

Wiltshire Council
East Area Planning Committee

July 23rd 2009

List of Applications for Consideration

1. E/09/0598/FUL (page 2)

Full planning application for: Development of 40 dwellings including 8 two, 24 three and 8 four bedroom dwellings, associated car parking, private amenity space, public open space and landscape works.

At: Former Spitalcroft Allotment Site London Road DEVIZES

RECOMMENDATION: Defer and Delegate to Area Development Manager to grant planning permission subject to a legal agreement.

2. E/09/0111/S73 (page 14)

Full planning application for: Removal of conditions 2 and 3 of K/59355/VAR to allow operation of a training school for microlight pilots using three of the existing aircraft on site

At: Lower Upham Farm Airfield, ALDBOURNE SN8 1SZ

RECOMMENDATION: Grant planning permission

3. E/09/0663/FUL (page 28)

Full planning application for: Retention of a straw barn, machinery store, straight store, slurry handling store, silage clamps, attenuation pond and cattle building

At: Wansdyke Farm, Ham Spray, HAM SN8 3QZ

RECOMMENDATION: Grant planning permission

4. E/09/0254/FUL (page 36)

Full planning application for: Stable, retention of access, paddock fencing

At: Garden Cottage, 23 High Street, Wedhampton URCHFONT SN10 3QE

RECOMMENDATION: Grant planning permission

5. E/09/0251/FUL (page 47)

Full planning application for: New garage and change of use from paddock to domestic curtilage

At: Garden Cottage, 23 High Street, Wedhampton, URCHFONT SN10 3QE

RECOMMENDATION: Grant planning permission

Date of Meeting	
Application Number	E/09/0598/FUL
Site Address	Former Spitalcroft Allotment Site London Road Devizes Wiltshire
Proposal	Development of 40 no. dwellings including 8 no. two, 24 no. three and 8 no. four bedroom dwellings, associated car parking, private amenity space, public open space and landscape works.
Applicant	Crest Nicholson (SW) Ltd
Town/Parish Council	DEVIZES
Grid Ref	401323 161726
Type of application	Full Planning
Case Officer	Richard Cosker

Reason for the application being considered by Committee

The application has been called to committee by the former Councillor Margaret Taylor.

1. Purpose of Report

To consider the recommendation that the application be approved subject to the conditions set out and the completion of a section 106 legal agreement.

2. Report Summary

The main issues to consider are:

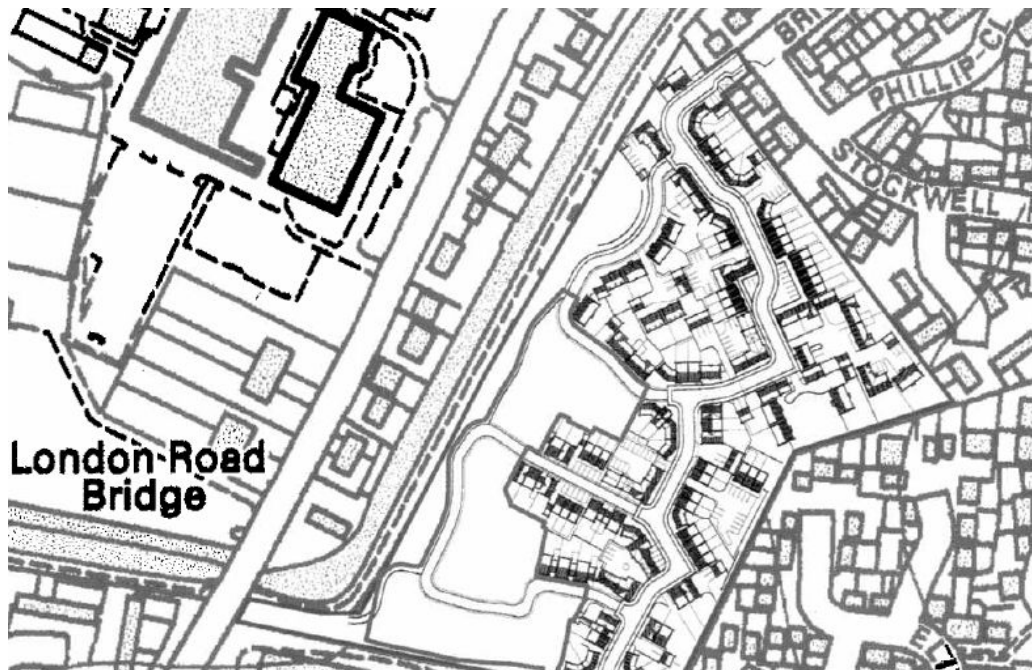
- Whether the proposal is in accordance with the policies of the Development Plan, and in particular policy PD1, HC5, HC6, HC7, HC30, HC31, HC34, AT9, NR18 and TR1 of the adopted Kennet Local Plan 2011.

The key issues within these are;

- The impact on the character and appearance of the area
- Highway matters
- Neighbour amenity
- Section 106 issues

3. Site Description

The application site is part of a wider residential site that is being developed by Crest Nicholson. The wider site is situated off the London Road by the Kennet and Avon Canal London Road Bridge. Pedestrian and cycle access to the site can be made from London Road whilst vehicular access to the site is from either Meadow Drive or Brickham Road. The area of the site subject of this application lies in the south western corner of the wider site.



Site location plan

The canal forms the western boundary of the site, whilst the wider site is bounded by existing residential development to the north, east and south. The Croft retirement complex is part of the residential development that lies to the south of the site.

The applicant has implemented the planning permission for the wider site and most of the northern section is built and occupied and work is progressing in constructing the south eastern corner of the site. The area of the site subject of this application has therefore been cleared ready for development with the bases of the roads already constructed.

4. Planning History

K/46191/O – This was the outline planning application for residential development submitted by Robert Hitchins Homes. This application was refused by committee on 27th November 2003 but was subsequently allowed on appeal in April 2005.

K/54493/RM – This was the subsequent 'reserved matters' application submitted by Crest Nicholson for 158 dwellings and associated public open space and highway infrastructure. The application was approved by committee.

5. The Proposal

This application now proposes an amendment to the number of dwellings and the type of dwellings in the south western corner of the wider site. The road layout remains the same as approved by the application K/54493/RM.

The previous approval had 20 dwellings within this application site area consisting of; 13 five bedroom dwellings, 5 four bedroom dwellings and 2 three bedroom dwellings. The proposal is now for 40 dwellings within the site area consisting of; 8 four bedroom dwellings, 26 three bedroom dwellings and

8 two bedroom dwellings. The area where the additional dwellings are proposed does not extend beyond the area where dwellings were previously proposed and the area of public open space along the canal boundary is unaffected by this proposal. Essentially the proposal is to replace 20 large detached dwellings with smaller dwellings which will mostly consist of semi-detached dwellings, with the exception of one terrace of 4 dwellings.



Proposed layout – canal is beyond the trees at top of the plan

6. Planning Policy

Kennet Local Plan 2011 – Policies PD1, HC5, HC6, HC7, HC30, HC31, HC34, AT9, NR18 and TR1

National Guidance – Planning Policy Statement 3 – Housing

7. Consultations

Devizes Town Council - The Council objects to the proposed development on the grounds of the high density of dwellings, the lack of parking within the development and the impact of additional traffic on adjoining roads.

Highways Officer – No objection with regard to the extra dwellings, the proposed layout and the level of car parking proposed. Advise that the local highway measures to mitigate and accommodate the traffic effects of the development have already been secured. They do however require a contribution of £510 per dwelling to support bus services and other sustainable transport improvements.

Education Services – Advise that there is no requirement for a financial contribution towards primary education but there is a requirement to pay £69,404 towards secondary education.

County Archaeologist – Having regard to previous consent there are no requirements for any archaeological conditions.

Environment Agency – No objection subject to suggested conditions relating to surface water drainage, water efficiency measures and pollution prevention measures.

British Waterways – No objections but a number of issues are raised concerning drainage and the need for the applicant to obtain consents and liaise with BW concerning drainage and construction near to the canal. BW also state that the proposed development would place greater pressure on the use of the adjacent canal towpath and as such are seeking a financial contribution towards maintenance and improvement works.

8. Publicity

The application has been advertised by press and site notices. Neighbour notification has also been undertaken.

A total 10 representations, including representations from the CPRE Kennet District Group and the Save Our Spitalcroft Community Action Group (SOS), have been received objecting to the application. These objections can be viewed in full on the planning file. However, some of the main concerns can be summarised as follows;

- 1) The layout the developer agreed to provide included an agreed contribution of affordable housing which at least provided a reasonable balanced but arguably crowded community. The developer now wants to pack houses even more tightly and renege on the affordable housing agreement. This is unacceptable.
- 2) All the arguments raised at the time of the original application are being proved as new housing rises on the eastern side of Devizes with traffic increasing and recent studies showing the town will virtually grind to a halt by 2016. No further incremental increase in traffic should be tolerated.
- 3) London Road is a well known area of traffic congestion and many of the houses planned in this area have not yet been built.
- 4) The permitted layout is already crowded and the objections raised by officers concerning garden sizes are supported. Additional housing will also bring yet more traffic onto the site and surrounding roads.
- 5) Parking on site is already woefully inadequate with residents having to park on bends, on junctions and on the pavement. There are also no visitor spaces. The extra houses will add to this problem and increased traffic will have an extra impact on through traffic and road safety. The planning committee should visit this site in the late evening and see for themselves how inadequate the parking is.
- 6) We are not sympathetic to the applicant's financial arguments. Development involves commercial risk and when development values increase during construction developers to not ask to revise terms of agreement upwards.
- 7) The current market conditions should not be a factor in making planning decisions.
- 8) Object to second play area proposed nearer London Road.
- 9) The proposal replaces a detached five bedroom house with a terrace of 4 with frontage parking opposite our recently bought house. We would not have bought the house if we had known that and are concerned about the extra traffic that would occur.

- 10) Twenty extra houses will result in 40-50 extra vehicles, probably into the already overloaded Brickley Lane.
- 11) Previously more than 158 dwellings was considered to be over development by the council, so it must surely still be so now.
- 12) This represents the doubling of houses in a small area with houses 'shoe-horned' in.
- 13) More dwellings will overlook the London Road properties which are at a lower level, more car parking spaces will also result in more car headlights shining towards our house and more house mean more people and greater levels of noise.

9. Planning Considerations

The site lies within the limits of development of Devizes and is located within a wider development area which has planning permission for residential development. As such the principle of residential development on this site is accepted. The key issues to be considered by this proposal concern the impact on the character and appearance of the area, highway matters, neighbour amenity and the issues concerning section 106 planning obligations.

The impact on the character and appearance of the area

A key issue being raised in the representations received is that the increase in the number of dwellings within the site area from 20 to 40 is over development which is out of character with the wider area. The planning approval for the 158 dwellings across the whole site equated to a density of approximately 35 dwellings per hectare. The area of the site subject of this application is approximately 1 hectare in size and as such the proposal results in a density of 40 per hectare for this section of the site. This in turn would raise the density of the overall site to 39.5 dwellings per hectare. Such a density is still in line with both the council's own local plan policies and the guidelines set out in PPS3. These state that 30 dwellings per hectare should be a minimum and PPS3 goes on to state that 50 dwellings per hectare should be sought in sustainable locations.

In addition to the above, as the applicant also quite rightly points out in their Design and Access Statement, density can be quite a crude tool when assessing the design and appearance of a development. In this instance it has been demonstrated that the footprint of the 40 dwellings proposed would be less than the 20 already approved. Whilst the removal of a number of garages is a factor it can clearly be seen that a pair of the proposed smaller semi-detached dwellings can be accommodated on the footprint of one of the previously approved large detached houses.

The increase in the density has however meant that whereas there was previous a single dwelling with a large garden and generous separation distances from other dwellings, there are now two dwellings with smaller gardens with the dwellings in closer proximity to each other. Some of those gardens do in fact fall short of the recommended gardens in the Council's guidance and some of the separations distances are closer than maybe desired. However, the garden sizes proposed and the separations distance achieved by the applicant are consistent with those on parts of the already approved site. It is therefore considered that the layout proposed is

compatible with the design approach already taken, and approved, on the site.

The previous proposal to have larger detached houses along the open space adjacent to the canal was a deliberate concept to provide an appropriate setting for the canal. Those dwellings were also considered to provide an attractive entrance to the site when viewed from London Road and the pedestrian pathway leading from London Road. Whilst the number of houses along this western edge has increased, the amount of built frontage is no greater than previously proposed. In addition the concept of landscaped frontages is being maintained.

Having regard to the above it is considered that the proposed density and design approach for the amended layout would not have any adverse impact on the character or appearance of the remainder of the site or the wider area.

Highway matters

The highway authority and Kennet District Council raised no highway objection at the time of the refusal of the outline planning application. SOS did however argue a highway case at the Public Inquiry where the Inspector found in favour of the appellant. The representations of SOS and other local residents again raise highway concerns that the increased number of dwellings will add to congestion in the neighbouring roads and the wider highway network.

The highway authority have however raised no objections to the proposal as they consider the additional level of residential accommodation, an increase of 12%, to be such that it would not lead to any significantly increased detrimental effect on traffic conditions. Officers can understand the concerns raised in the representations about the incremental increase in the number of dwellings on this site but any increase in numbers put forward must simply be considered on its own merits. Members should also note that the remainder of this site is either built, or construction is underway, and the amended layout is proposed solely because the larger detached houses approved are not selling in this current economic climate. No further changes to this site are therefore expected.

With regard to parking provision, all of the dwellings bar three, will have two parking spaces. This is an increase in the ratio of 1.75 spaces per dwellings approved as part of the reserved matters application. As such it is considered that the proposed parking provision is acceptable.

Neighbour amenity

The main neighbour amenity issues raised by this proposal concern the impact the proposed dwellings would have on The Croft, which is sat at a lower level than the site, and those dwellings on London Road, which are sited the other side of the canal. These were key issues at the time of the last application. The issue of the impact of the proposed dwellings on the other already approved dwellings, some of which have been built and are occupied, is also a matter for consideration.

The relationship between proposed dwellings and The Croft was a key issue in the negotiations that took place with the applicant at the time of the last application. This resulted in moving plot 1 so that its gable wall (which would

contain no windows) was 18 metres away from the windows in The Croft. It was considered that, even with regard to the change in levels, this was an adequate separation distance to ensure there was no adverse impact on the occupiers of The Croft. This separation distance has been maintained in the amended layout. Further along that boundary the amended layout has resulted in the previous larger detached dwelling on plot 60 being replaced by a pair of semi-detached houses (plots 5 and 6). Those dwellings do however maintain a 23 metre separation distance between the back walls of plots 5 and 6 and the windows of the nearest part of The Croft, as was approved by the last application.

With regard to the dwellings on London Road, these properties are set a considerable distance away with the public open space and the canal in between. It is considered that the additional dwellings on this part of the site will cause no demonstrable harm to the amenities of the occupiers of those dwellings.

Finally in turning to the relationship of the proposed dwellings with existing dwellings on the site, officers are satisfied that the relationships will not be materially different to the approved scheme. One new resident of the remainder of the estate has however raised concerns about the impact a parking area in front on plots 35 to 40, which consists of 4 car parking space set perpendicular to the road, would have on their amenities. Whilst the existing layout of the estate mainly utilises private garages/driveways and car parking courts to the rear of buildings, this type of layout would not look incongruous in this estate setting.

Section 106 issues

The outline planning permission was granted on appeal subject to a number of section 106 agreements relating to the provision of, or financial contributions towards, education, affordable housing, on and off site recreation, sustainable transport measures and the provision of replacement allotments. Those agreements remain in place but the provision of a further 20 dwellings on this site means the requirement for further contributions needs to be considered.

As part of the application the applicants have submitted a financial appraisal which sets out the viability issues at the site. This concludes that the profitability of the site is such that losses would be made if the same section 106 requirements were applied to the extra 20 dwellings. The scheme would not therefore be implemented. However in discussion with consultees it is apparent that the existing provision for recreation facilities on site is adequate and that, in the circumstances, no further payment towards recreation is necessary. The remaining issues therefore relate to affordable housing, education and sustainable transport.

The current legal agreement relating to affordable housing provides for 78 (50%) affordable units on this site. None of the 20 dwellings which form part of this part of the site were designated as affordable houses, as such the remainder of the site will still be providing 78 affordable housing units. The failure to provide the additional 10 affordable houses as part of this application would mean that, if this application was approved without any further affordable units, the proportion of units on the whole site would reduce to 44%.

Policy HC30 of the Kennet Local Plan, which sets out the requirements for affordable housing on large sites, states that; *“the local planning authority will seek to negotiate about 30% ‘subsidised’ affordable housing contribution and 20% low cost market housing contribution...”* on such sites. In this instance, having regard to the wording of that policy, and the viability information supplied, your officers consider that a provision of 44% affordable is acceptable. Members should also note that, whilst there may be concerns about the relaxation of the normal affordable housing requirements, developers have successfully defended this position in recent appeals elsewhere in the country with Planning Inspectors accepting the viability arguments in the current economic climate and allowing reduced affordable housing provision.

With regard to the education contributions, the education authority has calculated that the additional 20 dwellings will generate the need for an additional 6 primary and 4 secondary school places. They have advised that whilst the primary places can be accommodated within the existing capacity this is not the case for secondary education, hence the request for a contribution of £69,404 (4 x £17,351) towards secondary education infrastructure improvements.

Whilst a reduced provision of affordable housing is unfortunate, and slows the Council’s progress to meeting its affordable homes targets, there is no direct cost to the council. However, in the case of education, if the new housing goes ahead it will generate additional demand for school places which requires the provision of appropriate infrastructure which costs money. If the developer does not pay for this then the cost will fall to this council and the council tax payers. Initially, due to the claimed marginal viability of the site, the applicant was unwilling to agree to this contribution but subsequent negotiations have resulted in the applicant agreeing to pay the contribution.

Finally the highway authority has requested a payment to be secured in the section 106 towards sustainable transport improvements. It is understood that this money would be used towards bus stop improvements on London Road. A payment in excess of £85,000 towards sustainable transport improvements was secured in the section 106 at the outline stage. Improvements to the bus stops on London Road outside of the site should certainly have been a key element that this money should be spent on. Having regard to this existing contribution and the viability issues at this site it is not considered that such a payment could be justified.

Officers are therefore recommending that the sole requirement of the section 106 agreement will be the education contribution.

Other Issues

As noted above, British Waterways have not objected to this application but have raised a number of issues. One specific issue concerns the request for a financial contribution from the applicant towards the maintenance and improvement of the canal towpath. Such a payment was not a requirement of the previous planning permission and no specific link has been created to the towpath, pedestrian access is instead directly onto London Road. It is therefore considered that such a contribution now would not be reasonable.

RECOMMENDATION

Approve subject to the following conditions and the completion of a Section 106 legal agreement to secure the payment of £69,404 towards secondary education infrastructure improvements.

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

REASON:

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

- 2 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the
*****.

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

REASON:

To secure harmonious architectural treatment.

- 4 Prior to the commencement of development details of all eaves, verges, window (including head, sill and window reveal details), doors, rainwater goods, chimneys, bay windows and canopies to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure harmonious architectural treatment.

- 5 Before the construction of any boundary wall(s), railing(s) or fence(s) is commenced, including retaining walls or structures, details of the design, height, position and materials of which they are to be constructed shall be 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.

- 6 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 7 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the local planning authority. The surface water drainage system shall be maintained in accordance with the details and programme of implementation.

REASON:

To prevent pollution of the water environment and to ensure the surface water system is properly maintained.

8 INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Environment Agency dated the 4th June 2009.

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

REASON: To ensure a satisfactory landscaping setting for the development.

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

- 11 The detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

- 12 Prior to the commencement of development details of all hard landscaping on the site, to include roads (including kerbs) footpaths, access ways, garage/parking courts and drives, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

To secure a harmonious architectural treatment.

- 13 No external lighting, including street lights and footpath lights shall be erected on the site unless full details of their design, location and orientation and power have first been agreed in writing with the local planning authority.

REASON:

In the interests of visual amenity and the setting of the Kennet and Avon Canal and to minimise unnecessary light spillage above and outside the development site.

- 14 INFORMATIVE TO THE APPLICANT

The lighting used on this part of the site shall match those approved on the remainder of the site which uses Albany 'teardrop' Bowl lighting within the site and Iridium lanterns, with louvres, on 4 metre tall poles. All fittings and poles are to be finished in black.

- 15 No dwelling hereby permitted shall be occupied until that part of the road which provides access to it, together with whatever parking provision is shown for it, have been constructed in accordance with the approved plans.

REASON:

To ensure adequate access and parking is provided for the dwellings before they are occupied.

- 16 Prior to the commencement of development, a method statement providing details of measures to be taken to prevent pollution during the construction phase shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved method statement.

REASON:

To prevent pollution of water interests in and around the site.

- 17 No external construction works shall be carried out before 0800 or after 1800 on Monday to Friday or before 0800 and after 1300 on Saturdays and there shall be no external working at any times on Sundays and Bank Holidays.

REASON:

In the interests of the amenities of the occupiers of the existing adjacent dwellings.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order, 2008 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings shall be inserted in the southern (side) elevation of plot 1, western (side) elevation of plot 17 and the western (side) elevation of plot 35.

REASON:

In the interests of the privacy of the neighbouring properties

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road, footpath, access way or amenity area other than those approved by condition 5.

REASON:

In the interests of visual amenity.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order, 2008 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements (permitted by class A) of, of the dwellings on plots 2, 3, 4, 13, 16, 17, 20, 27 and 35 to 40 hereby permitted shall be erected nor shall any outbuildings or structures (permitted by class E) be erected on those plots.

REASON:

To enable the local planning authority to retain control over the enlargement of the dwellings listed in the interests of the proper planning and amenity area.

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

Drawings BRS.2327_01-1, 1009/01 and A3 booklet of all drawings (except those superseded by the amended drawings set out below) including housetype drawings received on 13th May 2009.

Drawings 1009/01C, 1009/61, 1009/02B and 1009/60B received on 3rd July 2009.

REPORT TO EAST AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	23/07/2009
Application Number	E/09/0111/S73
Site Address	Lower Upham Farm Airfield, Ogbourne St George, Marlborough, Wilts, SN8 1SZ
Proposal	Removal of conditions 2 and 3 of K/59355/VAR to allow operation of a training school for microlight pilots using three of the existing aircraft on site
Applicant	J H P Farming Limited
Town/Parish Council	ALDBOURNE
Grid Ref	420724 177666
Type of application	Variation of Condition
Case Officer	Andrew Guest

Reason for the application being considered by the Committee

The application is before the Committee at the request of the Division Member, Cllr Humphries.

Purpose of Report

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

Report Summary

The main planning issues to consider are –

- The impact on the countryside and AONB, and in particular its tranquillity;
- The impact on residential amenity;
- The impact on highway safety.

Site Description

The application site comprises part of a remote farm yard and adjacent field located approximately 1km to the east of the A346 Marlborough to Swindon road. The site and its surroundings lie within the Area of Outstanding Natural Beauty.

To locate the site, travel north along the A346 from Marlborough. Approximately 3.5km beyond the Ogbourne St George bypass (and beyond the district boundary) turn right, (there is no road sign, but there is a name sign for Lower Upham Farm). Follow this single track road for approximately 1km until reaching the Lower Upham Farm farmyard. The site is on the right hand side (that is, to the west of the farm buildings).

Relevant History

K/034326 – Part time use of grain store as hangarage for aircraft. Part time use of adjacent agricultural land for take off and landing strip – approved 28/07/97

This permanent planning permission is subject to a number of conditions including a restriction requiring no more than four aircraft to be stored on the site at any one time, and a personal use restriction to the applicant, J H P Farming.

K/55086/F – Use of grain store and associated buildings as hangarage for aircraft – approved 26/10/06

K/55353/F – Retention of polytunnel hangar for light aircraft – approved 12/12/06

These last two applications were made following an enforcement investigation. They granted temporary planning permission for the developments proposed, expiring on 31 October 2011. They also limit the number of aircraft stored at the site to 10 aircraft and 12 microlights, to be stored inside.

The reason given for the temporary permission was to enable the local planning authority to review the situation at the end of the temporary period (or to effectively ‘test’ the suitability of the more intensive use of the site as a private landing strip and aircraft store).

K/58740/F – Demolition of derelict farm building and erection of a dual purpose hangar/fertiliser store – approved 27/06/08

This planning permission allowed the permanent erection of an agricultural building, but its temporary use only as a hangar, expiring on 31 October 2011. The reason given for the temporary permission was to again test the suitability of the more intensive use of the site as a private landing strip and aircraft store. This application has not yet been implemented.

K/59352/VAR – Removal of condition no. 1 of K/55353/F (temporary planning permission) to allow permanent retention of polytunnel hangar for light aircraft – refused 15/10/08

K/59353/VAR – Removal of condition no. 2 of K/58740/F (temporary planning permission) to allow permanent use of approved fertiliser store as an aircraft hangar – approved 30/10/08

K/59355/VAR – Removal of condition no. 1 of K/55086/F (temporary planning permission) to allow permanent use of grain store and associated buildings as aircraft hangars – approved 30/10/08

The last two planning applications were accompanied by comprehensive noise reports which demonstrated that the levels of activity associated with the developments would not cause any significant adverse impact to surrounding residents. This last planning permission is subject to three conditions which place a restriction on the classes of aircraft that may operate from the site (condition no. 1), a limit on the number of aircraft that may take-off and land on any day at the site and an hours restriction (condition no. 2), and a restriction to leisure purposes (that is, non-commercial flying) only (condition no. 3).

Proposal

This application seeks planning permission to remove condition nos. 2 and 3 of K/59355/VAR to allow “... operation of a training school for microlight pilots from the site using three existing microlight aircraft”.

Condition no. 2 states the following –

With the exception of the one day of the “annual club barbecue”, the total number of take-offs and landings of aircraft and microlights at the airstrip shall not exceed 22 in any single day, except in the event of an emergency. On the one day of the annual “annual club barbecue” the total number of take-offs and landings from the airstrip shall not exceed 72, except in the event of an emergency. In any event, no aircraft or microlights shall take-off or land from the airstrip between the hours of 2300 and 0700 on any day. A log of all take-offs and landings, including dates and

times shall be kept and made available for inspection by the local planning authority at any reasonable time.

Reason: To limit possible noise disturbance in the interests of safeguarding the amenities of the locality.

Condition no. 3 states the following –

The airstrip shall be used for the taking-off and landing of aircraft and microlights used for leisure purposes only and shall not be used for the taking-off and landing of aircraft or microlights carrying either cargo or passengers for gain, except in the event of an emergency.

Reason: To ensure the development remains limited in scale having regard to its remote location in an Area of Outstanding Natural Beauty.

Although the application specifically refers to the applicant's desire to operate a training school for microlight pilots, removal of the two conditions outright would have wider implications, allowing unrestricted numbers of take-offs and landings and unrestricted commercial use of the site by any of the 22 aircraft kept at the site. The applicant, therefore, proposes higher limits on take-offs and landings – these being 80 in total for 300 days of the year and 160 for the remaining 65/66 days (these figures reduced during the processing of the application).

The applicant has provided additional information (in italics) in response to questions raised by the application case officer, as set out below –

Q1 What are the anticipated average and maximum numbers of flying lessons which will be given on any one day? And, is this expected to vary throughout the week/year?

"It is anticipated from previous experience that on any one day as many as 15 lessons can take place but the average is 2 per day. Lessons vary in duration from around 20 minutes to 1 hour 15 minutes. The average number of lessons would tend to be higher in the summer and at weekends".

Q2 What is the anticipated average and maximum number of take-offs and landings of aircraft associated with any one flying lesson?

"The anticipated maximum number of take-offs and landings within a 1 hour lesson is 10 of each but as a lot of the training has to be done away from the airfield, the average is anticipated to be around 2.5 per 1 hour lesson".

Q3 What is the typical content of a lesson (ie: can lessons involve continuous take-offs and landings, one after another)?

"There are in essence two types of flying lesson. One is where the aircraft does upper air work away from the airfield or goes away on a cross-country training flight. The other involves multiple take-offs and landings. It is expected, again from experience, that the lessons involving multiple take-offs and landings (up to possibly the maximum of 10 per hour) would account for approximately 20% of the lessons".

Q4 The application refers to three aircraft being used for flying lessons. Does this mean that there would be three instructors potentially giving three lessons at the same time?

"A third aircraft was applied for to enable the school to be able to offer an aircraft to newly qualified students, in order that they may gain their early

experience whilst still being able to have support of a school environment. These flights would normally be flown away from the airfield, visiting other airfields. It is, therefore, not expected that three instructors would be teaching simultaneously”.

The applicant has also commissioned an assessment of noise to determine the noise levels on the Ridgeway Path and in Upper Upham from two types of micro-light aircraft flying circuits over the airfield compared with the background noise levels in the same areas. The assessment draws the following conclusions –

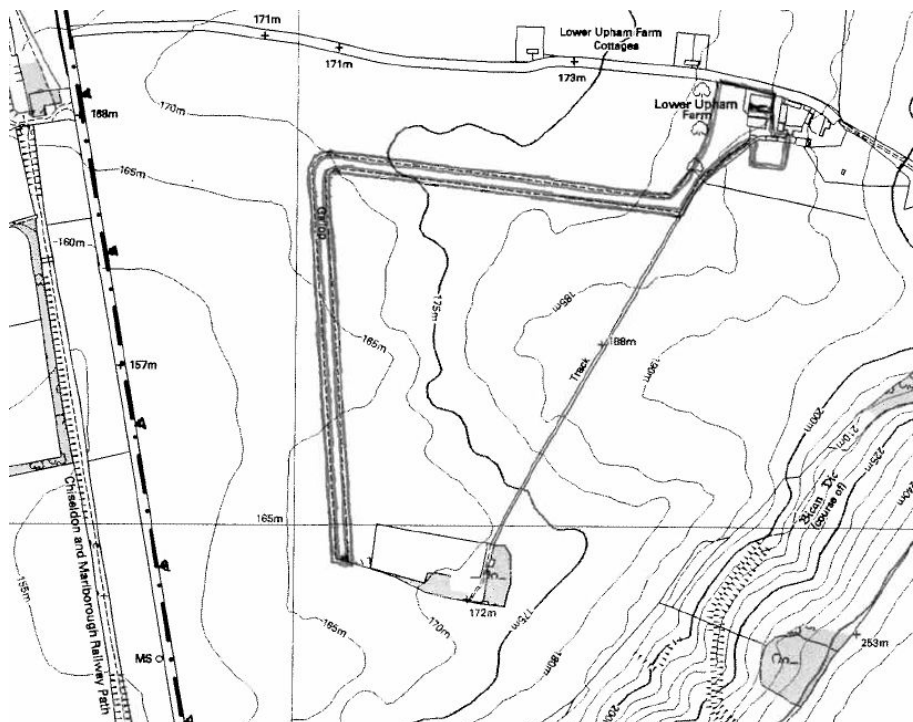
“It was found that [noise] levels over the Ridgeway Path are audible with both types of aircraft, the smaller Pegasus being the louder of the two. However, the noise would only be considered to be a dominant source for the leg which runs directly over the Ridgeway, typically a 60 second leg in a 5 minute circuit. At this time levels may be 10-15 dB(A) over the background conditions.

Over any five minute period, or longer, when the airfield training occurs, the predicted levels on the Ridgeway would be some 2 dB above background for the Ikarus aircraft and some 8 dB for the Pegasus aircraft.

At the village of Upper Upham, it is confirmed that the Ikarus aircraft has no impact on the acoustic environment there. The smaller Pegasus aircraft can be heard, albeit faintly.

... it is noted that all values of LAeq, 1 min (or longer) are below WHO guidance for limiting noise levels in external amenity space”.

The full noise assessment is available to view on the working file or through Planning Explorer.



Site Plan

Planning Policy

Kennet Local Plan – Policies PD1 and NR7.

Central Government planning policies in PPS7 and PPG24.

Consultations

Aldbourn Parish Council: *Initial application* - Objection – the removal of these conditions would significantly increase air traffic and the resultant noise pollution in the AONB. There would also be additional vehicular traffic exiting on to the A346 at what is a very dangerous junction.

Further comments following additional information – Objection – any increased air traffic will severely affect the amenity of the hamlets of Woodsend and upper Upham which are already badly affected and cause further noise pollution in the AONB. The application delivers no environmental or economic benefits.

Ogbourne St George Parish Council: *Initial application* - Objection – the airstrip is less than 300m from this Parish's boundary and both runways take off or land over the Parish. The reasons for condition no. 2 remain wholly valid. Whilst the applicant's property is in the adjacent parish the flying patterns invade the airspace of this Parish and even with the current restriction there is frequent noise disturbance by microlights especially at the weekend. It would be intolerable if it were to increase. Furthermore, each microlight is an invasion of the resident's privacy.

Similarly the reason for condition no. 3 is most important. This AONB must be seen to be preserved without the excesses that this application would bring in terms of increased traffic and visual distraction to motorists.

The original application made in 2006 granted temporary permission only until 2011 solely for the benefit of the owner. However, it is understood that the flying school will be operated by another, not the owner. Subsequent applications have removed conditions and diminished the efficacy of the conditions originally imposed. Each subsequent application appears to have sought to 'chip away' at the original imposed conditions making a mockery of the planning process. The applicant's agent has admitted in the application that the conditions for the annual barbeque were breached with 140 aircraft visiting the site which must lead to 280 or more take-offs and landings whereas the site is limited to a total of 72 on that day.

Further comments following additional information – the Parish Council's original strong objections are only enhanced by the amended application.

The application shows that there is the expectation that flights will increase from the current maximum level of 22 movements a day (as limited by the conditions of the planning decision – in the interests of safeguarding the amenities of the locality) to 80 on 300 days and 120 for the rest. Furthermore it is clear that these are regarded by the applicant as average (Letter from Agent J C Pattison Downland Building Projects 10th March 2009 prior to applicants statement of expected movements "In periods of good weather there would be more movements but the average would still not be much greater than at present") and taking that there may well be a total of at least three months (90 days) when conditions prevent flying this would compute to an average of 116 movements per day or approximately 10 per hour. This is wholly inconsistent with the Area of Outstanding Natural Beauty and the commitment by the Council to maintain its management plan as elucidated in the letter from John Kirkman Chairman CPRE Kennet District Group.

The noise assessment is simply misleading. It has not been done in Ogbourne St George (where it will affect a much more significant population than Upper Upham) which already suffers from the constant drone and invasion of privacy of microlights whether or not from this airfield. Any increase in this overhead noise pollution and privacy invasion would be wholly unacceptable.

It is also noted that the original permission (K/55086/F) was granted for JHP Farming Ltd and subject to specific conditions including –

1 This permission is for a temporary period expiring on 31 October 2011 on or before which date the use shall cease and the buildings shall revert to the previous use lawful under the Planning Acts. REASON: To enable the local planning authority to review the situation at the end of the period specified, given that the scale and nature of the aviation use has changed and increased substantially since planning permission was originally granted and also given that the site lies within an otherwise tranquil part of the North Wessex Downs Area of Outstanding Natural Beauty.

2 This permission shall enure for the benefit of the applicant only, and only whilst the applicant is in ownership and occupation of Lower Upham Farm, and shall not enure for the benefit of the land. Use of the buildings shall revert to the previous agricultural use lawful under the Planning Acts on cessation of the hangarage use by the applicant. REASON: To ensure that the scale and nature of the operation remains essentially as described in the application and is not separated from the agricultural operations of the farm, to safeguard the character and appearance of this part of the North Wessex Downs Area of Outstanding Natural Beauty.

Whilst the amended application is in the name of J H P Farming Ltd the noise survey has been undertaken on behalf of Upham Aviation, c/o Field Rise, Kite Hill, Wanborough, SN4 0AW. It would appear that these original conditions will be breached.

The Parish Council pointed out previously that the applicant's were, by their own admission, already in breach of the conditions relating to movements on their annual barbeque day.

There is no point in declaring Areas of Outstanding Natural Beauty if measures to protect them are ignored by planning approvals. The Parish Council reiterates its strong fundamental objection to this application and requests its refusal.

KDC Environmental Health Officer: Having spoken to the applicants at some length, commissioned an amended noise report and been present during the testing I am now in a position to comment fully upon the likely noise impact in the area.

The operation has two distinct modes:

- 1) Training flights that may repeat the same route frequently to build a pilots skills in take offs and landings, so called circuits and bumps.
- 2) Long distance flights where the take off and landing are separated by substantial periods of time.

The second mode of operation is unlikely to generate any level of nuisance since noise levels are low and duration limited. This also mirrors the current operation of the site which has operated without complaint for a number of years. The impact of such flights on surrounding hamlets and villages would be restricted due to the increased altitude of aircraft as they move away from the airfield. Incoming flights tend to be quieter as they occur with the aircraft slowly approaching upwind of the airfield under minimal power.

The training flights do pose a greater risk of nuisance primarily due to their increased frequency. The applicants have indicated that they will operate 'no fly' zones of the neighbouring hamlets and villages to prevent nuisance arising. The greatest risk therefore is the loss of amenity value to recreational users of the area such as walkers along the Ridgeway long distance path.

The revised noise tests undertaken on the 21st May 2009 were designed to consider both the impact upon users of the footpath and residents of the nearest hamlet of Upper Upham. As indicated more fully in the report two aircraft were flown directly above the Ridgeway in simulation of a 'circuits and bumps' pattern. The noise level

was then measured at both the Ridgeway and at the edge of Upper Upham closest to the Ridgeway. This test was designed to simulate the worst possible scenario with regard to noise levels. The aircraft were also flown directly into the wind to place the maximum load upon the engines and generate the maximum noise levels. The aircraft were flown at the minimum safe height above the Ridgeway.

I was present during the tests and can confirm that the flights were flown as specified and that I personally selected the monitoring sites. Several legs of each flight were flown to ensure consistency of results.

I am happy with the details of the noise report and can confirm that the readings were those I observed during the tests. Conditions during the test were windier than ideal but this did serve to increase the noise levels and in no way favoured the applicants.

The first set of tests were along the Ridgeway. The aircraft were clearly visible and audible whilst flying above and along the footpath. The transit time varied from around 50 seconds to a minute and 20 seconds. The longest time occurred whilst flying the smaller Pegasus aircraft into the wind. There was a significant difference between the upwind and down wind legs, the down wind flight being noticeable quieter. Whilst the presence of the aircraft was noticeable to anyone walking the footpath it is likely that their significant exposure would be limited to no more than two or possibly three circuits as they walked along this section of the Ridgeway.

At Upper Upham the noise levels from both aircraft were negligible. The Ikarus was inaudible and the Pegasus was only faintly audible over the background noise. Provided that there was no overflying of the village as indicated in the application there is only a very minimal risk of any nuisance being caused to residents. In discussion with some of the residents of Upper Upham it became clear that aircraft from the parachute school at Wanborough were a source of annoyance. During the test a number of other light aircraft and helicopters were witnessed in the area with some at noise levels exceeding those witnessed from the Lower Upham airfield.

In conclusion it is unlikely that the proposed operation would generate a nuisance to local residents but there would be an impact upon walkers using the Ridgeway. The extent of this impact is likely to be of limited duration but would be exacerbated by intensive use of the airfield. Unfortunately it is predictable that periods of fine weather would both encourage more walkers and a larger number of flights.

WCC Highways: no objection in principle, but concerns have been raised that vehicles turning right on the A346 are at risk from other vehicles heading north over the summit. There is acceptable forward visibility for vehicles travelling at appropriate speeds, but there is potential at the junction to increase the signage and therefore to increase the amount of warning available.

There should be a negative condition that the development shall not be commenced until a further warning sign for northbound traffic on the A346 has been erected in accordance with details to be submitted to and approved by the Lpa. The applicant will be required to bear all costs of providing and erecting the sign.

Publicity

The application has been advertised by way of a site notice. Local neighbour notification has also been carried out.

The initial application generated 31 objections from the owners/occupiers of Upper Upham House, Upham House, Upham Farm House, Upham Gardens, The Gate House, The Chapel, Eyres Barn, & nos. 1, 2, 3, 4, 5, 6 Summerdale, Upper Upham; The Old Forge & Coombe Lacey Farm, Ogbourne St George; Aldbourne Warren Farm; 2 West Street, 14 Marlborough Road, North Farm, Ford Farm & Stock Lane House, Aldbourne; Baydon Manor & 1 High Street, Ramsbury; Woodsend Farm; and

5 Wild Acre, Wansborough; and from CPRE and The Ramblers Association, summarised as follows:

- Noise from low-flying aircraft from the airfield already creates disturbance and loss of amenity to residents. The proposal would increase this disturbance;
- The airfield lies within an AONB, and a major part of the beauty is the quiet serenity of the area. PPG24 states that special consideration should be given to development which would affect the quiet enjoyment of AONBs. The senses of remoteness and tranquillity are two of the defining characteristics of the AONB. These would be seriously affected if intensification of the use is permitted;
- Removal of the conditions would allow unrestricted flying activity for 365 days a year, 24 hours a day. As many as 18 flights an hour would be possible. Removal of the conditions would defeat the purpose of their imposition – that is to safeguard amenity and limit the scale of the development;
- Removal of the conditions would allow unrestricted commercial use of the site. Commercial use would be incompatible with existing uses in the area and would be seriously detrimental to the character of the AONB;
- The operation of microlights and other light aircraft from grass strips, on an appropriate scale, is a legitimate activity in the countryside. In this case on the basis of the information supplied, on the busiest days of the year an aircraft would be either landing or taking off on average every three minutes. Commercial operation of the airfield on this scale and intensity is inappropriate in an AONB and would be detrimental to users of the Ridgeway and other public rights of way close to the site by reason of noise;
- Noise affects livestock and wildlife;
- Additional noise from the one day of the club barbecue may be tolerable, but not during the rest of the year;
- Aircraft taking-off and landing is distraction to vehicular traffic on nearby roads;
- There are already many microlight schools and airfields in the vicinity. There are too many airfields in the locality, each contributing to the noise and disturbance. It is evident from other airfields that microlight training involves low level flying;
- The present restrictions may well already be exceeded in any event;
- This application follows a series of other applications to intensify activity at the site; further applications will follow which would be difficult to refuse;
- The development requires Environmental Impact Assessment which has not been carried out.

The initial application generated 7 letters of support from 2 Lower Upham; 56 The Street, Liddington; 10 Sombre Road, 60 Home Close & 14 Cambrai Road, Chiseldon; 4 Jenner Close, Wanborough; and 29 Cook Road, Wldbourne, summarised as follows –

- Countryside should be shared by all for different leisure pursuits, including flying. The community needs to be structured to accommodate all leisure needs, including flying. The airstrip provides benefits for the local community – for example, local scout groups are involved with fly-ins;
- Microlights are now quiet and regulated as such. Microlights are not numerous or noisy, they pass by in under a minute, and only on fair weather days, and produce less noise than the lawn mowers and hedge trimmers we accept hour after hour come rain or shine. As a near neighbour at Lower Upham, there have been no problems with noise or disturbance;
- The 'jump plane' for parachutists flying out of Redlands makes more noise;
- Objections are unfounded and arise from fear of the unknown;
- Proposal will provide local employment;
- Hours restriction will ensure amenity is protected;

- The airstrip is not an issue for Aldbourne;
- Restrict this airstrip and activity will move to other airstrips in locality anyway;

Following the submission of additional information (specifically, the noise report) additional objections have been received, including from The Friends of the Ridgeway and CPRE, summarised as follows –

- The Ridgeway is one of Wiltshire's most precious assets, ranking alongside Avebury and Stonehenge in its historical significance. It is a visitor attraction which provides a place to escape from the noise and bustle of modern life, a place to enjoy the scenery and to appreciate flora and fauna. At present the number of take-offs and landings is restricted, but aircraft still fly low over the Ridgeway which is to be regretted. This application is for effectively unlimited use – a calculation shows that this could result in over-flying every 10 minutes. This would make being on the Ridgeway comparable to being on the flight path of a busy commercial airport. The proposal would, therefore, be damaging to the peace and tranquillity of the Ridgeway and AONB at large;
- The massive increase in flying is a serious threat to the quiet enjoyment of this corner of the AONB. Residents and visitors are entitled to expect protection from "development which would affect the quiet enjoyment of AONBs" (PPG24). Remoteness and tranquillity are two of the three defining characteristics of the North Wessex Downs listed in Policy DP2 of the NWDAONB Management Plan. It states "they are under great threat. It is of absolutely fundamental importance to the future of the national landscape that these characteristics are robustly defended";
- No justification other than financial gain has been forwarded for the six-fold increase in movements proposed;
- In leisure terms the development will benefit a few only. In financial terms it will benefit the applicant significantly, and the use will be maximised for this end;
- The noise report confirms that aircraft over-flying the Ridgeway will be a dominant source of noise at 10 minute intervals;
- The Friends of the Ridgeway campaigned long and hard to restrict use of off-road motor vehicles on the Ridgeway because of the damage they did to the surface of the trail and the noise pollution they created. Aircraft would be a worse source of noise;
- Other conditions are being breached – outside storage of aircraft and movements above the restriction on day of annual club barbeque;
- Similar limitations on movements were imposed on the contentious permission for use of Redlands for flight training, and that site is not in the AONB. Surely Lower Upham should have greater restriction?;
- Permission should remain personal to the landowner, and use should cease when his ownership of the land ends;
- Further development will be proposed – next skydiving?;
- Aircraft movements are a distraction to traffic on the A346;
- Noise survey is concerned with volume of noise only and not the nature of the noise – the nature of aircraft noise is very annoying (unlike, for example, church bells);
- Noise report demonstrates that noise levels would have an adverse effect on residential properties in the vicinity of the site and upon the tranquillity of the area which is AONB. Visually, proposal would also be damaging to the AONB. Noise report does not give a fair assessment and so should not be accepted – evidence from a single set of conditions is inadequate, no information is given about altitude, circuit was not normal, no details of aircraft power settings, no measure of overheard aircraft at Upper Upham, LAeqT is not an appropriate measure for distinct noise events (such as aircraft) – averages over a day are scarcely relevant.

Planning Considerations

The main issues to be considered in this case are the acceptability of allowing increased numbers of take-offs and landings of aircraft from the site and the acceptability of allowing commercial use in the form of a microlight flying school having regard to the site's location within an Area of Outstanding Natural Beauty populated by isolated dwellings and hamlets. The use is presently restricted by planning conditions which were imposed at least in part in view of the lack of evidence to demonstrate that more intensive activity would not be harmful to these considerations. Other conditions are not affected by the proposal – in particular, the actual restriction on the number of aircraft that can be stored at the site which would remain limited to 22.

Although the application is for complete removal of the two conditions, the applicant's actual stated intention is to operate a flying school for microlight pilots, this involving just three microlight aircraft already kept at the site. No other commercial operation is proposed. In terms of the numbers of take-offs and landings associated with this use, the applicant has stated that the average generated by the flying school (that is, in addition to other 'non-commercial' flights) is anticipated to be approximately 10 per day, although the stated maximum for all take-offs and landings is 160 per day for 65/66 'good weather' days of the year, and 80 for the remaining 300 days, (although in practice these levels could not be achieved on every day due to varying weather conditions and visibility). These figures have been reduced during the processing of the application from an initial high of 240 per day.

Under the terms of Section 73 of the Town and Country Planning Act local planning authority's must consider only the question of the conditions subject to which the previous planning permission was granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly; but if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

Impact on the Area of Outstanding Natural Beauty

Areas of Outstanding Natural Beauty (together with National Parks and the Broads) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. PPS7 advises that the conservation of the natural beauty of the landscape and countryside should be given "great weight" in planning policies and development control decisions in these areas. The primary purpose of the AONB designation is to conserve and enhance natural beauty.

The application relates to an existing airstrip in the AONB. No physical alterations are proposed to this airstrip, or to any other buildings or structures at the site. To all intents and purposes the site will continue to "read" as an open field and farmyard, and consequently no harm to the appearance of the landscape would result.

The proposal would result in additional movements of aircraft at the site, both on the ground and in the air. However, such transitional activity, at a considerable distance from principal public vantage points, would not detract from the overall sense of remoteness and tranquillity of the AONB.

Noise

Many of the objections to the application relate to noise generation from more intensive use of the site by aircraft. The application is accompanied by a noise survey carried out in accordance with a specification laid down by the Council's Environmental Health Officer. As set out in his consultation response above, the EHO noted two types of aircraft movement – training flights that repeat the same

route frequently in take offs and landings ('circuits and bumps'); and long distance flights where takes offs and landings are separated by substantial periods of time. The second mode of operation is unlikely to generate any level of nuisance because noise levels are low and short in duration (once the aircraft takes off it then moves away from the air field).

The training flights pose a greater risk because the aircraft would effectively circle on a pre-determined route whilst completing the 'circuits and bumps'. The survey of noise generated by this activity was undertaken in two places – on the Ridgeway footpath and at Upper Upham (the closest significant cluster of residential properties). Two aircraft were recorded – the Ikarus microlight and the Pegasus microlight.

From the survey the EHO concludes that at Upper Upham the noise levels from both aircraft were negligible. Specifically, the Ikarus was inaudible and the Pegasus was only faintly audible over background noise. The EHO further concludes from this that provided that there is no over-flying of Upper Upham then there is only a very minimal risk of any nuisance being caused to residents. Similar conclusions can be drawn in relation to the impact on other settlements in the locality which are no closer to the airfield than Upper Upham.

With specific regard to over-flying, it is the policy of the airfield to not over-fly nearby settlements, the applicant's agent stating the following –

"The 'no-fly' areas operated by the applicants are over Ogbourne Downs Golf Club (which effectively includes most of Ogbourne St George) and the hamlets of Woodsend and Upper Upham. These are shown on the circuit maps provided and are rigidly observed. Any flier who blatantly ignores this ruling is asked to leave the group. This has happened twice in the years that the airfield has been operating.

Any aircraft overflying these areas is either almost certainly operating from elsewhere or a military aircraft. Military helicopters in particular have been known to do so on rare occasions".

In view of the evidence set out in the noise survey, and the 'self-policing' policy of the airfield, an objection to the proposal based on noise disturbance to residents in the locality could not be sustained.

Regarding the noise survey on the Ridgeway, the EHO noted that the aircraft were clearly visible and audible whilst flying above and along the footpath (which is on the 'circuits and bumps' route). However, the over-flying time was limited to no more than 1 minute meaning that the noise is short-lived. Furthermore, because the majority of users of the Ridgeway would themselves be continuously moving (that is, walking the path), the significant exposure would be limited to no more than two or three circuits in any event before they would be out of range.

In view of this, it is not considered that the limited exposures to noise on users of the Ridgeway from the aircraft would amount to a sustainable reason for objecting to the development.

It should be noted that although the applicant is proposing a maximum of 160 take offs and landings on 65/66 days of the year, this is likely to be an extreme maximum dependent on factors including the weather, visibility, and demand. The actual average numbers of movements over the period would be less.

In terms of amenity and tranquillity it is concluded that the proposal, although having a greater impact than existing, such impact would be transient and would not cause sufficient disturbance to warrant an objection.

Proposed number of take-offs and landings

The airfield is presently limited to 22 take-offs and landings in any one day (with 72 allowed on the club's annual barbeque day). The proposal is to increase this basic figure to 160 per day for 65/66 days and 80 per day for 300 days. On face value these are significant increases which amount to an aircraft potentially either taking off or landing once every 4.5 minutes over a 12 hour period (at 160 per day). In reality, however, it is unlikely that this frequency would be achieved every day because of external influences and other planning controls.

External influences include the weather, visibility and demand, whilst planning controls include the limitation on the number of aircraft which can actually be kept at the site (which is 22 in total). The requirement for a relatively high figure is at least in part to enable the training school to carry out 'circuits and bumps', although according to the applicant these in fact make up only approximately one fifth of all lessons in any event (the other four fifths being 'cross country' lessons).

In essence, the high figure is proposed to allow for the unusual scenario of perfect flying conditions on a day when the maximum number of lessons would be carried out (that is approximately 15) using two aircraft, and with all lessons involving 'circuits and bumps'. In reality the applicant advises that the actual average number of lessons is likely to be 2 per day with the average number of take-offs and landings per lesson being approximately 2.5 per hour lesson. This equates to an average of 10 take-offs/landings per day for two aircraft. In addition to this there would also be the take-off/landing of other leisure aircraft kept at the site, but again this is likely to be relatively small numbers.

Applying the maximum figure for movements proposed by the applicant is, therefore, considered appropriate, this allowing for peaks in demand, although in reality the actual number of movements is likely to be less. A condition is proposed restricting the maximum to 160 per day throughout the year (a split between 160 and 80 being unenforceable). It is probable that the days on which maximum movements may be achieved would be sunny weekends during the summer. However, as set out above, there should be no harm to amenity in any event, and consequently no objection is seen to this.

Other matters

Reference has been made to over-flying of villages and low-flying aircraft in general. As is evident, the airfield applies its own effective management policies in respect of over-flying. The over-flying which occurs cannot be directly attributed to Lower Upham Airfield having regard to the number of airfields in the locality. Indeed, it is known that a parachuting aircraft, which is highlighted as being a particular cause of disturbance, is in no way connected with Lower Upham airfield. In relation to parachuting, the applicant has stated that there is no intention to offer this facility at the site.

Regarding the visibility of aircraft from nearby roads, no objection has been raised by the Highways Officer to this.

Regarding future proposals at the site, these (if any) would be the subject of further planning applications which would be considered on their merits at that time.

The proposal does not require EIA as no operational development is proposed and there would not be significant increases in air or road traffic.

RECOMMENDATION **Approve with Conditions**

- 1 The classes of aircraft operating from the site shall be limited to light aircraft operating on a Certificate of Airworthiness, light aircraft operating on a Permit to Fly, and microlight aircraft operating on a Permit to Fly only, and no aircraft shall exceed 1250 kg all up weight (that is, loaded). No other classes of aircraft, or aircraft exceeding 1250 kg all up weight, shall be permitted to operate from the site unless in an emergency.

REASON:

To enable the local planning authority to retain control over the classes and weight of aircraft operating from the site in the interests of safeguarding the amenities of the locality which is an Area of Outstanding Natural Beauty.

- 2 The total number of take-offs and landings of aircraft and microlights at the airstrip shall not exceed 160 in any single day, except in the event of an emergency. No aircraft or microlights shall take-off or land from the airstrip between the hours of 2300 and 0700 on any day. A log of all take-offs and landings, including dates and times, shall be kept and made available for inspection at any reasonable time.

REASON:

To limit the maximum number of take-offs and landings in the interests of safeguarding the amenities of the locality.

- 3 The commercial use of the application site shall be limited to a single training school for microlight pilots only. No other commercial use shall be carried on from the site. The airstrip shall be used for the taking-off and landing of aircraft and microlights used in connection with the training school or for general leisure purposes only, and shall not be used for the taking-off or landing of aircraft or microlights for any other purpose, including the carrying of cargo or passengers for gain, except in the event of an emergency.

REASON:

To ensure that the development remains limited in scale having regard to its remote location in an Area of Outstanding Natural Beauty.

- 4 No more than two aircraft or microlights shall fly 'circuits and bumps' at any one time from the airstrip.

REASON:

To limit possible noise disturbance in the interests of safeguarding the amenities of the locality.

- 5 The training school for microlight pilots shall not begin operating until a further warning sign for northbound traffic on the A346 has been erected in accordance with details to be first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

- 6 INFORMATIVE TO APPLICANT:

To clarify the terms of this permission, condition no. 1 replaces condition no. 1 of K/59355/VAR; condition no. 2 replaces condition no. 2 of K/59355/VAR; condition no. 3 replaces condition no. 3 of K/59355/VAR. Condition no. 3 of K/55086/F, which restricts the total number of aircraft kept at the overall site to 10 aircraft and 12 microlights, continues to apply.

- 7 INFORMATIVE TO APPLICANT:

In relation to condition no. 5 the applicant is advised to contact the WC Highways Officer for advice (Mr M Wiltshire - 01225 713448).

8

INFORMATIVE TO APPLICANT:

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

OS Landplan 1:10000 received by the lpa 23/01/09;

Assessment of Environmental Noise Impact by Ian Sharland Ltd dated 01/06/09;

Supporting email from Mr Pattison dated 09/07/09.

Date of Meeting	23/07/2009
Application Number	E/09/0663/FUL
Site Address	Wansdyke Farm, Ham Spray, Marlborough, Wilts, SN8 3QZ
Proposal	Retention of a straw barn, machinery storey, straight store, slurry handling store, silage clamps, attenuation pond and cattle building
Applicant	Mr Steve Fisher
Town/Parish Council	HAM
Grid Ref	434167 163187
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The application is before the Committee at the request of the Division Member, Cllr Stuart Wheeler.

Purpose of Report

To consider the recommendation that the application be approved.

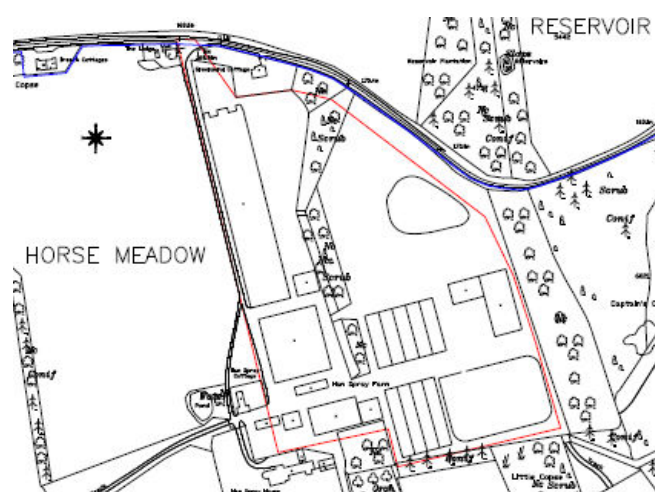
Report Summary

The main planning issues to consider are –

- The impact on visual amenity (including the AONB);
- The impact on highway safety;
- The impact on residential amenity, including the potential for smell/flies;
- The impact on the setting of a listed building.

Site Description

The application site lies in a remote location, approximately 1.2km to the east of Ham and close to the county border with Berkshire. The site comprises a large farmyard forming part of the 724 ha Wansdyke Farms agricultural estate.



Site Location – the long building east (right) of the Horse Meadow is the largest in the application

The farmyard itself supports a number of contemporary farm buildings and silage clamps providing a 'robotic milking' unit. There are also nearby dwellings forming part of the farm, and a farmhouse (listed grade II) in separate ownership.

Planning History

K/51561/F – Dairy unit and cow housing, silage clamp and dirty water lagoon – approved 13/04/05

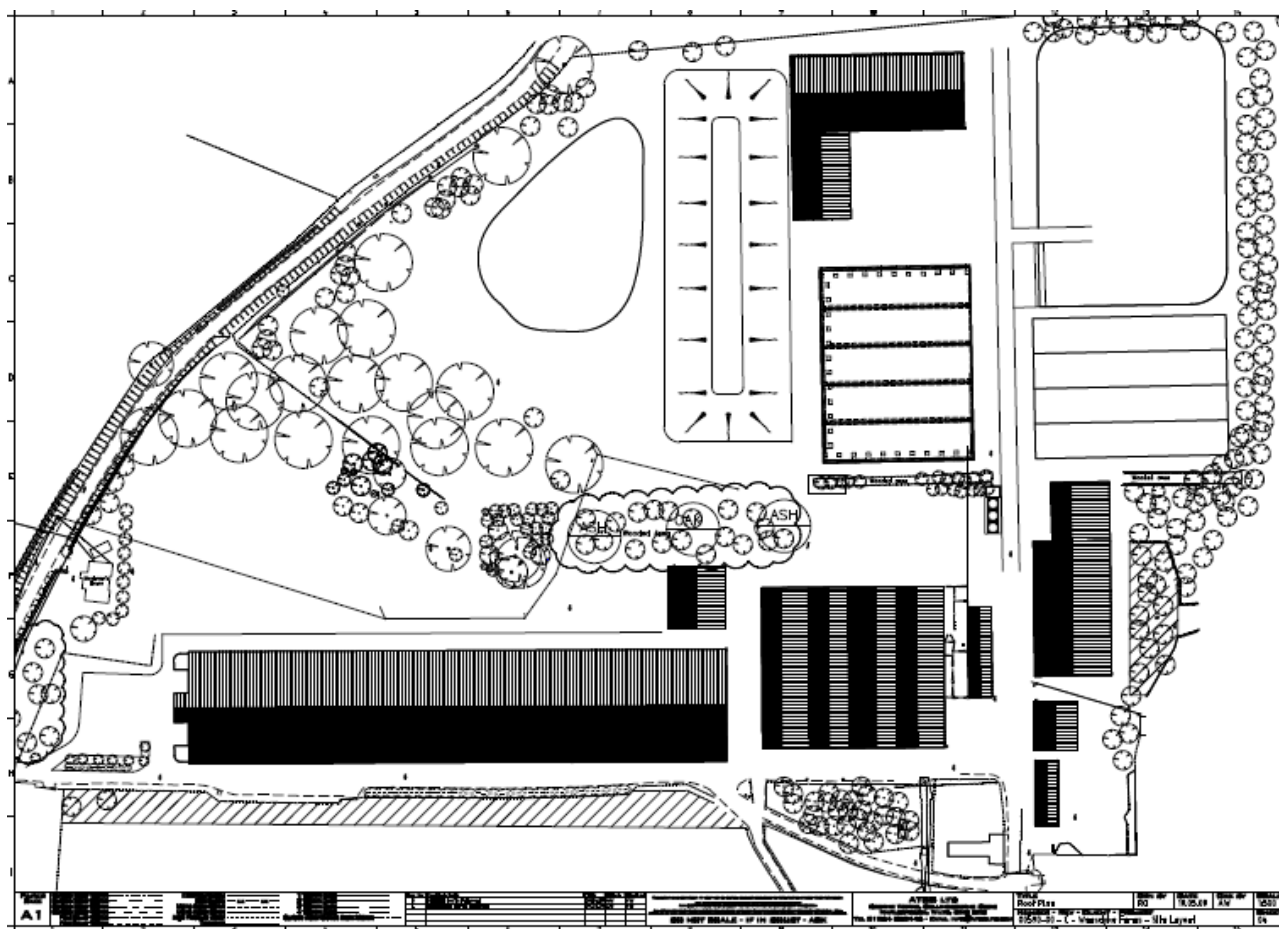
K/50601/F – New straw storage building – approved 23/09/04

K/50593/F – Extension to sleep feed building for cows – approved 08/09/04

Proposal

A dairy unit, silage clamps and dirty water lagoon have been constructed at the site, but not in accordance with the planning permissions set out above. Additionally, a straw barn, machinery store, straight store, slurry handling store, additional silage clamps and an attenuation pond have been erected/constructed without planning permission. The current application, therefore, seeks planning permission to retain these unauthorised developments.

The buildings are located on, or adjacent to, the original farmyard. The largest of the buildings (the dairy unit) provides some 5989 sq m of covered floor space (compared with 5660 sq m originally approved). The other buildings are smaller, but all are contemporary in design (steel portal frames with fibre cement roofs). The storm water attenuation pond lies to the east of the dairy unit on the former 'milking ground'.



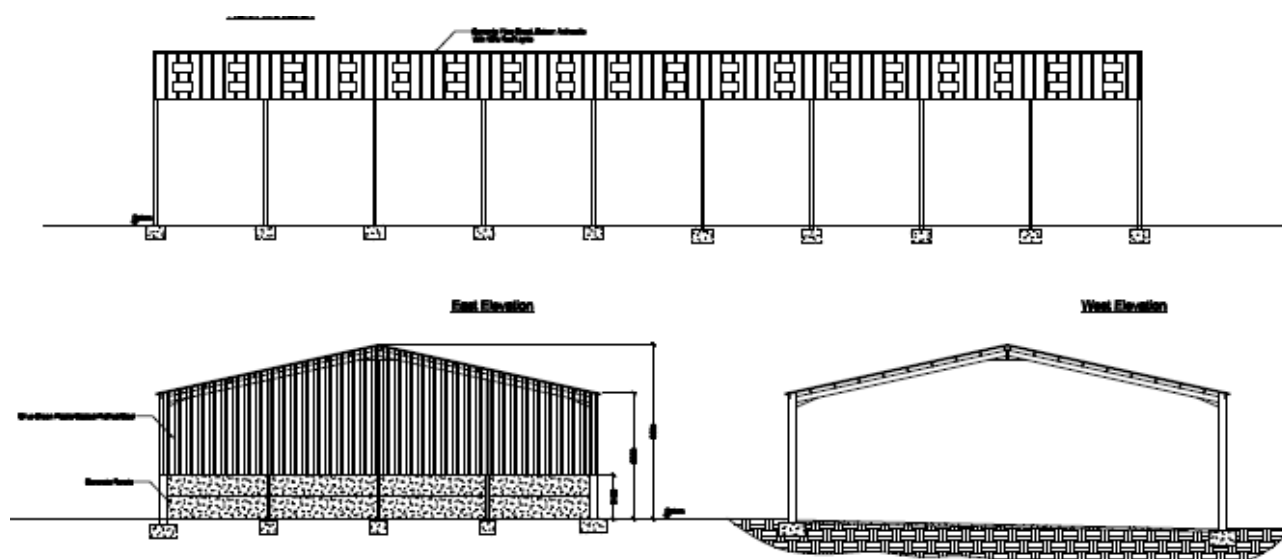
Layout of farm buildings and works, as built

Although the buildings stemming from the original planning permissions have not been built, the landscaping required as part of these permissions has been carried out, together with additional planting around the storm water attenuation pond.

In support of the application the applicant's agent states the following:

"This new dairy unit was not built to the approved design. After site work had commenced a major management decision was made to completely change the herd management and milking system to robotic milking. This required a complete design change to the building to accommodate the revised system of cow housing; in addition the farm had already purchased a complete herd of pedigree cows to improve breeding within the existing Wansdyke herd and these were already at the farm. With an outbreak of foot and mouth disease and the farm already over stocked, staff and animal welfare was a major priority, an additional building [nos. 2 & 3 on plan] was required urgently, the alternative being the slaughter of the healthy animals. In hindsight planning consent should have been submitted as essential work progressed, even if it were retrospective. Unfortunately this was not the case".

Further planning applications are under consideration for developments at Lower Spray Farm, also in the ownership of the applicant.



Typical building design (straw barn)

Planning Policy

Kennet Local Plan 2011 – Policy PD1, NR7.
Central Government planning guidance – PPS7.

Consultations

Ham Parish Council: Objection. Firstly, in view of the retrospective nature of the application; and secondly, in view of the failure on the part of the applicant to make a convincing case for the retention of all the additional structures, particularly those originally erected for temporary use to meet an emergency. The lpa should satisfy itself that the environmental implications of the development are fully considered.

Inkpen Parish Council (adjoining parish council): Objection pending an environmental impact assessment and in particular the effect of water run-off and potential flooding in the area adjacent to the site, and examination of the drainage system on site, and the impact of increased farm traffic movements.

West Berks District Council (adjoining lpa): no objection.

Highways Officer: no objection.

Landscape & Countryside Officer: no objection.

Environmental Health Officer: views awaited.

Environment Agency: no objection subject to informatives.

Publicity

The application has been advertised in the local paper and by site notice (the development being 'major'). Neighbour notification has also been carried out.

Objections to the application have been received from eight third parties (Ham Green Cottage, Sunningdale, 1 Acorn Cottages, 1 & 2 Breach Cottages, Eastcourt House, 'Pro Vision Planning & Design' on behalf of Ham Spray House) summarised as follows –

- Site is in open countryside and AONB. Site is visible from distant elevated footpaths. The buildings, by virtue of their size, mass, spread and visibility (including at night through rooflights), stand out in the landscape. The 'industrial' form of the buildings and yard is inconsistent with the general nature and character of farm enterprises in the locality which are generally smaller in scale. Development is contrary to the lpa's landscape character assessment in that there is no repair or enhancement of landscape;
- The livestock building is approx. 140m from Ham Spray House (and 100m from its residential curtilage). The silage clamp is within 10m of the domestic curtilage. Other residential properties are also nearby. Occupiers of Ham Spray House will experience noise and odour nuisance arising from livestock to the detriment of amenity;
- Ham Spay House is a listed building. The development harms the setting of the listed building;
- It is untenable to suggest that no additional landscaping is required beyond that agreed as part of earlier planning permissions;
- No reference is made in the application to the link between Wansdyke Farm and Lower Spray Farm where further retrospective applications have been lodged by the applicant;
- Objections raised to retrospective nature of application, made some three years after development commenced. This sets an unfortunate precedent for others to similarly flaunt planning regulations;
- Dairy unit is larger than that originally approved suggesting greater number of cows than originally envisaged, and additional traffic. Local road network is unsuited to additional commercial traffic;
- Local roads and surrounding land are prone to flooding following prolonged rainfall. As far as is known the drainage system has not been modified to take account of the new structures;
- Since construction there has been a noticeable increase in fly numbers, unpleasant odours and noise, to the detriment of residential amenity;
- It is understood that the farm has been, or will be, sold shortly. It is therefore not known whether or not the agricultural enterprise remains necessary and justified in connection with the as yet unknown intentions of the new owner;
- No Environmental Impact Assessment accompanying the application leading to potential challenge of decision;
- No agricultural appraisal accompanying the application;
- Insufficient information in support of application (section drawings, level details, tree survey, etc.);
- Inadequate community involvement by applicant at pre-application stage;

no Scheme of Community Involvement accompanying application.

Planning Considerations

The main issues to be considered in this case are the impact of the development on the countryside and Area of Outstanding Natural Beauty, the impact on highway safety, the impact on residential amenity, and the impact on a listed building (Ham Spray House).

The retrospective nature of the application is not a relevant planning consideration. Although it is unfortunate that the development has already taken place, this in itself is not a reason to refuse planning permission. Similarly, although concern has been expressed over a lack of local consultation on the part of the applicant, this again is not a reason to refuse planning permission.

Impact on the countryside and Area of Outstanding Natural Beauty

The application site lies within a particularly remote part of the countryside designated as an Area of Outstanding Natural Beauty (AONB). Within the AONB there is a requirement for councils to consider whether development conserves or enhances the natural beauty of the landscape. PPS7 states that AONB's (together with National Parks and the Broads) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The PPS further states that 'major' developments should not take place in these designated areas, except in exceptional circumstances and following rigorous examination. Matters which should be assessed are the need for the development and the impact of permitting it, or refusing it, on the local economy; the cost, and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.

PPS7 also refers to agricultural development in general, recognising the important and varied roles of agriculture, including the maintenance and management of the countryside and landscapes. The PPS states that support should be given to development proposals which will enable farming and farmers to become more competitive, sustainable and environmentally friendly; adapt to new and changing markets; comply with changing legislation and associated guidance; diversify into new agricultural opportunities; or broaden their operations to 'add value' to their primary produce.

It goes without saying that agriculture is an implicit component of the countryside which contributes significantly to its character and appearance. Much of the landscape enjoyed by the public at large exists as a consequence of its continued management by farmers. As a matter of principle agricultural development is appropriate within the countryside, including within protected areas such as AONB's, subject to their being no detrimental effect on the environment in particular.

In this case the proposal is for a 'major' agricultural development comprising a number of substantial buildings and engineering works. However, despite its major status it is considered that the development both satisfies the 'tests' for agricultural development and for development in AONB's as set out above. Specifically with regard to the agriculture tests, the development has been designed to be both efficient and productive, to enable the farm to remain competitive and adaptive to changing markets. The dairy unit in particular has enabled the farm to add value to its primary product whilst complying with legislative requirements, including those relating to animal welfare. The development is also sustainable through its use of recycling techniques for water supply and waste management in particular (referred to in greater detail below). With regard to the AONB tests, opportunities for the farmer to develop this type of facility outside of the designated area are limited by the farm's geography, whilst the need for the development stems at least in part from the

requirement for the farm to remain competitive. More importantly, there is no detrimental impact on the environment, the landscape or recreational opportunities as explained below.

The application site lies within and/or adjacent to an established dairy farm yard which contains/contained both traditional and contemporary buildings. The proposal does not, therefore, involve the formation of a new farmyard. The original farmyard had an impact on the wider landscape being visible in both local and distant views. The new farm buildings are also visible, but read within the context of an established farmyard, they are not considered to be alien or detrimental to visual amenity in general. Although substantial in size, the buildings remain agricultural in character and appearance and consequently are acceptable within their wider context. A similar 'spread' of buildings (including a substantial dairy building) had previously been approved, and the impact of this, in particular in distant view, would not have been dissimilar to the current buildings. To further moderate the impact in local views substantial landscaping has been carried out (partly in accordance with a scheme previously agreed with Kennet District Council), and this in time will improve the immediate setting of the development. The overall result is development which is not intrusive within the countryside and which continues to safeguard the landscape quality of the AONB.

Impact on Highway Safety

A number of third parties have expressed concern that the larger and additional buildings now proposed would result in a greater number of cows and consequently more traffic. In response the applicant's agent states the following -

"The original application granted for development at Ham Spray consisted of a new dairy unit and cubicle building, this building was designed to accommodate 360 milking cows on a footprint of 5,660 sq m. The existing calving barn and cubicle training area was to remain in the building behind the proposed development. During the time between when the application was approved and construction work began our client had revised his requirements and changed the internal development from a rotary parlour to state of the art robotic milking machines. As a result of these changes the dairy unit footprint changed and it was decided to remove the existing calving barn and training area and incorporate it into the main unit. This change resulted in an increase of the approved footprint from 5,660 sq m to 5,989 sq m. The change in footprint also allowed an increase in available cubicle positions per cow to meet new DEFRA Code of recommendations for the welfare of livestock which suggests that additional cubicle positions of 10% above the number of cow positions. By incorporating the calving area this also adheres to new recommendations of 10 sq m per in-calf cow over 650 kg. The total capacity of the new facility is 504 cows.

This figure represents a maximum of 400 milking cows although there are currently 380 on site, the rest of the area is used for in-calf cows and a training area to teach and acclimatise new heifers into the cubicle and robot system".

It is evident from this that despite its additional size, and the extra buildings in this proposal, the actual total number of cows at the site is only slightly above the number anticipated in the originally approved development. As a consequence there should be no noticeable increase in traffic. It is also relevant to note that the farm has its own network of private farm roads which have greatly reduced the number of agricultural vehicles on public highways. No objection has been raised to the development by the Council's Highways Officer.

Impact on Residential Amenity

Despite its remote location there are a number of residential properties close to the application site, some connected with the farm and others in private ownership. Some third parties have expressed concern that the development will result in smells, noise and dust.

In relation to noise, this has always been a working farm with agricultural machinery operating and animals kept in buildings. Within the countryside, and within a farmyard context in particular, it would be unreasonable to not expect some noise, and at the distances to neighbouring properties such noise is unlikely to cause nuisance warranting a refusal of planning permission.

Other concerns about potential smells and flies are primarily matters of management for the farmer. There should not be cause for concern if the evidently good management principles presently employed at the farm (in terms of waste management, cleanliness and general tidiness) are maintained.

Regarding inter-visibility with neighbouring properties, the farmyard is either sufficiently screened or is adequately distanced to ensure no loss of privacy for this reason.

Overall it is considered that no owner/occupier of any neighbouring residential property has been adversely affected by the development.

Impact on Setting of Listed Building

Ham Spray House is a grade II listed building. The designation protects both the building and its setting. Although concern has been expressed that the development has had a detrimental impact on the setting of the house this is not accepted in view of the clear separation of the farmyard from the house (Ham Spray House lies within its own separate domestic curtilage), the intervening space and the lack of inter-visibility.

Other Matters

A third party refers to further retrospective applications at Lower Spray Farm, just down the road. This farm is also in the ownership of the applicant, and is used to bring on young stock after they have calved at the application site. The applications at this other farm (one of which is being decided by West Berks DC) will be considered on their own merits, and their outcome, and the timing of this, has no bearing on the application before the Committee today.

A third party has expressed concern that the development will contribute to localised flooding. However, the development has been designed with its own surface water drainage system where storm water from the roofs of the buildings is transferred to the storm water attenuation pond and then returned to the cows as drinking water. This sustainable system avoids storm water from over-flowing into other drainage systems or on to the highway. The Environment Agency has raised no objections to the drainage arrangements.

The Parish Council has expressed concern that insufficient justification has been provided for some of the buildings. Although the majority of the buildings and structures can be justified through their present use and the agricultural appraisal that accompanied the earlier planning permissions (that is, the dairy unit, slurry separator, straights store and storm water attenuation pond), the justification for the remaining buildings is less clear cut (that is, the machine store and straw barn). The applicant's agent explains that these buildings were erected in an emergency at the time of 'foot and mouth' to house livestock. Despite this apparent temporary need only, the buildings do now evidently have a use (providing the only extra cover for machinery and straw in this farm yard), and in view of this, together with their acceptability in all other respects, no objection is seen to their permanent retention now.

The Landscape and Countryside Officer is satisfied that the landscaping that has already been carried out (stemming from the earlier planning permissions) is

adequate to soften the impact of the development. No further landscaping is, therefore, required.

The future intentions of the owner of the farm is not a material consideration regardless of when the farm may change hands.

The application does not require Environmental Impact Assessment. Although a 'Schedule 2' development (that is, an intensive livestock installation exceeding 500 sq m), its characteristics and potential impacts are considered sufficiently low key to not warrant this additional action by the applicant. Specifically, despite the sensitive location within an AONB, the development is on the site of an established dairy enterprise, and systems are in place to manage waste and nuisance in particular.

RECOMMENDATION

Approve with Conditions

- 1 The "straights store" hereby approved shall not be used for the housing of livestock unless in an emergency.

REASON:

To safeguard the amenities of nearby residential properties.

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

Plan nos. 00590-00-C-Wansdyke Farms-Site Layout (sheets 1, 2 & 3);
Plan nos. 145B (sheets 1 & 2);
Plan nos. 00590-B-S.Fisher-Wansdyke Farms-Straight Store (sheets 1 & 2);
Plan no. 00271-A-Wansdyke Farms-Machinery Store (sheet 1);
Plan nos. 00270-A-Wansdyke Farms-Straw Barn 3 (sheets 1, 2 & 3);
Plan no. S10767ATSS (sheet 1);
Plan no. 011E (sheet 6).

- 3 **INFORMATIVE TO APPLICANT:**
The applicant's attention is drawn to the attached letter from the Environment Agency.

Date of Meeting	23 July 2009
Application Number	E/09/0254/FUL
Site Address	Garden Cottage 23 High Street Wedhampton Wiltshire SN10 3QE
Proposal	Stable, retention of access, paddock fencing
Applicant	Mr J Clothier
Town/Parish Council	URCHFONT
Grid Ref	406036 157688
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

The application was called to committee by the former county councillor, prior to the elections.

1. Purpose of Report

To consider the recommendation that the application be approved.

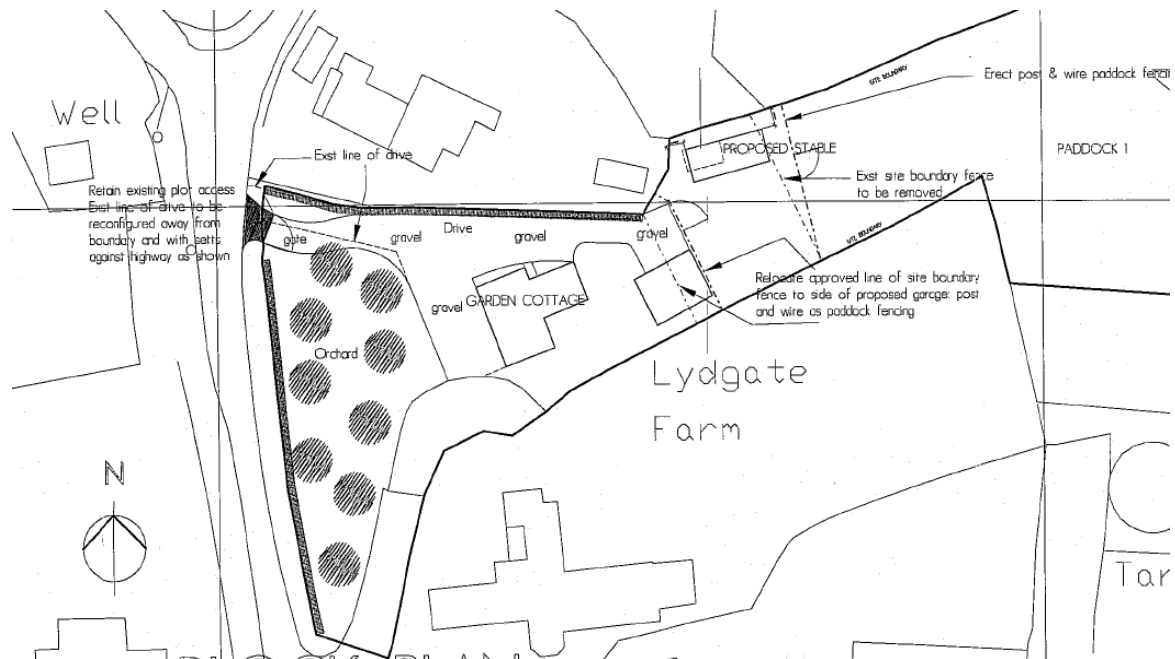
2. Report Summary

The main issues to consider are:

- Whether the proposal would have a detrimental impact on the character and appearance of the Wedhampton Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty.
- Whether the proposal would have an adverse impact on the setting of nearby listed buildings.
- Whether the proposal would have a detrimental impact on nearby trees and hedges.
- Whether the proposal would have a detrimental impact on neighbour amenity.
- Whether the proposal would have any implications for highway safety.

3. Site Description

Garden Cottage is a detached property which lies at the northern end of Wedhampton, on the eastern side of High Street. Upon entering the settlement from a northerly direction, it is necessary to follow the road round to the right. Garden Cottage can be found on the left-hand side of the road, just past The Cartway. The house is recently constructed. The authorized access under the original permission was shared with Lydgate Farmhouse to the south. The proposal includes retaining a separate access at the north end of the plot, which is currently in situ, but unfinished in terms of surfacing. The area to the front of the house with the large telegraph pole and transformer in it was not part of the original plot granted permission, but is now owned by the applicant. The pole is due to be removed shortly as a result of work for the large dwelling approved and under construction on the former Manor Farm site to the south.



Location of Garden cottage – access to be retained and proposed stable to rear,

4. Planning History

K/43042 - Construction of house and garage with associated works. Approved with conditions July 2002.

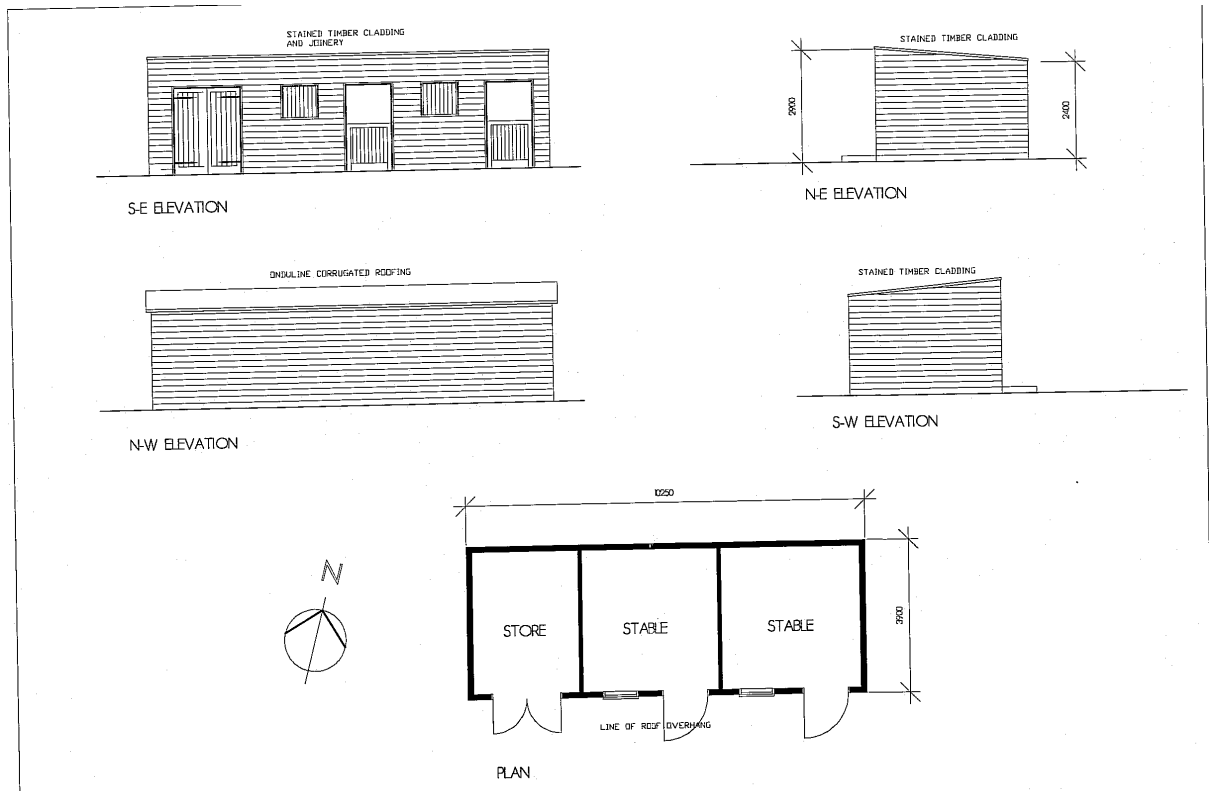
K/45370 - Erection of dwelling and garage (amendment to K/43042 previously approved). Approved with conditions June 2003.

K/56793/F - Replacement of existing storage shed with stable and retention of access at northern end of site. Withdrawn July 2007.

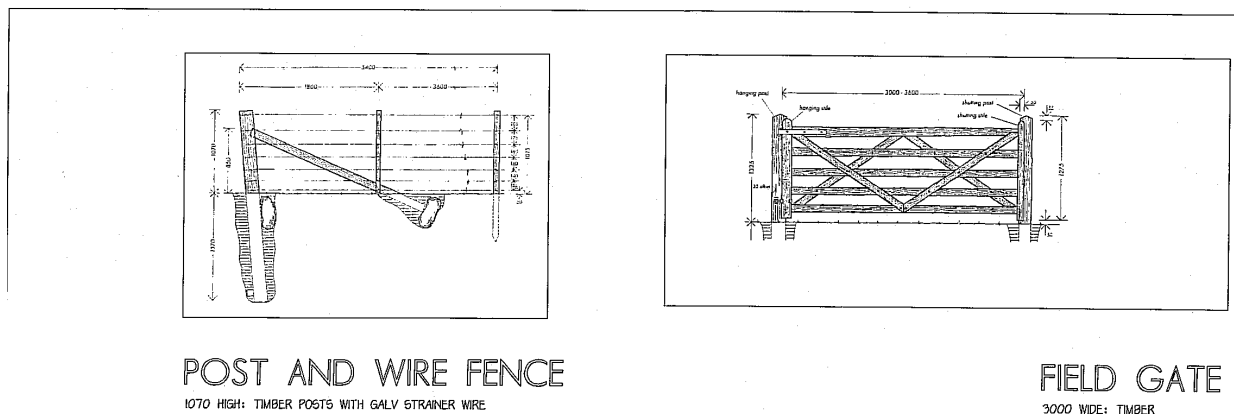
5. The Proposal

The application comprises the following elements:

- Construction of a stable block on the northern side of the paddock to the rear of the existing property, in the location of an existing shelter. This would be 3.9 metres by 10.2 metres, with a ridge height of 2.9 metres sloping down to 2.4 metres. It would be constructed of stained timber boarding, with an onduline roof.
- Erection of 4 sections of 1 metre high post-and-wire fencing within the paddock to the rear of the existing property.
- Retention of a gravelled vehicular access to the existing property at the northern end of the site. It is proposed that this would be re-aligned so that it curves away from the boundary.
- Amendment to the landscaping scheme that was submitted for application K/45370, which included a hedge to be planted along the northern site boundary and to the front of the dwelling. A hedge is still proposed to be planted along the northern site boundary, however, it is intended that a hedge would also be planted along the western boundary alongside the road, with tree planting behind. This was not possible under the earlier approved application as the land was not then part of the application site.



Stable floor plan and elevation, not to scale.



Paddock Fencing Details^{NTS}

: Paddock fencing details, not to scale.

6. Planning Policy

Kennet Local Plan - the site lies partly within and partly outside of the Wedhampton Conservation Area. (The house and drive are within, whilst the stable and paddocks are outside). The paddock to the rear of the property lies within the North Wessex Downs Area of Outstanding Natural Beauty. Policies PD1 and NR7 in the Kennet Local Plan are relevant to the consideration of the application. (Although referred to by local residents,

policies HH5 and HH8 in the Kennet Local Plan are not relevant as they were not kept in the Local Plan when it was reviewed by the Secretary of State). Central government guidance contained in PPG 15 is, however, of relevance.

7. Consultations

Urchfont Parish Council – objected to the original plans on the grounds that:

- a) A stable would be inappropriate in this setting as it is too close to neighbouring properties. A temporary field shelter sited away from the neighbour's property would be more appropriate. There are also concerns over environmental health issues and the impact this would have on neighbours.
- b) The access has a harmful impact on the conservation area. The original access should be used and the temporary access closed off and planted to reduce its impact.
- c) The paddock fencing is unnecessary as the land can be divided by electric fencing if necessary. Permanent fencing would destroy the vista.

Objected to the amended plans on the grounds that:

The aforementioned original comments were maintained and, in addition, the Parish Council raised concerns over the inadequacy of the drawings and inadequate neighbour consultation. They also stated that the applicant should resolve the significant and continuing inaccuracies in the drawings prior to the application being determined by committee.

Landscape and Countryside Officer – the access is in an area which should be landscaped and this is important in ensuring that the character of the conservation area is retained. There is now insufficient space to plant a adequate boundary hedge/trees to delineate the boundary and soften the impact of the dwelling. There are now two driveways running parallel with one another creating a large surfaced area which is a significant distraction to the quality and character of the area. It is considered that the driveway should be removed and the previous driveway re-opened and adequate planting undertaken, as per the conditions on the original permission for the house, in order to mitigate its impact on the conservation area. The proposed stable block and paddock fencing are acceptable. However, a landscape screen will be required between the stable and the property to the north.

Conservation Officer – as the garage proposed under E/09/0251/FUL is substantial in scale, in combination with the stable block that is also proposed and the retention of the access it appears that the overall scope of the proposals would have a detrimental impact on the character and appearance of the conservation area and the setting of the neighbouring listed buildings.

Environmental Protection Officer – there should be no burning of stable waste on the site and any stockpiling of stable waste shall be constructed and located as to minimise the potential for nuisance to neighbouring properties.

Highways Officer – it is noted that the access in question was put in place as a temporary measure for construction traffic during the construction of the dwelling. As part of the planning permission for the dwelling (K/45370) another access was agreed to the south of the proposed access, adjoining Lydgate Farm. Having visited the site, it is apparent that the neighbouring dwelling (number 25) already uses this point for vehicular access and the access in question includes a widening of the entrance with a driveway branching off

towards the dwelling. As such, the number of traffic movements generated by the new dwelling and stables should not lead to an unacceptable increase in existing traffic movements. The access is positioned on the bend in the highway and adjacent to where the High Street and Cartway (single track lane) meet. There are no footways. Due to the nature of the roads, narrow, quiet, country lanes with no footways, vehicles travelling along the High Street are using low speeds and as such I would be looking for a visibility (Manual For Streets) of around 22 metres in each direction. This is easily achievable along the High Street (right out of access). Visibility to the left is restricted by the neighbour's hedge. However, the majority of the traffic will be coming from the direction of Gate Road, head on to the new access. As such, visibility of the majority of the traffic will be adequate. Pedestrians are also likely to be walking in the centre of the road, also aiding visibility. The access itself will need to be properly addressed and constructed of consolidated material (not loose stone or gravel) for at least the first 5 metres. There are services positioned within the access and these will need to be addressed, as at present various covers are being damaged by traffic movements. There is also ponding from the access in question onto The High Street. The new access must be drained away from the adjacent highway. In summary, taking into account the nature of the adjacent roads and vehicle speeds, an access at this location would not have a significant detrimental effect on highway safety. As such, no highway objection is raised subject to conditions being imposed requiring a) the provision of a properly consolidated and surfaced access (not loose stone or gravel), for the first 5 metres; and b) provision to be made within the site for the disposal of surface water to prevent its discharge onto the highway.

8. Publicity

Seven letters of representation have been received in respect of the original plans. These raise a number of procedural issues (which can be viewed on the file and the Council's website) along with the following key concerns about the proposal:

- The size of the stable is excessive, being three times larger than the existing shed/shelter. It would have a harmful impact on the character and appearance of the conservation area and the area of minimum change. It would also harm the setting of nearby listed buildings. This would conflict with policies HH5 and HH8 in the Kennet Local Plan.
- The stable block would cast a shadow over swimming pool, thus preventing it from reaching its full temperature potential and giving rise to algae growth.
- There is little justification for a stable block of the size proposed. The applicant has advised that it is required for safety reasons, yet the paddock is secure on all sides. Food and bedding will need to be brought in – where will this be stored and managed? Increased vermin from the food and bedding material will be a nuisance for neighbours.
- The proposed positioning of the stables is outside of the curtilage of the house. The establishment of a large structure with foundations will materially alter the designation of this agricultural land.
- The detail of the stable block is lacking. What services eg. power and lighting are proposed and what fire safety measures are to be incorporated?
- It would be preferable if the stable were to be located at the other end of the paddock, where it would be unlikely to cause a nuisance.
- When planning permission was given for the original house, there was a restriction on buildings, structures or fences being built on the

paddock. For this reason, the stable should not be granted planning permission.

- The odour emanating from the manure heap will attract flies and vermin, which will have an adverse impact on neighbour amenity. No details of how waste will be disposed of have been provided. There is a risk that effluent and urine may seep into the water table, which may be detrimental to health.
- The access has a stark appearance, which is harmful to the setting of the adjacent listed building and the conservation area. It runs parallel to the adjacent drive, which further exacerbates its impact. No attempt has been made to landscape the area and existing trees and shrubs have been removed.
- The access is dangerous, as it opens onto a junction where three roads converge, there is a blind bend where visibility is reduced by a high hedge and it is opposite the stop for the school bus and community mobile library. There is also likely to be more traffic if the stable is built, which would add to the problem.
- There is already adequate access to the property. This should be reinstated and the existing access closed and landscaped, or alternatively a different access could be considered further down the High Street.
- The trees and hedges on the boundary would be adversely affected by the proposed stable, as a result of its proximity to them and through blocking of light.
- Surrounding properties will be affected by run-off from the stables, which will cause waterlogging and alter the water table. The application is lacking in detail about the soakaways.
- Is it possible that the applicant could construct a driveway from the stable into the paddocks, then introduce further development?
- The plans are scant on detail and carry gross inaccuracies in scale and statement.
- The subdivision of the paddock into three plots is not considered to be necessary. Furthermore, it is not clear why it is necessary as it will limit the area in which the horses can roam and run. The original application had a restriction on the erection of fences within the paddock and there is no reason why this should be lifted.
- When the original house was given planning permission, it showed that a boundary fence should be put in place separating the garden from the paddock. This was partly to prevent further development on the paddock and allow a clear vista through the site to the end of the paddock. This fence has not been erected in the correct place. However, another fence has been erected on the paddock yet this is not shown on the drawings.

6 letters of representations have been received in respect of the amended plans, which raise the following additional concerns:

- Garage drawn on the amended plan is now larger than that on the original plan and closer to the house.
- The angle of the boundary lines between the gardens of The Old Chapel and Half Sovereign House are incorrect – if correct this would encompass the boundaries of 3 properties.
- The term “existing line of drive” is misleading – should read a “proposed”

as it was only a temporary construction access.

- Stable shown on drawing is a meter smaller than actual width.
- Many trees on boundary with Lydgate Farm not shown on plans, especially the large tree at the site of the proposed garage which would be damaged if scheme is approved.
- The transmission pole and wire will need to be repositioned – this is not shown on the plans.
- Site boundary with Lydgate is incorrect.
- Conservation area boundary fence is not shown in the correct position – this would indicate most of the garage is being built on agricultural land.
- Landscaping on the boundary between Old Chapel and Half Sovereign House has been omitted – this would be greatly affected by the close proximity of the stable block due to its scale and toxic waste.
- What landscaping is proposed between 22 and 23 High Street.
- The proposed orchard does not give enough detail to allow an informed decision to be made as to whether this will soften the impact of the development.
- Irrespective of landscaping, the site will remain dominated by the expanse of two driveways running parallel to one another.
- The proposed garage will overlook the garden of 23 High Street.
- The existing site boundary fence is an illegal fence that the enforcement officer has asked the applicant to remove.
- The shaded lines on the north and west boundaries are unexplained.
Landscaping?

9. Planning Considerations

The main issues in respect of this application are impact on the character and appearance of the Wedhampton Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty; impact on the setting of nearby listed buildings; impact on nearby trees and hedges; impact on neighbour amenity and the highway safety implications.

Impact on Character and Appearance of Conservation Area and North Wessex Downs Area of Outstanding Natural Beauty

The proposed location of the stable block is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Although bigger than the existing building that it would replace, the proposed structure has the proportions and appearance of a stable block, as opposed to a domestic building, and is therefore considered to be appropriate in this rural context. Furthermore, as it would be sited close to the existing landscaped boundary and other buildings and would not be unduly prominent, being some distance from public vantage points and barely visible from either the public road or the footpath 200 + metres to the east, it is not considered that the stable block would harm the visual amenity of the AONB. The Council's Landscape and Countryside Officer concurs with this view.

The suggestion has been made by the parish council and local residents that it would be preferable if the stable block were to be located further into the paddock. However, it is considered that this would be more harmful to the AONB as the building would appear isolated and would also be more visible from the nearest public vantage point ie. the right of way to the east of the application site

Concerns have been expressed about the visual prominence of the gravelled driveway. Whilst it is acknowledged that presently the driveway has a rather stark appearance, it is currently unfinished and the proposed amendments to the scheme (which include a minor re-alignment of the drive and the planting of a hedge along the northern and western boundaries, along with tree planting) would help mitigate any impact, which is very localised.

The proposed 1 metre high post-and-wire paddock fencing is considered to be acceptable in visual terms as it is typically found in a rural area. It is therefore not considered that it would have a detrimental impact on the AONB. Although raised as a concern, it is not relevant why the applicant wants to erect in the proposed locations, only whether it is acceptable in visual terms. As for whether the erection of the fencing is suggestive of additional development in the future, such proposals would be assessed on their own merits and are not relevant to the consideration of this application.

Impact on Setting of Listed Buildings

It is not considered that the stable block, paddock fencing or the access would have/have a detrimental impact on the setting of nearby listed buildings. The stable block and paddock fencing are well separated from the listed buildings. With regard to the driveway, this is similar in appearance to the one adjacent to the listed property to the north. Furthermore, the proposed planting would break-up what otherwise could have been a wide expanse of gravel, as the two driveways are adjacent to each other.

Impact on Trees and Hedges

The proposed stable block would be 2 metres from the existing trees/hedges on the northern boundary, which is considered to be a satisfactory distance to ensure that they would not be adversely affected. The Council's Landscape and Countryside Officer has raised no objection on this ground.

Impact on Neighbour Amenity

Concerns have been raised about the proximity of the proposed stable block to nearby residential properties. It is not considered that the proposal would cause a nuisance to the occupants of nearby residential properties. The Council's Environmental Health Officer has been consulted on the application and has raised no objection to the proposal, subject to conditions restricting the burning of waste and requiring details of where waste would be stockpiled, to ensure that the impact on neighbours would be minimised. It is recommended that these conditions are imposed if planning permission is granted.

Concerns have also been raised about the potential impact of the stable block on residential amenity as a consequence of blocking of light to the neighbour's swimming pool. It is not considered that this would be an issue of concern, particularly as the stable block would be 2 metres from the site boundary, its maximum ridge height would only be 2.9 metres and there are trees and hedges on the boundary.

Impact on Highway Safety

It is not considered that access has a detrimental impact on highway safety. Firstly, the dwelling and proposed stable block would not give rise to a significant increase in traffic movements. Secondly, the roads are narrow

quiet country lanes with no footways. The highway authority has advised that vehicles would therefore be using low speeds, which would necessitate a visibility splay of approximately 22 metres in each direction. This is easily achieved to the right but is restricted to some extent to the left by an existing hedge. However, the majority of traffic would come from the direction of Gate Road ie. head-on to the new access and therefore visibility will, in the most part, be adequate. The highway authority has been consulted on the application and has raised no objection subject to conditions requiring the surfacing of the first 5 metres of the access in a well-bound, consolidated material and provision to be made within the site for the disposal of surface water. It is recommended that these conditions are imposed if planning permission is granted, in the interests of highway safety.

Other Issues

Some local residents have expressed concerns that the proposed stable block would have a detrimental impact on the character and appearance of the designated area of minimum change. Members may wish to note that, although the paddock was once within the area of minimum change, it has since lost this designation. Since the Kennet Local Plan 2011 was adopted in 2004, only the larger settlements have defined Limits of Development (such as Urchfont on Inset Map 38). Many of the smaller settlements that previously had village policy areas (and designated Areas of Minimum Change) in the old Kennet Local Plan lost these at that time. Wedhampton was one of these smaller settlements. The Areas of Minimum Change policy only relates to those settlements with inset Maps in the Kennet Local Plan 2011. As Wedhampton is not one of these, the policy does not apply.

When the original planning permission for the dwelling was granted in 2003 (under reference K/43042), the Wedhampton Area of Minimum Change was still in existence as the old Kennet Local Plan had not been replaced. This only covered the paddock area and not the area within which the new dwelling has been located.

Concerns have been raised about the lack of detail and inaccuracies on the submitted drawings. The amended plans address the discrepancy with regard to fence positioning. It is now considered that the plans are sufficiently accurate and contain enough detail to enable the application to be properly assessed and determined.

The comment has been made that permitted development rights for buildings, fences etc were removed on the original planning permission for the dwelling and for this reason, should not be permitted. The removal of permitted development rights by way of condition means that such development would require planning permission when under normal circumstances it would not. This gives the planning authority control over potentially unsuitable development. Each development proposal must then be assessed on its own merits.

Concerns have been raised about the potential impact of the proposed stable block on the water table and neighbouring properties, as a result of waterlogging. As the proposed development is small-scale, it is not considered that this would be a significant problem. Furthermore, the issue of surface water disposal is a Building Control issue.

The question has been raised as to whether the original access could be reinstated. This course of action would only be taken if it was considered that the access that is to be retained is fundamentally unacceptable in highway safety and visual terms. For the reasons given in previous section of the report, it is considered that the retention of the access would not be harmful in planning terms.

10. Conclusion

The proposal is considered to be acceptable in terms of its impact on the conservation area and AONB, on the setting of nearby listed buildings, on nearby trees and hedges, on neighbour amenity and on highway safety. Accordingly, the approval of planning permission is recommended subject to a number of conditions.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2. The development hereby permitted shall not be commenced until details of any stain to be used to treat the timber cladding of the stable block have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3. The stable block hereby permitted shall be used solely for the private use and enjoyment of the owners of the land that is the subject of this application and shall not be used for any commercial purpose, including any livery (or DIY livery) use.

REASON:

Any commercial use would give rise to fresh planning considerations,

4. There shall be no burning of any animal waste or bedding emanating from the development hereby permitted anywhere on the land that is the subject of the application.

REASON:

To preserve the amenities of the occupants of neighbouring residential properties.

5. No development shall commence until details of the method of storage (including location) and disposal of stable waste 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 neighbour amenity.

6. No development shall take place until full details (including species, planting sizes and densities) of the landscaping shown on the approved drawings have been submitted to and approved in writing by the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

7. All soft landscaping comprised in the approved landscaping details shall be carried out by 31 December 2009. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

8. Within three months of the date of the permission, the first 5 metres of driveway back from the carriageway edge shall be surfaced in a well-bound, consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

9. Within three months of the date of the permission, provision shall have been made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

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

Drawing Number 591-20-04A received on 1 June 2009.

Date of Meeting	23 July 2009
Application Number	E/09/0251/FUL
Site Address	Garden Cottage 23 High Street Wedhampton Wiltshire SN10 3QE
Proposal	New Garage; Change of use from paddock to domestic curtilage
Applicant	Mr J Clothier
Town/Parish Council	URCHFONT
Grid Ref	406036 157688
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

The application has been called to committee by the former ward member, prior to the election. This is the second of two applications on this agenda for works within the curtilage of this property.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

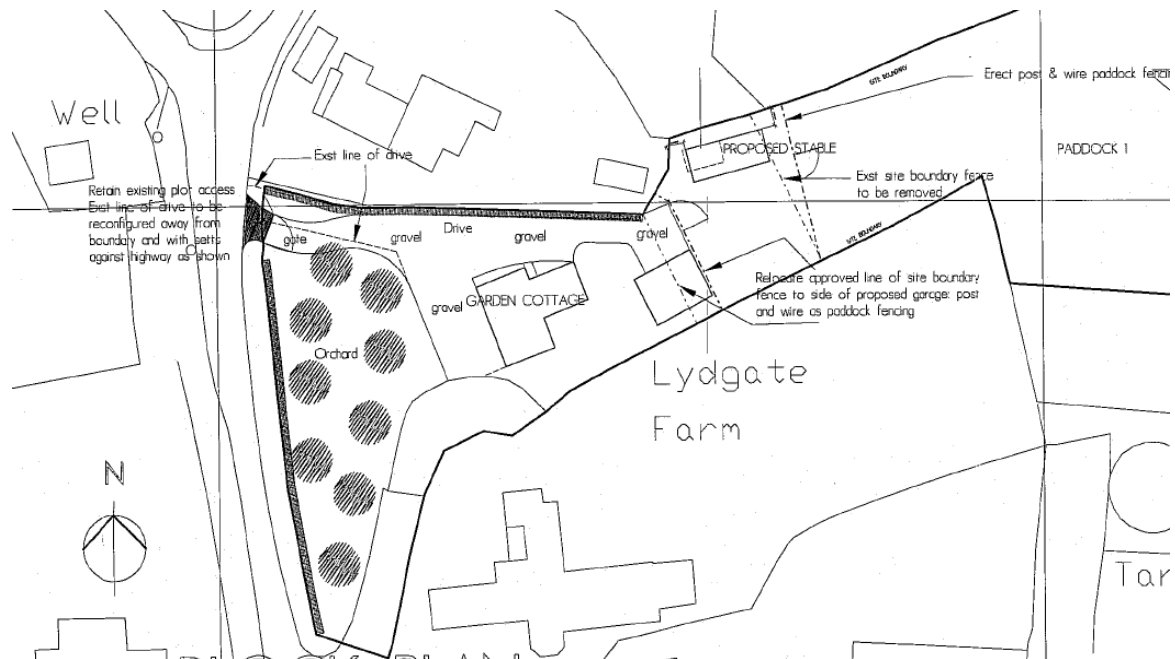
The main issues to consider are:

- Whether the proposal would have a detrimental impact on the character and appearance of the Wedhampton Conservation Area.
- Whether the proposal would have an adverse impact on the setting of nearby listed buildings.
- Whether the proposal would have an adverse impact on the nearby ash tree.
- Whether the proposal would have a detrimental impact on neighbour amenity.

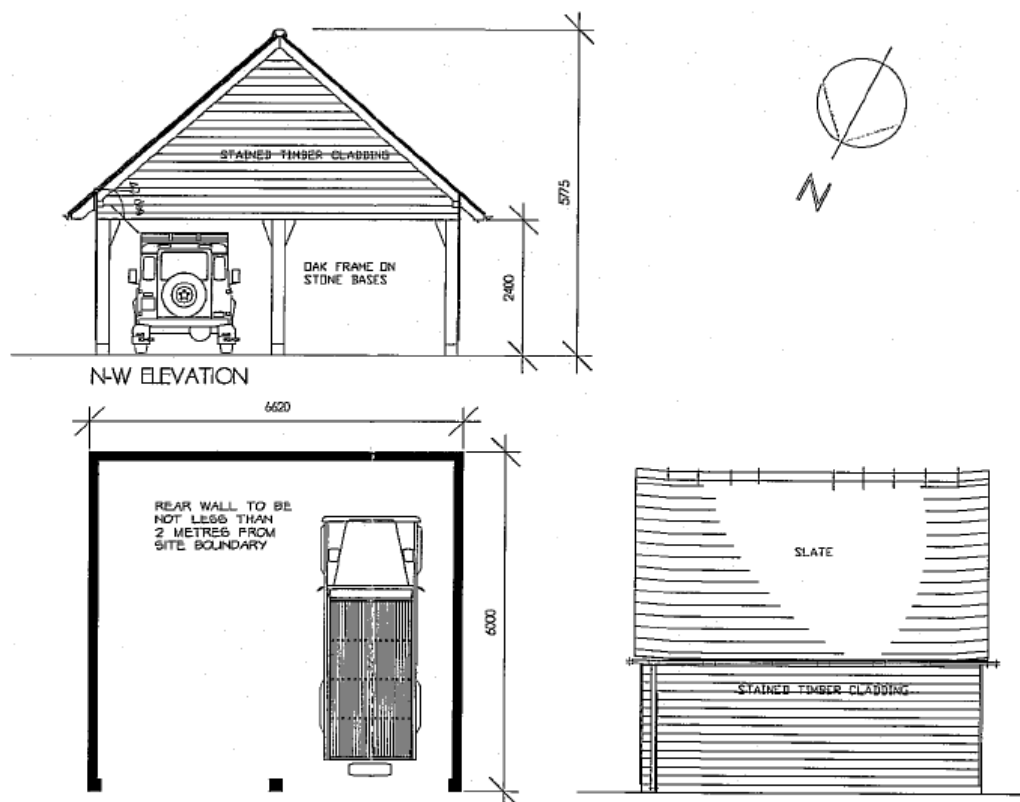
3. Site Description

Garden Cottage is a detached property which lies at the northern end of Wedhampton, on the eastern side of High Street. Upon entering the settlement from a northerly direction, it is necessary to follow the road round to the right. Garden Cottage can be found on the left-hand side of the road, just past The Cartway.

The proposed garage would be sited to the rear of the existing house, close to the southern boundary of the site.



Location plan – the proposed garage is to the rear of Garden Cottage, above the words ‘Lydgate Farm’ on the plan



Elevation & plan of proposed garage

4. Planning History

K/43042 - Construction of house and garage with associated works. Approved with conditions July 2002

K/45370 - Erection of dwelling and garage (amendment to K/43042 previously approved). Approved with conditions June 2003.

K/56793/F - Replacement of existing storage shed with stable and retention of access at northern end of site. Withdrawn July 2007.

5. The Proposal

The proposal is to construct a detached double garage to the rear of the property and to change the use of a strip of agricultural land to garden. The proposed change of use would result in an extension to the depth of the existing garden by approximately 3 metres. It is required to enable a detached garage to be accommodated to the rear of the property. The double garage would be timber-clad, with a slate roof. It would be open-fronted and would have a ridge height of 5.8 metres.

6. Planning Policy

Kennet Local Plan - the garage site is mainly outside of the Wedhampton Conservation Area, the boundary of which clips the north-east corner of the proposed building. Policy PD1 in the Kennet Local Plan is relevant to the consideration of the application. Central government guidance contained in PPG 15 is of relevance.

7. Consultations

Urchfont Parish Council – objects because of the impact the proposal would have on the conservation area and the fact that the size, scale and position of the garage is inappropriate.

Landscape and Countryside Officer – although close to the boundary trees, the garage development would not unduly impinge on the root protection area. However, there is concern about the clutter of buildings behind the house and impinging on the countryside from the locating of the garage in this area close to the stables. It would be preferable if the garage were to be located as agreed on the original permission so that it can separate the domestic curtilage from the countryside to the rear.

Conservation Officer – the original scheme allowed for a single garage adjacent to the cottage. Considering the openness and prominence of the site that has resulted largely from the unauthorised works, it is even more the case than previously that a modest single garage is the most appropriate option here. The garage currently proposed is substantial in scale and in combination with the stable block that is also proposed and the retention of the access it appears that the overall scope of the proposals would have a detrimental impact on the character and appearance of the conservation area and the setting of the neighbouring listed buildings. The supporting statement dwells upon the need within a rural location for vehicular transport and for the provision of garage space to accommodate these – the statement does not provide any sufficient additional objective arguments which might justify the increased impact of the proposals as a whole. In summary, whilst the scale of the garage proposed could possibly be reduced sufficiently to allow this and the minor extension of the domestic curtilage to be considered acceptable in principle, it is impossible to consider this in isolation and as a result it is not possible to conclude that the scheme would meet with the requirements of conservation legislation.

8. Publicity

Six letters of representation have been received, which raise the following key concerns:

- The proposed garage is much larger than an average double garage. As it would be built on higher ground, it would be almost as high as the house and would cast a shadow over the neighbouring gardens and thereby reducing light. It would be preferable for a garage to be sited at the front of the property or for a single garage to be sited alongside the house, as originally approved. With regard to the latter, there appears to be no reason why this should original plan should be deviated from.
- It is claimed in the design and access statement that the garage will not be suburban in appearance. It would therefore be inappropriate as the new house is suburban in appearance.
- The proposed garage would be harmful to the setting of the nearby listed buildings and to the character and appearance of the conservation, which would be contrary to policy HH5 in the Kennet Local Plan.
- The proposed garage would be in front of a protected ash tree, the roots of which would be harmed as a result of the digging of foundations.
- A tree report undertaken by Bartlett Consulting and commissioned by one of the local residents concludes that it would be necessary to remove large lateral branches to accommodate the pitched roof and the erection of scaffolding. The report further states that that a full survey should be undertaken and details given of how any further damage to the tree's rooting system would be minimised. The minimum protection might include the erection of tree protection fencing in line with the requirements of British Standard 5837: 2005 'Trees in Relation to Construction'.
- If the stated number of vehicles is allowed free passage close to the neighbouring property (23 High Street), the occupants' quality of life would be adversely affected due to the increased noise, pollution and headlights.
- The paddock is currently a builder's yard as materials are being stored there – this should not be allowed to happen, particularly as the house was completed so long ago.
- The rainwater from the roof could well affect the water table.
- The paddock is important to maintaining the character of the village, especially at the lower level where it rises up from the road to provide a clear vista beyond. Taking a further slice of the paddock at this point would interrupt the vista through the paddock to agricultural land beyond. The reason to extend the curtilage beyond because of the scale of the garage is not justified.

9. Planning Considerations

The main issues to consider in respect of this application are whether the proposal would have a harmful impact on the character and appearance of the Wedhampton Conservation Area; if it would harm the setting of nearby listed buildings; if it would adversely affect the nearby ash tree, and if it would be harmful to neighbour amenity. Any other issues which have been specifically raised by local residents will also be considered.

Impact on Character and Appearance of Conservation Area

The proposed garage would straddle the boundary of the designated conservation area. It would be 5.775 metres in height to the ridge, but would

not be unduly prominent, as it would be situated behind the existing dwelling and set back at least 45 metres from High Street. As it would be largely screened from the road by the existing house, it would have little impact on the appearance of the conservation area, the character and appearance of which would be preserved.

The proposed location for the garage is currently at a higher level than the existing house. It is therefore recommended that if planning permission is granted, a condition is imposed requiring details of the slab level to be submitted to and approved by the planning authority, to ensure that the garage would not appear excessively tall in the context of the existing dwelling.

It has been suggested by local residents that it would be preferable for the garage to be sited on the land to the front of the property. This is considered to be inappropriate as it would then be in a prominent elevated position to the front of the traditional building line where it would be highly visible from the road and where it would undoubtedly harm the character and appearance of the conservation area.

It is not considered that the proposed extension of the domestic curtilage by 3 metres would be harmful to the character and appearance of the adjacent conservation area, as it would not involve a significant encroachment into the countryside. It is, however, recommended that a condition is imposed (if planning permission is granted) restricting the erection of buildings, structures, fences or walls within this area. Any such proposed development would therefore require planning permission and would be assessed on its own merits.

Impact on Setting of Listed Buildings

It is considered that the proposed garage would be a far enough away from nearby listed buildings and would therefore not harm their setting.

Impact on Ash Tree

The Council's Landscape and Countryside Officer has advised that the proposed garage would not encroach on the root protection areas of the nearby ash tree, which is protected by virtue of its location within the conservation area. The tree report commissioned by a local resident comments that the construction of the garage may necessitate the removal of some of the ash tree's branches and this may be required, but the tree is not of such merit that it would warrant a preservation order.

Impact on Neighbour Amenity

As the garage is to be used for domestic purposes (as opposed to a commercial use), it is not considered that the refusal of planning permission on neighbour amenity grounds would be justified. If noise disturbance were to arise in the future, there is separate environmental health legislation to deal with this.

Other Issues

Concerns have been raised by local residents about the potential impact of rainwater runoff on the water table. As the proposed development is small-scale, it is not considered that it is likely to have any significant effect on the water table.

Concerns have also been raised about the materials that are currently being stored on site. This is a separate enforcement matter which is in abeyance pending the determination of the planning applications relating to the site.

10. Conclusion

The proposal is considered to be acceptable in all respects and accordingly, the approval of planning permission is recommended.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

- 2 The roof to the garage hereby permitted shall be constructed of natural slate unless otherwise agreed in writing by the local planning authority. Details of any stain to be used to treat the timber cladding for the garage shall be submitted to and approved by the local planning authority prior to its construction. The timber cladding shall be stained in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification no building, or structure, or wall, fence (other than any fences that are approved under E/09/0254/FUL), or other means of enclosure shall be erected or placed within the hatched area on the approved 1:500 block plan.

REASON:

To enable the local planning authority to give separate consideration to whether any proposed buildings, structures, walls, fences, or other means of enclosure are appropriate, in the interests of visual amenity.

- 4 The ash tree on the site shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) 'Trees in Relation to Construction' by a chestnut paling fence (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

To enable the local planning authority to ensure the retention of the ash tree on the site, in the interests of visual amenity.

5 **INFORMATIVE TO APPLICANT:**

The applicant is reminded that the ash tree on the site is protected by virtue of its location within a conservation area. No works, including branch removal, should be undertaken without obtaining the necessary consent from the Council.

6 The garage hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.

REASON:

To protect the amenities of this primarily residential area.

7 Before any work commences on site, the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

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

Drawing Number 591-20-03A received on 25 February 2009