

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.03.2012		
Application Number	W/11/03130/FUL		
Site Address	Land East Of 3 Lower Marsh Road Warminster Wiltshire		
Proposal	Stables with new vehicular access		
Applicant	Mr A Jones		
Town/Parish Council	Warminster		
Electoral Division	Warminster Broadway	Unitary Member:	Keith Humphries
Grid Ref	387465 144028		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Ridout has requested that this item be determined by Committee due to the environmental/highway impacts and the presence of the flood plain.

1. Purpose of Report

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

Neighbourhood Responses

Three letters of response were submitted, two of objection and one making observations on restricting the proposed use of the site.

Town Council Response - Warminster Town Council objects to the proposal.

2. Report Summary

The main issues to consider are:

- potential impacts on the countryside and Special Landscape Area;
- flood risk; and
- neighbour amenity.

3. Site Description

The application site is a rectangular portion of paddock of approximately 0.56ha in extent. It is located to the south of Lower Marsh Road, to the south and immediate east of Town Policy Limits and adjacent to the residential property at No. 3 Lower Marsh Road owned by the applicant. It therefore falls within the open countryside, and the surrounds are designated as a Special Landscape Area. The site is located largely within Flood Zone 3.

4. Relevant Planning History

W/09/02317/FUL : Stables with new vehicular access : Withdrawn 10.11.2009 for further information in relation to flooding.

5. Proposal

The application is for the erection of a stable block comprising two loose boxes, a hay and feed store, a tack room and tractor store. The building would be in an "L"-form with length dimensions of each of the "legs" of 12m. The width of the legs would be 4m. A ridge height of 3.7m is proposed. Materials would be timber with a plastic-coated sheeting roof. A vehicular entrance/exit is also proposed off of Lower Marsh Road providing access onto a block-paved parking and turning area to the north and east of the building. The proposal is to provide stabling for two ponies and associated storage and equipment space. The application is supported by a Flood Risk Assessment.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C1- Countryside Protection ; C3 - Special Landscape Areas; C31A - Design; C38 - Nuisance; E10 - Horse Related Development

National guidance

PPS1: Delivering Sustainable Development; PPS7: Sustainable Development in Rural Areas; PPS25: Development and Flood Risk

7. Consultations

Town council

Warminster Town Council objects to the proposal, noting: "On flood plain" and "Proposed the application is called in"

Highways

No objection. Conditions recommended in relation to access splays, gates and gradient. A note to the applicant on the provision of a pipe to the highway ditch is also recommended.

Wessex Water

No objection.

Environment Agency

No objection in principle to the proposal. The Flood Risk Assessment is noted. The submitted plans show that the floor level of the proposed stables will be set at existing ground level and the building will be of a porous design i.e. be able to let flood waters enter and leave the building, without impeding flood flows or reducing flood storage capabilities. Where the vehicle access and hard-standing area would be block paved, and disposal of surface water will be to soakaway, the soakaway should be shown to work. An informative to the applicant regarding the construction of the bridge over the existing drainage ditch is recommended. Under the terms of Section 23 of the Land Drainage Act 1991 any works (permanent or temporary) that may affect the flow of an 'ordinary' watercourse will require the prior written consent (Flood Defence Consent) of the Environment Agency. The need for this consent is separate from the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258483351 to discuss the scope of our controls.

Wiltshire Council Landscape Officer

The proposals were discussed with the Landscape Officer, who recommends a landscaping condition to address the works to the hedge and the surfacing of the access/turning area.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 06.01.2012

Summary of points raised:

- Unfortunate that development is proposed in Special Landscape Area, but it is understood that an "agricultural" use may be permitted;
- Approval of dwellings to west was not meant to compromise "transitional view" between countryside and urbanised area and the recent use of this site for storage of building materials, forklifts and caravans has affected this;
- this shouldn't be the first of a ribbon of agricultural developments along Lower Marsh Road;
- building appears to have a large footprint;
- use should be restricted;
- lack of clarity on how a soakaway would work on this site in floodplain;
- how will waste from equine use be disposed of;
- Wessex Water should be consulted;
- hazards associated with access directly opposite entrance to Henford House - conflict with users of that facility;
- still a gap in the original hedge that formed the boundary of the town;
- existing problems with drainage may be exacerbated;
- vehicles should be restricted to those associated with stabling only;
- no access from this site into the drives of 4 to 5 Lower Marsh Road should be permitted.

9. Planning Considerations

Potential impacts on the open countryside and Special Landscape Area

The West Wiltshire District Plan Policy E10 states that proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications. An additional consideration is that of the Special Landscape Area (Policy C3) which requires particular attention to avoid development harmful to the character of the landscape.

In this case the stable building would be of a standard low-profile form and appearance utilising materials of wood cladding under roof sheeting, albeit with a footprint large enough to accommodate the loose boxes, feed store, tack room and tractor. In terms of British Horse Society guidance the main criteria in considering the size of any stabling are that the animals should be able to stand up and turn around without difficulty, and to lie down and roll easily without the risk of injury. The Society recommends a minimum stable size of 3.6 metres by 3.6 metres for average sized horses, the height being between 2.7 and 3.3 metres. In this instance the loose boxes would have dimensions of 3.9m x 3.6m and 3.6m x 4.9m and the internal roof height would be approximately 3.4m. The building would be seen in views from the south but would be seen in the context of the edge of town residential development, and the backdrop of the ridge and "Henford House" on the opposite side of the road. From Lower Marsh Road itself the building would be largely screened by the existing vegetation to the boundary. It is considered that, provided acceptable materials are utilised, the building would not be an inappropriate structure in this context and would not give rise to unacceptable harm to the landscape setting. However, in noting the neighbouring comments it is considered that a condition constraining the use of the site, building and surrounding hardstanding to private equestrian purposes would be reasonable and appropriate.

Neighbours also express concern about the proximity of the access to the Henford House entrance and potential conflicts. The highways officer has raised no objection in this regard and, whilst the narrow nature of Lower Marsh Road is acknowledged, it is not considered that the relatively infrequent anticipated use of the access serving a private equestrian use for two ponies would be likely to generate unacceptable highway hazards.

Flooding

The Town Council and neighbours have raised concerns regarding flooding. Following the withdrawal of an earlier application for further information in respect of this issue, a Flood Risk Assessment was prepared and submitted in support of this proposal. The Assessment included a level survey of the site and indicates that the locality of the stable building in the north western corner of the site is not within Flood Zone 3, although the remainder is. The Conclusion is that the stable block therefore "...does not require any compensatory measures for loss of Flood Plain Volume". The access also does fall within Zone 3, hence the proposal for a bridge in order to maintain the current potential volume of the drainage ditch.

The Environment Agency evaluated the content of the Assessment and has confirmed no objection given the design and location of the building. It is considered that in the light of this response there is no Flood Plain reason for refusal. However, it is considered that a condition requiring the use of permeable paving to the hardstanding area would be appropriate as a measure to reduce run-off. The informative recommended by the Environment Agency regarding separate Flood Defence Consent should also be included in any permission. A further condition requiring drainage details is also considered relevant and reasonable to address the comments of the Environment Agency, as well as neighbour observations.

Amenity issues

The site is in a locality and use that would permit the accommodation of the two horses without planning permission. However the location of the building and concentration of the equine activity around the stables indicates that it would be appropriate to require details in respect of manure storage and disposal by way of condition in order to limit any potential for harm to neighbouring amenity.

10. Conclusion

Provided that appropriate conditions are made applicable, permission is recommended.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 3 No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the

development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

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

- 4 No horse manure or any other materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area.

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

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

- indications of all existing trees and hedgerows on the land including measures to ensure that the boundary hedge between No 3 Lower Marsh Road and the countryside is re-instated;
- details of trees and hedges to be retained, together with measures for their protection in the course of development;
- means of enclosure;
- the layout of the parking and turning area, and proposed surfacing materials; and
- other vehicle and pedestrian access and circulation areas.

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

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

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

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

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

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

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

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

- 8 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

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

- 9 The development hereby permitted shall not be first brought into use until the splayed access area between the carriageway edge and the field boundary has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10

- 10 Any gates to close the access shall be set back on the field boundary (existing hedge) and shall be made to open inwards (away from the highway) only.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10

- 11 The gradient of the new access shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres measured back from the carriageway edge.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10

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

Drawing: Locality Plan received on 25 November 2011;

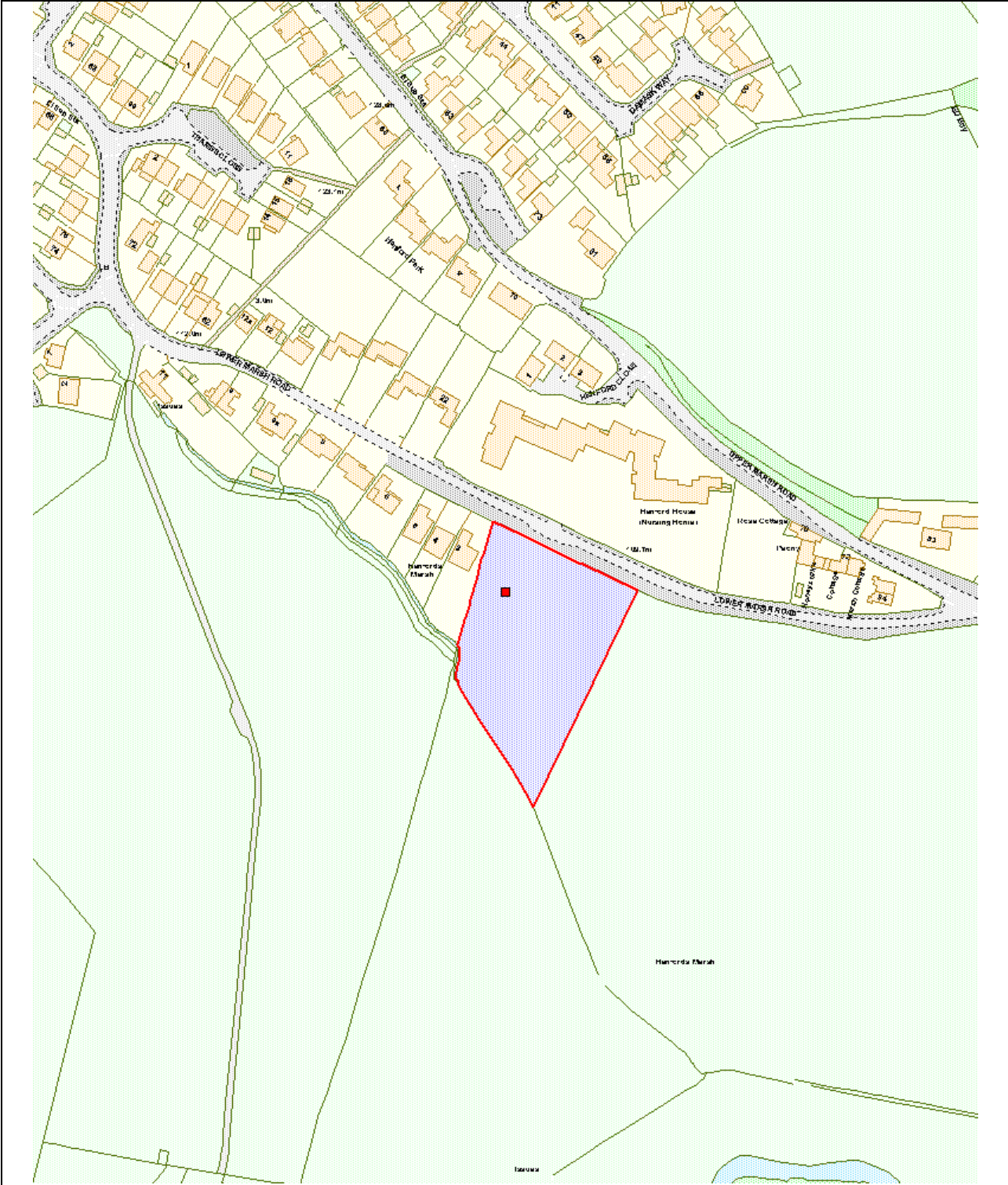
Drawing: No. 2924 received on 25 November 2011;

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

Informative(s):

- 1 The applicant is advised to contact Wessex Water 01225 526000 with regard to the protection of water infrastructure prior to the commencement of works.
- 2 The applicant is advised that under the terms of Section 23 of the Land Drainage Act 1991 any works (permanent or temporary) that may affect the flow of an 'ordinary' watercourse will require the prior written consent (Flood Defence Consent) of the Environment Agency. The need for this consent is separate from the need for planning consent. The applicant is advised to contact Daniel Griffin at the Environment Agency on 01258483351 with regard to the proposed bridging of the drainage ditch. There should be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- 3 The new access crosses a highway ditch which will require to be piped as part of the development. In this connection the applicant is advised to contact the Wilton Highways Office, Tel 01722 744440.

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



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