

Regulatory Committee

30th June 2005

Planning Services

List of Applications for Consideration

1 K/50701/O (page 16)

Outline Planning Permission for : Outline application for 24 dwellings
Land to the rear of 106 to 108 Cadley Road, COLLINGBOURNE DUCIS.

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant outline planning permission, subject to the prior completion of a Section 106 legal agreement

2 K/51540/F (page 24)

Full Planning Permission for : Demolition of redundant agricultural buildings. Change of use of land to equine establishment/clinic for treatment of injured horses and riders including stable yard (comprising 20 stables, treatment rooms, gym, staff room, offices and flat), hay barn, horsewalker and 6 bed detached house. Alterations to vehicular accesses
Upper Slope End Farm, Stype, SHALBOURNE

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement

3 K/51383/VAR (page 34)

Variation of Condition for : Removal of agricultural occupancy condition
Wishmead, Russell Mill Lane, Littleton Panell, WEST LAVINGTON

RECOMMENDATION: Agree removal of agricultural occupancy condition

4 K/52126/F (page 39)

Full Planning Permission for : Demolition of existing side extension. Erection of side/front extensions and conversion of roof to bedroom/bathroom
1 Park Road, NORTH NEWNTON

RECOMMENDATION: Grant full planning permission

5 K/52200/F (page 42)

Full Planning Permission for : Erection of two storey rear extensions and single storey front extension incorporating garaging
16 Taskers Lane BURBAGE

RECOMMENDATION: Grant full planning permission

6 K/52178/F (page 46)

Full Planning Permission for : Change of use of footpath and amenity land to garden with erection of 1.8 metre close boarded fence
3 Walnut Close, NETHERAVON

RECOMMENDATION: Grant full planning permission

Item 1:

| | |
|-------------------|--|
| APPLICATION: | K/50701/O |
| PARISH: | COLLINGBOURNE DUCIS |
| APPLICATION TYPE: | Outline Planning Permission |
| PROPOSAL: | Outline application for 24 dwellings |
| SITE: | Land to the rear of 106 to 108 Cadley Road, Collingbourne Ducis. Wiltshire. |
| GRID REF: | 24638 54179 |
| APPLICANT: | Hannick Homes & Developments Ltd |
| AGENT: | Development Land & Planning Ltd |
| DATE REGISTERED: | 18th August 2004 |
| CASE OFFICER: | Mr R Parker |

SITE & LOCATION

This application relates to a parcel of land totalling 0.5 hectares to the north of Cadley Road in Collingbourne Ducis. The land comprises part of the rear gardens to five residential properties fronting onto Cadley Road. The site may be viewed from Saxon Rise which directly abuts the site.

To reach the site, turn into Cadley Road where it meets the A338 (adjacent to the village shop). Saxon Rise is on the left hand side approximately 250 metres further on, beyond Sunton and West Farm Close. The site may be found at the far end of the Saxon Rise cul-de-sac.

SITE HISTORY

K/51158/F – A full application for residential development was withdrawn in December 2004.

K/046642/O – An outline application for residential development was withdrawn in February 2004.

K/78/0337 – An application for residential development was refused in 1978.

DESCRIPTION OF DEVELOPMENT

The proposal is for 24 dwellings, 12 of which would be affordable. The application has been submitted in outline with details of access for approval at this stage. Access to the site would be taken directly from Saxon Rise. An illustrative plan has been submitted showing the layout of the dwellings.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout has been amended since submission to address officer concerns. This has resulted in the original proposal for 25 dwellings being reduced to 24.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement in support of the application which is available to view on file.

PARISH COUNCIL COMMENTS

The parish council objects to the application, citing the following reasons (reproduced verbatim):

1. This would be the largest single development in Collingbourne Ducis since Saxon Rise in the mid 1970s and The Knapp in the late 1950s.
2. 25 dwellings far exceeds the recommended limits set out in Policy HC22 and can in no way be deemed a 'small group of houses'. Kennet District Council Local Plan does not show any need for a substantive housing development in Collingbourne Ducis.
3. Contrary to the planning consultant's statement no further large developments are needed in this village to sustain the existing level of services, shop, pub, school, etc. It should be remembered that Collingbourne Ducis services are utilised by both Collingbourne Kingston and Everleigh parishes.
4. Recent experience of sewerage problems and electricity failures in the village over the past four years would be exacerbated by the new pressures of a further 25 dwellings.
5. The question of access is one which concerns the residents of Saxon Rise most deeply. Traffic is already heavy within this development and parking is at a premium. They fear that with up to a further 50 vehicles moving in and out via the, at present, very narrow and congested cul-de-sac the possibility of accident and injury is very real. They are also concerned about the quantity and size of construction vehicles using the road during building, this road is at present used by children as a safe area in which to play.
6. Cadley Road is a minor road without adequate pavements already used as a "rat-run" from Hungerford and the M4. Traffic calming has had to be used near the junction with the A338 and it is felt that another 50 or so vehicles would make the already difficult junction much worse. It is noted that the letter from the Environmental Services Department attached to the back of the planning consultant's statement clearly states that "Collingbourne Ducis only has facilities suitable to cater for residential development of small groups of houses (up to about 10 dwellings) and that significantly more would be likely to receive Highway objection on sustainability grounds".
7. It is noted that only 25 parking places are set aside for the development when 2 per unit should be allocated for units of up to 4 beds (see Kennet Local Plan Appendix AT2 Table 1/C3).
8. Tidworth Community Area (of which Collingbourne Ducis is a part) are looking for increased civilian housing to support their economic development strategy. Extra housing in rural villages will not deliver this support due to the problems of transport.
9. Due to the fact that there are undoubtedly archaeological remains in the upper part of the development site, it would be hoped that an evaluation would take place before permission is granted.
10. For such a significant development an outline planning application is totally inadequate.

CONSULTATIONS

Wiltshire County Archaeologist – No objections to a grant of planning permission subject to the imposition of a condition requiring the developer to carry out a programme of archaeological work prior to the commencement of development.

Wiltshire County Education – Request a contribution of £1350 per dwelling towards primary school education infrastructure.

Wessex Water – No objection subject to the imposition of a condition requiring the developer to carry out modelling of the water supply and sewerage infrastructure situation in the village, with any resulting upgrade works being funded by the developer.

Environment Agency – No objection, subject to appropriate conditions.

Wiltshire Fire Brigade – No objection.

Wiltshire County Highways (Mr Wiltshire) – No objection subject to the imposition of conditions to secure:

- a) A scheme of off-site highway improvements at the junction of the A338 and Cadley Road; and
- b) The existing Saxon Rise footways to be re-surfaced and improved by the construction of lowered kerb crossing points and extensions of the footways across the entrances to the private parking areas.

KDC Leisure Services Manager – No objections subject to the payment of an appropriate commuted sum in lieu of on-site recreation provision, in accordance with the Council's adopted Supplementary Planning Guidance.

KDC Housing Development Manager – Confirms that there is a significant need in the parish for affordable housing with 31 locally connected applicants on the Kennet Housing Register and clear justification for 12 subsidised homes based on Policy HC32, even allowing for other opportunities in the pipeline (Bourne Works & the former primary school premises).

REPRESENTATIONS

Seven letters have been received from local residents raising the following objections:

- a) The access from Cadley Road into Saxon Rise is narrow and the development would exacerbate existing problems with on-street parking and lead to pedestrian safety issues, particularly with regard to children and the elderly. Additionally, the development would make inadequate provision for parking within the site and would consequently lead to overspill into Saxon Rise. The impact of construction traffic would be an additional problem. One objector suggests that, in order to alleviate the above concerns, access should be created from Cadley Road. Another objector suggests that the parcel of land proposed for the new play area should be given over to car parking, in order to mitigate the loss of on-street car parking.
- b) The proposal would comprise over-development of the site and would adversely affect the appearance of Saxon Rise.

- c) The site was formerly used in Saxon times and therefore the appropriate archaeological evaluation needs to be carried out prior to development taking place.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development defined for Collingbourne Ducis. The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty. Policies PD1, HC3, HC6, HC22, HC32, HC34, HC37 & HC43 of the local plan are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Principle of Development

In principle, Policy HC22 of the adopted Kennet Local Plan 2011 permits limited additional housing in Collingbourne Ducis consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses, provided that the development is in harmony with the village in terms of its scale and character. There is no definition of a 'small groups of houses' in the local plan, although there is a definition of 'small housing sites', which are interpreted in the local plan glossary as sites of less than about 10 dwellings on previously undeveloped land. There is no limit specified in the Local Plan on the number of dwellings which may come forward on previously developed land, but policy HC6 requires that residential development within the limits of development in villages such as Collingbourne Ducis should make efficient use of previously developed land, thereby allowing for higher density development. In this instance, the site comprises previously developed land and a higher density than the 10 that may be permissible on a green field site is therefore within the terms of the local plan policy framework.

Members will note that planning permission was refused in 1978 for a residential scheme on the site. Since that time there has been a material change in planning policy, both at national and at local level. At national level, the publication of Planning Policy Guidance note 3 on Housing promotes the use of previously developed land to meet the Government's housing targets. At the local level, the Kennet Local Plan includes the site within the limits of development. The current application must be considered against this policy background.

The visual impact must also be considered. In this respect, the site is already bounded on three sides by residential development. It does not go beyond the established boundary with the open countryside to the north and will be viewed as an extension of the existing Saxon Rise development.

Layout & Density of Development

Policy HC6 of the local plan states that residential development within the defined Limits of Development should make efficient use of previously developed land. The policy also states that planning permission will not be granted for development which does not reflect the character of the surrounding area. In this instance the proposal is for 24 dwellings on a site of 0.514 hectares, equating to a density of nearly 47 dwellings per hectare. Whilst this may appear to be a high density, it is not dissimilar to the density of existing development in Saxon Rise and is within the 30-50 per hectare considered appropriate by the government. The layout submitted for illustrative purposes is considered to be acceptable in planning terms, taking its cue from the existing Saxon Rise development which follows the contours.

Affordable Housing

Policy HC32 requires developers of sites in the villages to provide a 50% contribution of affordable housing. The applicants have confirmed that they are willing to comply with the policy by providing 12 affordable units comprising 8 two bed units and 4 three bed units.

Highway Issues

Many of the objections relate to highway safety and car parking. However, it must be noted that the highway authority raise no objections to the development subject to the developer upgrading the junction of the High Street and A338 and carrying out re-surfacing of existing footways in Saxon Rise. These improvements would actually improve the situation for pedestrians using Saxon Rise and those wishing to cross the High Street (e.g. in order to get to the primary school, village hall or recreation ground).

With regard to car parking, the adopted local plan sets maximum standards in accordance with government guidance set out in Planning Policy Guidance notes 3 & 13. The illustrative layout accords with these standards, making provision for at least 36 car parking spaces (which equates to 1.5 spaces per dwelling). Given Government policy and the local plan, it is not considered that the Council would be able to substantiate a refusal on the grounds that there is insufficient car parking on the site.

Water Supply & Sewerage Infrastructure

Wessex Water has been consulted upon the application and has confirmed that it has no objections to planning permission being granted, provided that a condition can be imposed to ensure that the developer (i) funds modelling of the existing water supply and sewerage situation in the village, and (ii) pays for any works required to upgrade the system in order to create sufficient capacity for the development.

Recreation Provision

The Council's recreation requirements divide into three elements:

a) Equipped Play Space

The applicant has agreed to provide a 200 square metre equipped children's play area on land immediately to the west of Saxon Rise, outside of the application site but within 80 metres of it. Although this site is not ideal in terms of its gradient, your officers consider that it would be suitable for providing a children's play area (suitable for children of primary and pre-school age) to safely and conveniently serve the development. The site is accessible on foot to residents of the existing and proposed developments in Saxon Rise without having to cross either Cadley Road or the A338 High Street. Indeed, there is evidence that the site formerly accommodated a children's play area when the Saxon Rise development was originally constructed.

b) Casual Play Space

The applicant has also agreed to pay a commuted sum of £18,892 in lieu of providing casual equipped play space on the site (suitable for children of secondary school age).

c) Formal Sports/Pitches

The applicant has also agreed to pay a commuted sum of £5,621 towards the improvement of existing sports facilities at the recreation ground in Chicks Lane.

Educational Contributions

The Education Authority has requested a contribution towards primary school education infrastructure. However, the scheme falls below the minimum 1 hectare / 25 dwelling threshold for educational contributions set by Policy HC37 of the local plan. It is not, therefore, possible to request a contribution from the developer.

RECOMMENDATION

Defer & delegate to the Planning Services Manager to grant outline planning permission, subject to the prior completion of a legal agreement to secure the commuted sums for recreation provision and to secure the affordable housing, and subject to the conditions set out below:

1 - Approval of the details of the siting, design and external appearance of the dwellings and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The reserved matters shall generally accord with the illustrative layout submitted in support of this application.

REASON:

This is an outline application, submitted in accordance with Article 3. of the Town and Country Planning (General Development Procedure) Order 1995.

2 - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON:

To comply with provisions of Section 92 of the Town and Country Planning Act 1990.

3 - All soft landscaping comprised in the approved details of the landscaping 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans (Drawing nos. 01.088.09A & 01.088.11A) received on the 14th March 2005 and the agent's email of the 10th June 2005.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

5 - Prior to the first occupation of the dwellings hereby approved a scheme for improving the High Street/Cadley Road junction shall have been implemented in full.

The scheme shall first be submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

6 - Prior to the first occupation of the dwellings hereby approved the existing Saxon Rise footways shall be re-surfaced and improved by the construction of lowered kerb crossing points and extensions of the footways across the entrances to the private parking areas, in accordance with details which have been first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

7 - Prior to development commencing there shall be submitted to the local planning authority a report containing the results of a modelling exercise of the water supply and foul sewage infrastructure in the village. The submitted report shall identify any works necessary to create additional capacity for the proposed development. Those works shall be carried out prior to the first occupation of any dwelling on the development.

REASON:

To ensure that the water supply and foul sewage infrastructure is adequate to serve the development.

8 - Prior to the occupation of the 13th dwelling on the site an equipped children's play area shall be provided on a site to be agreed, in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The submitted details shall make provision for a minimum fenced area of 200 square metres containing at least 5 individual pieces of play equipment, together with a maintenance schedule. Once installed, the play area shall be maintained in accordance with the approved maintenance schedule for the purposes of children's play.

REASON:

To ensure that adequate provision is made for children's recreation.

9 - No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

10 - Development shall not begin until surface water drainage details, incorporating sustainable drainage principles and an assessment of the hydrological context of the development, have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

REASON:

To prevent the increased risk of flooding and protect the water environment.

11 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site.

REASON:

To ensure satisfactory foul water drainage.

12 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. The slab levels and dwelling ridge heights (to be considered under a subsequent reserved matters application) shall be set such that the ridge heights of the dwellings hereby permitted shall not exceed in height the ridge heights of the existing dwellings in Saxon Rise.

REASON:

In the interests of visual amenity.

13 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies PD1, HC3, HC6, HC22, HC32, HC34, HC37 & HC43.

14 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from:

Wiltshire County Archaeologist (dated 27th August 2004)

Wiltshire Fire Brigade (dated 7th September 2004)

Environment Agency (dated 9th September 2004)

15 - 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 *****.

16 - INFORMATIVE:

The applicant is advised that the reserved matters application should make adequate provision for the convenient storage of wheelie bins and recycling boxes.

Item 2:

| | |
|-------------------|--|
| APPLICATION: | K/51540/F |
| PARISH: | SHALBOURNE |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Demolition of redundant agricultural buildings. Change of use of land to equine establishment/clinic for treatment of injured horses and riders including stable yard (comprising 20 stables, treatment rooms, gym, staff room, offices and flat), hay barn, horsewalker and 6 bed detached house. Alterations to vehicular accesses |
| SITE: | Upper Slope End Farm, Stype, Shalbourne |
| GRID REF: | 32111 65366 |
| APPLICANT: | Mr P & Mrs T L Snow |
| AGENT: | Mathewson Whittaker Waters |
| DATE REGISTERED: | 24th January 2005 |
| CASE OFFICER: | Mr P Horton |

SITE & LOCATION

Upper Slope End Farm is located 600m up the Stype/Bagshot road from the A338, immediately adjacent to the Wiltshire/Berkshire boundary. The farm buildings are located on the western side of the road, enclosed to the side and rear by woodland, and consist of a large dairy building and a Dutch barn. There is also a workshop building on the opposite (eastern) side of the road. A public footpath runs through the site.

SITE HISTORY

The farm buildings are all modern and of unattractive appearance. According to one of the local objectors they were constructed in the 1960s, replacing a number of thatched barns. The buildings have lain unused for the past 5 or so years.

K/41935: an application for partial demolition, adaption and change of use to offices was withdrawn in 2001.

K/42385: a revised application akin to the above was refused in 2002.

DESCRIPTION OF DEVELOPMENT

It is proposed to demolish all the existing buildings and to develop an equine therapy clinic for the treatment of injured horses and riders. All the new buildings would be on the western side of the road, with the eastern side being left undeveloped. These would comprise:

- a) 20 stables arranged around a courtyard, whose front elevation would be of two storeys: a reception area, gym and treatment rooms (for injured riders) at ground floor level and an office and one bedroomed head lad/girl's flat at first floor level;
- b) a hay barn to the rear of the site;
- c) a horse walker to the rear of the site;
- d) a 6 en-suite bedroomed detached house with integral double garage. This would serve partly as the Centre manager's residence, and partly as guest

accommodation for either injured riders or owners of horses receiving treatment.

The existing accesses to the site would be repositioned and modified to take into account the layout of the development. The public footpath would be diverted along the northern boundary of the site.

4.4 hectares of the 4.8 hectare site (on the eastern side of the road) would provide grazing in the form of sub-divided paddocks.

The application is accompanied by a landscape and visual appraisal, with a fully detailed landscaping scheme, and also a bat and barn owl survey.

There is also a supporting statement from an equine consultant.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Additional landscaping is now proposed, providing hedging along the opposite side of the road from the buildings. In addition, the radii of the accesses have been increased in accordance with highway authority requirements.

SUPPORTING INFORMATION FROM THE APPLICANT AND HIS EQUINE CONSULTANT

The Centre would provide complimentary treatments under veterinary supervision. Such treatments would include chiropractic, osteopathy, homeopathy, massage, acupuncture, laser therapy, psychology, dentistry and nutrition. Horses would be treated in their boxes and exercised in the horse walker. However some road walking may be beneficial as part of some of the horses' rehabilitation. Horses would relax in the paddock away from human attention.

Twenty stables is the maximum number of horses that could be accommodated at one time. The Centre would typically operate at around 75% capacity, i.e. 15 horses.

It is not expected that horses would travel in on a daily basis, although that would be possible for local horses. Most horses would reside at the Centre, often with an attendant veterinary surgeon, who would be accommodated in the house. Equally, some horse riders/owners would attend with their horses and be accommodated on site. They would receive training in the care and management of their horse's condition and would learn to undertake follow-on therapy/treatments for when the horse returns home.

Some practitioners are able to offer both equine and human treatments. So in addition to the equine therapies on offer, the Centre will also enable riders to receive treatments for musculoskeletal injuries: either as day visitors or on a residential basis. These would be administered in the treatment rooms and the gym. However it is envisaged that human treatments will only be a small proportion of overall business.

The business is solely targeted at the equestrian industry. There is no intention to provide a treatment facility to the general public.

The Centre would generate a requirement for 5 labour units (full-time equivalents) based on a centre manager, head lad/girl and 3 grooms.

The applicant has been involved in the horse business for some time and is a businessman with an extensive knowledge of running a number of different types of businesses. He has no fear that the business will not be successful.

The concept of the enterprise is new, with no established businesses catering for both horse and rider with which to compare it. However market research indicates there is likely to be strong demand and visiting therapists have already been identified. So too has the resident manager who is an established chiropractor.

Even at Lambourn there are no specific clinics that deal with combined horse/rider problems. Most injured professional riders have no Centre of Excellence Clinic that can deal with their type of injuries so end up going to an array of different practitioners. However the proposed clinic will provide experienced personnel whatever their horse related injury is.

The site is ideally located, being close to Lambourn and many other equestrian venues.

The market he is targeting involves horses worth hundreds of thousands of pounds, and in some cases millions. The way the business is portrayed is important. His business plan is reliant on the proposed house. Without the house, which is needed as a 'stay-over' facility, the business would not work. It provides his clients with the assurance that they are close to their horses 24 hours a day.

Residents would be taught to recognise symptoms and to take action to prevent injuries from becoming full on.

A six bedroomed house is larger than would typically be provided for sole occupation by a working manager. However given the dual purpose nature of the accommodation, it is not considered that the size of the dwelling is unreasonable. An estimated 50% of the bedrooms would be taken up with riders.

The proposal is for a new activity on a newly created unit, so in terms of the government guidance in PPS7, it is conceded that there is no functional need for the dwelling at this time. PPS7 would therefore normally require such an enterprise to be served by temporary accommodation in the first instance. However this particular enterprise could not function with temporary accommodation. For whereas this might be feasible for the Centre manager, it would not be acceptable to clients. The accommodation and treatment of resident riders is an integral part of the business strategy and provides for an additional income stream over and above that provided by the accommodation and treatment of resident and visiting horses. The local planning authority may therefore wish to consider if it is appropriate to allow an exception and permit permanent accommodation.

All horse waste would be removed by a reputable waste removal company at regular intervals.

PARISH COUNCIL COMMENTS

Object for the following reasons:

- a) The development is remote from any large equine establishment which may need its services such as at Lambourn and Newbury. Both these places have similar, better equipped establishments. Is there a need for this further clinic?
- b) The road to the site is single track, with few passing places, most of which are private drives. The amount of extra traffic passing to and from the proposed

development is unacceptable, and will include horseboxes, horse trailers, feed lorries, hay deliveries plus staff cars.

- c) The road to the site joins a very fast section of the A338 where there is very limited visibility to the south.
- d) No indication is given of how waste will be stored and disposed of.
- e) Waste will be contaminated by blood and drugs from the injured horses. Thames Water extracts water from boreholes in the vicinity, so it is essential that no contamination is allowed to affect local drains, ditches and streams.
- f) The proposed house is too large. With all its bathrooms, it is more like an hotel than a family residence.

CONSULTATIONS

County Highways (Mr Wiltshire): No objection subject to conditions relating to the footpath diversion; the closure of existing access points; visibility splays; any gates opening inwards only, and; the surfacing of the accesses.

County Archaeologist: No objection.

Thames Water: No objection.

English Nature: Since barns owls use the site, demolition of the existing buildings should avoid the main barn owl breeding season (March – August). Replacement nest sites should be provided.

Open Spaces Society: No objection to the proposed footpath diversion. It would seem to offer a pleasanter route to the present one passing through the farm yard, and yet adding little to the distance users would need to walk. But is the route within the control of the applicants? As few trees as possible should be felled.

REPRESENTATIONS

Nine objections have been received from local residents. Their principal concerns can be summarised as follows:

- a) There is relatively little horse riding in the immediate vicinity that would provide demand for such an enterprise;
- b) There are already specialist equine veterinary centres at Lambourn and Newbury; there are human therapy centres even nearer to hand;
- c) The proposal would create no local jobs;
- d) Insufficient exercise facilities are proposed; exercising horses on the local road network would be hazardous;
- e) All journeys to the Centre would be by private car as there is little public transport along the A338, and hence the proposal is unsustainable;
- f) The road to the site is narrow with few passing places; the local road network could not safely accommodate the increased level of traffic generation, which would include horseboxes and delivery lorries;
- g) A six bedroomed property is not warranted for business purposes;
- h) Scepticism about the genuine intentions of the applicant to provide a long-term equine facility; an equine enterprise has been proposed merely to justify a large private house;
- i) If the venture fails, there will be pressure to convert the treatment rooms/office etc. into further flats;
- j) The scale of the proposal is inappropriate to the AONB and will have an adverse landscape impact; so too will the creation of a residential curtilage;
- k) Concern re. the proposed route of the diverted footpath;
- l) Barn owls use the site: provision should be made for a nesting site;
- m) It is essential that there is adequate provision for the disposal of effluent.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the open countryside of the AONB, hence local plan policies NR6, NR7 and NR8 are relevant. Policy HC27 allows dwellings to be permitted where accommodation is required to enable workers to live at or in the immediate vicinity of their place of work in the interest of employment essential to the countryside. Policy PD1 is also relevant, as is Wiltshire Structure Plan policy DP15.

Advice on new dwellings in the countryside is contained in PPS7 'Sustainable Development in Rural Areas'. PPS7 states that new houses in the countryside require special justification for planning permission to be granted. Of particular note is Annex A, which provides detailed advice to assist in scrutinising proposals for agricultural, forestry and 'other occupational' dwellings. The latter could include equine dwellings.

A key tenet of PPS7 Annex A is that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, and providing (amongst other things) that there is a clearly established existing functional need and that the unit and agricultural activity have been established for at least three years, and have been profitable for at least one of them. If a new dwelling is essential to support a new farming activity, it should normally be provided by temporary accommodation in the first 3 years.

PPS7 requires local planning authorities to apply the same stringent levels of assessment to dwellings proposed for other occupational dwellings (e.g. equine ones) as they do for agricultural workers' dwellings.

PLANNING OFFICERS COMMENTS

The existing buildings on the site are extremely unsightly. None of them are worthy of retention and hence no objection is raised to their demolition.

The redevelopment of the site with an equine use is potentially acceptable, subject to the detail.

No objection is raised to the design and siting of the buildings, which work well within the site.

The application is accompanied by a comprehensive landscape and visual appraisal. At present views into the site are of a very run down group of farm buildings, but which at least relate to the agricultural use of the surrounding land. To replace these with a dwelling and a series of equestrian buildings will significantly change the visual appearance of the site and hence its visual impact from public areas. However this change will have visual benefits over the present set of redundant farm buildings and will not harm the character and appearance of the AONB due to the landscaping proposed and the location of the site in relation to existing well established trees. Furthermore, the submitted landscaping plan will add further mitigation to the impact of the development.

No highway objection is raised subject to conditions. Although it is acknowledged that the road to the site is narrow, the likely traffic generation would not be materially different to that previously emanating from the farm complex.

Objectors' questioning of the need for such a Centre when other equine clinics exist already in Berkshire does not represent a valid planning objection. Besides, the

whole point, according to the applicant, is that there is no comparable facility anywhere in the country.

The most contentious element of the scheme is the proposal for two new dwellings (a 6 bedroomed manager's house and a staff flat) to serve a brand new business enterprise in the open countryside.

In addition to dwellings required for agricultural and forestry workers, PPS7 also refers to "other occupational dwellings". Likewise, Kennet Local Plan policy refers to dwellings required to meet the needs of "other employment essential to the countryside". PPS7 makes it clear that the same stringent criteria must be applied in assessing the planning merits of these as is applied to agricultural dwellings.

Applications for agricultural dwellings are examined with the utmost scrutiny, so proposals for the likes of equine dwellings must be scrutinised with equal vigour.

If there is to be a justification for a new equine dwelling, PPS7 indicates that it must be in association with an existing equine enterprise on a well-established equine unit. In addition the enterprise must demonstrate an existing functional need and to have been established for at least three years, and to have been profitable for at least one of them. If a new dwelling is essential to support a new equine activity, it should "normally" be provided by temporary accommodation in the first 3 years.

The proposed equine Centre clearly fails the above tests. It does not yet exist, and is not transferring from elsewhere. Furthermore, there is nothing with which to compare it anywhere in the country. It cannot demonstrate a functional need, and its future profitability cannot be guaranteed.

On the face of it, therefore, the present proposal for two dwellings is contrary to prevailing planning policy and only the grant of some form of temporary accommodation would be justified.

Officers have put the above case to the applicant and have suggested that the application be modified accordingly. However the applicant has stressed that his whole business proposition rests on the need to provide the two units of permanent accommodation as submitted. Hence he has declined to amend the fundamentals of the application. The market he is targeting involves extremely valuable horses. Hence the way the business is portrayed is important. His business plan is utterly dependent on the proposed 6 bedroomed house. He argues that such a large house is not unreasonable as it is needed as a 'stay-over' facility for riders/owners of injured horses as well as for the manager.

The applicant recognises that a new agricultural/equine enterprise should "normally" be served by temporary accommodation in the first instance, but argues that this would be unacceptable to clients. He argues that his particular business proposition should be viewed as an instance when the "normally" can be set aside and an exception be made.

Officers acknowledge that to permit the application would be contrary to usual practice. On the other hand, the applicant has conceived a novel business proposition which may just warrant such an exception being made. If Members are prepared to make this exception, there would certainly be benefits in removing such unsightly redundant agricultural buildings and redeveloping the site with an equine enterprise which would visually enhance this part of the AONB.

In conclusion, the case is finely balanced, but officers believe that the proposal represents an opportunity to redevelop an eyesore with a rural enterprise that diversifies the rural economy and is related to the well established equine industry in the district. Potential abuses can be averted by entering into a S106 legal agreement preventing sale of the paddock from the rest of the land to ensure it remains a viable unit.

However if Members are not convinced by the applicant's arguments and business plan, there would certainly be justification in refusing the application on the grounds of it being contrary to advice in PPS7, to Structure Plan policy DP15 and to Kennet Local Plan policies HC26 and HC27.

RECOMMENDATION

Defer & delegate to the Planning Services Manager to grant full planning permission, subject to the prior completion of a Section 106 legal agreement and the following conditions;

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - INFORMATIVE TO APPLICANTS:

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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised site layout plan 2367-09A received on the 8th June 2005 and by the revised Landscape Masterplan xxxxx received on xxxxxx.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

4 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) 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.

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

prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - The trees bordering the site of the new buildings shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To safeguard the health of adjoining trees, in the interests of visual amenity.

7 - The occupation of both the manager's house and the staff flat hereby permitted shall be limited to a person solely or mainly working, or last working, in the treatment of injured horses, agriculture or in forestry in the locality, or a widow or widower of such a person, and to any resident dependents.

REASON:

The site lies within the open countryside where new residential development, other than that required in the interests of agriculture, forestry or other employment essential to the countryside, would be contrary to the policies contained in the approved Development Plan and to government advice contained within PPS7.

8 - The manager's house and staff flat shall not be occupied until such time as the stable complex has been completed in its entirety.

REASON:

To prevent the premature occupation of the residential accommodation before the development for which it is required is completed.

9 - The development to which this permission relates shall be used solely for the purposes of an equine therapy clinic for the treatment of injured horses and riders, and for no other equestrian purpose.

REASON:

The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use, with regard to its impact on highway safety and the character and appearance of the area.

10 - Construction of the house hereby permitted shall not be commenced until a diversion order for public footpath 42 has been made and its new route has been provided.

REASON:

To minimise disruption and inconvenience to users of the footpath.

11 - 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, railings, gates or walls or other means of enclosure shall be erected on the grazing land to the east of the highway running through the site.

REASON:

To preserve the landscape character of this part of the North Wessex Downs AONB.

12 - The development hereby permitted shall not be brought into use until the provision of the three access points as detailed on the submitted plan 2367-09A, with the proposed gates to be set back in the positions indicated and made to open inwards only.

REASON:

In the interests of highway safety.

13 - The development hereby permitted shall not be brought into use until the existing access points not detailed on submitted plan 2367-09A as a new access position have been properly and permanently closed, with the grass verge being reinstated across these access positions.

REASON:

In the interests of highway safety.

14 - The development hereby permitted shall not be brought into use until visibility splays for each of the new accesses have been provided, with nothing to exceed a height of 900mm above carriageway level between the carriageway edge and a line drawn from a point 2.4 metres back along the centre-line of the access from the carriageway edge to points on the nearside carriageway edge at each end of the site frontage.

REASON

In the interests of highway safety.

15 - The development hereby permitted shall not be brought into use until the first 4.5 metres of each of the accesses has been surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

16 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority.

REASON:

In the interests of visual amenity.

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

REASON:

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

18 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the double integral garage hereby approved shall be retained for the garaging of private motor vehicles associated with the equestrian enterprise and ancillary domestic storage and shall not be converted to living accommodation.

REASON:

The conversion of the garage to living accommodation would result in a dwelling overly large in relation to the functional requirements of the enterprise.

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

REASON:

To protect the amenities of users of the public footpaths adjoining the site.

20 - The existing buildings on the site shall be demolished before any part of the site is brought into use and the resultant materials shall have been completely removed from the site.

REASON:

In the interests of the visual amenity of the North Wessex Downs AONB.

21 - INFORMATIVE TO APPLICANTS

The applicants are requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicants to obtain the landowner's consent before such works commence.

22 - INFORMATIVE TO APPLICANTS:

The applicants are advised that this planning permission does not authorise any external illumination to the development.

23 - INFORMATIVE TO APPLICANTS:

This permission does not authorise the diversion of public footpath 42. A separate application under the Town and Country Planning or Highway Acts will be necessary.

24 - INFORMATIVE TO APPLICANTS

The attention of the applicants is drawn to the contents of the attached letter from English Nature dated 26 April 2005 regarding the presence of barn owls on the site, with particular emphasis on the timing of works to avoid the breeding season and on creating replacement nest sites before works begin.

25 - INFORMATIVE TO APPLICANTS:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC26, HC27, NR6, NR7 and NR8.

Item 3:

| | |
|-------------------|---|
| APPLICATION: | K/51383/VAR |
| PARISH: | WEST LAVINGTON |
| APPLICATION TYPE: | Variation of Condition |
| PROPOSAL: | Removal of agricultural occupancy condition |
| SITE: | Wishmead, Russell Mill Lane, Littleton Panell, West Lavington |
| GRID REF: | 00169 54278 |
| APPLICANT: | Mr D Hawkins |
| DATE REGISTERED: | 13th December 2004 |
| CASE OFFICER: | Mr R Parker |

SITE & LOCATION

This application relates to Wishmead Bungalow which lies at the far end of Russell Mill Lane in Littleton Panell. Russell Mill Lane accesses directly onto the A360 High Street, approximately 300 metres to the north of its junction with the B3098.

SITE HISTORY

| | |
|-----------|--|
| K/10210/O | Erection of an agricultural dwelling, granted outline planning permission in February 1987. |
| K/11362 | Erection of bungalow, reserved matters granted in January 1988. |
| K/41631 | Erection of a trout farm management building, stable, tack room, sheep pens, studio & office, refused planning permission in June 2001 and subsequently dismissed on appeal. |
| K/043515 | Extend domestic curtilage to include wood and lawns and build a culvert bridge to link both sides of farm, granted planning permission in May 2002. |
| K/045937 | Erection of a sheep shed, granted planning permission in June 2003. |

DESCRIPTION OF DEVELOPMENT

The proposal is to remove the agricultural occupancy condition attached to the original planning permission for Wishmead Bungalow (condition no.2 attached to planning permission reference K/10210/O).

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a supporting statement which is attached to this agenda.

PARISH COUNCIL COMMENTS

No objection.

CONSULTATIONS

Wiltshire County Highways (Mr Wiltshire) – No objection.

REPRESENTATIONS

Six letters have been received raising the following objections:

- a) Prior to Mr Hawkins moving in the farm was run by the Gregory family for over 20 years as virtually their only source of income, supporting two families living in two dwellings at the site. According to the former owner (Mr Gregory junior) the farm

was producing 80 tons of fish per year. This was divided into sales of 4oz fingerlings to supply other trout farms and large 2lb-8lb trout for stocking other fisheries. Most of the rest, some 50 tons, was either sold to the wholesale trade at Billingsgate in the form of boxed/iced ungutted fish or to other outlets in the county. The farm also produced 'potted trout', 'trout pate' and 'smoked trout fillets'. The owners did one weekly run to London and the County leaving in the dead of night and trout feed was delivered every two weeks. Income was supplemented by the sale of eggs from 400 hens as well as the yearly sale of 200 cockerels.

- b) The farm was operating until shortly before it was sold, shortly before which time Mr Gregory senior became ill and no new stock was purchased. The farm was not redundant as Mr Hawkins claims and the farm does not need to be increased in size to become viable.
- c) Since the property was acquired by Mr Hawkins no serious effort has been made to operate the business in such a way as to provide a source of income, despite a list of customers having been supplied by the former owners of the business. Mr Hawkins' sole intention was to move his sculpting business to the site, as evidenced by his recent failed planning application.
- d) The latest proposal may be part of a ploy to ensure that future applications for the property are more favourably received. Such applications may affect the quiet enjoyment of existing properties in the lane and in particular exacerbate concerns over excessive traffic in what is a narrow lane with no passing places and a substandard junction with the A360.
- e) The former owner (Mr Gregory junior) believes that inland trout farming does not require an output of 100 tonnes in order to employ a full time worker. One objector also expresses surprise that Mr Hawkins' fish farm licence limits production to 10 tonnes annually, particularly given the previous levels of production quoted by Mr Gregory (other objector estimates of previous production levels vary between 70 and 100 tons per annum). The same objector is convinced that there were originally 25,000 fish in each pond.
- f) The proposal would increase the market value of the property and make it difficult for a local farmer to purchase it and run the site as a commercial business in the future.
- g) The applicant is currently in breach of the tie and this disqualifies him from applying to lift it.
- h) To remove the tie would create a precedent for other agriculturally tied properties in the District. There may be others who wish to take on the property and fish farm and run it compliant with the tie.
- i) Park Farmhouse is irrelevant to the consideration of the application. Only one dwelling is required to run the trout farm and Wishmead bungalow is perfectly adequate.
- j) The lack of a trout building is not a valid excuse for removing the tie. Mr Hawkins has obtained permission for a sheep shed and there is no reason to suggest that approval would not be forthcoming for a similar trout building. Alternatively, an existing shed on the land could be converted or extended.

POLICY CONSIDERATIONS

Kennet local Plan 2011 - policies HC26 and HC27 are relevant to the consideration of this application. Government guidance contained in Annex A of PPS7 "Sustainable Development in Rural Areas" is also relevant. This states that:

"Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be

kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.”

PLANNING OFFICERS COMMENTS

Background

Wishmead Bungalow, the dwelling which is the subject of this application, was originally granted planning permission in 1987, contrary to the recommendations of officers who advised that there was no functional need for the dwelling. There was a requirement for a worker to live on-site, but this need was met by Park Farm House which at that time was within the same ownership as the trout farm. As a requirement of granting planning permission for Wishmead Bungalow, Park Farm House was agriculturally tied by way of a legal agreement entered into under Section 52 of the Town and Country Planning Act 1971 (the forerunner to Section 106 of the Town and Country Planning Act 1990).

Since that time the ownership of Park Farm House has been separated from the trout farm, leaving Wishmead Bungalow as the only dwelling available to serve the business. Ownership of the trout farm has also passed from its original owners (the Gregory family) to the present applicant.

In June 2003 the agricultural tie on Park Farm House was lifted by agreement with the Council on the basis that (i) the dwelling no longer had any agricultural land associated with it; and (ii) it was considered that the cost of necessary repair works would be beyond an agricultural worker, particularly with no land. It was also questionable whether the building would be too large, and thus expensive, for an ‘off-site’ agricultural dwelling.

The present applicant acquired Wishmead Bungalow with a view to running the trout operation alongside his established sculpting business which he hoped to re-locate to the site. A planning application was submitted in June 2001 under reference K/041631 for various buildings on the site, including a trout farm management building and a sculpting studio. This application was refused by members and an appeal was subsequently dismissed. In dismissing the appeal the inspector concluded that the proposals would “extend development unnecessarily into the countryside to the detriment of the character and appearance of this part of the countryside”. She also concluded that no evidence had been submitted to demonstrate an essential agricultural need for the trout management building. In summing up the inspector stated that:

“I acknowledge that the continuance of the existing trout farm business is of benefit to the local rural economy and social well-being of the rural community. However, this must have regard to maintaining and enhancing the character of the countryside, including safeguarding the distinctiveness of its landscapes. The vital role of rural enterprises, especially small scale enterprises, in promoting healthy economic activity in rural areas should not over-ride other important planning considerations such as maintaining or enhancing the character of the countryside. I find that the proposed buildings associated with the continuance of use of the trout farm do not outweigh the harm that these would cause to the landscape. This is contrary to Government guidance in PPG7 on safeguarding the countryside.”

The application attracted 14 letters of objection, one of the main objections being that Russell Mill Lane, by virtue of its narrow width and lack of pavements, was unsuitable to cater for an increased volume of traffic and could present a threat to pedestrian

safety. Local residents were seriously concerned regarding the impact proposals may have upon the amenities of the area and in particular the potential for noise and disturbance. However, the appeal inspector concluded that the lane already serves an established operational trout farm and that additional traffic movements generated by relocating the appellant's sculpture business to Wishmead Trout would not be so significant as to be harmful to highway safety.

Notwithstanding the inspector's conclusion above, it is worth noting that the Highway Authority has consistently raised objections to previous proposals in Russell Mill Lane on the grounds that the junction of the lane with the A360 is substandard in terms of visibility. It is considered therefore, that any significant intensification in the use of Russell Mill Lane (through the expansion of the trout farm for example) would be detrimental to highway safety.

Viability of Wishmead Trout

The Council have employed a suitably qualified and experienced consultant to advise upon whether the present level of infrastructure at Wishmead Trout would be capable of supporting a viable trout farming business. The consultant has concluded that:

"The site's viability as a commercial trout farm is in doubt. The existing production capacity falls short of what can be reasonably considered average. Small trout farms across the UK are now faced with decreased annual water flows, higher average summer temperatures and lower proportional market values. This size of farm no longer offers viability. Many have now been forced to become either hatchery/fry units or hobby farms. Of which I would class Wishmead trout farm in the latter category.

"The restrictive road access, residential location, low water abstraction availability and lack of fish farming knowledge from the owner, would severely compromise any associated development."

The consultant has investigated the opportunities for developing the business to attain viability. He has concluded that there are two potential options:

a) Adding value to the product through fish processing and smoking

Further buildings would be required for the installation of hygienic food processing facilities to meet stringent regulations and standards set by the Food and Hygiene Agency. A building of at least 2,000sq ft would be required, together with the purchase of fish processing and smoking equipment. The level of investment required would be in the region of £200,000.

The consultant advises that this course of action would be ill advised on the basis of potential production figures from the farm. Fish would need to be brought in from other sites to make up the shortfall and would almost certainly pose a disease risk to the existing stock of both Rainbow trout and the indigenous Brown trout in the Semington Brook. In addition, disposal of fish waste would be a problem and the environmental impact of the smell emanating from such a unit would almost certainly provoke local residents into complaint. There would also be increased traffic to the site.

b) Development of fry/fingerling production

The amount of water available to Wishmead Trout could lend itself to the development of a trout fingerling production unit. This would result in a lower tonnage being held on the farm and a higher turnover based on increased numbers of fish.

This course of action would again require significant site development and cost. A borehole for hatchery purposes would be required, together with a 1,000 – 15,000sq ft building for the incubation of eggs and early raising of young stock. There would also need to be a total revamping of the site, comprising the installation of round tanks or raceways throughout the farm and re-routing of all flows. The total cost would be in excess of £200,000.

The consultant draws attention to the fact that there are stocks of fish upstream over which the applicant has no control. They will offer a threat to the health status of any fry produced on the site and subsequent saleability. The two incidents of pollution in February 2001 and December 2004 are of great concern. Unless an undertaking was available from the Environment Agency to ensure there is no re-occurrence the consultant considers that this is a risk which needs to be considered carefully. Hatchery management is a specialised area and would require the employment of a qualified hatchery manager.

Marketing

The property has not been marketed to the agricultural community with its occupancy tie. However, it is a substantial bungalow which comes with over 4 hectares of land and therefore officers consider that this puts the property way beyond the means of an agricultural worker.

Conclusion

In view of the above circumstances officers consider that the most appropriate course of action is to remove the agricultural tie. Wishmead Trout is not viable in its current state and any investment required to attain viability would be substantial and risky. It would also give rise to a material increase in traffic movements to the site, something which would be of great concern to local residents and the highway authority in view of the narrow width of Russell Mill Lane, its lack of pavements and the substandard junction with the A360. Furthermore, the options put forward by the consultant for developing the business to attain viability would involve the erection of sizeable buildings which, in view of the previous appeal decision, are likely to cause visual harm. It is also likely to be the case that an inspector on any appeal would consider the original circumstances in which planning permission was granted, when the independent advice professional given to the council at that time was that there was no agricultural justification for the dwelling.

RECOMMENDATION

Approve

1 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the removal of the condition would accord with Government advice in PPS7 given the carefully examined circumstances that exist on this site and that removal would not cause any significant harm to interests of acknowledged importance, having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC26 & HC27.

Item 4:

| | |
|-------------------|---|
| APPLICATION: | K/52126/F |
| PARISH: | NORTH NEWNTON |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Demolition of existing side extension. Erection of side/front extensions and conversion of roof to bedroom/bathroom |
| SITE: | 1 Park Road, North Newton, Pewsey, SN9 6JX |
| GRID REF: | 13111 56838 |
| APPLICANT: | Mr and Mrs E Chandler |
| AGENT: | Mr R A Ward |
| DATE REGISTERED: | 29th April 2005 |
| CASE OFFICER: | Mrs C Coombs |

BACKGROUND

This application is presented to Committee at the request of the Ward Member.

SITE & LOCATION

The site is located on the southern side of Park Road in North Newton, close to the junction with the main road, Rushall Road. The turning into Park Road is immediately to the south of North Newton Garage.

SITE HISTORY

K/47076: Erection of single storey extension to form double garage and conservatory and replace flat roofs with pitched roofs. Planning permission granted 5 April 2004.

DESCRIPTION OF DEVELOPMENT

The application proposes amendments to the previous permission K/47076. Only the changes made to the previous permission can be taken into account in considering this proposal.

The changes are as follows:

- The replacement of a window in the side elevation with a domestic door to serve the garage;
- The provision of an additional window in the side elevation to serve the proposed dining room (1.2m in length and 1 metre in height);
- A single storey extension to the rear. This extension is approximately 3 metres in depth and 1.5 metres wide. The extension presents an eaves line view to the property to the south. The extension is approximately 2 metres from the boundary with the neighbouring property.

PARISH COUNCIL COMMENTS

North Newton Parish Council raises no objections.

CONSULTATIONS

County Highways (P Galpin) - no objections.

REPRESENTATIONS

One letter of objection has been received from the occupier of 1 Rushall Road, which is the property that adjoins the south of the application site. A copy of the letter

received from the occupiers of this property is available on the file for inspection. For the purposes of this report, the concerns raised are summarised below:

- The length of the extension to the side is 2-3 metres longer. Concerned that the development will have a significant overbearing and imposing impact upon their neighbouring property.
- Object to the windows in the side (SW) elevation. The tops of the windows are about 12 inches above the boundary fence. This will result in a loss of privacy to their neighbouring property.
- Request confirmation that there will not be any velux or dormer windows placed in the SW elevation in the future.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policy PD1 is relevant.

PLANNING OFFICERS COMMENTS

This application seeks changes to an earlier permission. Only the changes now proposed can be considered. The main issue to consider is the impact of the development upon adjacent residential properties and it is clear that the most affected property is 1 Rushall Road. Building work has already commenced and it is therefore possible to judge the likely impact of the changes more easily.

Two issues arise upon consideration of this proposal, namely;

The impact of the revised window and door arrangements in the south west elevation.

The application makes provision for a further window at ground floor level and a door in lieu of a window to serve the garage area. These are located approximately 1.5 metres away from the boundary of the site with the neighbouring property.

A small section of the top of this window and door will be visible above the adjacent boundary fence line. However, these openings are at ground floor level and are in most part screened by the intervening boundary fence. The proposed door is no higher than the previously approved window and is narrower. The new window to serve the dining room is towards the rear of the dwelling and is approximately 12 metres away from the rear wall of the neighbours' house. Despite the floor level being slightly raised on this part of the extension, due to a difference in levels, given the distance involved, it is considered that the impact upon privacy will not be significant and certainly not sufficient to justify refusal of this aspect of the proposal.

Overbearing impact of the development

The application makes provision for a further extension on the rear of the property which is approximately 3 metres in depth and 1.5 metres wide. The extension is a maximum of 6 metres in height to the ridge and presents an eaves line view to the neighbouring property. This part of the development is located approximately 15 metres away from the rear wall of the neighbours' house. The roof of the proposed extension slopes away from the boundary with the ridge being approximately 4.5 metres away from the boundary.

Given that the proposed extension is single storey and is sited at some distance from the rear wall of the neighbouring property, it is considered that there will not be a significant impact upon the living conditions of the neighbouring dwelling.

In sum, the changes proposed by this application are considered acceptable and approval is therefore recommended.

RECOMMENDATION

Approve with Conditions –

1 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing structure.

REASON:

To secure harmonious architectural treatment.

2 - 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 windows shall be incorporated in the south west elevation of the extension hereby approved above ground floor ceiling level.

REASON:

In the interests of the privacy of the neighbouring properties.

3 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 5:

| | |
|-------------------|---|
| APPLICATION: | K/52200/F |
| PARISH: | BURBAGE |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Erection of two storey rear extensions and single storey front extension incorporating garaging |
| SITE: | 16 Taskers Lane Burbage |
| AGENT | Mathewson Whittaker Waters |
| GRID REF: | 23175 61591 |
| APPLICANT: | Mr and Mrs S J Colling |
| DATE REGISTERED: | 19th May 2005 |
| CASE OFFICER: | Mrs C Coombs |

SITE & LOCATION

Taskers Lane is located on the eastern side of the High Street. The site is located on the southern side of the lane past the turning into Burroughs Drove.

SITE HISTORY

K/42569: Erection of single storey extension at the front and two storey extension to the rear. Planning permission granted 4 February 2002.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of two storey rear extensions and a single storey extension to the front which comprises of a double garage and linking lobby area.

The extensions to the rear take the form of two rear gabled extensions that are two storey in height and approximately 2.5 metres in depth.

To the front there is a proposed single storey lobby area which links to a double garage. The garage is approximately 5.5 metres by 5.5 metres and 4.5 metres in height.

The proposed garage/ lobby and the western rear extension are located approximately 1 metre from the western boundary of the site. This boundary backs on to the end of the cul-de-sac, Crosby's.

PARISH COUNCIL COMMENTS

No objections.

CONSULTATIONS

Wiltshire County Council Highways - (P Galpin) – no objections.

REPRESENTATIONS

Letters of objection have been received from 5 households all of whom reside in Crosby's, a cul-de-sac that shares a boundary with the property.

Their grounds for concern can be summarised as:

- Adverse impact of the development upon dwellings within Crosby's in terms of loss of light and impact upon the streetscene;

- Concerns raised over the loss of privacy to No.s 7 & 12 Crosby's;
- The development is not in keeping with the rural appearance of the area;
- Development will adversely affect the open character of Crosby's by blocking in the end of the cul-de-sac;
- Concerned about the lack of consultation carried out by the Parish Council;
- Concerned that the site plan submitted does not accurately show the position of neighbouring dwellings;
- The development will adversely affect existing trees;
- Development will significantly increase the size of the dwelling. Reference made to the provisions of the Town & Country Planning (General Permitted Development) Order 1995.
- Concerned that the development will be close to the boundary and this will not accord with building regulations.
- Burbage is a conservation area and this should be preserved.
- Current fence line does not denote the correct boundary.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policy PD1 is relevant. The site does not lie within the Burbage Conservation Area as suggested by local residents.

PLANNING OFFICERS COMMENTS

The site is located within an established residential area. It is considered that this proposal gives rise to the following issues:

Impact upon residential amenity

The proposed development is within close proximity to nos. 7 & 12 Crosby's and 18 Taskers Lane.

The impact of the development upon 18 Taskers Lane is limited. The proposed extension to the front is at distance from this property. The rear two storey is also at sufficient distance to ensure no significant loss of amenity.

7 & 12 Crosby's which lie to the west of the site are most affected by the proposal. No. 7 is located to the north west of the site. The corner of the proposed garage will be approximately 7 metres away from the front wall of this dwelling. The proposed garage is single storey and given the distance involved and the location of the garage which is to the side of this dwelling, it is considered that the garage will not be unduly overbearing or result in a loss of light to this property.

No.12 Crosby's is at close proximity to the proposed development. Concerns have been raised over the impact of the extension upon the living conditions of this dwelling. Because 12 Crosby's and the application site are staggered - the application site being set forward of 12 Crosby's, some degree of overshadowing is already caused by the existing house. The proposed garage extension is to the north of the neighbouring property and is unlikely to result in a significant loss of light to the property. As it is single storey, it would be difficult to argue that it will be overbearing.

In terms of the proposed two storey extension to the western side of the house, this reduces the amount of space between 12 Crosby's and 16 Taskers Lane. However, the resulting arrangement is common of a residential estate and the remaining 3 metre gap will not appear as unusual for such locations. The extension which is to the north of 12 Crosby's will not result in a loss of light to the property and given its limited depth of 2.5 metres, it is not considered to be overbearing.

In terms of privacy, concerns have been raised over the location of windows in the side elevation of the dwelling. One window is provided at ground floor level in the rear extension and a further ground floor window is provided in the lobby extension at ground floor level. These windows will not result in a loss of privacy to the neighbouring property and will be screened by the existing boundary fence. One additional window is proposed in the gable end of the existing property to serve bedroom 4. This window could be inserted without the need for planning permission as it constitutes permitted development.

Impact upon the streetscene and the appearance of the area

Concerns have been raised over the impact of the proposed extension to the front of the property upon the appearance of Crosby's. Currently when looking towards the application site from this cul-de-sac, a view of trees and lawns is visible. The proposed development would result in a partial view of the gable end of the garage and the roof of the lobby.

Concerns have also been raised over the likely loss of trees and landscaping that would result because the garage is at close proximity to the boundary. These trees contribute to the rural character of the area.

The trees in question are not protected nor are they of sufficient amenity value to be worthy of protection. It is considered that the proposed garage will not be unduly prominent or jarring within the streetscene. The streetscene is of a residential cul-de-sac and it is considered that the proposed garage will not detract from that. The existing fence will screen the gable end and it is likely that only the upper part of the garage will be visible. It is regrettable that the development may result in the loss of these trees, but the wider amenity value of them is limited and would not be a reason to withhold planning permission in that behalf. If the applicant damages the property of a neighbouring dwelling, this is a civil matter between both parties to resolve.

RECOMMENDATION

Approve with Conditions

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

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing structure.

REASON:

To secure harmonious architectural treatment.

3 - The window at first floor level serving bedroom 4 in the side elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

4 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 6:

| | |
|-------------------|---|
| APPLICATION: | K/52178/F |
| PARISH: | NETHERAVON |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Change of use of footpath and amenity land to garden with erection of 1.8 metre close boarded fence |
| SITE: | 3 Walnut Close, Netheravon |
| GRID REF: | 14404 49300 |
| APPLICANT: | Mr S Apps |
| DATE REGISTERED: | 12th May 2005 |
| CASE OFFICER: | Mr N Britton |

SITE & LOCATION

Walnut Close is a small cul-de-sac of modern terraced properties off Thorne Road at the north end of Netheravon. To access the site members should turn into Thorne Road at the western end of Mill Road, near its junction with the main A345, and then turn left into Walnut Close. Number 3 is the end house of a terrace of three and adjoins a parking court part of which, including two parking spaces, belongs to the applicant. In the corner of the parking court was previously a small patch of grass containing a young maple tree, forming part of a landscaping scheme for the original development.

SITE HISTORY

K/31836 - 14 dwellings (including 6 flats) permitted 08.02.1996

K/ 51010 - Conservatory (No 3) permitted 10.11.2004

DESCRIPTION OF DEVELOPMENT

The retrospective application is for the change of use of the small piece of amenity land to private garden and the erection of a 1.8 metre high close-boarded fence matching the rest of the garden boundary. A gate has been incorporated to provide access to the garden and to a pedestrian right of way into the rear of number 2, the middle house in the terrace of three. The maple tree has been retained within the enclosure, as has the original L-shaped path giving access to No 2.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant states that the works will still offer full access for the neighbour to use the original path to gain access to his rear garden. It offers better security at the rear of the property and fits in with surrounding features.

PARISH COUNCIL COMMENTS

Netheravon Parish Council objects to the application. It felt strongly about the fact that the application was retrospective. Due to the new fence construction the access path to the rear garden of dwelling No. 2 now went through the garden of No.3, this could prove intimidating for the new owner of No.2. The footpath to the back garden of No.2 should be re-instated to run behind the garden of No.3

CONSULTATIONS

County highways (P Galpin) - no objection.

REPRESENTATIONS

The owner of No.2 Walnut Close has objected for the following reasons:

1. the property boundaries on the plans may not be correct,
2. the path is designated as a right of way on the original property title,
3. without clear access, there is a health and safety risk,
4. the gate is bolted shut,
5. an informal access agreement may not be honoured in the future,
6. a better solution is suggested, maintaining the path behind the garden extension.

POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan 2011 requires a high standard of design in all new development, including consideration of relationship to townscape context, layout servicing and access arrangements, landscaping proposals, materials, colour, detailing and the impact on residential amenity.

PLANNING OFFICER'S COMMENTS

The Government's PPG1 General Policy and Principles states that the planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

There are numerous cases in both historic and modern developments where residents must walk through other property to gain access to the rear of their own property, and this implies a certain loss of privacy. However, it carries no element of public interest. The material planning consideration in the present case is the effect of the change of use on the appearance of the parking court as an integral part of this housing development. In this respect a large area of open planted verge would remain in the parking area and it is considered that the enclosure of this small area would not have any detrimental impact on the appearance of the area.

RECOMMENDATION

Approve, subject to the following informatives -

1 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant retrospective planning permission has been taken on the grounds that the development does not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

2 - INFORMATIVE TO APPLICANT:

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of the private right of way that crosses the site. You are advised to check the title deeds of your property to ascertain your legal obligations in respect of Nos. 1 and 2 Walnut Close, and if necessary to consult a solicitor.

