

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	04.05.2011		
<b>Application Number</b>	W/11/00167/FUL		
<b>Site Address</b>	Land Adjacent East Side Of Hawkeridge Road Heywood Wiltshire		
<b>Proposal</b>	Change of use to equestrian with agricultural / equestrian barn/stables		
<b>Applicant</b>	Guy Dobbins		
<b>Town/Parish Council</b>	Heywood Westbury		
<b>Electoral Division</b>	Ethandune	<b>Unitary Member:</b>	Julie Swabey
<b>Grid Ref</b>	386146 153936		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Steve Vellance	01225 770344 Ext 15107 steven.vellance@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to:

- \* Environmental/highway impact
- \* Threat to local watercourse by contamination
- \* Access from B3097 unsuitable for vehicles (The road is under discussion with officers and parish councillors regarding safety issues, this would exacerbate the problem).

### 1. Purpose of Report

To consider the above application and to recommend that planning permission is granted

Neighbourhood Responses:-

Three neighbourhood responses have been received, raising objections to the scheme.

Heywood Parish Council object to the proposal. Westbury Town Council have no comment.

### 2. Report Summary

The main issues to consider are:

Highway/Footpath Issues.

Environment Agency Comments

Impact of the development on the countryside.

Impact on the amenity of nearby properties

### **3. Site Description**

The site in this instance consists of an area of agricultural land which has a total area of 1.81 hectares and which has two access points. These are (i) existing field access from the Hawkeridge Road (B3097) and (ii) a footpath from Hawkeridge Village.

The proposed stables would be sited within a narrow area of land east of the public footpath that crosses the site, but is unaffected by the development.

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

None.

### **5. Proposal**

The proposal is for the siting of a recreational equestrian stable to the north east of the site. The stable would accommodate a maximum of up to four horses and would incorporate a tack room and hay store; it would be constructed from tanalised timber with a green fibre cement roof and would have a concrete floor.

The approximate dimensions would be: 11.5 metres by 11.5 metres with a pitched roof height of 4.9 metres.

A new field gate entrance is also proposed to be sited approximately 30 metres away from the proposed stables.

The applicants live in Hawkeridge, within walking distance of the site.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

E10 Equestrian

National Planning Guidance:

PPS 7 Sustainable Development in Rural Areas.

### **7. Consultations**

Heywood Parish council

Object to the application for the following reasons:

1. The available access to/from this site is from the busy and fast B3097 Hawkeridge Road is inadequate, hazardous and unacceptable on highway safety grounds. There is no obvious alternative access, as it is understood that the application does not imply changes to the public footpaths HEYW23 and HEYW30, over or near the application site. No bridlepath giving access to the application site is shown on the Heywood Public Rights of Way Map held by the Parish Council.

2. Proximity of the barn/stable to Bitham Brook could lead to unacceptable pollution by animal waste of this watercourse. Refer to paragraph 1 detailed above.

In addition to their comments the Parish Council request that in the event that permission is granted, the following condition should be imposed:

1. Burning of waste to be prohibited.
2. Arrangements to dispose of animal waste to be implemented (and approved) to prevent the possibility of pollution of Bitham Brook.
3. The barn/stable to be sited away from Bitham Brook.
4. The site is to be used for private / personal enjoyment only, commercial use prohibited.
5. The access to the site from the B3097 Hawkeridge Road to be redesigned such that a vehicle and horse trailer can be stopped clear of the road while the access gate is opened and closed.
6. No changes to current public rights of way to be made without a proper application.

#### Westbury Town Council

No comments.

#### Highways

No objections and raises the following aspects, that should be attached as planning conditions in the event that permission is recommended:

- \* The access served off the B3097 should be upgraded to accommodate an increase in vehicle activity. The gate should be set back 10m (not 5m as indicated on the submitted drawing).
- \* The ground area should be properly surfaced (not loose stone or gravel) and drained to prevent the discharge of surface water onto the highway.
- \* Sight lines of 2.4m by 160m should be provided (as the access comes onto the B3097, which has a 50mph speed limit).

#### Aboricultural & Landscape Officer

No objections, subject to the imposition of two planning conditions requiring a landscaping scheme and its subsequent implementation.

#### Environmental Agency

No objections, subject to the imposition of a planning condition whereby the applicant has to complete all works in line with the submitted Flood Risk Assessment.

#### Environmental Health

No objections, subject to the imposition of two planning conditions preventing the burning of horse manure and the provision of a facility for the storage of manure and arrangements for its removal..

### **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification.

Three representations have been received, raising the following matters:

- Not informed of the application.
- Land ownership matters.
- Public footpath matters.
- Proposed siting of stables too close to Wessex Water Sewer.
- No detailed provision for the collection of rainwater/drainage – concern about possible pollution to the nearby watercourse.
- No detailed provision for the disposal of horse manure.
- No burning of manure and other related materials.
- Existing access from B3097 too shallow to accommodate car and horse trailer.
- Planning permission not obtained for vehicular access to cross nearby field.
- Stables would directly look onto garden area 100 feet away.
- Stables would generate manure related smells.
- Field would be wet in winter, making everyday tasks difficult to carry out.
- Stables should be re-sited to a different location.

-In the event that application affects the public footpaths, objection raised.

## **9. Planning Considerations**

The proposal is for the provision of stables for up to four horses, upon land within the ownership of the applicant, the intended use would be for personal recreational use and there is no intention of operating a commercial enterprise.

### Landscape Impact

Equestrian Policy E10 is of significance and adds support to the countryside Policy C1, in that any proposals must attempt to minimise their effects on the appearance of the countryside. The applicant has chosen to address this aspect, by siting the stables in the chosen position, against an existing hedgerow in a location that is less open to wider public views. The consequences of this proposal are that any visual impact would be minimal on the open nature of the countryside. The Arboricultural & Landscape Officer has raised no objections and requested that two landscaping conditions be attached in the event that planning permission is recommended. These conditions would serve to further protect visual amenity at the site location.

### Environment Agency Issues

The chosen area for the stables, falls in part within floodzone 2 and consequently a flood risk assessment has been supplied to support the application. The Environment agency has raised no objections to the proposal, either with regard to possible contamination of the nearby watercourse or the siting of the stables in the chosen location, as both are within their remit. The Environment Agency has requested that a planning condition be attached to the permission requiring the applicant to fulfil the criteria detailed within the flood risk assessment.

### Highway matters

The application proposes to upgrade and modify the existing access off the B3097 and third party concern has been received to this affect. Whilst it is recognised that this is a busy highway, the Highways Officer has raised no objections and requested via the use of planning conditions, that the proposed set back from the highway edge be increased, from the proposed 5 metres to 10 metres, with accompanying revised visibility splays. The access off the B3097 would be utilised for vehicles onto the site, whereas the public footpaths on the land would be used for everyday pedestrian access to the stables. The siting of the stables does not interfere with the route of the public footpath, nor does the application in any way change the status of the public rights of way.

### Amenity issues

Amenity is an important issue and concern has been raised about the disposal of horse manure. Such matters are typically controlled via planning conditions and this application is not an exception to this accepted practice., Importantly Environmental Health Officers have raised no objections, subject to the proviso relating to planning conditions. The stables are sited some 60 metres from the nearest dwelling.

## Conclusion

Planning permission be granted, subject to the attached planning conditions.

**Recommendation:        Permission**

### **For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

### **Subject to the following condition(s):**

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

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

- 2 The materials to be utilised within this development shall accord with the schedule of the materials as described within the submitted plan, number 10112-1 received by the Council on 21 January 2011.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

- 3 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of amenity and road safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38 and E10.

- 4 No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from the site (including frequency) have been submitted to and approved in writing by the local planning authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition and there shall be no burning of manure or stable waste on the site.

REASON: In order to safeguard the amenities of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy C38.

- 5 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: In order to minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy U4.

- 6 The development hereby permitted shall not be commenced until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with these details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 7 Before development commences, the field gate serving the access directly off the B3097 shall be set back by a distance of 10 metres and the surface of the access between the gate and the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) and shall incorporate surface water drainage works, details of which shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works.

REASON: In the interests of highway safety.

- 8 The development hereby permitted shall not be brought into use until visibility splays have been provided on both sides of the access off the B3097, sight lines of 2.4 metres by 160 metres shall be provided. The splays shall be kept free of obstruction above a height of 0.6 metres at all times.

REASON: In the interests of highway safety.

- 9 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 :-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- a full detailed planting schedule that includes all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed building, roads, and other works and details of ground preparation within all planting areas;
- means of enclosure;
- proposed and existing functional services above and below ground (eg. drainage, power, communications, cables, pipelines, etc indicating lines lines, manholes, supports etc;
- hard surfacing materials;

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 11 The development hereby permitted shall be strictly carried out in accordance with the approved Flood Risk Assessment received by the Council on the 21 January 2011.

Reason: To reduce the risk of flooding.

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

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

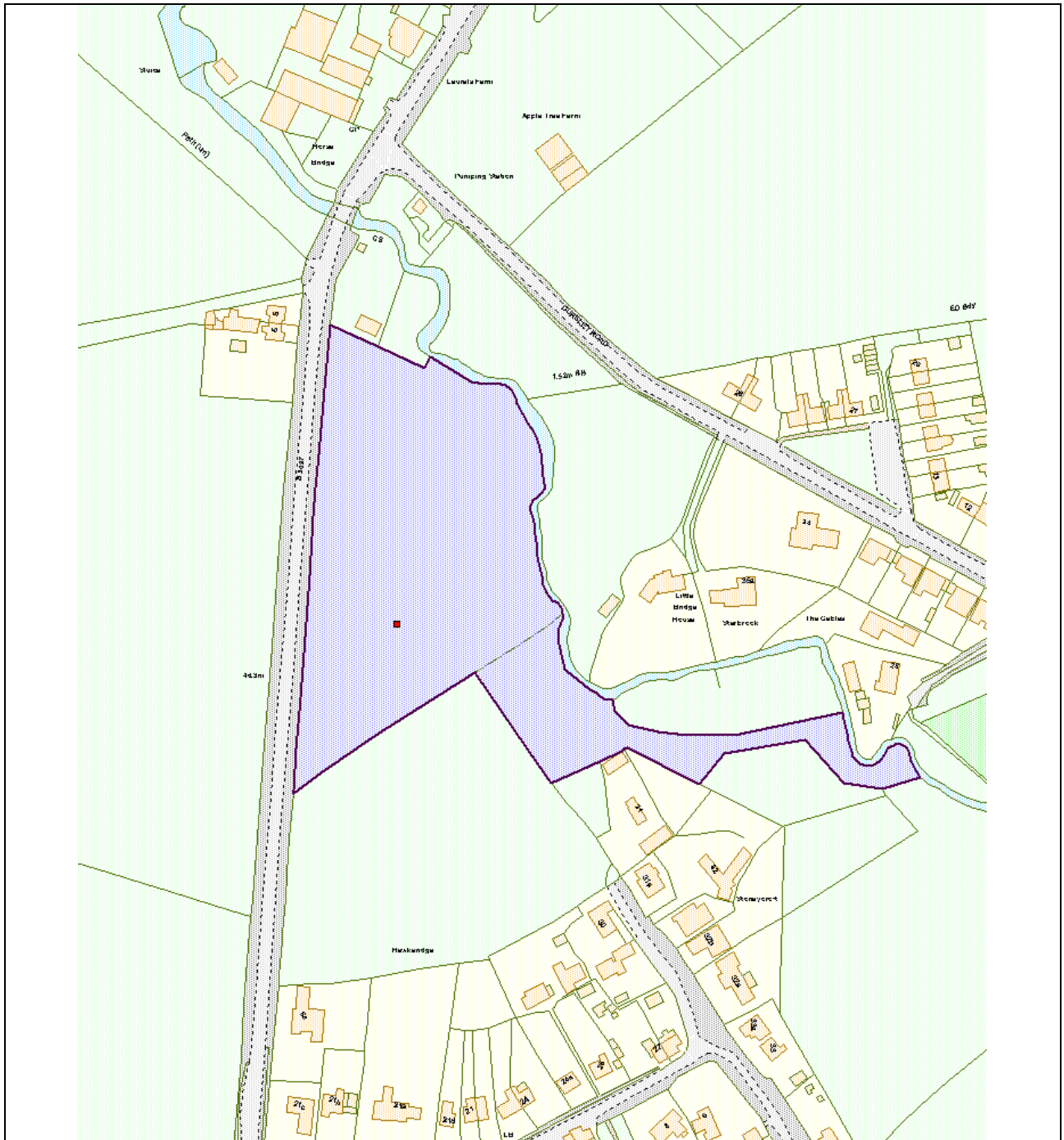
**Informative(s):**

- 1 The Public Rights of Way Officer was consulted, who raised the following points:

The northern end of the path currently comes out on the B3907 next to a field gate, the access provision is currently a stile which the officer would like to see upgraded to a pedestrian gate or kissing gate. This route should be kept free of new structures, with no new fences being built across the line of the path, this could be achieved by having the right of way permanently fenced off. The officer further commented that the southern end of the site has a stile where the footpath splits in two, at which point a pedestrian gate or kissing gate would be ideally located, as there was clear evidence that this path is used daily.

It is suggested that the applicant contacts the rights of way officer Paul Millard on 07788445292 to discuss these requirements.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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## RELEVANT APPLICATION PLANS

Drawing : 10112-1 received on 21.01.2011