spoke on behalf of the Ramblers Association in support of the application.

Local Member Cllr Sheppard spoke in objection to the application.

Sally Madgwick, Rights of Way officer (RWO), outlined the officer's report which recommended the Wiltshire Council Parish of Baydon Path 2 (part) and Path 11 (part) Diversion Order and Definitive Map Modification Order 2013 is sent to the Secretary of State for Environment, Food and Rural Affairs and that Wiltshire Council takes a neutral stance in the proceedings.

The RWO outlined the description of the existing routes and the proposed changes highlighted on page 12 of the agenda, focusing in particular on the planned development that would obstruct the paths, which had been granted planning permission. The applicant had supplied an alternative route and agreed to pay costs relating to the order. The RWO stated that the application must be considered by the inspectorate. The RWO proceeded to outline the evidence in support and objection to the order, and detailed the implications of the order with regard to the width of the new path and the surface area.

No technical questions were asked.

Members of the public were given the opportunity to address the Committee as detailed above.

The meeting was adjourned for 2 minutes whilst the Chairman consulted with Mr Neil Weeks, the legal representative from Wiltshire Council.

Cllr Sheppard spoke as the local member for the application and spoke in support of the Officers recommendation. Cllr Sheppard supported the new route and noted the old route was dangerous for horse riders especially in winter.

The RWO responded to comments made by the public on the obstruction of Baydon path 11, noting that the applicant had made an application to divert the route from the obstruction but the two applications had to be handled separately with the planning application taking priority, as such the current application had to be taken first.

The Committee then entered debate on the order which focused on the Baydon 11 path obstruction. The committee asked if the two applications could be submitted to the Secretary of State together. The RWO advised the committee that the law does not allow two applications at a time as each application has to stand wholly on their own.

A suggestion was made that the community get together to discuss the problem and create a statement of common grounds. The committee was advised that that would delay the process meaning the application would have to come back to the committee. It would be quicker to go to the Secretary of State and have a community meeting in the mean time, at the end of the debate, the Committee:

## Resolved

**To forward the Wiltshire Council Parish of Baydon Path2 (part) and Path 11 (part) Diversion Order and Definitive Map Modification Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for determination, with the recommendation that Wiltshire Council takes a neutral stance.**

### 20. **Planning Applications**

The committee considered the following applications.

### 21. **13/03736/FUL - Fernbank, Chimney Lane, Honeystreet, Pewsey, Wiltshire, Sn9 5PS**

#### Public Participation

Mr David Couison spoke in objection to the application.

Elizabeth Kellett spoke in objection to the application.

Mr Charles Reiss spoke in objection to the application.

Mr Richard Cosker spoke in support of the application.

Mr Hepworth, Alton Parish Council, spoke in objection to the application.

Local Member Cllr Oatway spoke in objection to the application.

The Planning Officer outlined the report which recommended the application be granted planning permission with conditions. The Planning officer outlined the details of the site, noting access to the development would be via a narrow lane although highways had not objected..

The new proposal would be to demolish the existing 2 dwellings and replace by the erection of three dwellings and associated works

The key planning policy considerations were noted as being:

The National Planning Policy Framework 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.

The Kennet Local Plan 2011: PD1, NR4, HC5, HC6, HC24, NR6 and NR7.

The emerging Core Strategy was also referred too although this is still at an emerging stage and therefore only carries limited weight.

The Planning Officer outlined the consultations that had been undertaken noting that 22 objections had been received. Concerns from environmental health in



regards to the noise from the saw-mill opposite could, in the view of the officer, be resolved, with conditions attached to the application.

The committee were then invited to ask technical questions on the application. The main focus of which was based on the adequacy of the environmental measures relating to the noise.

Members of the public (above) were then invited to speak on the application during which there was a 5minute adjournment due to the rain making the speakers hard to hear.

Local Member Cllr Oatway spoke in objection to the application noting that the design was out of keeping with the area of outstanding beauty and that there had been many objections and no support from the local area. Cllr Oatway mentioned that if the application was an appropriate development then there would be support.

Members then entered into debate on the application, and the main concerns were summarised as being: The impact on the character and appearance of the area and the need for the developers to speak with the community and the parish council to agree a suitable development and, at the end of the debate, the Committee:

### **Resolved**

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

**The proposed development would be incongruous with the village of Honeystreet in terms of its scale, design, character and massing and would consequently be contrary to Policies PD1 and HC24 of the adopted Kennet Local Plan 2011, Chapter 7 of the National Planning Policy Framework with particular regard to paragraphs 58, 60, 61 and 64 and the Honeystreet Village Design Statement.**

### **22. 13/07057/FUL - Homesteads Rivar Road Shalbourne Marlborough SN8 3QE**

#### Public Participation

Mr Philip Newton spoke in support of the application.

Mr George Lewis spoke in support of the application.

Mr Mike Lockhart, Shalbourne Parish Council, spoke in support of the application.

Local Member Cllr Wheeler spoke in support of the application.

The Area Development Manager outlined the report which recommended the application be refused planning permission for a single storey extension and replacement garage. The Area Development Manager outlined the details of the proposal noting that it was similar to a previous application which had been refused by the committee. The Homestead is a grade 2 listed building located in the conservation area of Shalbourne village. The site is also located within the North Wessex Downs Area of Outstanding Natural Beauty.

The key planning policy considerations were noted as being:

The Kennet Local Plan 2011: policy PD1 – General development principles.

The Planning (Listed Building and Conservation Areas) Act with regards to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Building and Conservation Areas) Act with special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Planning Policy Statement 5 – Practice guide.

The Shalbourne Conservation Area Statement.

The emerging Core Strategy was also referred to although this is still at an emerging stage and therefore only carries limited weight. The Area Development Manager outlined the consultations that had been undertaken noting that there had been no objections.

The committee were then invited to ask technical questions on the application which focused on whether planning permission for the previous extension had been granted before or after being given listed status. It was noted that the extension was granted after being listed.

Members of the public (above) were then invited to speak on the application.

Local Member Cllr Stuart Wheeler spoke in support of the application stating that the new extension had a natural look and the development would benefit the local community as the dwelling would become a suitable family home. Cllr Wheeler also noted that adding extensions to listed buildings can add to their history.

The Area Development Manager commented stating that the dwelling had already been allowed an extension and another of this scale would be too much. The reason the property is listed is because of its national importance not just a local importance.

Members then entered into debate on the application and the main concerns were summarised as being the lack of change from the original application, the over powering of the new extension on the original house and the affect this would have on its history and listed status. Arguments were made quoting the English Heritage Conservation Principles, Policy and Guidance document stating that the consequence of not undertaking periodic renewal is normally more extensive loss of both fabric and heritage values. The replacement garage was discussed noting this would provide a third bedroom for the property making it a family home.

### **Resolved**

**To REFUSE planning application for a single storey extension and replacement garage for the reasons below**

**The scale of the proposed extension in relation to the original dwelling and the deviation away from the established plan form would harm the character and setting of the listed building and diminish its significance as a designated heritage asset. The extension would also fail to preserve the character or appearance of the conservation area. As such, the proposal is contrary to government policy contained within Section 12 of the NPPF, guidance contained in the PPS5 Practice Guide, policy PD1 of the adopted Kennet Local Plan 2011 and supplementary planning guidance contained in the Shalbourne Conservation Area Statement.**

23. **13/07058/LBC - Homesteads Rivar Road Shalbourne Marlborough SN8 3QE**

This was a counterpart application to 14/07057/FUL item number 22.

The Area Development Manager outlined the report which recommended the application be refused listed building consent. The listed building considerations were similar to those set out in the report for the accompanying planning application.

### **Resolved**

**To REFUSE listed building consent for the following reasons:**

**The scale of the extension in relation to the original dwelling and the deviation away from the established plan form would harm the character and setting of the listed building and diminish its significance as a designated heritage asset. As such, the proposal is contrary to government policy contained within Section 12 of the NPPF and guidance contained in the PPS5 Practice Guide.**

24. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail [Jessica.croman@wiltshire.gov.uk](mailto:Jessica.croman@wiltshire.gov.uk)

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## Wiltshire Council

### Eastern Area Planning Committee

5 June 2014

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#### Appeal Performance 2013

##### 1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Eastern Area Planning Committee in 2013.

##### 2. Appeal Decisions

The Eastern Area Planning Committee met ten times and considered 30 applications in 2013, which was an identical number of meetings and applications as the Committee considered in 2012. Eleven of these were refused, of which 4 were refused against the recommendation of officers, whilst seven were refused in accordance with the reason for refusal recommended by officers.

Out of these 11 refusals, six have currently been taken to appeal, including all four of the applications refused against recommendation. Three decisions on these four have so far been received, all of which have been allowed on appeal. A list of the applications refused by the committee and the subsequent appeal decisions are set out in Table A.

**Table A**

##### Applications Refused by Eastern Area Planning Committee 2013

Reference	Parish	Location	Description	Appeal Decision	Officer Rec
E/2012/0941/FUL	Pewsey	Easterton La	1 house	Not appealed	Refuse
E/2012/1362/FUL	Ludgershall	Aster Cres.	1 bungalow	Allowed	Approve
E/2013/0152/LBC	Ramsbury	The Manor	Dem.winter garden	Dismissed	Refuse
E/2013/0372/S73	Seend	Thornham Fm	Remove condition	Not appealed	Refuse
13/0054/FUL	Shalbourne	Homesteads	Extension	Not appealed	Refuse
13/0067/LBC	Shalbourne	Homesteads	Extension	Not appealed	Refuse
E/2011/1231/FUL	Ludgershall	4 Andover Rd	6 apartments	Allowed	Approve
E/2012/1459/FUL	Manningford	Dragon Lane	New access	Allowed	Approve
E/2013/0238/FUL	Chute	Chute Cadley	1 house	Awaited	Approve
13/00719/FUL	Devizes	St Marys	Extension	Awaited	Refuse
13/03941/FUL	B Hinton	Brow Cottage	Extension	Not appealed	

During 2013, the Council received decisions on a further 23 appeals against refusals made under delegated powers in the area covered by the Eastern Area Planning Committee. 19 of these (83%) were dismissed, with only 4 allowed. There were no cost awards against the Council in any committee or delegated decision. The list of appeal decisions made on delegated decisions is set out in Table B.

**Table B****Appeal Decisions Received in 2013 on Applications Refused under Delegated Powers**

<b>Reference</b>	<b>Parish</b>	<b>Location</b>	<b>Description</b>	<b>Appeal Decision</b>
E/2012/0396/FUL	Pewsey	High Street	Office & flats	Dismissed
E/2012/0397/LBC	Pewsey	High Street	Office & flats	Dismissed
E/2012/0790/ADV	Devizes	New Park Street	Box sign	Dismissed
E/2012/0791/LBC	Devizes	New Park Street	Box sign	Dismissed
E/2012/1320/TPO	Marlborough	36, River Park	Fell tree	Dismissed
E/2012/1276/FUL	G Bedwyn	3, Church Street	Re-Roofing	Dismissed
E/2012/0855/FUL	Potterne	Coxhill Lane	New house	Dismissed
E/2011/1726/FUL	Worton	Back Lane	Agric Barn	Dismissed
E/2012/0849/FUL	Aldbourn	3, Kandahar	New house	Dismissed
E/2012/0983/FUL	Bromham	Hawkstreet	New dwelling	Dismissed
E/2012/1256/TPO	Marlborough	Wye house	Fell trees	Dismissed
E/2012/1368/FUL	Poulshot	Higher Green Farm	New dwelling	Dismissed
E/2012/0977/FUL	Chilton foliat	Soley Farm Stud	New dwelling	Dismissed
E/2012/1071/FUL	Upper Chute	Prospect Cottages	New dwelling	Dismissed
E/2012/1370/FUL	Devizes	48 Hartmoor road	New dwelling	Dismissed
E/2012/0150/FUL	Tidworth	14, Beech Hill	Car Port	Dismissed
E/2012/0736/FUL	M. Lavington	Drove Lane	New dwelling	Dismissed
13/00456/TPO	Pewsey	Swans Bottom	Reduce Tree	Dismissed
E/2012/0572/FUL	All Cannings	The Street	1 dwelling	Allowed
E/2012/0119/FUL	Manningford	3, Corner Cottages	Access	Allowed
E/2012/0802/FUL	Devizes	Potterne Rd	4 dwellings	Allowed
E/2012/0268/FUL	Devizes	Bureau West	25 dwellings	Allowed
K/52782/F	Great Cheverell	Witchcombe Farm	Enforcement	Dismissed

Since January 2014, there have been a further three refusals of planning applications by the Eastern Area Planning Committee, none of which have yet been taken to appeal.

It is also the case that the Government have now empowered Planning Inspectors to award costs in any appeal where the Inspector considers that a party has acted unreasonably, either in submitting the appeal or refusing the application. Previously, an Inspector could only award costs where a party specifically applied for them.

**Report Author – Mike Wilmott, Area Development Manager.**

<b>Date of Meeting</b>	05 June 2014
<b>Application Number</b>	14/02863/FUL
<b>Site Address</b>	St John`s Marlborough, Granham Hill, Marlborough SN8 4AX
<b>Proposal</b>	Proposed new 2 storey sixth form study centre building
<b>Applicant</b>	Mrs Karen Davis, St John`s School
<b>Town Council</b>	MARLBOROUGH
<b>Division</b>	MARLBOROUGH WEST
<b>Grid Ref</b>	418916 168400
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Peter Horton

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

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

**1. Purpose of Report**

To consider the recommendation that the application be approved.

**2. Report Summary**

The main issues to consider are whether the building is of an appropriate design, whether it would adversely impact the amenity of the adjoining property, whether there would be adverse traffic impacts and whether there would be any impacts on the bat colonies resident in the nearby disused railway tunnel.

**3. Site Description**

St John`s International Academy is located on the south western edge of Marlborough. It is accessed via a long driveway off Granham Hill, and adjoins residential properties in Upper Church Fields. It is separated from the end property in Upper Church Fields, "The Bungalow", by a tall grassed bund and a line of planting. To the south (front) of the school buildings is a large flat area on which some mobile classrooms are situated and on which a future astro pitch is planned to be located. This flat area is at a much lower level (around 3.4m) than the existing school buildings.



The school is the only high performing provider of sixth form education within a 12 mile radius of Marlborough. It has a net capacity of 1620, but currently 1700 students are on roll, of which 380 are in the sixth form. The school is full and has no capacity to accommodate additional students. The school has no specifically designated classrooms for sixth form lessons. Yet sixth form numbers are growing – by 37% since 2008/09. The current capacity issues for the sixth form are such that the school is unable to accommodate the year 11s who wish to stay on and study – last year 15% of year 11 students who wished to stay at St Johns were unable to secure a place.

#### 4. Planning History

- K/43518/O Demolition of existing buildings and construction of new School; New access onto A345 Granham Hill; associated car parking; Sports Hall and community facilities.
- K/75/0029 Full planning permission for additional mobile hutted classroom block
- K/50505/RM Construction of new school, associated car parks, access roadway and playing fields
- K/58587/F Temporary provision of mobile classrooms comprising 2 no. relocated units and 3 no. hired units providing 8 no. teaching spaces and ancillary accommodation
- K/58992/F Construction of 2 no. field accesses from school access road
- K/59634/F Construction of 2 no. field accesses from school access road
- E/10/0359/FUL Floodlighting to previously consented artificial turf pitch.

#### 5. The Proposal

The new sixth form building is proposed to be constructed on the flat area of land to the south of the existing school buildings, to be situated between the future astro pitch and the grassed bund. It would provide for an additional 110 sixth form places (not for 200 as claimed by some of the objectors). The building would be 32m long by 12m wide by 8m high (10m high to the top of the vents). It would be of two storeys, with a ground floor and a lower ground floor. Since the site is so much



lower than the road to the front of the existing school, access into the building would be at the upper level. The proposed material finishes would comprise smooth black render for the walls and a dark grey roof. Since the application was first submitted, the applicant has submitted revised plans because of budgetary constraints. This has consequently led to the building being reduced slightly in scale, with the roof lowered in pitch to be almost flat. Furthermore, the high level windows which would face towards “The Bungalow” are now proposed to be obscurely glazed.

Another change is that, following negotiations, the school is now proposing to provide 15 extra car parking spaces. In addition, 15 existing car parking spaces will be made available for car share only.



Front Elevation (far right) in the context of the existing school buildings



Rear Elevation (far left) in the context of the existing school buildings



Side Elevation as viewed from the existing school

## 6. Planning Policy

Kennet Local Plan - The sites lies just outside the Marlborough Limits of Development in the countryside. It lies within the North Wessex Downs AONB. Relevant local plan policies are PD1 and NR7.

National planning policy is set out in the NPPF. Paragraph 72 states that local planning authorities should “give great weight to the need to create, expand or alter schools”. Government policy is also set out in the 2011 DCLG Policy Statement ‘Planning for Schools Development’. This states that “the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools”.

## **7. Consultations**

Marlborough Town Council: Original plans - Whilst welcoming the principle of the development, the Council strongly objects to the application for the following reasons: (a) inadequacy of parking provision and the ensuing parking issues it will create in the surrounding residential area; (b) overlooking of neighbouring properties; (c) will add to the already present traffic flow problems for nearby residents, and; (d) highway safety issues.

Comments on the amended plans showing additional parking spaces are awaited

Savernake Parish Council: No objection.

North Wessex Downs AONB unit: No comments in respect of impact from this development on the wider AONB landscape. Should the Council be minded to approve this application normal planning conditions should be applied in respect of agreeing external materials, landscaping and details of any external lighting (if required).

Wiltshire Council Highways: No objection subject to conditions stating that no occupation shall take place until an approved Travel Plan is accepted and approved in writing by the Local Planning Authority and that the extra parking spaces now proposed to be created shall be provided.

The proposal will bring the total number of sixth form pupils to around 490 and possibly increase the staff numbers by up to an additional 5. To meet current parking standards the proposal should be looking to meet a maximum number of around 126 spaces for staff and pupils for the sixth form requirement of 1 space per 4 students and 2 spaces per 3 staff. However, these are maximum numbers and the parking requirement can be mitigated by a well formed and monitored/enforced Travel Plan. The Council's School Travel Plan advisor is currently in conversation with the school to update the lapsed Travel Plan. Furthermore, it is appreciated that the site is able to accommodate a level of off street parking. However officers do not anticipate seeing a full allocation of off street parking spaces, but would instead ideally be looking to see around 30-40 spaces to be used in conjunction with a car share scheme. If accepted, this will also need to be in conjunction with an active promotion of the use of public transport/cycling and walking for staff and pupils. It is acknowledged that there is a current issue with overspill parking and that the increase in pupil numbers may add to the existing problems, however appropriate mitigation can be provided with an appropriately worded Travel Plan and the provision of the additional 15 parking spaces plus 15 car share spaces that have been proposed.

Wiltshire Council Ecologist: (a) To the south of the application site lies a disused railway line and Marlborough Tunnel, which is an important hibernation site for many species of bat. Although the application will not impact directly on the tunnel and the bats that it supports, it is worth noting that the line of trees flanking the disused railway line, leading to the tunnel, offers a key flight line to a number of bat species commuting to and from the site for hibernation and for mating. It is therefore imperative that no barriers to commuting bats should be introduced into the area,

including light spill onto the tree line along the disused railway line. This would seem improbable given the location and moderate size of the proposed new building, however it is requested that no exterior lighting should be introduced along the south eastern boundary of the access road or of the wider school site to prevent unnecessary impact.

(b) As the new building will be located on the site of existing temporary classrooms, no habitat survey is required. However the developers should be aware that there are several records of slow worms and grass snakes in close proximity to the school site and it would therefore be prudent to engage an ecological clerk of works during the construction phase to ensure that reptiles are not at risk from construction processes.

(c) To further buffer the natural environment from additional building on this site, some habitat enhancement for the benefit of biodiversity should be included in the proposal. An area along the south eastern boundary of the school site could be planted with native trees or shrubs. This would contribute to additional commuting corridors for a range of wildlife species, including birds, bats and other small mammals, and could also provide additional secluded refugia (or refuge) for reptiles, ultimately reducing the indirect impacts of increasing the density of the built environment at this location. The applicant should engage a suitably qualified consultant ecologist to assist with the design and layout of habitat enhancements, to ensure its likely effectiveness and appropriateness within the site.

Wiltshire Council Drainage Engineer: (a) The location is located in flood zone 1 (as shown on the Environment Agency flood maps. (b) The geology of the site is in the area of Nodular Chalk, Seaford Chalk and Newhaven Chalk Formations which could be suitable for surface water infiltration techniques to be used. If the developer were to propose infiltration techniques then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide confirmation of the infiltration rate and should be agreed by the Council. (c) Wessex Water would advise on the location and capacity of their existing foul and surface water systems in the area for appropriate connection.

## **8. Publicity**

Two representations of support have been received. Their main points can be summarised as follows:

- The proposed facility is badly needed as the school is overcrowded and it would really benefit the sixth form.
- Students who previously had to travel to Swindon or Trowbridge because the courses they wanted to do were not available will now be able to come to St John's.

Individual objections have been received from three local residents. Objections have also been received from the Duck's Meadow Residents Association as well as a 48 signature petition from residents of Ducks Meadow. The main concerns can be summarised as follows:

- No provision has been made for the increased traffic or car parking for a possible further 200 students; if the proposal is approved, there should be a

requirement to provide car parking spaces on the school site for at least 30 vehicles;

- Many sixth formers park their cars in the local roads; and this proposal will result in more doing so;
- Many parents take their children to school via the adjoining residential roads rather than use the main entrance off Granham Hill; the local roads cannot cope with the level of traffic;
- The proposed building will overbear “The Bungalow” and its garden. The first floor windows may be high level ones, but they still overlook the garden and represent a loss of privacy. With large school buildings, a car park and a road already placed to the front of the property, the front garden is unusable – the proposed overbearing two storey structure and associated noise would remove the last area of solace to the rear;
- To preserve the amenity of “The Bungalow”, the building should be single storey only. If a two storey building is essential, it should be placed end-on.

## **9. Planning Considerations**

National planning policy, as expressed in the NPPF, is “*to give great weight to the need to create, expand or alter schools*”. The important role of St John’s within the local community is acknowledged. Furthermore, the school cannot meet existing and future demand for sixth form places, and hence the principle of expanding sixth form provision in a new building is supported. However the proposal raises a number of key planning issues, particularly in relation to design, neighbour amenity, parking and ecology.

### **9.1 Design**

Overall, the design of the proposed building is acceptable. Whilst officers acknowledge that this is a two-storey form of development, because the building would be set at a lower level than the school and be accessed at the upper level, it would appear as a single storey structure as viewed from the front side elevation. The building is not considered excessive in size and by having virtually a flat roof, the new building would not be visually dominant; and instead, would appear subservient to the existing main school buildings. The materials would match the existing buildings and officers submit that it would not have an adverse impact on the scenic quality of the AONB as it does not encroach into the open countryside and would be read against the backdrop of the existing school buildings.

### **9.2 Neighbour Amenity**

The proposed building would be situated 19m from the garden boundary of “The Bungalow” and 23m from the side elevation of the property itself. In between the respective buildings is a grassed bund with mature planting beyond. It is acknowledged that the setting of the property has already been affected by the presence of the existing school building to the front of it, and that the proposed sixth form building would be present to the side of it. However the separation distance is such that the proposed 8m high building would not overbear the rear garden of “The Bungalow”. Furthermore, the proposed first floor facing windows are to be both high level and obscurely glazed, and therefore, there would be no overlooking. Officers appreciate that in approving the proposal it would result in school buildings being present on two sides of the property, but as reported, there would not actually be any

material harm to the amenities of its occupiers in terms of overbearing impact or overlooking to warrant a refusal.

### **9.3 Highway Impacts**

It is firstly important to recognise that sixth form students can potentially drive themselves to school if they pass their driving test and acquire a car. The school has no jurisdiction to ban students from having a car – this is an individual or family decision. However, the school does actually discourage the use of personal transport and has had up until now a policy of no sixth form parking within the school site. Officers have been advised that of the current 380 sixth form students only 25 students regularly drive to school. A further 15 students drive 1-2 days per week. If the same proportion of the proposed extra 110 students were to drive, the new building would generate around an additional 7 regular and 4 occasional drivers.

Students are presumed to be parking within the surrounding residential streets. Whilst this is not illegal, it is less than satisfactory. However the Council's highway officers have looked into the matter and have concluded that although some on-street parking emanates from the school, the incidence of parking is not much lower at weekends, which suggests that the majority of the parking is either from the town centre or local residents. If on-street parking on residential roads becomes a problem in terms of accessibility for service and emergency vehicles, it could be addressed (outside of the planning system) by means of waiting restrictions.

The school's current Travel Plan is out of date. However the Council's school Travel Plan advisor is currently in active discussions with the school to update it. Staff and student surveys will be undertaken in September 2014 when years 11 and 13 will next be in school. It is planned for the Travel Plan to be agreed by March 2015.

The Council's highway officers raise no objection to the proposal to expand sixth form places provided that a condition is attached to any planning permission stating that no occupation takes place until an approved Travel Plan is accepted and approved in writing by the Local Planning Authority. Furthermore, a condition is required to ensure that the additional 15 parking spaces plus 15 car share spaces have been provided.

Highway officers acknowledge that there is a current issue with overspill parking and that the increase in pupil numbers may add to existing problems but they feel that with an appropriately worded monitored and enforced Travel Plan and the provision of the additional off street parking, the issues can be mitigated.

### **9.4 Ecology**

To the south of the application site lies the disused railway line and Marlborough Tunnel, which is an important hibernation site for many species of bat. Although the proposal would not impact directly on the tunnel and the bats that it supports, it is imperative that no barriers to commuting bats should be introduced into the area, including light spill onto the tree line along the disused railway line. This would seem improbable given the location and moderate size of the proposed new building. However a condition is required to ensure no exterior lighting is introduced, to prevent any unnecessary impact.

The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and should encourage opportunities to incorporate biodiversity in and around developments. Hence to further buffer the natural environment from additional building on this site, some habitat enhancement for the benefit of biodiversity should be included in the proposal and should be required by an appropriate condition. For instance, an area along the south eastern boundary of the school site could be planted with native trees or shrubs. This would contribute to additional commuting corridors for a range of wildlife species, including birds, bats and other small mammals, and could also provide additional secluded refugia (refuge) for reptiles, ultimately reducing the indirect impacts of increasing the density of the built environment at this location.

## **10. Conclusion**

Officers consider that the design of the proposed building is acceptable and it would have no adverse visual impact within the AONB. The distance of the building from “The Bungalow”, in combination with the lack of overlooking windows, is such that there would be no material harm to the amenities of that property. Whilst the proposal would inevitably result in more sixth formers driving to the school, no objection is raised to the proposal provided that a condition is attached to any planning permission stating that no occupation takes place until an approved Travel Plan is accepted and approved in writing by the Local Planning Authority and until the proposed additional parking spaces are provided. The proposal is unlikely to directly impact local wildlife. However some habitat enhancement for the benefit of biodiversity should be included in the proposal and should be secured by an appropriate condition.

## **RECOMMENDATION**

That planning permission be granted, subject to the following conditions:

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

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

- 2 No development shall commence on site until details 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 No part of the development hereby approved shall be first brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the 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.

- 4 No part of the development hereby approved shall be first brought into use until the additional parking areas shown on the approved plans have been laid out in accordance with the approved details. These areas shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 5 Before the development hereby permitted is first occupied the first floor high level windows in the rear elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 6 No development shall commence on site until a drawing showing proposed habitat enhancements within the site has been submitted to and approved in writing by the local planning authority. The approved enhancements shall be carried out in the first planting season following the first occupation of the new building.

REASON: In the interest of conserving and enhancing the biodiversity of the site.

- 7 No exterior lighting shall be introduced to light the building.

REASON: In order not to interfere with the bat populations which use the tree line along the adjacent disused railway line.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: 3749/102A, 3749/103B, 3749/104B, 3749/105A and 3749/106B, received 28/04/14 and 3749/101C, 3749/303A, 3749/304A and 3749/305B received 16/05/14

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

- 9 **INFORMATIVE TO THE APPLICANT:**  
The applicant should be aware that there are several records of slow worms and grass snakes in close proximity to the school site and it would therefore be prudent to engage an ecological clerk of works during the construction phase to ensure that reptiles are not at risk from construction processes.

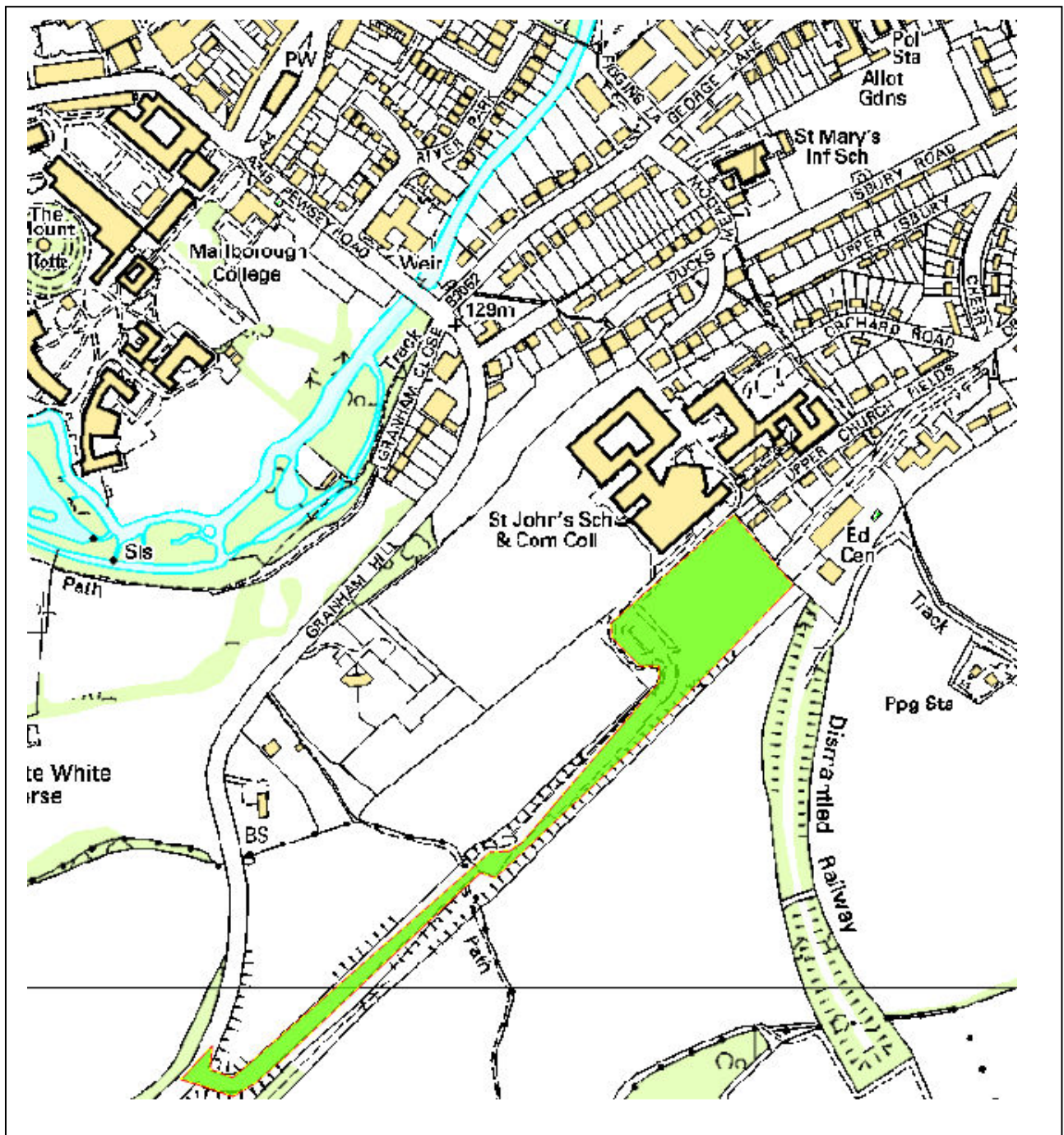
- 10      **INFORMATIVE TO THE APPLICANT:**  
The applicant should engage a suitably qualified consultant ecologist to assist with the design and layout of the habitat enhancements required by condition no. 6, to ensure its likely effectiveness and appropriateness within the site.

**Appendices:**

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



<b>Application Number</b>	14/02863/FUL
<b>Site Address</b>	St John`s Marlborough, Granham Hill, Marlborough SN8 4AX
<b>Proposal</b>	Proposed new 2 storey sixth form study centre building
<b>Case Officer</b>	Peter Horton



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## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No.2

<b>Date of Meeting</b>	5 June 2014
<b>Application Number</b>	13/06712/VAR
<b>Site Address</b>	Land off Melksham Road, Westbrook Park Farm, Westbrook, Bromham,
<b>Proposal</b>	Variation of conditions 3 and 4 of planning permission E/09/1558/FUL - to retain the existing reduced height roadside kerbs and resurface the first 2 metres of the access from the carrieway in a well bound consolidated material
<b>Applicant</b>	Mr David Johnson
<b>Town/Parish Council</b>	BROMHAM
<b>Division</b>	Bromham, Rowde and Potterne
<b>Grid Ref</b>	395592 165442
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Morgan Jones

### Reason for the application being considered by Committee

This application is brought to committee at the request of the division member, Councillor Liz Bryant, on the following grounds:

- The extent of the work required by the original conditions is unnecessary;
- Other similar entrances exist in the area;
- There will be no adverse highway or environmental impacts if the conditions are varied.

### 1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

### 2. Report Summary

The key issue for consideration is whether the proposed development would have an adverse impact on highway safety.

### 3. Site Description

The application relates to a vehicular access on the northern flank of the A3102 road at Westbrook near Bromham, which serves the private stable complex belonging to the applicant. When travelling from Devizes on the A342 turn left onto the A3102 (signposted towards Melksham) at the Collins Farm Shop. The site lies on the right hand side after

approximately 200 metres. The conditions in question were imposed when planning permission was granted by the committee for a stable block, ménage and parking area on the site. This permission has been implemented and the stables and ménage are present on the site.



*Site Location Plan*

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

E/09/0992/FUL – ‘Change of use of land from agriculture to equestrian. Erection of stables and a ménage together with parking area for horse box and vehicles’. Planning permission refused on 15<sup>th</sup> September 2009 as the proposal would be harmful to the character and appearance of the area.

E/09/1558/FUL – ‘Change of use of land from agriculture to equestrian. Erection of stables and a ménage together with parking area for horse box and vehicles (resubmission of E/09/0992/FUL)’. The application was presented to the East Area Planning Committee on the 14<sup>th</sup> January 2010 with a recommendation to refuse planning permission for the following reasons:

*“The proposed stable block, manège and parking area would, by virtue of their siting and resulting prominence in the landscape, the size of the stable block and the need for regrading to construct the manège, be harmful to the character and appearance of the area. Furthermore, the hardcore entrance apron is visually intrusive due to its excessive size and the nature of the materials used in its construction. As such, the proposals are contrary to Policies PD1 & NR7 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy.”*

The Planning Committee resolved that planning permission be granted, subject to eight conditions, for the following reasons:

*“The decision to grant planning permission has been taken on the grounds that the proposed development would not have any adverse impact on the character and*

*appearance of the area, and would be in accordance with policies NR7 & PD1 of the Kennet Local Plan.”*

Planning permission was therefore issued on the 14<sup>th</sup> January 2010 and it has subsequently been implemented, although in breach of conditions 3 and 4 imposed on the planning permission by the committee.

Prior to the submission of application E/09/1558/FUL, a sizeable hardcore entrance apron was created without planning permission using crushed building materials. During the assessment of application E/09/1558/FUL the Council's Highway Officers indicated that the access was unnecessarily large and the use of loose demolition material was considered unsatisfactory. As such, conditions 3 and 4 of planning permission E/09/1558/FUL, as outlined below, were imposed by the committee to ensure the vehicular access was brought up to the required standard to ensure no detriment to highway safety on this 'A' Class road.

- 3 No part of the development hereby permitted shall be first brought into use until the existing roadside kerbs across the entire access position have been replaced with lowered bull nose kerbs at 20mm upstand.*
- 4 No part of the development hereby approved shall be first brought into use until at least the first 7.5 metres of the access from the carriageway have been surfaced in a well bound consolidated material (not loose stone and gravel).*

Despite numerous requests and discussions with the Planning Enforcement team the conditions have not been complied with and the Council therefore served a Breach of Condition Notice. The notice has not been complied with and further legal action is being considered.

## **5. The Proposal**

The applicant's Planning Supporting Statement recognises that conditions 3 and 4 of planning permission E/09/1558/FUL have not been complied with and outlines that the purpose of this application is to address this matter by applying to vary the wording of these two conditions. The following wording is proposed:

- 3 The existing reduced height roadside kerbs across the entire access mouth shall be retained in perpetuity.
- 4 Within two months of this permission the first two metres of the access from the carriageway edge shall be resurfaced in a well bound consolidated material (not loose stone or gravel).

## **6. Planning Policy**

The National Planning Policy Framework with particular regard to Chapters 4 'Promoting Sustainable Transport' and 7: 'Requiring Good Design'.

The Kennet Local Plan 2011 (saved policies) with particular regard to policies PD1 'Development & Design' and NR7 'Protection of the Landscape'.

The Wiltshire Core Strategy submission document does not yet carry significant weight however its policies are a material consideration, in particular Core Policy 60 'Sustainable Transport' and Core Policy 62 'Development Impacts on the Transport Network'.

## **7. Consultations**

Bromham Parish Council – Support the proposal.

Wiltshire Council Highways – Object and recommend that planning permission be refused. Detailed considerations raised by them are examined in section 9 below as this is the key issue in this application.

## **8. Publicity**

The application has been advertised by way of a site notice and consultations with the neighbours. No observations have been received as a result of the publicity.

## **9. Planning Considerations**

The key issue for consideration is whether the proposed development would have an adverse impact on highway safety.

The Council's Highway Officers outlined that if an access is made without lowering the roadside kerb vehicles have to slow down unnecessarily to enter a site which causes a delay and unsafe manoeuvring for traffic on the road. As members will be aware, any person requiring a crossing onto a highway (eg to access a newly created drive) require consent from the Council and have to put in properly constructed drop-kerbs.

In this case, no drop-kerbs have been installed. Instead, the creation of the access under consideration has involved the illegal grinding down of the existing full-height roadside kerbs, which belong to the Highway Authority, without consent to do so (It is illegal under Section 131 of the Highways Act to damage a highway). This work has both weakened and damaged their structure and has made them unsafe. There is a British Standard for road side kerbs BS7263. By grinding down the kerbs, there are now kerbs in use on the public highway that do not meet the British Standard, It is not possible to forecast every possible accident situation that could possibly arise, but it remains the case that if an accident does occur and it is found that non British Standard materials are in use on the highway and that their use has been accepted by the Highway Authority the Council could be found to be liable.

The Council's Legal Officer has further advised that action should be taken as soon as possible to mitigate any liability to the Council. If the Council approve this application, the kerbs that are in a dangerous condition will still require replacement, but the costs will then fall onto the Council as it is not acceptable to leave the kerbs in a dangerous condition and so the Council will have to carry out the work. In planning terms, this is unacceptable as the cost of doing necessary works to enable a development to safely take place should fall on the developer.

Officer have attempted to negotiate with the applicant, initially through his agent, and then following the resignation of his agent, directly with him, with a view to seeking his agreement to replace the kerbs as required by the condition and amend the application to relate solely to the extent of the tarmac access, but he has refused and wishes the application to be determined as put forward.

The lack of a well-bound consolidated surface to the access has exacerbated the situation by allowing water to form puddles on the access which overflow causing water to be

channelled to what remains of the kerbing causing further deterioration and not benefiting from proper drainage.

Furthermore, the area up to the hedgeline, which is set back approximately 3m from the roadside kerbs, forms part of the highway. The kerbs have been damaged and are now structurally unsound and unsafe and an accident at this location could lead to the Highway Authority being held liable for damages e.g. if a motorcyclist struck the ground off kerb edge it would cause greater injury than a rounded bull nosed edge. The ground off kerbs not being a standard rounded bull nose designed for roadside use could also damage car tyres leading to a dangerous tyre blow-out.

The applicant is of the opinion that although the reduced height kerb stones are not of the standard bullnose design they provide the required functions and are considered adequate for the limited use the access receives. In addition, the agent is also of the opinion that the 7.5m of consolidated access required by condition 4 is excessive and believes that two metres of hard-surfacing is of sufficient length to ensure no material will be brought onto the public highway. It is proposed that the remainder of the access would be compacted soil.

The required 7.5m of consolidated access is the normal highway requirement for accesses of a commercial nature including agriculture accesses due to the greater likelihood of mud and gravel within the site and the heavier vehicles using the access, all of which if there is not an adequate 7.5m distance will lead to mud and gravel being carried onto the carriageway to the severe detriment of highway safety. The access under considerations is used to access agricultural land and the private stable complex belonging to the applicant and therefore a 2m strip of consolidated material is not considered acceptable. The road is an 'A' class road subject to a 60mph limit, and next to the access vehicles are braking for the junction, which means that if the full 7.5m consolidation is not achieved there is a strong likelihood of dangerous conditions which the Council as highway authority would be held liable for.

The applicant believes that the rewording of the two conditions balances the need for the access to be safe but without rigidly applying standard conditions where the specific circumstances do not require such an approach to be adopted. However, for the reasons outlined above, the Council's Transportation department does not agree with the applicant's assertion that the rewording of conditions 3 and 4 will not give rise to any adverse impact in respect of highway safety.

It is considered that until the conditions have been complied with the access poses a danger to highway safety. The purpose of the conditions is to ensure the new access is properly laid out without compromising the stability of the existing highway, and to ensure vehicles can emerge to and from the highway in a safe and efficient manner.

Complying with the current conditions is therefore important to ensure no detriment to highway safety, but also rectify the works which have been carried out to date, which have weakened and damaged the highway.

## **10. Conclusion**

The application relates specifically to the vehicular access which serves the private stable complex belonging to the applicant. The access benefits from planning permission E/09/1558/FUL. However it has not been laid out and constructed in accordance with conditions 3 and 4 of the permission. The access at present does not comply with highway

standards and the works carried out have damaged and weakened the highway. In order to ensure no detriment to highways safety, the Councils Highway Officers are of the opinion that conditions 3 and 4 of planning permission E/09/1558/FUL should be fully complied with and should not be varied.

Until the access is laid out in accordance with the conditions the Council as highway authority will be liable for any damages which result from the dangerous conditions posed by the current access. As such, should planning permission be granted to vary the conditions the Council may have to pay for the necessary works to be carried out to rectify the illegal damage done to the highway.

In light of the above, it is considered that the proposed development is in conflict with both national and local planning policy and if approved would pose a danger to highway safety. It is therefore recommended that planning permission be refused.

### **RECOMMENDATION**

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

1. The proposed variation of conditions 3 and 4 of planning permission E/09/1558/FUL would result in an adverse impact on highway safety. The conditions as originally worded are necessary to ensure no detriment to structure of the existing highway, and to ensure vehicles can safely enter and exit the application site without detriment to the free flow of traffic and highway safety along the A3102 road. The proposed development would therefore be contrary to saved policy PD1 of the Kennet Local Plan 2011 and Core Policies 60 and 62 of the emerging Wiltshire Core Strategy.



<b>Application Number</b>	13/06712/VAR
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