

## Regulatory Committee

August 28<sup>th</sup> 2008

### List of Applications for Consideration

1. K/58668/F (page 9)

Full planning application for: Demolition of existing farmhouse and farm buildings and the erection of a replacement dwelling and seven additional houses (three affordable) together with a new access and associated works

At: Ropewind Farm, Rivar Road, SHALBOURNE SN8 3PU

RECOMMENDATION: Defer and Delegate to Planning Services Manager to grant planning permission following completion of legal agreement

2. K/58876/F (page 24 )

Full planning application for: Erection of chalet bungalow with mansard roof to rear projection.

At: Land adjoining 1 Fiddington Folly, Fiddington Hill, MARKET LAVINGTON SN10 4BU

RECOMMENDATION: Approve with conditions

3. K/58879/F (page 33)

Full planning application for: Erection of chalet bungalow with pitched roof to rear projection.

At: Land adjoining 1 Fiddington Folly, Fiddington Hill, MARKET LAVINGTON SN10 4BU

RECOMMENDATION: Approve with conditions

4. K/58848/F (page 37)

Full planning application for: Change of use from class B1 (Business) to A1 (retail)

At: 8, Bath Road Business Centre (part of), DEVIZES SN10 1XA

RECOMMENDATION: Approve with conditions

5. K/58247/ADV (page 41)

Advertisement application for: Display of illuminated fascia sign

At: Co-op store, Oxford Street. ALDBOURNE SN8 2DQ

RECOMMENDATION: Grant advertisement consent

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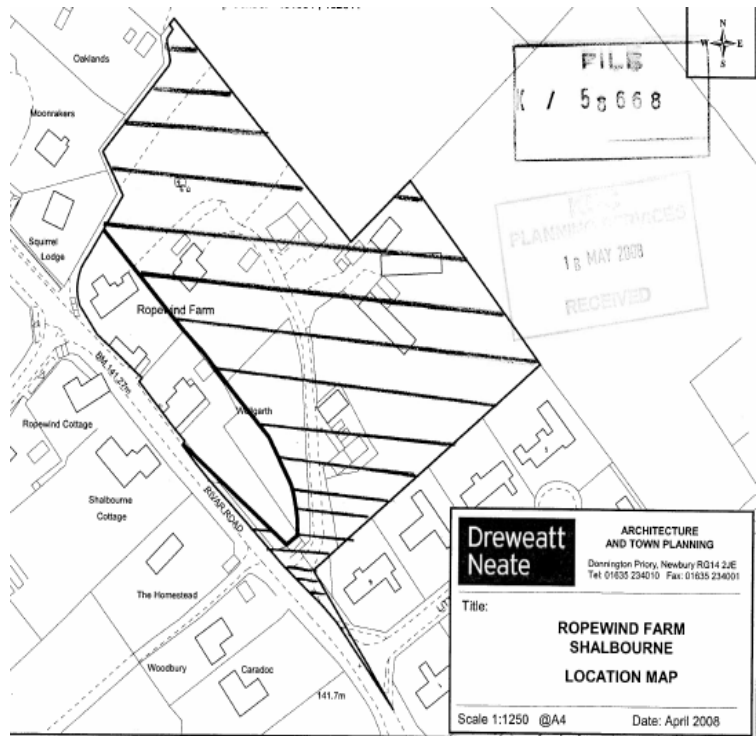
Item 1

**APPLICATION NO:** K/58668/F  
**PARISH:** SHALBOURNE  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Demolition of existing farmhouse and farm buildings and the erection of a replacement dwelling and seven additional houses (three affordable) together with a new access and associated works (Resubmission of K/55861/F).  
**SITE:** Ropewind Farm Rivar Road Shalbourne Wiltshire SN8 3PU  
**GRID REF:** 431564 162653  
**APPLICANT:** The Royal Agricultural Benevolent Institution  
**AGENT:** Mr A Lord  
Dreweatt Neate  
**DATE REGISTERED:** 01/05/2008  
**CASE OFFICER:** Andrew Guest

**SITE LOCATION**

The 1.2 ha application site lies on the north-west side of Rivar Road, within the limits of development of Shalbourne and the Shalbourne Conservation Area. The site forms the larger part of Ropewind Farm, and comprises a farm house, a number of contemporary farm buildings, two small paddocks and an area of woodland.

Also within the farmyard but outside of the application site are two traditional barns. These were granted planning permission in 2006 to be converted to a single dwelling and associated garaging. To date this permission has not been implemented.



*Location Plan*

To the north-west side of the site is a public footpath with low density residential development beyond. To the south-west side are the barns the subject of the 2006 planning permission and a detached cottage, Wellgarth. Beyond these, on the opposite side of Rivar Road, are further detached houses. To the south-east side of the site is Little Mead – an estate of eight detached bungalows. To the north-east side is open countryside.

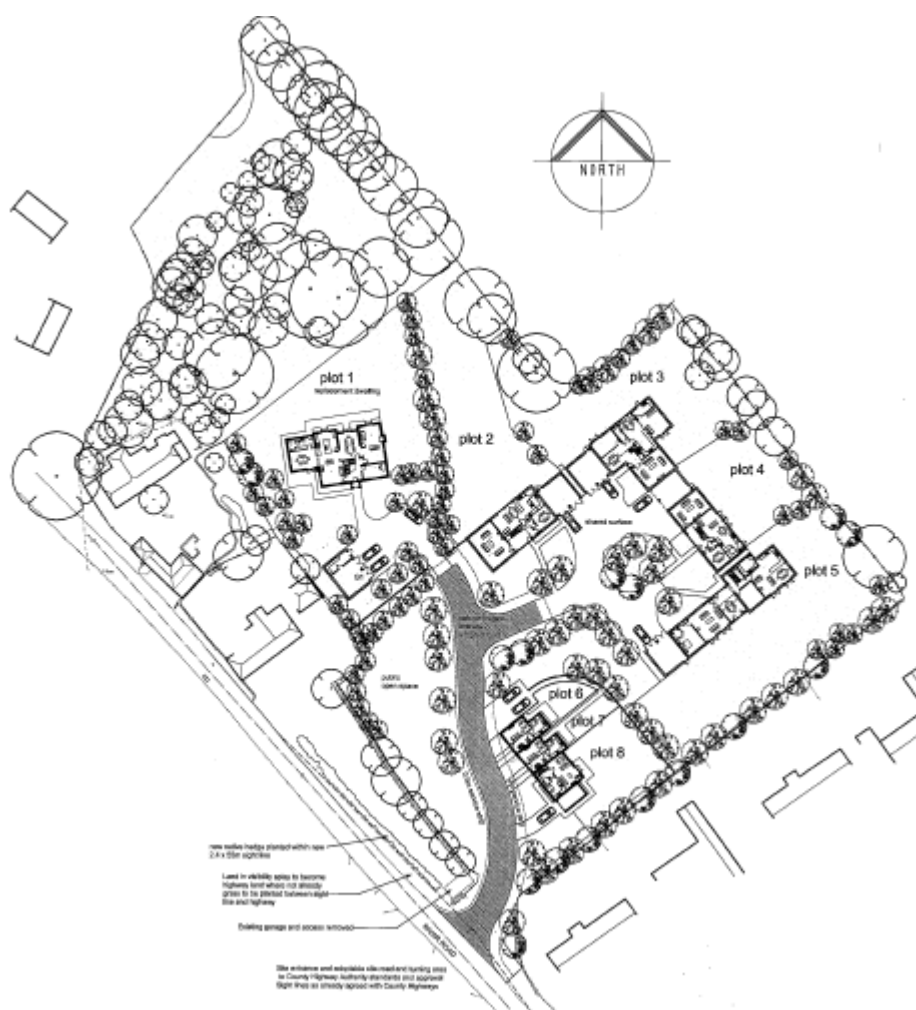
#### RELEVANT SITE HISTORY

K/55861/F – Demolition of the existing farmhouse and farm buildings and the erection of a replacement dwelling and 9 additional houses together with a new access and associated works – withdrawn 24/04/07.

K/54495/F – Conversion of farm buildings to one residential unit – approved 20/07/06.

#### DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission to demolish all existing buildings on the site and erect eight new dwellings, (one replacing the existing farmhouse plus seven additional dwellings). Three of the new dwellings would be affordable. A new estate road would be provided to serve the dwellings, utilising the existing farm access from Rivar Road.

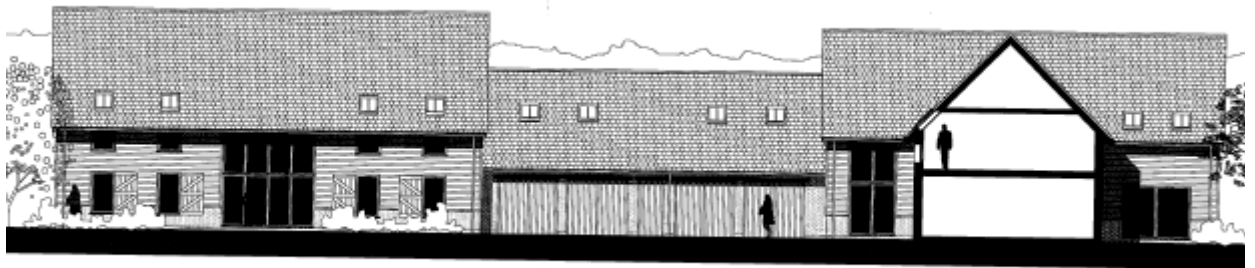


### *Layout Plan*

The design theme for the new dwellings is a farmyard. To this end there is a 'farmhouse', a courtyard of attached 'farm buildings' (containing four of the dwellings), and a terrace row of cottages (comprising the three affordable units). The two storey 'farmhouse' would be positioned on the site of the existing house. Its large plot would include the area of woodland which would be retained. The courtyard would be positioned at the rear of the site, partly on the site of the existing farm buildings and partly within one of the small paddocks. The single, large 'U'-shaped building forming the courtyard would be part two storey/part single storey, with relatively simplistic detailing, reminiscent of traditional agricultural buildings. The terrace of three affordable units would be positioned towards the front of the site, some 32m from Rivar Road. Again, they would be traditionally designed.



*Plots 2 to 5 – south-west facing (courtyard) elevation*



*Plots 2-5 – south-east facing (courtyard) elevation*



*Plots 2-5 – south-east facing (garden) elevation*

A small area of public open space would be provided at the front of the site.

## AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended following submission in the following ways –

- The 'farmhouse' has been reduced in size and the design amended;
- The detailed design of the 'courtyard' has been changed. The larger part of the south-east wing has been made single storey;
- The detailed design of the cottages has been changed, and a double garage deleted;
- Surface water drainage details have been supplied.

## ADDITIONAL STATEMENT BY THE APPLICANT

The application is accompanied by a Design and Access Statement, a Landscape and Visual Appraisal, and Ecological Surveys, all of which can be viewed on Planning Explorer or the working file.

## CONSULTATIONS

Shalbourne Parish Council: no objection in principle to this number of dwellings, but request the following matters be taken into account –

- Plots 6,7 and 8 should be re-orientated in a north-west direction to run parallel with Rivar Road. It is the PC's opinion that this adjustment in direction would be more in-keeping with the 'green lane' vistas that characterise the Parish of Shalbourne as per Shalbourne Conservation Area Statement, page 9 – "the character formed by the landscape and the trees is best seen in Rivar Road". A change in orientation would also relieve the potentially overbearing intrusion of the new houses on the present residents of Littlemead particularly the occupiers of 6 and 8 whose properties back directly on to the site.
- The PC would object to the wholesale removal of the site's boundary hedges and trees, and requests protective conditions to ensure retention and future protection;
- The PC considers that car parking allocation for plots 6, 7 and 8 is inadequate – Rivar Road cannot accommodate on road parking, and so the proposed public open space should be reduced to enable an increase in parking areas. There are no spaces for service vehicles or visitor's vehicles;
- The PC is concerned that the development will significantly increase light pollution in the area and therefore request that restrictions be imposed on the type of security lighting permitted with a requirement for low level lights with street lighting kept to an absolute minimum;
- There should be stringent control over materials in order to maintain the character of the conservation area. Consideration should be given to the use of flint/wood;
- Further information is required relating to future maintenance of the public open space;
- Surface water run-off is an area of considerable concern to the PC. It is the PC's belief that the orientation of the site would exacerbate an existing problem. The PC can therefore only support the development with assurances that the developer will address these concerns;
- Sewage disposal remains a considerable concern to the PC despite Thames Water's reported findings. Prior to the approval of the application a further independent review of the existing sewage system with specific reference to the proposed development should be obtained to either confirm that the existing sewage system is fit for purpose or ensure that any

recommendations for improvement are a condition of consent. Surface flooding and the capacity of the existing sewerage facility generally remain a major concern of the PC and residents. It is the PC's belief that the water supply and other utilities are working at or near capacity. The Council would be seeking reassurance that the increase in the village by 5% will not have a detrimental effect on these services and if found to do so that the developer would be required to undertake remedial actions to ensure that the infrastructure is no worse than at present and preferably improved;

- The increase in traffic remains a concern;
- In relation to the affordable housing the PC would like priority to be given to applicants who had local connections to Shalbourne or its immediate environs, and if possible for some condition to be attached to the consent relating to this.

WCC Highways (Mr P Galpin): Final views awaited; conditions required. Recommends pavement is provided either side of junction with Rivar Road.

WCC Archaeology : no requirements.

KDC Landscape & Countryside Officer: no objections. Protection of the existing tree cover and hedgerow network as now proposed is supported. Conditions are recommended to ensure continued protection, and requiring a detailed arboricultural assessment and management plan for the treed areas of the site. Some of the trees in the visually important woodland area on the northern edge of the site are in very poor condition and therefore it will be necessary to ensure that a programme of tree removal, tree surgery and replanting is included within the management plan.

The submission of the LVIA has been an important tool in assessing the impact of the development from outside the site. It is clear that the potential detrimental impact on visual amenity and landscape character has been significantly reduced as a result of the moving of the development away from the boundaries and retaining of the strong hedgelines and tree cover. The woodland cover external to the site is also an important element in reducing the visual impact of the proposed development from outside the site and creating a setting for the development in the conservation area and wider landscape. In addition to the arboricultural assessment and management plan a detailed landscape scheme is required. A fully detailed scheme can be conditioned and should address the issues contained in the LVIA Landscape Strategy.

KDC Housing Policy Officer: There is a need for rented housing in Shalbourne and surrounding parishes. The proposal is in accordance with policy and what KDC will support regarding affordable housing and mix; therefore, no objection.

KDC Drainage Engineer: final views awaited – to be reported verbally at the Committee meeting.

Thames Water: no objection, subject to informative.

## REPRESENTATIONS

Objections have been received from Shalbourne Cottage, The Homestead, Hill House, Downs Cottage and nos. 4, 6, 7 and 8 Little Mead, summarised as follows –

- Too many units proposed which will spoil the visual amenity of the area, increase traffic flows (at least 14 more vehicles in Rivar Road) and

adversely affect the rural character of the village. The layout is cramped, particularly on the western side, and would dominate the traditional barns and Wellgarth. No actual justification has been provided for this scale of development;

- The recommendation of the KDC Landscape & Countryside Officer to effectively hide the development behind landscaping illustrates its inappropriateness;
- There should be one large family home on the site only;
- Surface water drainage is inadequate in the village. Some properties in Rivar Road and Little Mead have suffered flooding. Concern that the proposal would increase water run off putting properties in Rivar Road and Little Mead at greater risk of flooding;
- Some of the plots are inadequate in size to accommodate the proposed dwellings – notably, plots 1 and 7-8;
- Plot 2 should be deleted to free-up space on the site and allow plot 1 to be moved to the east;
- Plots 6-7 are too imposing at the front of the site and visible from Rivar Road. These plots should be linear with plot 5 (that is, end on to the road) to maintain the ‘barn’ approach communicated by the applicant;
- Parking for Plots 6-7 is inadequate. Access should not be provided through Wellgarth’s garden;
- Plots 6-7 are too close to properties in Little Mead leading to overlooking. They should be positioned elsewhere on the site;
- Is there demand for the affordable housing in the village? – affordable housing should be directed to where it is required;
- No details are included in the application relating to the future of Wellgarth. A comprehensive plan, including Wellgarth, should be provided. Wellgarth should remain as is in perpetuity, and a condition should be imposed restricting any further development;
- The public open space must be protected in perpetuity. Who will maintain the open space? Who will maintain the woodland?;
- Strict control must be applied to materials – flint, real wood cladding, grey slate tiles, sashed timber windows;
- Lighting details need to be provided;
- As the traditional barns have remained undeveloped for two years since their grant of planning permission, in the event of planning permission being granted a condition should be imposed setting a shorter lead in time to ensure the site is developed. This should avoid potential blight;
- Details of the location of oil tanks should be provided, and they should be underground;
- Rats in the barns should be exterminated before demolition works.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, HC22, HC28, HC32, HC35 and NR7 are relevant.

Central Government planning policies set out in PPS1, PPS3, PPS7, PPG15 (in place of Policy HH5) and PPG25 (in place of Policy NR18) are also relevant.

#### OFFICER’S APPRAISAL

The main issues to be considered in this case are, firstly, the principle of residential development on this site, and then (assuming the principle is agreed) the impact of the specific scheme on visual amenity (including the Shalbourne Conservation Area and Area of Outstanding Natural Beauty), residential amenity, highway safety, wildlife and drainage.

### The Principle of Residential Development

The application site lies within the limits of development of Shalbourne as defined in the Kennet Local Plan. Within the limits of development Policy HC22 allows 'small groups of houses' provided that they are in harmony with the village in terms of their scale and character. Small groups of houses are interpreted as being less than 10 houses on green field sites within villages and/or redevelopment sites within villages.

The application proposes eight dwellings, although the net increase is just seven. Even allowing for the already approved house on the site of the barns, there would be just nine new dwellings on the entire farm which complies with the definition of small groups of houses set out in Policy HC22. As a matter of principle the proposal, therefore, complies with the initial part of the policy.

Regarding density, Central Government policy in PPS3 indicates that the national indicative minimum should be around 30 dwellings per hectare. The density of the proposed development is below this figure being some 7 dwellings per hectare, although this is considered appropriate having regard to the constraints of the site and the low density character of established surrounding development. The proposed density strikes the right balance by maintaining the character of the area whilst ensuring efficient use of the land. This is in accordance with PPS3 and Policy HC22.

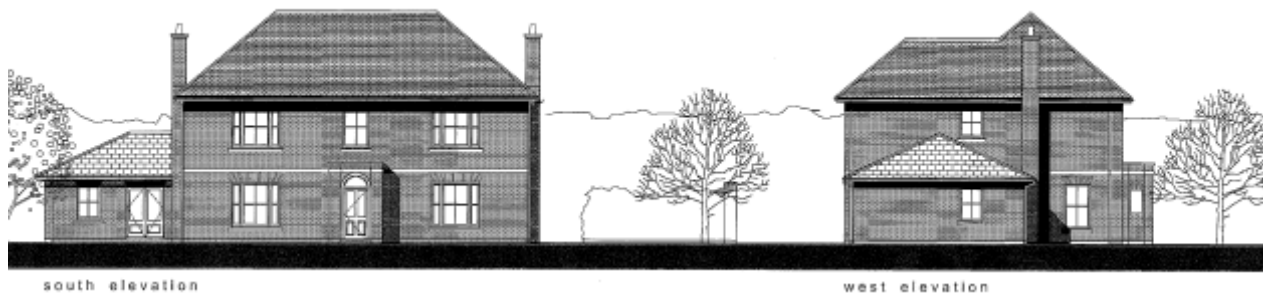
### Impact on Visual Amenity

The site lies within the Shalbourne Conservation Area and the Area of Outstanding Natural Beauty. In these areas the policies of the local plan, PPS7 and PPG15 require new development to either preserve or enhance the designations.

The application site is presently occupied by a relatively modern farmhouse and neglected farm buildings which spread across a significant proportion of the land. The existing site 'reads' as a farmstead, and this is considered appropriate within its context. The proposed development seeks to retain this established character by maintaining the farmyard theme in the siting and design of the dwellings. The principal element of the design is a 'U'-shaped building forming a courtyard of 'barns' at the rear of the site. The farmyard appearance of this building is enhanced by simple detailing and varying ridge lines, and the use of traditional materials. The other buildings on the site comprise plot 1, which is reminiscent of the farmhouse, and plots 6 to 8, which resemble traditional farm-worker's cottages. The entire package works well, particularly in view of the proximity to other traditional barns and cottages, and having regard to the historic use of the site as a farm. Although the proposed buildings are larger than those existing, they are visually more appealing being less industrial in form, and consequently would, it is considered, enhance both the conservation area and AONB designations in accordance with policy.

In the event of planning permission being granted conditions can be imposed to control materials, landscaping and future alterations to the courtyard buildings to ensure the character of the site is maintained.





*Plot 1 – front and side elevations*



*Plots 6-8 (affordable housing) – front and side elevations*

#### Impact on Residential Amenity

The application site presently has limited impact on neighbouring properties which enjoy high levels of privacy and, in some areas, open views of the paddocks. Although the outlook from some neighbouring properties would change, it is not considered that this would be to their detriment in view of the careful siting and design of the proposed buildings.

Considering each plot in turn, plot 1 is set well away from neighbouring properties with established planting belts on the boundaries. No un-neighbourly relationships would arise from this plot. Likewise, no harmful impacts would result from plots 2 to 4 which are set well away from neighbouring properties.

Plot 5 faces towards nos. 5 and 6 Little Mead. However, as this unit is partly single storey, and as the back-to-back distance is in excess of 30m, it is not considered that there would be harmful overlooking or an overbearing impact.

Plots 6 to 8 are positioned side-on to the boundary with Little Mead, this meaning that the rear boundary of nos. 7 and 8 Little Mead is shared with the side boundary with plot 8. This relationship is considered satisfactory, there being a generous 10.5m gap retained between the two storey element of the side elevation of plot 8 and the boundary, and an overall back-to-side gap between plot 8 and no. 7 Little Mead of some 23m. These distances, combined with the established planting on the boundary, would ensure no adverse impact on the amenities of the occupiers of Little Mead.

Some third parties have suggested that plots 6 to 8 should be re-orientated so that they are side-on to the road. However, this is considered more un-neighbourly than what is proposed, introducing a larger elevation with openings facing towards Little

Mead, with the increased potential for overlooking. The orientation of plots 6 to 8 is also considered acceptable in the Rivar Road street scene, particularly as the units are set some 30+m from the carriageway.

Overall, the proposed development is considered to have a satisfactory relationship with its neighbours, in accordance with Policy PD1 of the Kennet Local Plan.

#### Highway Safety

The County Council is satisfied that the development complies with all highway safety requirements. There is adequate parking within the site for all of the plots (each has two or more off-road spaces), and additional parking is available alongside the estate road for visitors, this reducing the likelihood of parking in Rivar Road.

The County Council has specified that a pavement should be provided either side of the new access. However, as there are no pavements in Rivar Road immediately either side of this, this is considered inappropriate and likely to detract from the otherwise un-engineered character of this part of the conservation area. It is not considered that highway safety would be seriously prejudiced as a consequence of this, particularly in view of the likely low levels of traffic using the estate road.

Parking provision is in excess of adopted standards – that is 6+ spaces for plot 1, 4+ spaces for plots 2 to 5, and 2 spaces for plots 6 to 8. On-road parking is also available beside the new estate road for visitors. It is not considered that the development should lead to on-road parking in Rivar Road.

#### Wildlife

The application is accompanied by two recent surveys – an initial general Ecological Survey followed by a more detailed Bat and Reptile Survey. The Ecological Survey revealed that a chicken shed on the site is used by barn owls for occasional roosting during the day time. Having regard to this the survey states the following –

*“... Although roosting sites are not protected by law, the availability of these sites is important for the continued survival of barn owls. It would help to fulfil the developer’s obligations under PPG9 by providing new roosting and nesting sites after the chicken sheds have been demolished. Purpose made barn owl boxes should be erected in trees nearby, on posts on the site or incorporated in any new development. ...”.*

A condition is recommended requiring roosting and nesting sites to be provided.

Regarding reptiles, the Bat and Reptile Survey revealed a very small population of slow worms. The survey report sets out a methodology for encouraging these to leave the site, and a condition is recommended referring to this accordingly.

Regarding bats, the Bat and Reptile Survey revealed a small number of bats using part of the site for feeding, but commuting from off site. No bats were found to be living on site, but in any event the survey report makes recommendations to ensure ‘bat-friendly’ demolition of buildings. Again, a condition is recommended to deal with this matter.

#### Drainage

A number of third parties have expressed concern that the development of this site may contribute to existing flooding problems in Shalbourne, in particular as a consequence of additional surface water flowing over the site and on to Rivar Road.

This material consideration is addressable through appropriate design – that is, adequate soakaways for all buildings and hard surfaced areas, and/or SUDS.

The application is accompanied by an Indicative Drainage Strategy. This concludes the following–

*“There are no known specific issues relating to flooding either directly caused by Ropewind Farm in relation to water courses in the immediate area or that the risk of flooding may increase because of this development. It is however understood that in the past the existing sewage system has overflowed during long periods of wet weather. There is also always an associated risk in relation to extreme weather events.*

*There is also no obvious evidence to suggest that traditional soakaways may not function in this location, given the greensand geology. Further to this a large part of the site will remain undeveloped and with the existing and proposed tree and hedge planting, vegetation will further assist in intercepting and retaining rainfall.*

*However, to further reduce the risk of rapid run-off from this site, SUDS are proposed. The main element of the SUDS include ensuring good infiltration to the natural ground surface, providing permeable surfaces and providing buried grey water recycling systems for the open market housing.*

*It is considered the above measures for this small development of 8 houses on land which already has some buildings present is suitable to reduce the risk of rainwater rapid run-off from this site”.*

It is evident that the development will be implemented with due regard to the flooding concerns, and that appropriate drainage arrangements and SUDS will be used. A condition is recommended requiring the specific details to be provided and then implemented as approved.

#### Other Matters

A section 106 agreement is necessary to facilitate the affordable housing and financial contributions towards local recreation facilities. Conditions are recommended requiring management plans for the on-site open space and woodland area. Conditions can also cover the siting of domestic fuel tanks and external lighting.

#### Conclusion

This proposal is considered to offer a satisfactory solution to the development of this site which would enhance both the Shalbourne Conservation Area and Area of Outstanding Natural Beauty. The traditionally designed houses would ‘fit’ well within their context, and ensure the privacy of neighbours is protected. Planning permission is, therefore, recommended subject to the applicant entering into a Section 106 agreement, and subject to planning set out below.

#### **RECOMMENDATION**

**Subject to the applicant entering into a Section 106 agreement relating to the provision of affordable housing and a financial contribution towards off-site recreation provision, approve with conditions.**

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

REASON:

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

2 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans numbers 1175-Site-plan1C, 1175-Plots6-8-plan1B, 1175-Plot1C, 175-Plots2-5-plan2A and 1175-plots2-5-Plan1A received on 18 July 2008 and the Indicative Drainage Strategy received on 5 August 2008.

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.

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

REASON:

To secure harmonious architectural treatment.

4 No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; 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 detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently

without the prior written consent of the local planning authority.

**REASON:**

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

- 7 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be first agreed in writing with the local planning authority. 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 enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately owned domestic gardens but including the woodland area within Plot 1), shall be submitted to and approved by the local planning authority prior to the occupation of any part of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**REASON:**

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

- 9 Before development commences on site, architectural details of windows and external doors, and the proposed finishes for the windows and external doors, for plots 2 to 5 shall be submitted to and approved in writing by the local planning authority. Works shall be carried out and maintained in accordance with the approved details.

**REASON:**

To safeguard the character and appearance of the conservation area.

- 10 Notwithstanding the details shown on the drawings, all rooflights shall be traditional conservation style with a single vertical glazing bar and flush flashing and maintained as such thereafter.

REASON:

To safeguard the character and appearance of the conservation area.

- 11 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 additions to, or extensions or enlargements of, the buildings hereby approved shall be erected.

REASON:

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

- 12 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

- 13 Within three months of the date when the first new dwelling hereby approved is first occupied, all existing buildings on the site shall be demolished and the resulting materials removed from the site.

REASON:

The retention of both the new and existing buildings on the site would not be in the interests of the proper planning of the area.

- 14 The development hereby approved shall be carried out strictly in accordance with the Bat and Reptile Survey by Michael Woods Associates dated October 2007.

REASON:

To safeguard protected wildlife species.

- 15 Prior to commencement of the development hereby approved details of the design and location of barn owl roosts and boxes to be erected on the site shall be submitted to the local planning authority for approval in writing. The roosts and boxes shall be provided as approved prior to any building works commencing.

REASON:

To safeguard protected wildlife species.

- 16 Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

- 17 Prior to the occupation of any of the dwellings hereby approved the proposed vehicular access from the site to Rivar Road shall be constructed and thereafter maintained as

shown on the application drawings, and the visibility splays shall be kept permanently clear of any obstruction.

**REASON:**

In the interests of highway safety.

**18 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, HC22, HC28, HC35 & NR7; and Central Government policy set out in PPS1, PPS3, PPS7, PPG15 and PPG25.

**19 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 \*\*\*\*\*.

Item 2

**APPLICATION NO:** K/58876/F  
**PARISH:** MARKET LAVINGTON  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Erection of chalet bungalow with mansard roof to rear projection.  
**SITE:** Land adjoining 1 Fiddington Folly, Fiddington Hill, Market Lavington, SN10 4BU  
**GRID REF:** 402083 154450  
**APPLICANT:** Robin Steele and Elaine Brough  
**AGENT:** Mr John Whitton  
Premier Design (Wiltshire) Ltd  
**DATE REGISTERED:** 09/06/2008  
**CASE OFFICER:** Rob Parker

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#### BACKGROUND

This is the first of two applications on the agenda that relate to the construction of a chalet bungalow on a site at Fiddington Hill. Members may recall that a previous application was approved on this site by the committee in September 2007. The applications are for two different, alternative designs for the same plot. Only one can be built.

#### SITE & LOCATION

This application relates to land adjacent to Fiddington Folly which is the first property at the top of Fiddington Hill in Market Lavington. On entering the village from the direction of Urchfont, take the first exit off the mini-roundabout into Fiddington Clay. Continue along Fiddington Clay until it becomes Stirling Road. At this point there is a turning into Fiddington Hill on the right hand side and the site can be seen straight ahead. There is a timber garage fronting onto the road; the remainder of the site has been cleared in preparation for redevelopment. To the south-east of the site lies Fiddington Folly, a detached bungalow with a glazed cupola sunk into the apex of the roof. The site is bounded to the north-west by a public footpath and the rear boundaries of bungalows on Stirling Road.



*Location Plan*



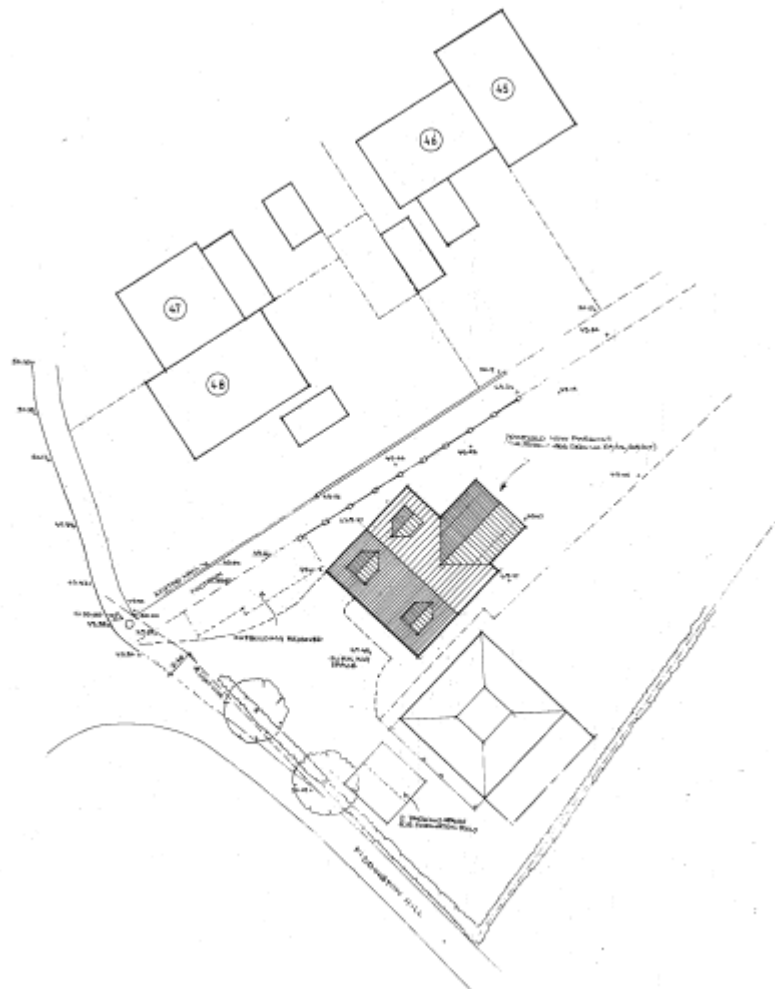
## SITE HISTORY

K/56253/F – Erection of two storey dwelling, application withdrawn in May 2007.

K/57071/F – Erection of chalet bungalow with integral garage, planning permission granted in September 2007.

## DESCRIPTION OF DEVELOPMENT

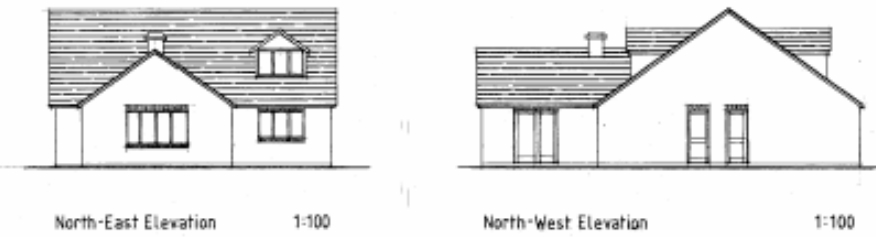
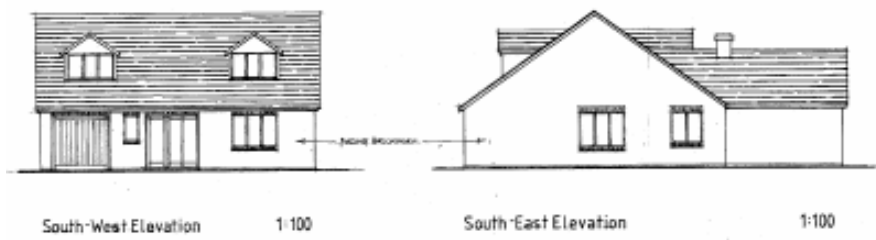
The proposal is to erect a chalet bungalow with mansard roof to the rear projection. The building would be on exactly the same footprint as the chalet bungalow approved under K/57071/F and the main block would have exactly the same size and proportions. The main difference between the current proposals and the approved scheme is that the rear wing would be increased from single storey to 1½ storey and the integral garage would be incorporated into the living accommodation.



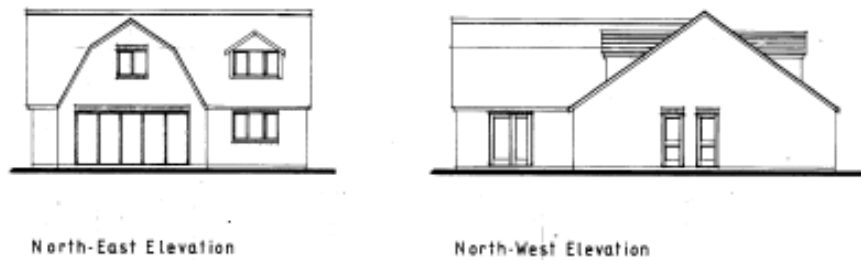
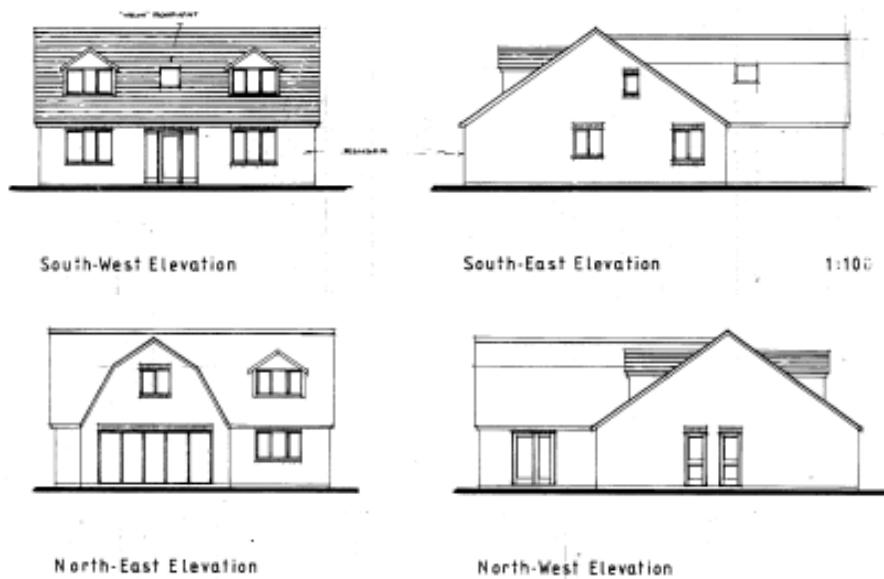
Block Plan - 1:200

Site Plan

**SCHEME APPROVED UNDER K/57071/F**



**CURRENT SCHEME FOR CONSIDERATION**



**PRINCIPAL AMENDMENTS SINCE SUBMISSION**

An additional plan has been submitted showing the relationships between the proposed dwelling and neighbouring bungalows. The plans have also been amended to show brick for the walls of the dwelling, rather than render.

**PARISH COUNCIL COMMENTS**

The parish council objects to the application on the basis that the proposal to increase the height of the roof with a different profile at the rear (north east side) to

create another bedroom, will have a detrimental effect on the properties to the north of the plot which are all of a single storey design. The original roof height (as previously approved under reference K/57071/F) should be retained.

#### CONSULTATIONS

Wiltshire County Highways – no objection, subject to the imposition of conditions to secure visibility at the access and the provision of the vehicle turning and parking areas.

Wiltshire Fire & Rescue Service – standard guidance letter.

#### REPRESENTATIONS

Ten representations have been received from the occupiers of nos. 5, 6, 9, 12, 42, 43, 44, 45, 46 & 47 Stirling Road. The following objections are raised:

- The proposed two storey development is not in keeping with the surrounding low roof profile bungalows and would be harmful to the character and appearance of the area.
- The proposal to render the walls would be out of keeping with surrounding properties, including Fiddington Folly, which are constructed of brick.
- The proposal to use natural slate for the roof would be out of keeping with surrounding properties which have brown concrete tiles.
- The rear projection will be harmful to visual amenity by virtue of the scale and massing of its slate roof.
- The proposed development will have an overbearing impact upon neighbouring occupiers. The additional bulk and massing of the rear wing would reduce the amount of daylight and sunlight enjoyed by neighbouring occupiers, especially during the winter months when the sun is low in the sky.
- First floor windows in the north-east elevation of the dwelling will overlook existing bungalows to the rear of the site, resulting in substantial loss of privacy to the bedrooms, conservatories and gardens of these properties. The impact will be exacerbated by the fact that the dwelling would be angled towards neighbouring bungalows. The level of overlooking will not be reduced by boundary vegetation.
- The proposals will have a detrimental impact upon flora and fauna.
- Whilst the plans show a 4 bedroom property there is the potential to create a 5 or 6 bedroom dwelling. This would have a noise, disturbance and vehicle impact.
- The additional living area will increase the number of vehicles accessing the site, to the detriment of highway safety. Attention is drawn to the planning history of the adjacent site (48 Stirling Road) where an appeal was dismissed in 2003 on highway safety grounds for the erection of a single storey retirement/starter bungalow (ref. K/043874).

- Inaccuracies are identified in the footprints of adjacent properties on the block plan. The objector does not trust that the dimensions of the proposed dwelling are correct.
- There is information to suggest that this is a self-build scheme. This will lead to noise for neighbouring occupiers at anti-social times such as at weekends and during evenings. Demolition work has already taken place at the site over these periods. The Council should impose a condition to restrict working hours during construction.

#### POLICY CONSIDERATIONS

Kennet Local Plan - the site lies within the Limits of Development defined for Market Lavington in the local plan. Policy PD1 is relevant to the consideration of this application, as is Supplementary Planning Guidance contained in the document *Community Benefits from Planning*.

#### PLANNING OFFICERS COMMENTS

The principle of development has been established by the grant of permission under reference K/57071/F. The main issue, therefore, is whether the changes proposed to the scheme are acceptable.

#### **Impact on Residential Amenity**

Although the overall height of the dwelling remains unchanged, one of the principal changes is the amendment to the single storey rear wing to make it 1½ storey with a mansard roof, to facilitate additional first floor accommodation. The height of the rear wing would increase from 4.75m to 6.0m.

Objectors have expressed concerns regarding the effect of the additional massing upon their residential amenities by virtue of overbearing impact and loss of daylight/sunlight. They also object to the additional first floor window in the end of the rear wing which they consider would overlook their properties.

The Council's minimum standard for window-to-window overlooking is 21 metres, as set out in Supplementary Planning Guidance on *Community Benefits from Planning*. The proposed dwelling comfortably meets this standard. The dormer window on the north-east elevation, which is already approved as part of K/57071/F, would be 24 metres from the garden room to no.46 Stirling Road (the nearest dwelling).

The new first floor window on the gable end of the 1½ storey rear wing would be marginally closer at 23 metres; however, views of no.46 from this window would be more oblique than from the approved dormer window. There would be some views of the garden to no.46 Stirling Road from the new window but these would be no more intrusive than views from the approved dormer.

The new window would be a minimum of 29.5 metres from windows in no.45 Stirling Road and 19 metres from the closest part of the garden boundary. This relationship is considered to be acceptable and would not warrant a refusal of planning permission on the grounds of overlooking. Nos. 46 & 47 Stirling Road, the occupiers of which have also objected, are even further away from the site.

Turning now to the neighbours' concerns regarding overbearing impact, the only additional massing will be the increase in height of the rear wing as the built footprint remains unchanged. It is not considered that the increase in height would be overbearing for neighbouring occupiers, principally due to the distances involved and

the rear wing's modest 6.0m ridge height. It is also relevant to consider that the proposed dwelling would be approximately a metre lower than the existing bungalows.

It is not considered that there would be a material loss of daylight or sunlight enjoyed by neighbouring occupiers, even taking into account the low position of the sun during winter months.

### **Highway Safety**

Local residents have raised concerns regarding the implications for highway safety, given the increase in living accommodation which comes as a result of incorporating a first floor into the rear wing and converting the integral garage to habitable rooms. Attention has been drawn to the appeal history for the adjacent site.

The highway authority raises no objection to the proposals and provides the following reason for the apparent inconsistency with the adjacent site where an appeal was dismissed on highway safety grounds:

“Given that there is already a planning permission for a new dwelling on the site the principle of this development is already established. Planning application K/043874 which was objected to on highway grounds and subsequently dismissed on appeal, involved vehicles reversing into the main route through the estate: Stirling Road on the bend. This current application will have improved visibility to the south-east along Fiddington Hill, involves increased use of an existing access rather than a new access point, provides on-site turning, and the access point is to the less busy Fiddington Hill rather than direct to Stirling Road. It is particularly significant that vehicles will be able to enter and leave the highway in forward gear which was not the case with K/43874.”

In the absence of an objection from the highway authority it would be difficult to substantiate a refusal of planning permission on highway grounds.

### **Design & Materials**

Objectors have expressed concerns regarding the proposal for two storey development on this plot. However, the principle of a chalet bungalow has been established by the earlier grant of consent under K/57071/F. As such, it is not considered that the scheme would be harmful to the character and appearance of the area.

In fact, the appearance of the dwelling would be extremely similar to that already approved, with the exception of the loss of the integral garage door (and its replacement with a window), the addition of a rooflight to the front elevation, the addition of a first floor en-suite window to the south-east elevation and the amended rear wing. This application proposes a mansard style roof design for the rear wing (an alternative design is proposed under K/58879/F which is next on the agenda). It is not considered that the amended design would warrant a refusal of planning permission on design grounds.

The approved scheme is for a brick-built property with a natural slate roof. As submitted, the current proposals showed rendered walls with a natural slate roof. Objectors have expressed concerns regarding the use of these materials. The scheme has therefore been amended in response to these concerns, with brick being

reintroduced in place of the render. It would have been unreasonable to insist upon the natural slate being replaced with concrete roof tile, given the fact that there is an extant planning permission for a dwelling with natural slate roof. It is not considered that the scale and massing of the mansard roof would cause harm to visual amenity.

### **Impact on Flora & Fauna**

The principle of development has been established by the earlier grant of planning permission under K/57071/F. There would be no additional built footprint under the current proposals. A protected species survey was carried out for the previous application and this satisfactorily demonstrated that there would be no harmful impact upon protected species. A condition was imposed on the extant consent requiring development to be carried out in accordance with the recommendations of the ecologist. It is recommended that an identical condition be attached to this consent.

### **Other Issues**

- Objectors express concerns regarding the accuracy of the plans. However, there is no reason to suggest that the plans for the new dwelling are in any way inaccurate; they are consistent with the earlier approval and information held on the Council's GIS.
- Objectors express concerns regarding the potential for noise at weekends and during evenings during the construction period. However, this is not a material planning consideration for a development such as this and it is not considered that it would be reasonable to impose a condition restricting working hours, particularly given that the extant consent has no such restriction. The applicants have confirmed that, whilst this project will basically be a self build, they will be employing professional trades whereby the majority of the building works will be carried out during normal working hours.

### **Conclusion**

The application is considered to be acceptable in all respects and accordingly the application is recommended for approval.

### **RECOMMENDATION**

Approve with the following conditions:-

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

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

- 2 This permission relates to the scheme of development as submitted except insofar as supplemented by the revised plan (Drawing no. RS/ML/03/08A) received on 25th June 2008, the agent's email of 15th August 2008 (which amended the walls of the dwelling from render to brick) and the 'Bat, Barn Owl and Great Crested Newt Search and Assessment' received on 15th August 2008.

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.

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

REASON:

To secure harmonious architectural treatment.

- 4 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, doors or other openings, other than those shown on the approved plans shall be inserted above ground-floor level in the north-west and south-east elevations of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the occupants of the neighbouring properties.

- 5 The en-suite window and rooflight at first floor level shown on the approved plans on the south-east elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

- 6 Prior to the first occupation of the dwelling hereby permitted, the access and turning area shown on the approved plans shall be provided and shall be surfaced in a well-bound consolidated material (not loose stone or gravel). The turning area shall thereafter be kept free of obstruction at all times.

REASON:

In the interests of highway safety.

- 7 Prior to the first occupation of the dwelling hereby permitted, provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

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

- 8 Any gates shall be set back 4.5 metres from the edge of the carriageway and shall be made to open inwards only.

REASON:

In the interests of highway safety.

- 9 Prior to the first occupation of the dwelling hereby permitted, the visibility splay shown on the approved plans shall be provided, with no obstruction to height at or above 1 metre above the nearside carriageway edge. The visibility splays shall be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

- 10 Before development commences, details (including species, planting sizes and densities) of a replacement hedge and trees to be planted to the rear of the visibility splay shown on the approved drawings and any fencing to be erected on the site shall be submitted to and approved in writing by the local planning authority.

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

- 11 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 dwelling 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.

- 12 The demolition and construction works on the site shall be carried out in accordance with the recommendations set out in Section 5 of the approved 'Bat, Barn Owl and Great Crested Newt Search and Assessment' report unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected species on the site are not harmed.

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

REASON: In the interests of visual amenity.

- 14 INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service dated 9th July 2008.

- 15 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 3

**APPLICATION NO:** K/58879/F  
**PARISH:** MARKET LAVINGTON  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Erection of chalet bungalow with pitched roof to rear projection.  
**SITE:** Land adjoining 1 Fiddington Folly, Fiddington Hill, Market Lavington, SN10 4BU  
**GRID REF:** 402083 154450  
**APPLICANT:** Robin Steele and Elaine Brough  
**AGENT:** Mr John Whitton Premier Design (Wiltshire) Ltd  
**DATE REGISTERED:** 09/06/2008  
**CASE OFFICER:** Rob Parker

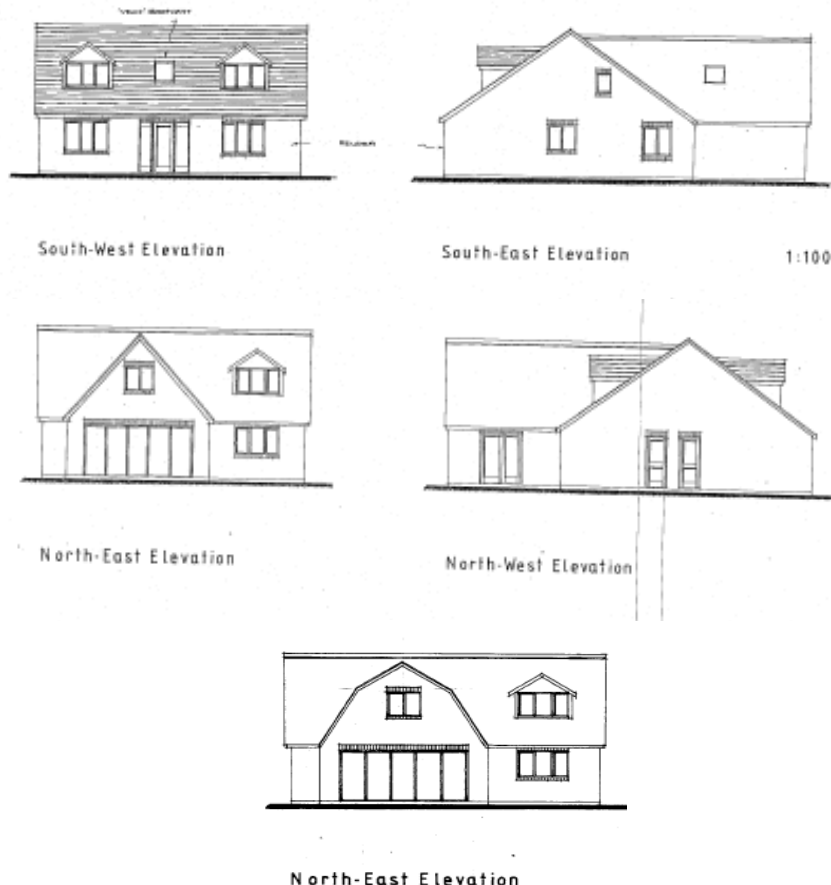
**BACKGROUND**

The Site & Location, Site History, Principal Amendments, Parish Council Comments, Consultations, Representations and Policy Considerations are all as reported for the previous item on the agenda (K/58876/F).

**DESCRIPTION OF DEVELOPMENT**

The proposal is to erect a chalet bungalow with pitched roof to the rear projection. This is an alternative design to that proposed under K/58876/F. As with K/58876/F, the building would be on exactly the same footprint as the chalet bungalow approved under K/57071/F and the main block would have exactly the same size and proportions.

*Proposed elevations – bottom plan shows alternative roof design from K/58876/F for comparison*



## PLANNING OFFICERS COMMENTS

The vast majority of issues have been addressed under the Planning Officer Comments for K/58876/F. The alternative design is considered to be acceptable in design terms and it is not considered that it would have any additional impact on neighbour amenity, over and above the mansard roof scheme discussed under K/58876/F. This is because the height of the roof and extent of the rear wing are identical in both schemes; the only difference between the two designs is the roof shape.

Accordingly, another grant of planning permission is recommended.

## RECOMMENDATION

Approve with the following conditions:-

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

### REASON:

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

- 2 This permission relates to the scheme of development as submitted except insofar as supplemented by the revised plan (Drawing no. RS/ML/03/08A) received on 25th June 2008, the agent's email of 15th August 2008 (which amended the walls of the dwelling from render to brick) and the 'Bat, Barn Owl and Great Crested Newt Search and Assessment' received on 15th August 2008.

### 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.

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

### REASON:

To secure harmonious architectural treatment.

- 4 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, doors or other openings, other than those shown on the approved plans shall be inserted above ground-floor level in the north-west and south-east elevations of the dwelling hereby permitted.

### REASON:

In the interests of the privacy of the occupants of the neighbouring properties.

- 5 The en-suite window and rooflight at first floor level shown on the approved plans on the south-east elevation shall be glazed with obscured glass and shall be so maintained.
- REASON:  
In the interests of the privacy of neighbouring properties.
- 6 Prior to the first occupation of the dwelling hereby permitted, the access and turning area shown on the approved plans shall be provided and shall be surfaced in a well-bound consolidated material (not loose stone or gravel). The turning area shall thereafter be kept free of obstruction at all times.
- REASON:  
In the interests of highway safety.
- 7 Prior to the first occupation of the dwelling hereby permitted, provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.
- REASON:  
To ensure that surface water is not discharged onto the highway, in the interests of highway safety.
- 8 Any gates shall be set back 4.5 metres from the edge of the carriageway and shall be made to open inwards only.
- REASON:  
In the interests of highway safety.
- 9 Prior to the first occupation of the dwelling hereby permitted, the visibility splay shown on the approved plans shall be provided, with no obstruction to height at or above 1 metre above the nearside carriageway edge. The visibility splays shall be maintained free of obstruction thereafter.
- REASON:  
In the interests of highway safety.
- 10 Before development commences, details (including species, planting sizes and densities) of a replacement hedge and trees to be planted to the rear of the visibility splay shown on the approved drawings and any fencing to be erected on the site shall be submitted to and approved in writing by the local planning authority.
- REASON:  
To ensure a satisfactory landscape setting for the development.
- 11 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 dwelling 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.

- 12 The demolition and construction works on the site shall be carried out in accordance with the recommendations set out in Section 5 of the approved 'Bat, Barn Owl and Great Crested Newt Search and Assessment' report unless otherwise agreed in writing by the local planning authority.

**REASON:**

To ensure that protected species on the site are not harmed as a result of the development.

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

**REASON:**

In the interests of visual amenity.

- 14 **INFORMATIVE TO APPLICANT**  
The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire & Rescue Service dated 9th July 2008.

- 15 **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:

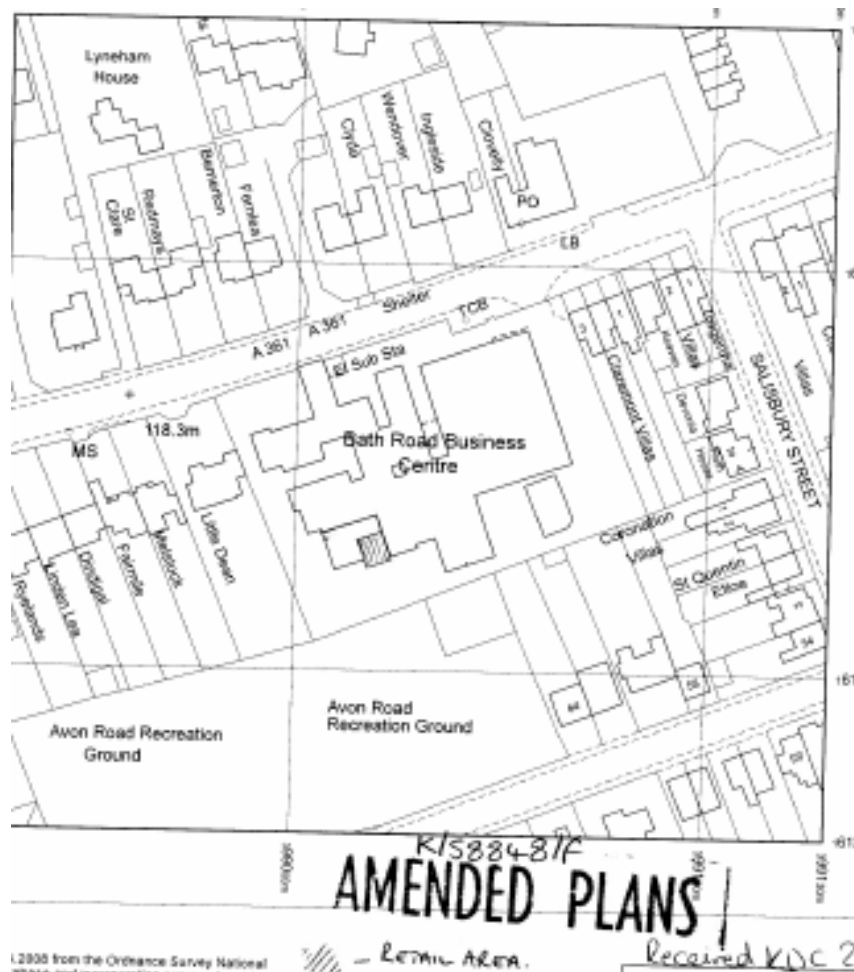
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 4

**APPLICATION NO:** K/58848/F  
**PARISH:** DEVIZES  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Change of use from Class B1 (business) to Class A1 (retail) (Part of unit only)  
**SITE:** 8 Bath Road Business Centre Devizes Wiltshire  
**GRID REF:** 398998 161341  
**APPLICANT:** Mr C Hood  
**DATE REGISTERED:** 04/06/2008  
**CASE OFFICER:** Rachel Yeomans

#### SITE & LOCATION

Bath Road Business Centre is a collection of business units in older red brick buildings and can be found by proceeding from Devizes town centre in a westerly direction on the A361, Bath Road. Proceed over the canal and past the garage on the right hand side. The application site can be found virtually opposite the Spar shop on the left hand side. Unit 8 is to the rear of the site and can be accessed by taking the first turning into the business park and proceeding round the rear of the site. Before proceeding back towards Bath Road, the unit can be found on the right hand side.



Location Plan

## SITE HISTORY

There is no relevant planning history for this particular unit.

## DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of 24 square metres of this unit, comprising the office part, to showcase work and sell antique furniture restored and stored in the remainder of the unit. It amounts to ca 29% of the floorspace of the unit. The remainder of the floorspace will continue to be used as a workshop to restore furniture sold through various other market and internet outlets, as well as this small retail area now proposed.

## PRINCIPAL AMENDMENTS SINCE SUBMISSION

The applicant has amended the site plan to show the area involved in the change of use and has submitted an additional supporting statement to justify the choosing of this site and the nature of the proposed use. The applicant has also confirmed that they have no desire to open on Sundays or on Bank Holiday Mondays.

## TOWN COUNCIL COMMENTS

No objections to the application.

## CONSULTATIONS

Wiltshire County Highways- No objections – the proposed use would not lead to any significant increase in traffic movements to and from the site and there appears to be sufficient parking provided within the curtilage of the site.

## REPRESENTATIONS

Three initial letters of objection have been received in relation to the application from one neighbouring business and two neighbouring residences. Their objections can be summarised as follows

1. Concerns have been raised about any activities on a Sunday because at the moment they are closed on a Sunday. The objection is therefore to 7 day weekly opening for retail activity and the additional noise disturbance and traffic this would bring.
2. When planning permission was granted for change of use of another unit on the site to an auction house, a condition was imposed restricting any Sunday and Bank Holiday Monday trading. This was to protect the amenities and character of the area.
3. When planning permission was granted to change the use of another unit on the site to an auction house, the agents undertook to provide all car parking spaces on the site to be made available to auction house clients on viewing and auction days in the interests of highway safety. The proposed use would compromise highway safety in an area which has a high volume of traffic, new housing development nearby, Spar shop and two bus stops.
4. A neighbouring resident was informed that change of use to retail would be highly unlikely to be granted due to the site being in a residential area when purchasing the property and considers this retail use would be to the detriment of nearby residences (in terms of noise, disturbance and traffic, especially on a Sunday).
5. Concerns have been raised that if this change of use is permitted, it would set a precedent for other units on the site to be granted consent for retail uses.

Following re-consultation with the additional information submitted by the applicant, two further letters have been received from initial objectors, reiterating previous

concerns and in addition expressing concerns about this being an unsuitable site for retail use and setting out that the proposal should be located within the town centre, of which the objectors consider, there is no shortage of suitable units. These comments can be viewed in full via the Council's website or by viewing the file.

#### POLICY CONSIDERATIONS

Kennet local Plan - policies PD1 (Development & Design) and ED7 (Protected Strategic Employment Sites) are relevant.

#### PLANNING OFFICER COMMENTS

It is considered that the key issues are the principle of a small part of the unit being used for retail use, the impact on highway safety and residential amenity.

#### Principle of Proposal

Whilst policy ED7 generally protects sites such as this for business uses, retail uses may be permitted 'subject to strict compliance with PD1, and the application of a sequential approach to site selection to demonstrate that no suitable town centre, edge of centre or transport node locations are available.'

The application proposes only a modest proportion of the unit to be used for retail purposes, which is of a small size, in order to compliment the primary use of the remainder of the unit for antiques restoration and storage. In reality, the use proposed is an ancillary to the main business use of the unit.

The applicant has also submitted details within the supporting statement to show that he has searched for a suitable unit combining a workshop with retail space throughout the town, but has been unsuccessful in finding any suitable units with adequate parking. Furthermore, the applicant has detailed several other means of selling that the business already employs, including an existing unit at Hungerford, internet sales and antiques markets. The applicant very much envisages these as the primary means of selling but wishes to have a small retail area at this site to enable the showcasing of work and some small-scale retail.

Given the location of the unit at the rear of the site and well outside of the town centre, it seems unlikely that it would in itself attract much in the way of passing trade and this is supportive of the low-key nature of the proposal. This also means that the nature of the proposal in this location would not undermine the town centre in terms of its primary retail function. In view of this and given the small area involved, it is considered that the proposal is acceptable.

#### Residential amenity and highway safety

In terms of the impact on residential amenity, the nearest house is approximately 29 metres away from the application site and the proposed use is not considered to result in any significant impact in terms of noise or vehicles over and above the existing permitted use. Two neighbours have expressed concern about the use extending to Sundays and Bank Holiday Mondays and the precedent this may set for additional retail development. However, the applicant has confirmed that he no longer wishes to open on Sundays and Bank Holiday Mondays. The nature of the use is not considered to result in significant harm to warrant further restriction of these hours.

County Highways consider the proposed use would not have any significant impact on vehicular numbers over and above the existing permitted use and have raised no objection to the scheme.

In view of the low key nature of this retail use and two other units within the business centre being already permitted very low key retail use in conjunction with their primary training/ workshop function, it is not considered that the approval of this unit would be harmful to the existing users, residential amenity or be detrimental to highway safety and should therefore be approved.

## **RECOMMENDATION**

Approve with Conditions

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

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

- 2 This permission relates only to an ancillary use of the business unit restricted to the limited area of the unit shown on the revised plans received on the 20th June 2008 and the details contained within the additional letter received on the 28th July 2008.

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.

- 3 The retail use hereby permitted shall only take place between the hours of 0800 and 1800 from Mondays to Saturdays.

REASON:

To protect the character and amenities of the area.

- 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: policies PD1, ED7 & ED17.



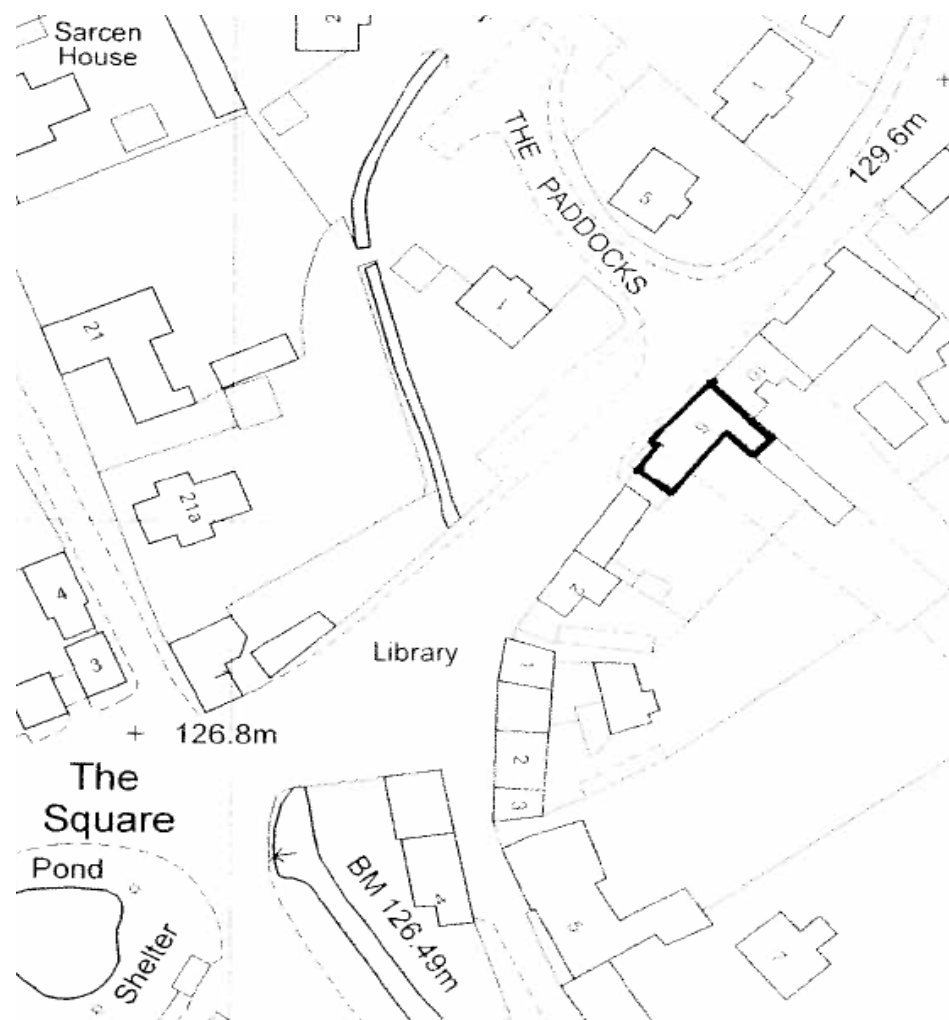
Item 5

**APPLICATION NO:** K/58247/ADV  
**PARISH:** ALDBOURNE  
**APPLICATION TYPE:** Advertisement Consent  
**PROPOSAL:** Display of internally illuminated fascia sign  
**SITE:** Co-Op Food Store 6 Oxford Street Aldbourne  
**GRID REF:** 426571 175710  
**APPLICANT:** CWS Retail Financial Services  
**AGENT:** Futurama Ltd  
**DATE REGISTERED:** 05/03/2008  
**CASE OFFICER:** Rebecca Hughes

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### SITE LOCATION

The site is occupied by the Co-operative and is located on the eastern side of Oxford Street, 100m beyond The Square. The site falls within North Wessex Downs Area of Outstanding Natural Beauty and Aldbourne Conservation Area.



*Location Plan*

## SITE HISTORY

K/46341/A – An externally illuminated fascia sign was approved in 2003. The fascia sign was lit from an external trough light 2.4m in length. This was the sign that was previously in situ on this shop as shown in the first photograph below.

K/34760/A – Advertisement Consent was granted in 1997 for 2 fascia signs, one along the whole width of the frontage and a smaller one on the return. The former sign was to be lit from an existing light trough above it. This was replaced by the sign approved in 2003.

## DESCRIPTION OF DEVELOPMENT

This proposal relates to an application for advertisement consent to display an internally illuminated fascia sign. The new sign is required in connection with standard re-branding of the Co-op. The sign is proposed with a green background with blue and white lettering and would be constructed of acrylic with an aluminium fixing. The lettering only is proposed to be halo lit in white.

The sign has been installed since submission of this application, and so the application is now for its retention.



*Sign previously displayed*



*Current sign, subject of this application*

## **PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION**

Additional information has been submitted in the form of photographs to illustrate examples of trough lighting compared to halo illumination. An email from the agent has been submitted to clarify that only the letters on the sign will be lit (by white halo illumination) and indicating that the applicant would accept a condition on any approval restricting illumination to the working hours of the shop only.

## **CONSULTATIONS**

Aldbourn Parish Council: no objections to the application providing illumination restricted to working hours and only the letters within the sign are lit. Comment that advertising lighting is potentially intrusive and alien in a rural village.

KDC Conservation Officer: No objections, comments that the existing situation is well established and proposed signage is no more objectionable than current situation therefore considers chances of sustaining a refusal are very limited.

County highways: proposal is an improvement to existing and should have no significant effect on adjacent highway. No objections subject to maximum luminance condition.

## **REPRESENTATIONS**

Letters of objection have been received in respect of the application from three local residents. The points raised can be summarised as follows:

- Illuminated sign is not appropriate to character of conservation area and will not preserve or enhance the character of the area;
- The internal illumination will highlight the advertising and detrimentally affect the setting of the adjacent grade II listed building;
- The shop does not have to compete with others during late opening hours therefore does not need more lighting;
- Current fascia is bold enough and shop throws a lot of light onto pavement from its big window at night;
- Proximity of sign to bedroom windows of no.10 and no.4 Oxford Street means illumination will cause light pollution and disturbance.

## **POLICY CONSIDERATIONS**

PPG 19: Outdoor Advertisement Control (1992) is relevant to the consideration of the application, as is supplementary planning guidance contained in Aldbourn Conservation Area Statement (June 2003).

## **PLANNING OFFICERS COMMENTS**

The two issues for consideration when determining an application for advertisement consent are amenity and public safety. County highways consider the proposal represents an improvement to the existing situation and have no objections to the application subject to a maximum luminance condition; therefore there are no issues of public safety.

Turning to amenity, the site occupies a prominent position with Aldbourn Conservation Area, within which it is desirable to keep commercial illumination to a minimum. However, in this instance, the principle of illuminated signage on the shop has been established through the granting of advertisement consent on two previous occasions for external trough lit fascia signs (the latest approval issued in December 2003). It is important to note that since this approval there has been no material

change in circumstances or policy guidance. The materials and design of the sign are no more strident than that previously approved and on balance it is considered that the internal halo illumination appears more subtle than the previous trough illumination (approved in 2003). As such there are considered to be no grounds to refuse the application.

## **RECOMMENDATION**

Approve with Conditions

- 1 This permission relates to the scheme of development as submitted except insofar as amended by the email from Kevin Watson received on the 29/05/08.

### **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.

- 2 The display of the advertisement(s) hereby approved shall be for a period of five years from the date of this consent.

### **REASON:**

To comply with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

- 3 Any advertisements displayed, and any site used for the display of the advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

### **REASON:**

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

### **REASON:**

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

- 5 Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

### **REASON:**

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

- 6 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

### **REASON:**

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

7 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

8 The maximum luminance from the sign shall not exceed the following luminance values in accordance with ILE Technical Report Number 5 (Second Edition):

Total Illuminated Area of Sign Face (sq. metres)	Maximum luminance (candela / sq m)
Up to 0.49	1000
0.5 to 1.99	800
2.0 to 4.99	600
5.0 to 10.0	600
Over 10.0	400

REASON:

In the interests of highway safety and amenity.

9 The fascia sign hereby permitted shall only be illuminated during the opening hours of the shop which it advertises.

REASON:

In the interests of amenity

10 The illumination of the sign(s) hereby permitted shall be of the non-flashing type.

REASON:

In the interests of visual amenity.

11 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 advertisement consent has been taken on the grounds that the proposed advertisement would not cause any significant harm to interests of amenity or public safety.