

Regulatory Committee
7th August 2008

List of Applications for Consideration

1. K/58185/F (page 6)
Change of use from B1 to A5 (hot food takeaway)
At: 1 Andover Road, Upavon, Wiltshire, SN9 6EB
RECOMMENDATION: Refuse

2. K/58696/O (page 13)
Outline planning application for: Redevelopment of garage site with 2 no. residential dwellings, parking and private gardens
At: Garages adjacent to Elmay House, Graspan Road, Ludgershall
RECOMMENDATION: Approve with conditions

3. K/58731/F (page 20)
Full planning permission for: Redevelopment to provide additional 3 bed terrace cottage, replacement church hall, terrace of four 3 bed cottages and four 3 bed detached houses
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6. K/58492/F (page 50)
Full planning application for: Proposed replacement pre-school playgroup building and associated works
At: Ludgershall Playgroup, Castle Primary School, Short Street, Ludgershall
RECOMMENDATION: Approve with conditions

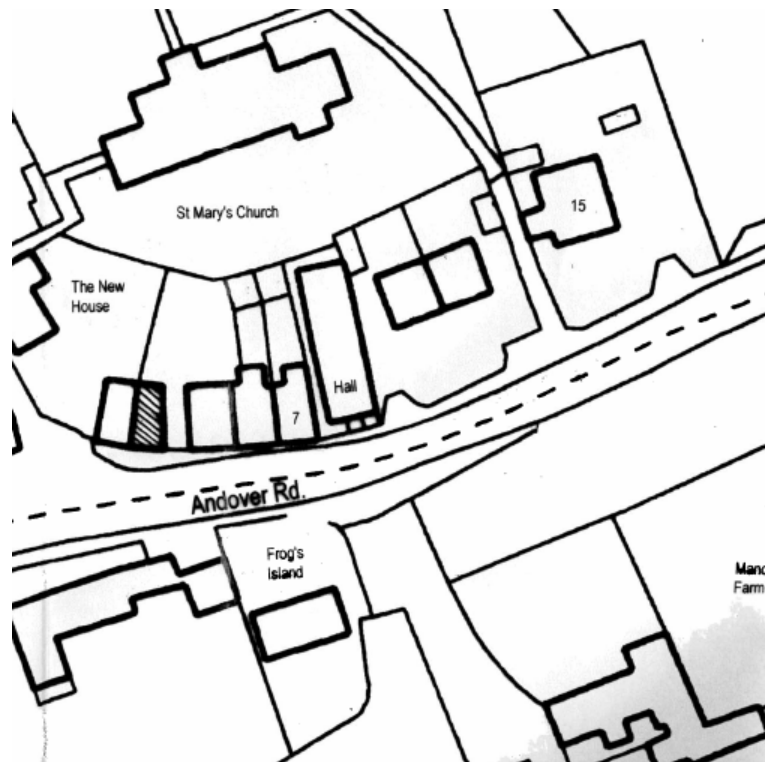
7. K/58894/F (page 55)
Full planning application for: Two storey side extension and single storey rear extension to existing dwelling
At: 19 Tibbs Meadow, Upper Chute
RECOMMENDATION: Approve with conditions

8. K/58898/F (page 62)
Full planning application for: Single storey log cabin
At: Oak Tree Farm House, Honeystreet Farm, Woodborough
RECOMMENDATION: Refuse

APPLICATION NO: K/58185/F
PARISH: UPAVON
APPLICATION TYPE: Full Planning
PROPOSAL: Change of use from B1 to A5 (hot food takeaway)
SITE: 1 Andover Road, Upavon, Wiltshire SN9 6EB
GRID REF: 413528 154998
APPLICANT: Thomas Marshall
AGENT: Michael Fowler Architects
DATE REGISTERED: 26/02/2008
CASE OFFICER: Rob Parker

SITE & LOCATION

This application relates to a vacant single storey commercial unit in the centre of Upavon. When standing at Upavon Garage look along the A342 Andover Road (in the direction of Everleigh and Ludgershall) and the property lies on the left hand side, no more than 20 metres beyond the garage and immediately before a terrace of houses and the village hall.

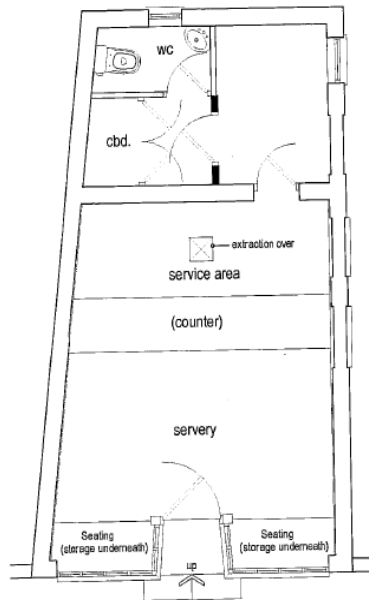
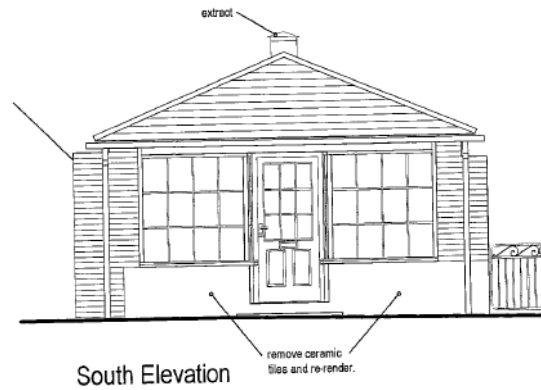


.DESCRIPTION OF DEVELOPMENT

The proposal is for a change of use from B1 business use to A5 (hot food takeaway). The building is single storey, facing directly onto the road at the back edge of the pavement.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement which is available to view on the working file. The applicant has also submitted details of the proposed filtration and extraction system.



PARISH COUNCIL COMMENTS

Upavon Parish Council objects to the application and fully supports those village residents who have written to express their very genuine concerns. The parish council objects on the following grounds:

1. Road traffic hazard

There is inadequate parking and the proposal will lead to congestion and double parking, thereby causing a traffic hazard on the A342. The site is located on a bend with extremely restricted line of sight.

2. Village appearance

Litter, odour and congregation of youths will seriously damage the village appearance and appeal. This is an unsuitable use for the centre of the conservation area.

3. Need

There is no need for a takeaway in the village. The village survey conducted in 2005 to inform the Village Design Statement did not identify a requirement for a hot food takeaway, and neither did two public meetings held in 2007 to invite residents' views about the needs of the village. Approximately 40 residents attended a meeting to discuss this particular planning application and there was an overwhelming view against the proposal. Both village pubs have already attempted takeaway services without success due to lack of demand. Similarly, a takeaway van service was discontinued due to lack of demand.

4. Environment

Litter, odour, rubbish, fire hazards and opening times all cause concern.

5. Police concerns

The local police officer has expressed concerns about parking, gathering of youths and particularly opening hours which, if allowed beyond pub opening times, can cause problems.

CONSULTATIONS

KDC Environmental Health – In normal circumstances the Environmental Health Officer would agree that the proposed filtration and extraction system would be considered a well specified installation. However this is not a typical location; the proximity of housing and the low level of the flue outlet mean that any odour is highly likely to generate significant nuisance to the neighbouring properties. The enclosed nature of the site will restrict airflow and therefore dilution and dispersion of the exhaust gases from the flue would further exacerbate the issue. The Environmental Health Officer therefore recommends that the application be refused on the grounds of likely nuisance from odour. He has also expressed concerns that the issue of noise was not fully covered in the submitted details of the extraction system.

Wiltshire County Highways – No objections. Whilst this proposal will generate a demand for parking within the village, the existing use would, in itself, also have a parking demand, probably during the daytime when overall traffic flows are higher.

REPRESENTATIONS

One representation of support has been received.

Eighteen representations of objection have been received from the occupiers of twelve residential properties in Upavon. A further objection has been received from the Village Hall Committee.

The issues raised can be summarised as follows:

- a) There is no need for a takeaway in the village. The two village pubs have attempted takeaway services in the past but these failed due to lack of demand. There are other takeaways in the area, for example at Pewsey, Durrington and Everleigh.

- b) The premises will become a gathering point for youths and attract crime, vandalism and anti-social behaviour, particularly late at night.
- c) Noise and cooking odours will be detrimental to the amenities of the area. The proposed venting system will be within close proximity of the adjacent residential terrace. The potato rumbler and extraction motor will be an unwanted source of noise.
- d) Litter will harm the appearance of the area.
- e) Waiting vehicles with their lights or hazard warning indicators on will create light pollution in the hours of darkness.
- f) The proposals do not make provision for an outside area for the hygienic storage of refuse.
- g) The business will exacerbate existing problems with rodents/vermin.
- h) There is inadequate staff and customer parking on the public highway. The proposal will lead to congestion, double parking and obstruction by delivery vehicles. Problems are already experienced due to lack of parking for residents and during events at the village hall. The driveway to the nearest dwelling (3 Andover Road) would be blocked by parked vehicles.
- i) The site is close to the junction of two busy roads (A342 & A345), thereby leading to road safety hazards. The situation will be exacerbated by the construction of 7 dwellings on the Upavon Garage site (K/52004/F refers).
- j) There is limited space inside the premises for waiting customers, and customers will be forced to queue on the pavement. Customers will not be permitted to smoke inside the premises and they will therefore be forced to smoke outside, causing harm to the amenities of neighbouring residents.
- k) A takeaway is unsuitable for this residential area.
- l) A takeaway would not be appropriate for the site's location within a conservation area.
- m) The premises themselves are unsuitable for a takeaway, being a very small lock-up with no fire escape and no exterior area for refuse storage. The reliance upon the proprietor to remove refuse and waste oil on a daily basis is inadequate. Access into the premises is via a step which is not acceptable.
- n) The premises will present a fire hazard, there being no external area to store gas bottles and no fire exit. The gas bottles would need to be stored inside, together with flammable cooking oil and waste.
- o) Drains in the area already get blocked and back-up during heavy rain. The proposal to flush waste potato peelings down the existing drains is extremely concerning.
- p) The takeaway would affect the trade of existing food outlets in the village (i.e. the corner shop and village pubs).
- q) The applicant did not consult the community prior to submitting the planning application.
- r) The owner of the site is an elected member of the District Council. There is therefore a conflict of interest.

POLICY CONSIDERATIONS

The application site lies within the Limits of Development defined for Upavon in the Kennet Local Plan 2011. Policies ED28 and PD1 of the local plan are relevant to the consideration of this application.

OFFICER COMMENTS

Policy ED28 of the Kennet Local Plan would permit in principle proposals for new additional shopping facilities or personal services within the defined Limits of Development for Upavon, provided that their primary purpose is to cater for the needs of local residents. Whilst some objectors dispute the need for a takeaway in Upavon, it would be difficult to argue that a takeaway of the size proposed is not serving local needs. Indeed it might be argued that, at a time when rural services and facilities are dwindling, proposals for new businesses in the villages should be welcomed.

The commercial viability of a takeaway in this location is not a material planning consideration and the degree to which the business can survive will be a factor of how well it is supported by the local community. The planning system does not exist to make decisions upon such matters, in the same way that it should not inhibit competition. The emphasis of the local planning authority's decision making in this instance should be placed upon considering the compatibility between neighbouring land uses and general highway safety and amenity considerations.

Objectors to the scheme raise various concerns regarding the impact upon highway safety and the lack of parking. However, the Highway Authority raise no objections in this regard. The Highway Authority makes the point that, whilst this proposal will generate a demand for parking within the village, the existing use would, in itself, also have a parking demand, probably during the daytime when overall traffic flows are higher. The lack of an objection from the Highway Authority means that a refusal of planning permission on highway grounds could not be substantiated.

Many of the amenity concerns raised by objectors could be equally relevant to any hot food takeaway proposal. The potential for noise, odours, litter and the anti-social behaviour are common fears amongst local residents in circumstances such as this.

In this case, the Council's Environmental Health Officer has objected on the grounds that the proposed hot food takeaway use is likely to give rise to problems of odour nuisance. Details of a filtration and extraction system were submitted in response to the Environmental Health Officer's initial concerns. In normal circumstances the Environmental Health Officer would agree this to be a well specified installation. However, this is not a typical location; the proximity of housing and the low level of the flue outlet mean that any odour is highly likely to generate significant nuisance to the neighbouring properties. The enclosed nature of the site will restrict airflow and therefore dilution and dispersion of the exhaust gases from the flue would further exacerbate the issue.

The Environmental Health Officer has also expressed concerns that the issue of noise has not been fully covered in the submitted details of the filtration and extraction system. It is therefore impossible to make a proper assessment of the likely impact of noise on neighbouring occupiers.

The Environmental Health Officer has not raised any issue with the refuse storage arrangements or the applicant's proposal to remove waste from the premises on a daily basis. Likewise, no concerns are expressed regarding the potential for vermin nuisance. There are separate environmental health controls over such issues.

Turning to the potential for litter and anti-social behaviour, it is not considered that these concerns would justify a refusal of planning permission. Hot food takeaways do not automatically result in litter or anti-social behaviour and it is not considered that this modestly sized village facility would become a particular problem in this regard. A planning condition could be imposed in the event of planning permission being granted, to ensure that the takeaway is not open to the public at anti-social hours.

Whilst the issue of light pollution from vehicles is raised by objectors it is not considered that this would be a particular issue. The site fronts a classified road and there is already on-street parking; as such, the impact of car headlights would be much the same as existing. There would be no reason for customers to use hazard warning lights in this location, particularly given that there are no highway waiting restrictions (such as double yellow lines) in force.

Objectors raise concerns that a hot food takeaway is not suitable for this primarily residential area, or indeed for a site within the conservation area. In response to this it should be noted that the property is a former commercial premises in the centre of the village where there are already various other commercial premises, including two public houses, a village shop and garage. The physical alterations proposed are minor, being limited to the addition of a modest flue and the replacement of the tiled stall riser with a render finish. As such it is considered that the proposals would preserve the character and appearance of the conservation area. (This conclusion may be reviewed if the applicant were to propose additional works in connection with the extraction system – e.g. a tall chimney)

Concerns are expressed regarding the restricted customer waiting area and the potential for customers to queue into the street and cause nuisance by smoking. The degree to which this happens will obviously depend upon the popularity of the business. However, it is not considered that this issue would justify a refusal of planning permission. The waiting area inside the building would be of reasonable size, commensurate with the level of trade that one might expect at a village facility such as this.

With regard to other issues raised by objectors:

- Issues surrounding fire safety are controlled under the Building Regulations. Notwithstanding this, your building control officers advise that a separate fire escape door is not required due to the limited size of the premises; a fire/smoke detection system would be sufficient.
- The premises are indeed owned by one of the Council's elected members. However, this does not prevent the Council from considering the current planning application. The elected member concerned would need to adhere to his code of conduct and declare an interest if necessary. This is not a material planning consideration.
- There is no legal requirement for the applicant to consult the community prior to submitting a planning application. The consultation process takes place as part of the planning application process and the proposal must be considered on its own merits.
- Issues surrounding the applicant's proposal to dispose of waste potato peelings via the existing drain system are not material planning considerations.

RECOMMENDATION

Refuse planning permission on the following grounds:

- 1 The proposed hot food takeaway would be likely to give rise to problems of odour nuisance. In addition, insufficient information has been submitted to enable the local planning authority to make a proper assessment of the likely impact on neighbouring occupiers from noise. As such, the proposal is considered to be contrary to Policy PD1 of the Kennet Local Plan 2011.

- 2 **INFORMATIVE TO APPLICANT:**

This application has been assessed on the basis of the details of filtration and extraction submitted by the agent via email on 23rd May 2008 and the amended plans (Drawing no. 080104-02 Rev A) received on 2nd April 2008.

APPLICATION NO: K/58696/O
PARISH: LUDGERSHALL
APPLICATION TYPE: Outline Planning
PROPOSAL: Redevelopment of garage site with 2 no. residential dwellings, parking and private gardens
SITE: Garages adjacent to Elmay House, Graspan Road, Ludgershall Wilts SP11 9AP
GRID REF: 427866 150441
APPLICANT: Lakeheath Management Ltd.
AGENT: Martin Robeson Planning Practice
DATE REGISTERED: 13/05/2008
CASE OFFICER: Rob Parker

SITE LOCATION

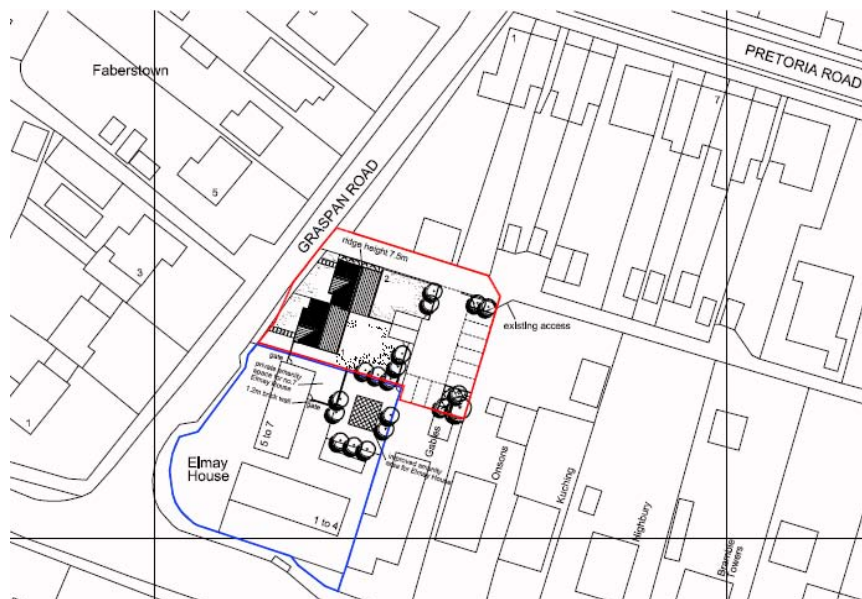
This application relates to a garage court adjacent to Elmay House in Graspan Road, Faberstown. When travelling out of Ludgershall on the A342 Andover Road, the turning into Graspan Road lies on the left hand side, approximately 180 metres beyond the turning to Biddesden and the Chutes. The garage court lies on the right hand side, shortly after entering Graspan Road.

SITE HISTORY

K/57643/O - Redevelopment of garage site with 3 no. residential dwellings, parking and private gardens. Application withdrawn on 19th December 2007.

DESCRIPTION OF DEVELOPMENT

The proposal is to redevelop the garages with 2 no. residential dwellings, parking and private gardens. The proposal would provide a total of 11 off-street car parking spaces, two for each dwelling and one for each of the flats in Elmay House.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The plans have been amended since submission to show the following:

- a) a reduction in height of the dwellings to 7.5m;
- b) a reduction in the gable span of the dwellings to 7.0m;
- c) an 0.5m increase in the distance between the dwellings and Graspan Road; and
- d) an area of private amenity space for no.7 Elmay House and an indicative scheme for landscaping the Elmay House communal area.

CONSULTATIONS

Ludgershall Town Council – no objection. The town council recommends that more car parking spaces are provided for this development as parking for the existing flats is included in this application, to keep vehicles from parking in Graspan Road and along Pretoria Road's rear access road causing an obstruction.

Wiltshire County Highways – no objection such to appropriate conditions.

Wiltshire Fire Brigade – standard guidance letter regarding fire appliance / firefighting access, water supplies for firefighting and domestic sprinkler protection.

REPRESENTATIONS

Five letters of objection have been received raising the following issues:

- a) Loss of the garages will lead to additional on-street parking in both Graspan Road and Pretoria Road, and resultant congestion and obstruction (particularly for emergency vehicles, oil tankers and delivery vehicles). Insufficient car parking is provided within the development.
- b) The garages have asbestos sheeting roofs which gives rise to health concerns for neighbouring occupiers.
- c) The proposals will reduce the level of light entering no.7 Elmay House.
- d) The proposals will result in the loss of the garden to no.7 Elmay House and its garage which is presently used for storage. There is no room to erect a shed.
- e) Noise during construction will cause harm to residential amenity, particularly given that the objector (who lives at no.7 Elmay House) is a shift worker in the aviation industry.
- f) The access track leading to the parking area may become routinely blocked by thoughtless overflow parking, thereby preventing residents of Pretoria Road from gaining access to their private garages and parking areas.
- g) Construction will restrict access for those residents of Pretoria Road wishing to gain access to their private garages and parking areas.
- h) The proposed development assumes access from the track running along the back of Pretoria Road. The objector questions whether this track is commonly owned and whether the assumption of access rights is correct.

POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan 2011 is relevant to the consideration of this application, as is Supplementary Planning Guidance contained in the document *Community Benefits from Planning*. Government guidance contained in Planning Policy Statement 3: *Housing* is also a material consideration.

PLANNING OFFICERS COMMENTS

The application site lies within the Limits of Development defined for Ludgershall in the Kennet Local Plan 2011. Residential development within the Limits of Development would be acceptable in principle, subject to compliance with the requirements of Policy PD1 in respect of issues such as layout, neighbour amenity, highway safety, etc. Government guidance contained in PPS3 would support the redevelopment of this site which constitutes previously developed land.

The site is sufficiently large to accommodate a pair of dwellings, and the proposed layout is considered to be acceptable. Each dwelling is provided with enough private amenity space to meet the Council's minimum standards (contained in Supplementary Planning Guidance). An area of private amenity space is allocated to no.7 Elmay House, to compensate for that lost as a result of the development.

Two off-street car parking spaces are provided for each of the dwellings, together with one space for each of the seven flats in Elmay House. This is considered to be an acceptable level of provision and compliant with the Council's maximum parking standards.

The applicant has provided information regarding current usage of the garages. Of the 17 existing garages, only 12 are currently occupied (5 vacant). Four of the garages are occupied by residents of Elmay House for storage of a vehicle. The remaining 8 occupied garages are rented by 4 separate tenants:

- Tenant 1 occupies 4 garages for the purpose of general storage, rather than parking vehicles. The tenant's given address lies 0.4 miles to the west in Faberstown.
- Tenant 2 occupies 2 garages for the purposes of general storage, rather than parking vehicles. The tenant's given address is in Durrington, 12 miles away.
- Tenant 3 occupies a garage for parking a vehicle, but lives on Andover Road, 0.8 miles away.
- Tenant 4 occupies a garage for parking a vehicle, but lives at Astor Crescent, 1.2 miles away.

It is clear, therefore, that removal of the garages would be unlikely to give rise to problems with residents parking on the highway. The four residents of Elmay House can use the seven parking spaces allocated for their use. The other garage tenants do not live in Graspan Road and will need to make alternative arrangements for storage and/or parking of vehicles. There is a net improvement over the current situation in terms of off-street parking.

Amended plans have been submitted during the course of the application showing a reduction in the height of the dwellings to 7.5m. This will benefit the street scene by improving the development's relationship with Elmay House. The latter is relatively modest in height at approximately 7.125m. The applicant has submitted a block elevational drawing to illustrate the likely street scene.

With regard to issues raised by objectors:

- a) Noise during construction could not be used as grounds to refuse planning permission, simply because this is a temporary impact.
- b) One of the proposed dwellings would be built alongside the gable end of no.7 Elmay House. There are two windows in this gable end, one a secondary window serving the living room (ground floor) and one serving a bathroom (first floor). There may be some loss of light for the living room window; however, because this is a secondary window it is not considered that the loss of amenity would be sufficient to warrant a refusal of planning permission.
- c) The loss of the storage for no.7 Elmay House is unfortunate. However, there are already storage sheds in the communal area behind Elmay House and the opportunity exists to erect a shed (subject to planning permission) in the newly provided private amenity space for no.7 Elmay House.
- d) The existence of asbestos is not grounds for refusal of planning permission. An informative is recommended to alert the applicant to the possible presence of asbestos and the need for appropriate procedures to be followed during demolition and disposal of the resultant materials.
- e) The applicant claims to own the southern half of the access track. The northern section is not registered with the Land Registry and therefore its ownership is not known. This does not prevent the Council from considering the current planning application; the applicant is simply required under law to advertise the application in a local newspaper, in order that the landowner may be given the opportunity to make representations. No representations have been received from anyone claiming to be the owner of the northern portion of track.
- f) With regard to blocking of the access, this is a private matter to be resolved between the relevant parties. There is no reason to suggest that blocking of the access will occur, given the number of parking spaces provided within the development, and as the freeholder for the southern half of the access the applicants believe that they would be in a position to take the relevant steps to remedy parking infringements in any event. It is extremely unlikely that access to properties in Pretoria

Road would need to be closed off during construction. This would not be a planning issue in any case.

RECOMMENDATION

Approve with the following conditions:

- 1 This permission relates only to the scheme of development shown on the revised plans (Drawing no. Sk04g & Sk10) received on the 8th 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.

- 2 Approval of the details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

REASON:

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

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

REASON:

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

- 4 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:

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

- 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 dwellings 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 Before either of the dwellings hereby permitted are first occupied the replacement private amenity space for no.7 Elmay House shall be laid out and made available for use, in accordance with the details shown on the approved plans. The area shall be retained thereafter for use as private amenity space in connection with no.7 Elmay House.

REASON:

To ensure that sufficient private amenity space is provided for the occupiers of no.7 Elmay House.

- 7 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.

- 8 Before either of the dwellings hereby permitted are first occupied the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the nearside edge of the carriageway 45 metres to the south and 4.3 metres to the north from the centre of the access.

REASON:

In the interests of highway safety.

- 9 Before either of the dwellings hereby permitted are first occupied, the first 7.0 metres of access (measured from the edge of the carriageway to Graspan Road) shall be surfaced in a well bound consolidated material (not loose stone or gravel), in accordance with details to be first agreed in writing by the local planning authority. The access shall be maintained as such thereafter, unless otherwise agreed in writing by the local planning authority.

REASON:

In the interests of highway safety.

- 10 **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.

- 11 **INFORMATIVE TO APPLICANT:**
The applicant should note that there may be asbestos present in the existing garages. Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'. The appropriate precautions should be taken when dismantling the garages.

APPLICATION NO: K/58731/F
PARISH: LUDGERSHALL
APPLICATION TYPE: Full Planning
PROPOSAL: Redevelopment to provide additional 3 bed terrace cottage, replacement church hall, terrace of four 3 bed cottages and four 3 bed detached houses
SITE: 3 St. James Street, Ludgershall
GRID REF: 426332 150805
APPLICANT: Blue Homes Ltd
AGENT: Mr Stuart Packer
Packer Design Partnership
DATE REGISTERED: 16/05/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to a site in the centre of Ludgershall, to the rear of the Old School and nos. 1 & 5 St. James Street. The land is currently occupied by the existing church hall and a derelict bungalow (no.3 St. James Street). The site has two vehicular accesses; a narrow driveway between nos. 1 & 5 St. James Street and an access directly alongside the Old School. The site is bounded to the south by the A3026 (which is elevated atop an embankment), to the west by a public footpath (behind a well vegetated boundary) and to the north by the churchyard.

SITE HISTORY

K/53031/F - Partial demolition of the existing school (including removal of toilet block). Conversion and extension of retained building to provide ten 1 bedroom flats and erection of terrace of five 2 bedroom cottages. Planning permission granted on 15th December 2005.

K/55421/F – Demolition of existing bungalow (No.3) and construction of 8 No. houses and 2 No. maisonettes. Refused planning permission and subsequently dismissed on appeal on 3rd October 2007.

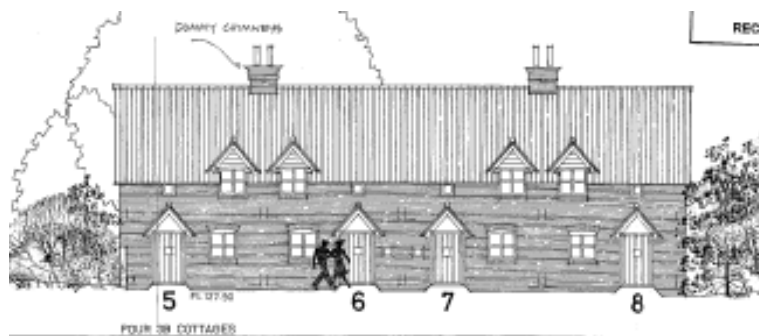
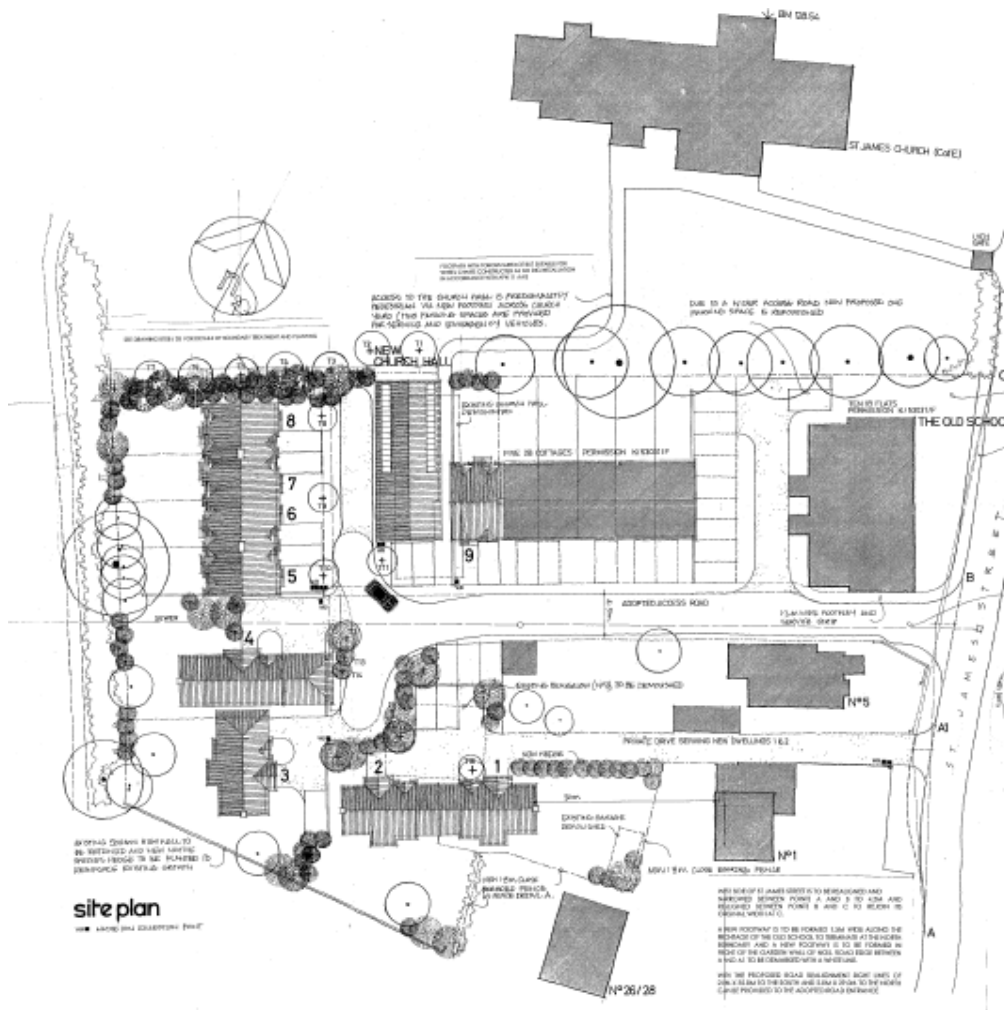
K/56349/F – Demolition of existing bungalow (No.3) and construction of five 4 bedroom houses. Planning permission granted on 15th April 2008.

K/58728/CAC – Demolition of church hall. Conservation area consent granted on 24th June 2008.

DESCRIPTION OF DEVELOPMENT

The proposal is for redevelopment to provide an additional 3 bed terrace cottage (on the end of the terrace approved under K/53031/F), a replacement church hall, a terrace of four 3 bed cottages and four 3 bed detached houses.

Plots 1 & 2 would be accessed via the narrow driveway between nos. 1 & 5 St. James Street. The remainder of the site would be served by the existing access for the church hall, alongside the Old School.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been submitted during the course of the application to show the following:

- a) Additional detail regarding landscaping and boundary treatments, particularly along the northern boundary with the churchyard;
- b) The addition of a disabled car parking space for the church hall;
- c) A realignment of the footpath to the church, to avoid harm to adjacent trees;
- d) An increase in the height of the boundary wall alongside plot 9 to 2.1 metres;
- e) A rearrangement of the accommodation inside the church hall, with the storeroom now at first floor and parish office on the ground floor;
- f) The addition of steel acoustic fire doors (kept locked shut with an electric alarm to be used only in an emergency) on the east elevation of the church hall;
- g) Confirmation that all roof glazing to the church hall is to be double glazed and non-openable, with all natural ventilation to be provided via openable windows on the north elevation.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement which is available to view on the working file.

TOWN COUNCIL COMMENTS

Ludgershall Town Council objects to the application on the following points:

1. The proposals constitute over development of the site under Policy PD1.
2. There is insufficient parking & no disabled parking.
3. Poor access - concerns are expressed about kerbside collection of refuse & recycling bins, emergency vehicles & delivery lorries using an unadopted drive to plots 1 & 2. The plans also show the use of adjoining land outside no. 1 St James Street which is privately owned.

New Church Hall

1. The plans show the new hall having a floor space of 70 sqm which should equate to 14 parking spaces being provided. Only two are shown with no disabled parking. There is too much reliance on public car parking.
2. No disabled access is shown for the upper floor of the hall.
3. The close proximity to houses gives rise to concerns of noise, even though soundproofing will be incorporated.
4. The footpath access from the churchyard does not show any street lighting.
5. No recreational facilities are included and more street lighting is required in St James Street. Could these items be addressed by a Section 106?

CONSULTATIONS

KDC Conservation Officer – no objection in principle, but makes various detailed comments regarding layout, design and landscaping.

KDC Landscape & Countryside Officer – no objections subject to appropriate conditions to secure a full landscaping scheme, tree protection during construction and construction details for the footpath to the church.

Wiltshire County Archaeologist – no objection, an archaeological evaluation has already been carried out at the site and very little of interest was revealed.

Wiltshire County Highways – no objection subject to appropriate conditions. The Highway Authority makes the following comment:

“The proposed access arrangement is satisfactory and should work well for the degree of development proposed at this location. I would not wish to see more than two dwellings served by the existing narrow driveway between numbers 1 and 5. For the level of development proposed for the access past the Old School the access will need to be adopted.”

Wiltshire Fire Brigade – standard guidance letter regarding fire appliance / firefighting access, water supplies for firefighting and domestic sprinkler protection.

REPRESENTATIONS

Two third party representations have been received from the occupiers of 26 Tidworth Road and 1 St. James Street. The following issues are raised:

- a) The back of plot 1 is very close to the boundary of 26 Tidworth Road.
- b) The entrance to plots 1 & 2 crosses private land owned by 1 St. James Street.
- c) The dwellings will overlook 1 St. James Street, the impact being exacerbated by the fact that the land rises from the rear of the objector's property.
- d) It will be difficult for refuse, emergency and other large vehicles to negotiate the private drive serving plots 1 & 2. The objector will not tolerate refuse bins on land in front of his property.
- e) The access serving the remainder of the site is inadequate. Some church hall users require vehicular access.

POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Ludgershall in the Kennet Local Plan 2011. Part of the site (occupied by the replacement church hall and Plots 5-8 of the proposed scheme) lies within the designated conservation area.

Policies PD1, ED29 & HC35 of Kennet Local Plan 2011 are relevant to the consideration of this application, as is supplementary planning guidance contained in the document “Community Benefits from Planning”. Government guidance contained in PPS1, PPS3 & PPG15 is also a material consideration.

PLANNING OFFICERS COMMENTS

This planning application promotes a comprehensive scheme of redevelopment for two separate but adjacent sites. Planning permission was granted under reference K/56349/F for a scheme of 5 detached dwellings on the site of no.3 St. James Street, served by an improved access between nos. 1 & 5 St. James Street. Prior to that, planning permission was granted under reference K/53031/F for the conversion of the Old School and the erection of a terrace of 5 dwellings in the playground to the rear, served by the former school access in a one way arrangement (northern access in, southern access out).

The current application proposes a different configuration, together with a replacement church hall. Only two plots would be served from the access between nos. 1 & 5 St. James Street, the access remaining unadopted and without the improvements proposed under K/56349/F. A total of twenty-two dwellings would be served by the Old School's southern access, the latter being improved to adoptable standard. The scheme also makes provision for the replacement of the church hall on a similar footprint to existing. There would mean a net increase of 4 dwellings over and above the two schemes already approved under K/56349/F & K/53031/F.

Officers consider the latest proposal to be an improvement on the approved schemes, taking the opportunity to comprehensively redevelop the site by providing an adopted access road with turning head for refuse vehicles, whilst at the same time restricting the narrow substandard access between nos. 1 & 5 St. James Street to a pair of dwellings.

The design of the dwellings is considered to be acceptable. The terraced dwellings are similar in appearance to those already approved on the playground to the rear of the Old School. Each of the detached dwellings follows a common theme, with a combination of brick, render and artificial weatherboarding for the walls and natural slate for the roofs. The church hall features a clay pantile roof with rendered walls and artificial weatherboarded gables.

The scheme is also considered to be acceptable in terms of its impact upon neighbour amenity. The private drive between nos. 1 & 5 St. James Street would serve only two dwellings (a net increase of one) and therefore on this basis it is not considered that vehicle movements would cause an unacceptable level of noise and disturbance for neighbouring occupiers.

Response to Town Council Objections

The principal reason for bringing this application to committee is to enable members to consider the objections of Ludgershall Town Council (see above). Officers would respond to the objections as follows:

1. The proposals constitute over development of the site under Policy PD1.

It is not considered that the proposals constitute over development. Each dwelling is provided with sufficient private amenity space and the scheme would not appear cramped. It is relevant to consider that this is a village centre location where higher densities might be expected. The proposals comprise a gross density of approximately 31 dwellings per hectare which is relatively modest and at the lower end of densities encouraged by government guidance contained in PPS3 on *Housing*.

2. There is insufficient parking & no disabled parking.

The proposals make provision for one allocated car parking space for each of the 3 bed terraced dwellings and a minimum of two spaces allocated for each of the detached 3 bed dwellings. Two spaces are provided for the church hall, one of which would be allocated for disabled use. There are three additional spaces within the site which could be used as visitor parking or alternatively parking for the church hall. It is considered that this level of parking provision is acceptable and compliant with the Council's maximum standards, particularly in view of the fact that the existing church hall has very limited parking (approximately two spaces) and there is a public car park within 100 metres of the site.

3. Poor access

Concerns have been expressed regarding the suitability of the access for refuse vehicles, emergency vehicles and delivery lorries. In response to these concerns it should be noted that the main access (serving plots 3-9 plus those plots approved under K/53031/F) would be constructed to adoptable standard with a turning head suitable for large vehicles.

The access serving plots 1 & 2 would remain an unadopted private drive and would not, therefore, be served by the Council's refuse vehicles. Refuse and recycling would need to be placed on the kerbside of St. James; the access has sufficient width for wheelie bins and recycling boxes to be placed without detriment to access or highway safety (and without using third party land).

With regard to the use of third party land by vehicles accessing the development, plots 1 & 2 are capable of being accessed without using this land and therefore the matter is not a material planning consideration.

New Church Hall

1. The plans show the new hall having a floor space of 70 sqm which should equate to 14 parking spaces being provided. Only two are shown with no disabled parking. There is too much reliance on public car parking.

The replacement church hall is similar in footprint to the existing building. The existing building has very limited parking provision (approximately 2 spaces). In view of this, and the existence of public car parking within 100

metres of the site, the parking arrangements are considered to be acceptable. There is no net loss of car parking.

2. No disabled access is shown for the upper floor of the hall.

This is not a material planning consideration and will be a matter for the Building Regulations. However, members will note that the plans have been amended so that the parish office is at ground floor level, with the upstairs used for storage. The applicant considers that this amendment should address the town council's concerns.

3. The close proximity to houses gives rise to concerns of noise, even though soundproofing will be incorporated.

It is accepted that the replacement church hall will be built in close proximity to the proposed dwellings. However, the replacement facility will be of masonry construction which will have improved acoustic qualities over the existing modular building. The applicant has amended the plans to show the following:

- a) an increase in the height of the boundary wall alongside plot 9 to 2.1 metres;
- b) the addition of steel acoustic fire doors (kept locked shut with an electric alarm to be used only in an emergency) on the east elevation of the church hall; and
- c) confirmation that all roof glazing to the church hall is to be double glazed and non-openable, with all natural ventilation to be provided via openable windows on the north elevation.

These measures will assist in reducing the potential for noise nuisance for neighbouring occupiers. It is also relevant to consider that the church hall has no history of noise nuisance and this scheme represents an excellent opportunity to improve a valuable community facility.

4. The footpath access from the churchyard does not show any street lighting.

It is not considered that a scheme of street lighting would be appropriate in the churchyard which lies within the setting of St. James Church, a Grade I listed building.

5. No recreational facilities are included and more street lighting is required in St James Street. Could these items be addressed by a Section 106?

The Council's policies do not require on-site provision for children's recreational space on every site. Each case is considered on its individual merits and there is provision in Supplementary Planning Guidance for the developer to pay a commuted sum in lieu of on-site provision, to be put towards the improvement of existing facilities in the locality. It is considered that the latter approach is most appropriate in this instance.

With regard to street lighting, the Highway Authority has not requested that the developer be required to provide improved street lighting. It would be

difficult to justify this request, given that the requirement for improved street lighting does not arise directly from this development; it is an existing deficiency and therefore it would be unreasonable to require the developer to address this issue.

Response to Third Party Objections / Comments

The occupier of no.1 St. James Street has expressed concerns regarding the possibility of overlooking from plot 1. This dwelling would be 20 metres from the objector's property with no windows or doors in the elevation facing the objector. The dwelling would be 7.8 metres in height with a slab level 1.13 metres above that of no.1 St. James Street. It is not considered that this relationship is likely to give rise to any adverse impact upon amenity.

The occupier of no.26 Tidworth Road has noted that the back of plot 1 is very close to his boundary. Whilst the building does come to within a metre of the relevant boundary, the relationship is considered to be acceptable. There would be no first floor windows or doors facing onto the neighbour's property and the dwelling on plot 1 would be relatively modest in height (7.8m). The impact would not be overbearing and would be no worse than for the scheme approved under reference K/56349/F.

Issues surrounding the use of third party land owned by no.1 St. James Street, refuse vehicle access and the suitability of the access and parking arrangements have been addressed in the response to the town council's objections above.

Conclusions

Overall, this is considered to be an improved scheme which makes provision for the comprehensive development of this site and the replacement of the church hall. The access arrangements meet with the agreement of the Highway Authority and it is not considered that the proposals would harm the amenities of neighbouring occupiers.

RECOMMENDATION

Grant planning permission 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 amended by the revised plans (Drawing nos. 01A, 03A, 04A, 05A, 06A & 07A) received on the 15th 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 Prior to the occupation of the sixth dwelling on the development hereby permitted, the replacement church hall shall be constructed and made ready for occupation (including all heating, lighting, plumbing and electrical systems).

REASON:

To ensure continuity in community provision.

- 4 No works shall take place to construct the replacement church hall until a scheme of works to protect neighbouring residential occupiers from noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of neighbour amenity.

- 5 No development shall take place until samples of the materials to be used for the external walls and roofs (including details of the colours and finishes proposed for the windows, render and artificial weatherboarding) 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.

- 6 The development hereby permitted shall not be commenced until full details of all new windows (including elevations drawn at a scale of not less than 1:10, frame sections & glazing bars drawn at a scale of not less than 1:2, details of materials and reveals) have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details and the windows shall be retained as approved thereafter, unless otherwise agreed in writing with the local planning authority.

REASON:

To secure harmonious architectural treatment.

- 7 The development hereby permitted shall not be commenced until detailed working drawings of all eaves and verges have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 8 No development shall take place until there has been submitted to and approved 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. The submitted details shall include all species, planting sizes and planting densities.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 9 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 any part of the development 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.

- 10 No development shall take place until there has been submitted to and approved in writing by the local planning authority details of tree protection which shall be in accordance with BS5837 [2005] "Trees in Relation to Construction". All protective fencing shall be erected in accordance with the approved details prior to the commencement of development and it shall thereafter be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within the protected areas.

REASON:

To secure the retention of trees in the interests of visual amenity.

- 11 Notwithstanding the details shown on the approved plans, no development shall take place until details of the route and method of construction for the footpath to the church have been submitted to and approved in writing by the local planning authority. The footpath shall be constructed in accordance with the approved details prior to the replacement church hall being first brought into use.

REASON:

To ensure satisfactory pedestrian provision and to prevent damage to trees in the interests of visual amenity.

- 12 Prior to the commencement of development details of all boundary treatments (including details of height and materials in the case of walls and fences and details of species, planting heights and planting densities in the case of hedges) shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be erected and/or planted in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 13 The dwellings on Plots 1 & 2 shall not be occupied until the new 1.8 metre high close boarded fence on the garden boundaries with nos.26/28 Tidworth Road and no.1 St. James Street has been erected in accordance with the details shown on the approved plans. The fence shall be retained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON:

In the interests of protecting the privacy of neighbouring properties.

- 14 **INFORMATIVE TO APPLICANT:**
The applicant should note that the hedge on the boundary with no.26/28 Tidworth Road may belong to the neighbouring landowner and therefore it may be necessary to erect the fence alongside the hedge. The applicant is advised to liaise with the relevant landowner(s) prior to erecting the fence.

- 15 Prior to the occupation of any part of the development a footway / pedestrian refuge area demarcated by a white line and coloured tarmac surfacing, or by lowered kerbs and coloured surfacing, shall be provided between points A and A1 (plan number 0708/01A), in accordance with details to be first submitted to and approved by the local planning authority in writing.

REASON:

In the interests of highway safety.

- 16 Before any part of the development is first occupied the carriageway of St. James Street shall be narrowed to 4.5 metres between points A and B, and re-aligned between points B and C to rejoin its original width (plan number 0708/01A), in accordance with details to be first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

- 17 Before any part of the development is first occupied a 1.5m footway shall be provided between points A1 and C (plan number 0708/01A), in accordance with details to be first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

- 18 Before the dwellings on Plots 1 and 2 are first occupied the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above the adjoining carriageway level between the carriageway edge and a line drawn from a point 2.0 metres back along the centre line of the access to Plots 1 and 2, from the carriageway edge, to a point on the nearside carriageway edge 43 metres to the north.

REASON.

In the interests of highway safety.

- 19 Before the replacement church hall or dwellings on Plots 3-9 (inclusive) are first occupied the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above the adjoining carriageway level between the carriageway edge and a line drawn from a point 2.4 metres back along the centre line of the access adjacent to the Old School, from the carriageway edge, to points on the nearside carriageway edge at the northern end of the site frontage, and to a point on the nearside carriageway edge 35 metres to the south.

REASON.

In the interests of highway safety.

- 20 Before any part of the development hereby permitted is first occupied the vehicle parking and turning areas 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.

- 21 Prior to the dwellings on Plots 1 & 2 being occupied the first 4.5 metres of the access driveway serving these dwellings, measured from the edge of the St. James Street carriageway, shall be surfaced in a well bound consolidated material (not loose stone or gravel). The access driveway shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 22 Prior to the replacement church hall being first brought into use the two car parking spaces directly adjacent to it shall be laid out in a

properly consolidated material (not loose stone or gravel), the spaces marked for the sole use of users of the church hall and one of the spaces marked for disabled use. The parking spaces shall be maintained as such thereafter for the purposes of parking in connection with the church hall.

REASON:

To ensure satisfactory parking provision for the church hall, including parking for disabled persons.

- 23 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 dwellings on Plots 5-9 inclusive shall be erected.

REASON:

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

- 24 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 in the following elevations:

- a) east elevation of Plot 1;
- b) above ground floor ceiling level in the south elevation of Plot 1;
- c) above ground floor ceiling level in the south elevation of Plot 9.

REASON:

In the interests of the privacy of the neighbouring properties.

- 25 Prior to the dwelling on Plot 9 being first occupied, the south-east facing panes of the first floor windows on the south elevation (serving "Bedroom 2") shall be glazed with obscured glass and fixed shut and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure (other than those approved as part of the landscaping scheme or details of boundary treatments) shall be erected on the site.

REASON:

In the interests of visual amenity.

- 27 The development shall make provision for equipped children's recreation space in accordance with Kennet District Council's guidance on "Community Benefits from Planning" before any dwelling is first occupied. Details of the proposed provision, its timing and its future management and maintenance shall be submitted to and agreed in writing by the Council before development commences.

REASON:

To ensure satisfactory provision of facilities, in accordance with Policy HC35 of the Kennet Local Plan 2011.

- 28 **INFORMATIVE TO APPLICANT:**
The applicant should note that it may be possible to commute the equipped children's recreation requirements set out above by the payment of an appropriate sum to the District Council which will then be used to either provide children's recreation facilities in the vicinity of the site at a later date and/or enhance existing facilities.

- 29 **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, ED29 & HC35.

APPLICATION NO: K/58756/F
PARISH: SEEND
APPLICATION TYPE: Full Planning
PROPOSAL: Replacement dwelling
SITE: 14 The Stocks, Trowbridge Road, Seend, Wiltshire
GRID REF: 393061 160360
APPLICANT: Mr and Mrs Godwin
AGENT: Marc Willis
Willis & Co
DATE REGISTERED: 20/05/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to a property in The Stocks, Seend Cleeve. To reach the site, travel through the village of Seend on the A361 in the direction of Trowbridge. Seend Cleeve is signposted on the right hand side, approximately 1km further on. Take this turning and the application site lies almost immediately on the left hand side, 50 metres from the junction. The site is presently occupied by a bungalow.

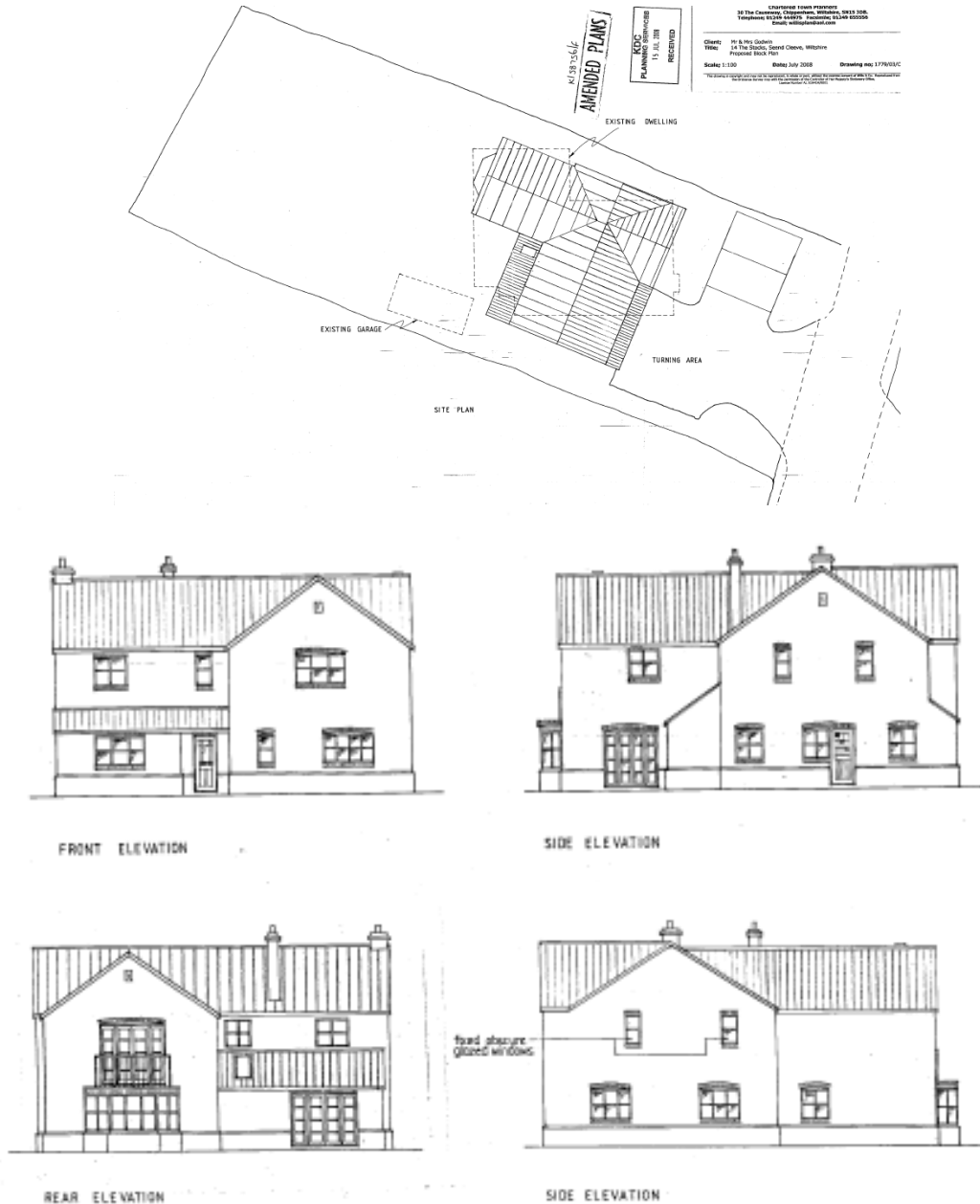


SITE HISTORY

K/56559/F - Erection of dwelling after demolition of existing bungalow, refused planning permission on 3rd July 2007 on the grounds that the proposed dwelling would represent a poor quality of design which would be out of context with surrounding development, contrary to Policies PD1 & HC24 of the Kennet Local Plan 2011 and government guidance contained in PPS1.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the bungalow and construct a replacement two storey dwelling together with detached garage.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been submitted during the course of the application. These show the following changes to the scheme:

1. The deletion of the full balcony to the rear and its replacement with a Juliette balcony (i.e. a guard rail across the French doors with no sitting out area).
2. The stepping-in of the rear wing on the north elevation, to create a visual break in this large expanse of wall.
3. The annotation of the first floor windows on the north elevation as being obscurely glazed and fixed shut.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement which is available to view on the working file.

PARISH COUNCIL COMMENTS

Seend Parish Council – no objection.

CONSULTATIONS

Wiltshire County Highways – no objection subject to appropriate conditions.

REPRESENTATIONS

Objections have been received from the occupiers of three adjacent properties. Although none of the neighbours raise an objection to the principle of replacing the existing bungalow, they do express the following concerns regarding the current scheme:

- a) The proposed balcony would result in overlooking and loss of privacy for the occupiers of *Greenacre* (1 Row Lane) to the north and *Stepping Stones* (3 Row Lane) to the west. The occupier of *Stepping Stones* is also concerned regarding overlooking from large first floor windows on the rear elevation. The occupier of *Greenacres* has sought advice from a tree surgeon who has advised that existing trees on the boundary should be removed and replanted with a different species. This will open up the boundary and exacerbate the overlooking issue.
- b) First floor windows on the north elevation would overlook *Greenacres* and result in loss of privacy. The applicant's proposal to obscurely glaze the windows is not acceptable as the glass could be reverted to clear glass in the future. The objector believes that the windows are totally unnecessary.
- c) The proposed dwelling would be too close to the boundary with 16 The Stocks, the property immediately to the south.
- d) The proposed dwelling would cause harm to the established hedge on the boundary with *Greenacres* to the north. The objectors have been advised by a structural engineer that the trees surrounding their property need to be retained in order to minimise the effects of clay soil.
- e) The proposed dwelling is too large and significantly larger than the existing property. The effective height when viewed from *Greenacres* would be greater due to the fall in levels.
- f) The proposed garage would be too close to the boundary with *Greenacre* and its siting close to the road would cause harm to the character and appearance of the area. The use of red brick would be out of keeping with the area.

POLICY CONSIDERATIONS

Policies HC24 and PD1 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application.

PLANNING OFFICERS COMMENTS

Policy HC24 of the Kennet Local Plan would permit, in principle, the replacement of existing dwellings within the built-up area of Seend Cleeve provided that development is in harmony with the village in terms of its scale and character. The existing bungalow is considered to lie within the built-up area and therefore it is relevant to consider whether the proposals are in harmony with the village in terms of its scale and character. It will also be important to assess compliance with the requirements of Policy PD1, particularly in relation to the likely impact upon neighbour amenity.

The existing dwelling on the plot is an innocuous bungalow which has little in the way of character. The applicant reports that the building is structurally unsound, having reached the end of its useful life, and being the subject of an insurance claim.

The area surrounding the site is characterised by two storey properties of varying designs. It would be difficult to argue, therefore, that the proposal for a two storey dwelling would be out of keeping with the area. The plot size (0.09 hectares) is relatively generous and commensurate with other properties in the area. Contrary to the view expressed by objectors, it is not considered that the proposal would constitute over development, particularly given that the proposed dwelling would be similar in footprint to the existing bungalow and on the same siting (albeit rotated slightly to better relate to the shape of the plot).

The design of the dwelling is considered to be acceptable and the 8.0 metre ridge height is not excessive for a dwelling of this type, even taking into account the difference in levels pointed out by the occupiers of *Greenacre*. Notwithstanding this, the site is elevated above the road and therefore there may be scope to reduce levels slightly to mitigate for the additional height. This can be addressed by attaching a condition on any planning permission to control the new slab level.

Neighbours have expressed concerns regarding proximity to the plot boundaries. However, it should be noted that the plans allow for a full 3.0 metres gap to the southern boundary and 2.0 metres to the northern boundary. This is considered to be sufficient and will not result in development appearing cramped on the plot.

The occupiers of *Greenacre* have expressed concerns regarding the dwelling's proximity to their boundary hedge. However, it should be noted that the proposed dwelling is no closer to the boundary than the existing bungalow and sits largely on the same footprint. It is not considered, therefore, that construction of the new dwelling would cause harm to the boundary hedge.

Turning to neighbour amenity, the applicants have amended the plans to delete the balcony which was the subject of objection from the neighbours. It is not considered that the amended scheme, which consists of just a guard rail to the french doors, would result in a loss of privacy sufficient to warrant a refusal of planning permission. The deletion of the balcony would prevent direct overlooking across the boundary with *Greenacre*, meaning that views from the french doors to the master bedroom would be oblique and affecting only part of the neighbour's garden.

The distance between the rear elevation of the new dwelling and the rear plot boundary would be 21 metres, which is more than adequate to prevent loss of privacy for the users of the garden to *Stepping Stones* (3 Row Lane). The Council's minimum standard for window to window overlooking, set out in Supplementary Planning Guidance on *Community Benefits from Planning*, is 21 metres. The distance from windows in the rear elevation of the new dwelling to those in *Stepping Stones* is approximately 50 metres which is far in excess of this standard.

The proposal to obscurely glaze and fix shut the first floor windows in the north elevation is considered to be an acceptable means of preventing loss of privacy for the neighbours. This can be secured in the long term by a suitably worded planning condition.

With regard to the garage, although there is no precedent in the immediate vicinity for detached garages forward of dwellings, it is not considered that the proposal would be harmful to the character and appearance of the area. The structure would be modest in size, with a height of only 4.4 metres, and there is sufficient space for landscaping on the site frontage. A landscaping scheme can be required by means of a suitably worded planning condition. It is not considered that existing vegetation would be prejudiced by the proximity of the garage to the boundary.

Another relevant consideration, but one which has not been raised by objectors, is the impact of the proposals upon the setting of the adjacent listed building (*Greenacres*). The listed building sits within a spacious plot and is a reasonable distance (14+ metres) from the boundary which itself is well vegetated. The replacement dwelling would be seen in the context of its own, well defined plot and would not impinge upon the setting of the listed building.

RECOMMENDATION

Grant planning permission 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 only to the scheme of development shown on the revised plans (Drawing nos. 1779/02/D & 1779/03C) received on the 15th 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 Before any work commences on site the ground floor slab levels for the dwelling and garage 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.

- 4 No development shall take place until 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:

To secure harmonious architectural treatment.

- 5 No development shall take place until there has been submitted to and approved 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. The submitted details shall include all species, planting sizes and planting densities.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 6 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 dwelling 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.

- 7 The windows at first floor level shown on the approved plans on the north elevation and south gable end elevation shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

- 8 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 ceiling level in the north elevation and south gable end elevation of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 9 The roof area of the lounge bay window (rear elevation) shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON:

In order to protect the privacy of nearby residential properties.

- 10 Before the dwelling hereby permitted is first occupied the access and vehicle parking and turning area shown on the approved plans shall be laid out in a properly consolidated material (not loose stone or gravel), in accordance with details to be first agreed in writing by the local planning authority. The access and vehicle parking and turning area shall be retained thereafter.

REASON:

In the interests of highway safety.

- 11 The gradient of the new access drive shall not exceed 1 in 15 for the first 4.5 metres, measured back from the edge of the carriageway.

REASON:

In the interests of highway safety and to provide a safe and usable means of access to the development.

- 12 Before the dwelling hereby permitted is first occupied provision shall be made for the disposal of surface water from the access and vehicle parking and turning area, in accordance with details that have been first 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.

- 13 Before the dwelling hereby permitted is first occupied the highway visibility areas shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points at which the site boundaries meet the nearside carriageway.

REASON:

In the interests of highway safety

- 14 **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 HC24 & PD1.

APPLICATION NO: K/58581/F
PARISH: POULSHOT
APPLICATION TYPE: Full Planning
PROPOSAL: Proposed equine related barn and associated manège
SITE: Land at Hay Lane, Poulshot, Devizes, Wilts
GRID REF: 397354 160004
APPLICANT: Mr Gary Heyward
AGENT: Mathewson Whittaker Waters
DATE REGISTERED: 23/04/2008
CASE OFFICER: Rob Parker

SITE LOCATION

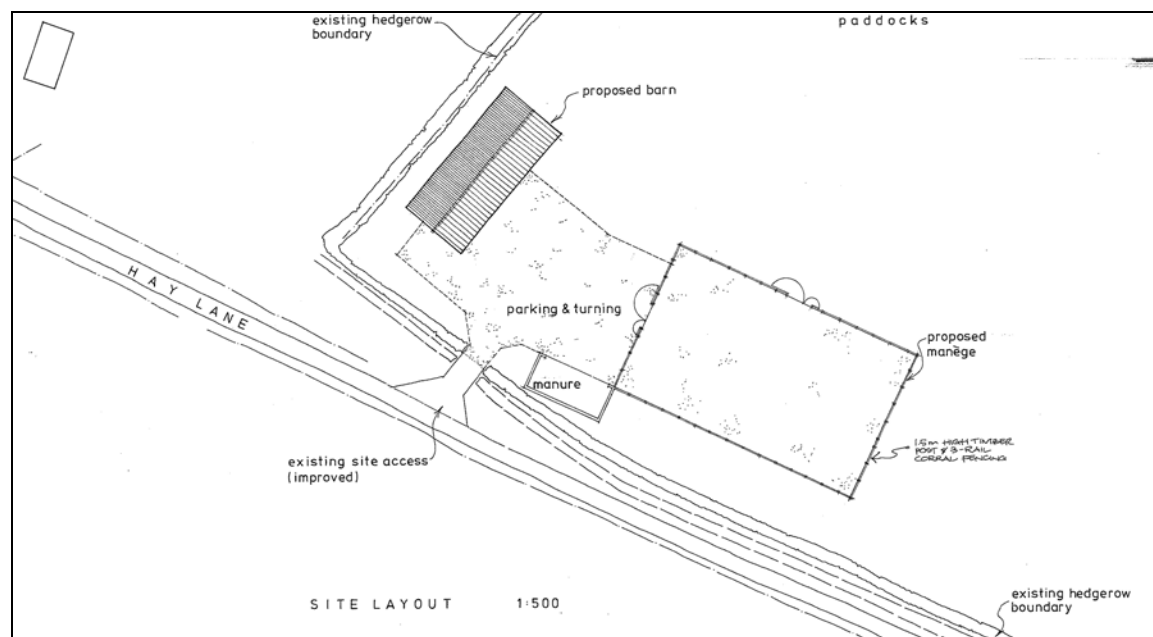
This application relates to land at Hay Lane in Poulshot. On entering the village from the direction of Devizes turn left opposite The Raven public house, alongside High Green Farm. The application site lies on the left hand side approximately 200 metres further along the track. The site is accessed via a metal field gate and currently comprises an agricultural field. Hay Lane is a public bridleway and there is also a public footpath running along the north-western boundary of the site.

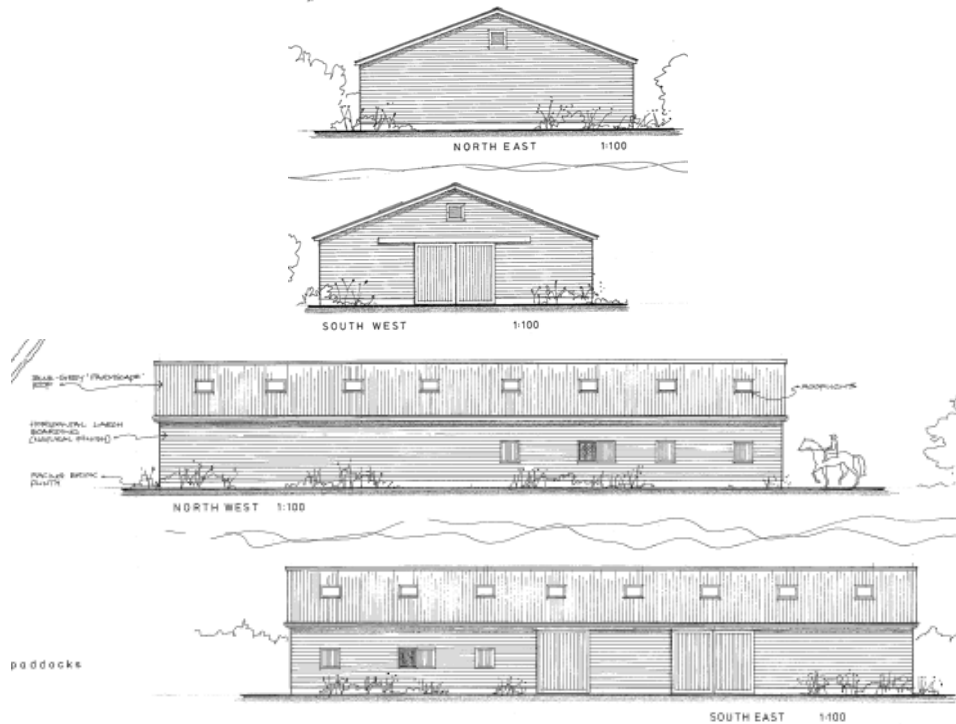
SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is for an equine related barn and associated manège.





ADDITIONAL STATEMENT BY THE APPLICANT

The applicant states that he keeps four competition horses on the land that are competed on a regular basis by his wife, daughter and son. The family also has one brood mare and foal at livery in Burbage; these animals are due to be brought back onto the land in the coming weeks. This would leave the applicant with one spare stable; however, the applicant would like to purchase another competition horse at a later date for his daughter as she is growing out of her current pony which will be passed down to the son.

Currently on the land the applicant has two double field shelters on metal skids to shelter the horses currently on the land. He would be more than happy to remove this temporary accommodation on completion of the barn.

The applicant has submitted a Landscape & Visual Assessment and a supporting Design & Access Statement which are available to view on the working file.

CONSULTATIONS

KDC Landscape & Countryside Officer – no objection subject to appropriate conditions to secure:

- a) Dark staining of the walls of the barn
- b) Roof lights to be included on the north-west elevation *only*
- c) An amended landscaping scheme
- d) No external lighting on either the manège or the building
- e) No external overnight parking of trailers or horseboxes
- f) No commercial use

Poulshot Parish Council – The parish council objects on the basis that vehicular access is being achieved via a public bridleway along which the applicant has no right of access, except for walking, horse riding, cycling and agricultural vehicles. The parish council is concerned that a grant of planning permission would legitimise use of Hay Lane by cars and other vehicles, thereby contravening the rules on the correct use of bridleways and setting a precedent for other developments. The parish council cites a similar dispute with which it has recently been involved at nearby Sillington Lane, also a public bridleway.

Additionally, the parish council considers that use of Hay Lane by large vehicles such as horse boxes may jeopardise the conservation of the Village Green in its present state.

WCC Highways – No objection subject to the access to the site being improved as detailed on the submitted plan with the access being surfaced between the edge of Hay Lane and the gate position in a well bound consolidated material. In the interests of highway safety there should be a planning condition that the site shall only be used for private equine purposes, and that the site shall not be used as a commercial riding school. There should also be a condition requiring the parking and turning area to be provided.

WCC Rights of Way Officer – No objection. The Sillington Lane case quoted by the parish council appears the same, but is actually different. The Rights of Way Officer is satisfied that the Statutory Declaration supplied by the applicant is good enough to establish *private vehicular rights*. The Definitive Map of Rights of Way is only a conclusive record of *public* rights and is without prejudice to the existence or otherwise of *private* rights that may or may not exist. It is not uncommon for private rights to co-exist with public rights. It is certainly an offence to drive on a bridleway but under current legislation it is possible to do so with a "reasonable excuse". In view of this it would seem that any challenge to exercise of rights must be taken up by those who are aggrieved. In this case it would be difficult to challenge the exercise of private rights as they have been exercised for so long. The Rights of Way Officer also comments that the applicant is unlikely to have bought the field without first checking the existence of access rights.

Wiltshire Fire Brigade – standard guidance letter on fire appliance / firefighting access and water supplies for firefighting.

REPRESENTATIONS

One letter of objection has been received raising the following issues:

1. The proposal sets a precedent for development not covered by any strategic plan, and will give the applicant an option of showing purpose for future domestic dwelling attachment.
2. Access to the site is via a bridleway, and the owner will be requiring unrestricted vehicular access to this land in order to make a commercial venture out of the equestrian facility. This will mean an

increase of vehicles on a track not registered for that use and at the moment could be a criminal offence – i.e. motor vehicles on a bridleway.

3. The junction of Hay lane with the C244 is unsuitable for any increase in traffic.
4. The application has not been subject to a study of wildlife impact.
5. The application has been the subject of a Landscape and Visual Assessment. Part of the justification mentions existing stabling. It should be noted that this stabling has been introduced recently by the applicant (without the benefit of planning permission) and cannot therefore be reasonably used as a justification. The study mentions the right of way on Hay Lane. It does not mention the limited nature of that right of way; specifically it does not mention the limitation on the access by motor vehicles. The Council does not have the right to change the right of way or its use legally and in granting this application it would be in essence doing so.

POLICY CONSIDERATIONS

Policies PD1 and NR7 of the Kennet Local Plan 2011 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is also a material consideration.

PLANNING OFFICERS COMMENTS

There is no fundamental policy objection to the principle of equestrian development in the countryside, provided that (i) the proposals do not cause harm to the character and appearance of the landscape and (ii) the proposals do not harm highway safety.

With regard to the former, the applicant has submitted a Landscape & Visual Assessment to support the application. The Council's Landscape & Countryside Officer concurs with the content of this document and accordingly raises no objections to the scheme in landscape or visual terms.

Turning to the latter issue, neither the Highway Authority nor the Rights of Way Officer raise any objections to the proposals. The parish council's concerns regarding the mis-use of the bridleway have been raised specifically with the Rights of Way Officer who has advised that the applicant is likely to have private rights of access alongside the public rights conferred by bridleway status.

Given the lack of objection from the Rights of Way Officer or Highway Authority, it is not considered that a refusal of planning permission could be substantiated on the grounds advocated by the parish council. Planning permission does not over-ride private property rights in any event, and therefore the applicant would need to satisfy himself that he had the necessary rights of access, prior to implementing any planning permission. The use of the bridleway is a matter for Wiltshire County Council which is the authority responsible for public rights of way.

A number of additional issues are raised:

- Concerns are expressed regarding the possibility of the applicant using the proposals to justify a dwelling on the site at a later date. In response to these concerns it should be noted that planning permission would be required for a dwelling and such an application would need to be determined on its merits. Due to the site's countryside location any proposal would be subject to the strict tests set out in Annex A of PPS7. In essence, a dwelling would only be permitted if there was a viable commercial use on the site and a functional need for persons to live on-site.
- In this instance the applicant has confirmed that, despite the size of the facility, it is his intention that it be used for private equestrian purposes with no commercial element. The applicant has confirmed that he would be happy for a condition to be imposed restricting commercial use. The Council would therefore have the opportunity of considering the merits of commercial use at a later date, should the applicant choose to make an application to lift the condition.
- Concerns are also raised regarding the lack of a wildlife impact study. The possible existence of protected species is certainly a material consideration; however, an ecology survey would only be required if the site conditions were such that protected species were likely to be present. The application site is presently an agricultural field and is considered to have low potential for protected species, hence an ecology survey has not been required.
- The objector raises an issue with the safety of the junction of Hay Lane with the main village street. In the absence of a Highway Authority objection it is not considered that a refusal of planning permission could be substantiated on highway safety grounds.
- Reference is made by the applicant and the objector to the two field shelters currently in the field. The existence of these structures and the applicant's offer to remove them should not be taken into account when considering the current planning application. The field shelters require planning permission and are unauthorised. This matter is being investigated separately by officers.
- The parish council raises concerns regarding the impact of the proposals upon the Village Green. Given the level of traffic likely to use the site, and the existence of a defined track leading to the site, it is not considered that the Village Green would be adversely affected.

Overall, it is considered that the proposals are acceptable subject to the imposition of appropriate conditions.

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 The equine barn and manège hereby permitted shall only be for the private use of the landowner for equestrian activities and not for any trade or business use (including use as a commercial riding school or livery).

REASON:

The local planning authority would wish to give separate consideration to the use of the barn and manège for commercial purposes.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification) no external lighting (including floodlighting and security lights) shall be erected on the site, unless otherwise agreed in writing by the local planning authority.

REASON:

In the interests of visual amenity.

- 4 Before the equine barn is first brought into use the external walls shall be stained in a dark colour to be first agreed in writing by the local planning authority.

REASON:

In the interests of visual amenity.

- 5 There shall be no overnight parking of vehicles (including horseboxes and horse trailers) on the site, except within the building.

REASON:

In the interests of visual amenity.

- 6 Before any part of the development hereby permitted is first brought into use the vehicle parking and turning area 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.

- 7 Before any part of the development hereby permitted is first brought into use, the area between the edge of Hay Lane and the gate position shall be surfaced in a well bound consolidated material, in accordance with details to be first agreed in writing by the local planning authority.

REASON:

In the interests of highway safety.

- 8 Notwithstanding the details shown on the approved plans, no development shall take place until there has been submitted to and approved in writing by the local planning authority a revised scheme of 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, planting sizes and planting densities.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

- 10 INFORMATIVE TO APPLICANT:

The Council's Landscape & Countryside Officer advises that he is happy to follow the guidelines laid down in the strategy accompanying the Landscape & Visual Appraisal with the following amendments:

- a) The *Betula pendula* should be replaced with Field maple (*Acer campestre*).
- b) Trees should be planted as selected standards (10 - 12cm girth).
- c) The hedge mix should contain a relatively high percentage of hazel (*Corylus avellana*) replacing the privet (*Ligustrum vulgare*) and blackthorn (*Prunus spinosa*).
- d) The existing boundary hedge to the south and east of the field should be grown approximately 1 metre taller to restrict views into the site.

- 11 Notwithstanding the details shown on the submitted plans, no development shall commence until a revised plan has been submitted to and approved in writing by the local planning authority showing the removal of the rooflights on the south-east elevation of the equine

barn. Development shall be carried out in accordance with the approved details.

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 in the south-east elevation of the equine barn hereby permitted.

REASON:

To reduce reflectivity and prevent light spill in the interests of visual amenity.

12 **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 & NR7.

APPLICATION NO: K/58492/F
PARISH: LUDGERSHALL
APPLICATION TYPE: Full Planning
PROPOSAL: Proposed replacement pre-school playgroup building and associated works
SITE: Ludgershall Playgroup, Castle Primary School, Short Street Ludgershall SP11 9RB
GRID REF: 427055 150832
APPLICANT: Mrs J Johnson, Ludgershall Playgroup
AGENT: Mr Tom Shillitoe
 York Associates
DATE REGISTERED: 14/04/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to land within the boundaries of Castle Primary School in Short Street, Ludgershall. When travelling from the centre of the village in the direction of Andover along the A342, take the first left turn into Central Street, approximately 100 metres beyond Tesco Express. Short Street is then the second turning on the right hand side. The application site lies immediately behind the school caretaker's bungalow.



LOCATION PLAN 1:1250
 LUDGERSHALL PRE-SCHOOL
 PLAYGROUP



EXISTING PLAYGROUP BUILDING
 - to be removed



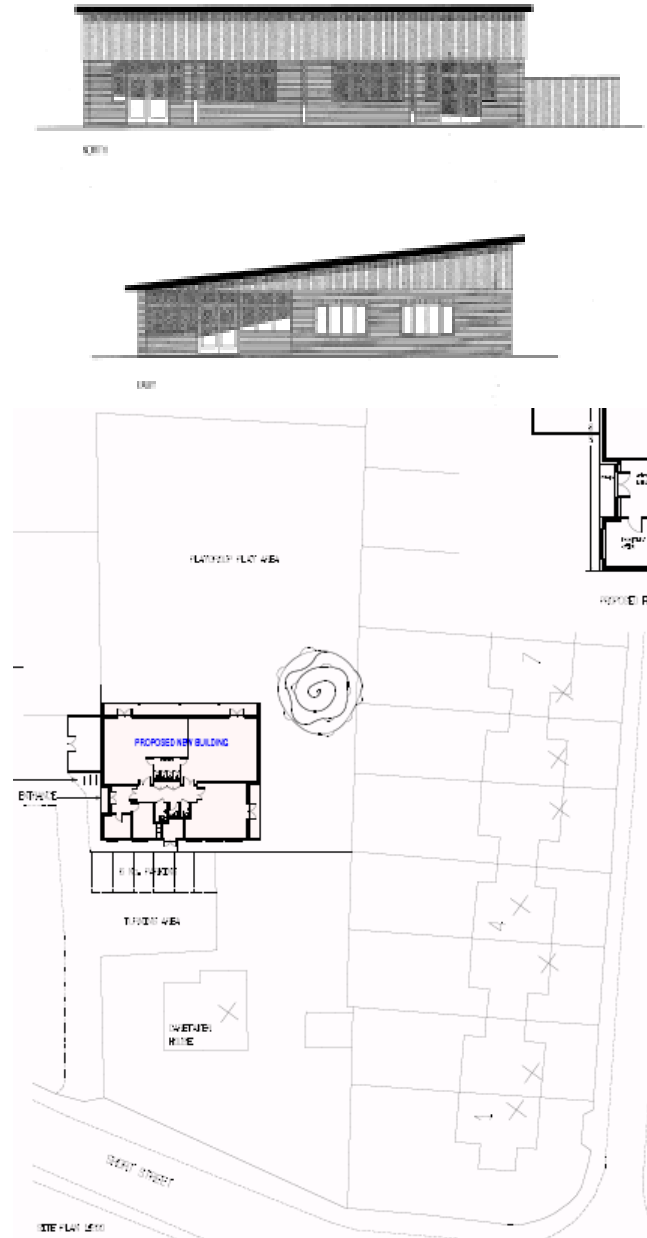
EXISTING PLANT ROOM, OIL STORAGE
 & GREENHOUSE - to be demolished

SITE HISTORY

There is no relevant site history.

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a replacement pre-school playgroup building and associated works.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Additional plans have been submitted to illustrate how visibility will be achieved at the site access onto Short Street. An amended drawing has also been submitted showing a revised parking arrangement.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design & Access Statement which is available to view on the working file. The Design & Access Statement incorporates a separate statement from the pre-school playgroup. An additional statement has also been submitted during the course of the application and this has been attached to the agenda for reading in connection with the highway safety issue (see Planning Officer's Comments section below).

TOWN COUNCIL COMMENTS

Ludgershall Town Council objects to the application on the grounds of child/pedestrian safety. The access/entrance from Short Street to the proposed new building where children will be walking/dropped off is in a dangerous position with poor vision. The town council suggests that the grassed area in front of Castle Primary School is utilised as a parking area instead of the proposed on-site parking.

The town council has been consulted on the amended plans but maintains its objections on the grounds that the new design regarding the access/egress offers no/little additional safety to pupils being dropped off.

CONSULTATIONS

KDC Environmental Health – no objections, subject to a condition being applied to any planning permission to deal with any contamination issues arising from the redevelopment of the oil storage building.

Wiltshire County Highways – no objections subject to a planning condition to secure the necessary highway visibility.

REPRESENTATIONS

No third party representations have been received. Any that are received after this report has been prepared will be reported to members verbally at committee.

POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan 2011 is relevant to the consideration of this planning application.

PLANNING OFFICER'S COMMENTS

Ludgershall Pre-school Playgroup currently operates from a modular building located in the centre of the school's recreation field. This temporary facility no longer meets the pre-school's requirements and therefore the proposal is to construct a permanent replacement facility with separate access onto Short Street via an existing access adjacent to the caretaker's bungalow. The proposal is to remove the modular building on completion of the replacement facility.

The proposed design is considered to be acceptable. Accommodation would be provided in a single storey building with a mono-pitch metal standing seam roof, ranging from 3.0m to 5.2m in height. Walls would be constructed of brick with western red cedar cladding.

The building would be a minimum of 10.7m from the rear garden boundaries of properties in Perham Crescent and over 25m from the properties themselves. No objections have been received from the occupiers of these properties and the relationship is considered to be acceptable in terms of impact on residential amenity.

The main reason for bringing this application to committee is for committee to consider the objections of Ludgershall Town Council. The town council is concerned that the proposed access is in a dangerous position with poor visibility. However, this view is not shared by the Highway Authority which considers that the necessary visibility can be achieved by keeping the beech hedge well maintained to the east, and setting back a short section of hedge to the west.

In the absence of an objection from the Highway Authority it is not considered that a refusal of planning permission could be substantiated at appeal.

The only other issue arising from the consultation process relates to the requirement for a contaminated land condition. The Design & Access Statement submitted with the planning application confirms that the proposal is to demolish the currently dilapidated greenhouse and plant room buildings and to enclose the existing oil tanks with a new brick enclosure. On the basis that the oil tank is to be retained it is not considered reasonable to impose a condition to deal with contamination issues.

RECOMMENDATION

Grant planning permission subject to 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 amended by the following revised plans:

- Drawing no. 07/032/02 received on the 7th July 2008.
- Drawing no. 07/032/01B received on the 18th 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 Within one month of the development hereby permitted being first brought into use, the existing modular pre-school building shall be

removed from the Castle Primary School site and the land restored to its former condition, in accordance with a scheme of work to be first agreed in writing by the local planning authority.

REASON:

In the interests of visual amenity, since the development has been granted as a permanent replacement for the temporary modular building.

- 4 No development shall take place until 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:

To secure harmonious architectural treatment.

- 5 Before any part of the development hereby permitted is first occupied the access, turning area, parking spaces and cycle parking facilities 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.

- 6 Before the development hereby permitted is brought into use the highway visibility area (as detailed on drawing no. 07/032/02 received on the 7th July 2008) shall be cleared and kept free of all obstructions to sight above 200mm above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the nearside edge of the carriageway 33 metres to the east and 23 metres to the west from the centre of the access.

REASON:

In the interests of highway safety.

- 7 **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:

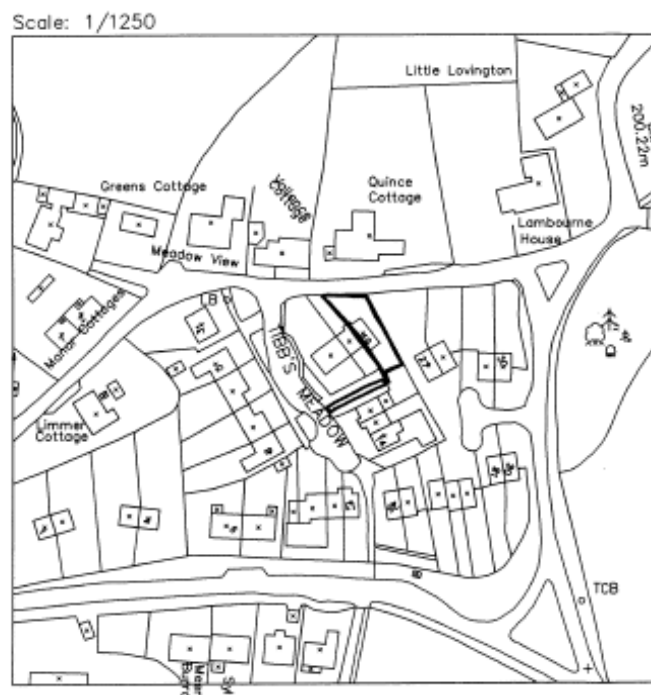
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

APPLICATION NO: K/58894/F
PARISH: CHUTE
APPLICATION TYPE: Full Planning
PROPOSAL: Two storey side extension and single storey rear extension to existing dwelling including internal alterations
SITE: 19 Tibbs Meadow Upper Chute Wilts SP11 9HG
GRID REF: 429812 153954
APPLICANT: Mr Mark Taylor
AGENT: Spencer Architecture Ltd
DATE REGISTERED: 10/06/2008
CASE OFFICER: Rachel Yeomans

This application is presented to Regulatory Committee at the request of Councillor Veasey following receipt of a parish council objection.

SITE & LOCATION

19 Tibbs Meadow is part of a cul-de-sac development of similar properties set within the conservation area in the village of Upper Chute. It can be accessed by proceeding from Ludgershall centre in the direction of Andover along Andover Road. Take the left turning into Biddesden Lane signed to 'Biddesden'. At the staggered crossroads, turn left. Take the next left turning and at the junction in the village, proceed straight ahead and follow the road round to the right. Tibbs Meadow is the first turning on the right, however the front of the property can be found by proceeding up the lane on the right hand side and is the furthest of a terrace of three. The site lies within the Area of Outstanding Natural Beauty.



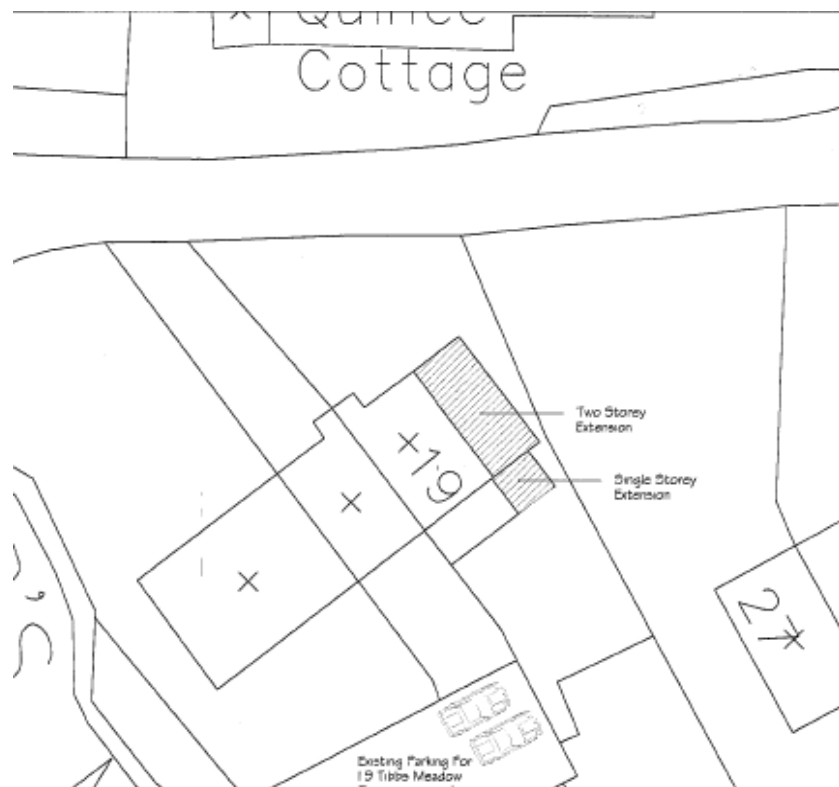
SITE HISTORY

K/16258 Approve with Conditions 14/08/1990, erection of single-storey extension.

K/82/0897 Approve with Conditions 21/12/1982, erection of three terraced houses.

DESCRIPTION OF DEVELOPMENT

The application proposes the construction of a two-storey side extension and a single storey rear extension.



Rear Elevation



Side Elevation



Front Elevation

PRINCIPAL AMENDMENTS SINCE SUBMISSION

The site plan has been amended since submission to accord with the property boundary following concerns expressed by a neighbour that some of the neighbour's land had been included within the blue line.

PARISH COUNCIL COMMENTS

Chute Parish Council have objected for the following reasons;

- The development was approved on exceptional grounds to provide, and continue to provide low cost starter homes primarily for the children of families with roots in the area. This extension would increase the property price beyond the reach of this need and there is even no transitory appeal of being needed to meet the expanding family requirement of an insitu family.
- The development is already too dense for the locality and this would increase density, which would be detrimental to residents of Tibbs Meadow.
- The extension would narrow the distance between this dwelling and the property to the north. This would reduce light to one of the oldest properties in the village and would be detrimental to the conservation area which is typified by open spaces.
- there is no basis for exceptional support and the application should therefore be refused as per application K/57389/F (despite this application having the support of the parish council) at a nearby property in the road.
- The proposal would take up valuable lawn and drainage space within the site.
- The extension is too bulky and is not in keeping in terms of scale and height. This is a property which was not designed to be extended.
- The extension would be detrimental to the original planning of the estate which offset the angle of these properties to the road.
- The extension to the west of the proposed site does not offer any form of precedent as its angle to the street and the scale of its garden make the projects incomparable.

The parish have set out extensive comments which can be viewed in full via the Council's website or by viewing the application file. The parish council consider the above comments are supported by PD1, HC7, HC25, HC32, the Conservation Area Statement and the Village Design Statement.

REPRESENTATIONS

One letter of objection has been received from a neighbouring resident, whose grounds for objection have been summarised as follows:

1. The erosion of the needs of the community of Upper Chute (including affordable housing, private play space for families and children.
2. The specific plans
 - The extension would increase the size of the house by approx 50% - the neighbouring extension should not set a precedent for allowing piecemeal erosion of the concept of the original estate of sustainable and affordable development.
 - The garden is smaller than that of the neighbouring property and would be too small to allow for play, family space and ecology
 - The position would bring the property nearer the road which is contrary to the distances negotiated at the time of the original

development. This would be harmful to privacy and increase vulnerability.

- The windows will result in loss of privacy to both the existing property opposite and the applicant's property.

3. The infrastructure

- The extension would exacerbate existing problems with surface run-off, foul water drainage and flooding in the area.

POLICY CONSIDERATIONS

Policy PD1 (Development and Design) of the adopted Kennet Local Plan 2011 and national guidance contained in Planning Policy Guidance Note 15: Planning and the Historic Environment are relevant to the consideration of this application.

PLANNING OFFICER COMMENTS

The key issues are considered to be the impact of the proposal on residential and visual amenity and on the character and appearance of the conservation area.

Visual Amenity and Impact on the Conservation Area

The application site is an end-terraced property of simple proportions, with a generous side garden. The proposed extension would be set back from the road to the north by some 5.5 metres behind a mature beech hedge and the property is at a set down slightly from that road. The extension would be visible from this road above the hedge, but would not be especially prominent from the rear. The extension would however, be visible from neighbouring properties.

The proposed two storey extension would be similar to the one previously permitted at number 17, Tibbs Meadow (the opposite end of the terrace) under planning reference K/39382/F in terms of design and materials. The proposed extension would be subservient to the host dwelling both in terms of width at 3.2 metres, which is smaller in scale to the one permitted at number 17 Tibbs Meadow by a metre, and by the subservient ridge line which is slightly lower than the existing dwelling. This design is considered appropriate to the host dwelling with materials proposed to match. The proposed single storey lean-to style extension would match the existing. This would not be particularly visible from outside the curtilage and is well-designed and of suitable proportions. In view of these factors, it is not considered that the proposal would result in any significant harm to visual amenity and would preserve the character and appearance of the conservation area.

Impact on Residential Amenity

The proposed two storey side extension would bring the property closer to neighbouring properties, and in particular closer to the boundary with number 27 Tibbs Meadow. The rear first floor window may offer views towards the rear of number 27, however this is proposed to serve a bathroom and, if members are minded to grant planning permission, it is considered that loss of privacy could be overcome by imposing a condition requiring this window to be obscurely glazed and fixed with a ventilation stay to prevent full opening.

Whilst the two storey element would be quite close to the boundary with number 27, its position towards the end of their garden to the north, and orientation offset at a slight angle, and relatively modest height and span at 8.1m and 7.5m respectively, would mean that the extension would not result in any significant harm to this neighbour in terms of overbearing impact or loss of light.

The distance between the extension and the property to the north would be a minimum of 16 metres, with the road to the north in between. Again the slight angling of the property means that the views towards this property would not be completely direct and the situation would not result in any significant harm in terms of loss of light or privacy over and above the existing situation where there is already a degree of mutual overlooking between first floor windows

The single storey rear extension would not result in any material harm to any neighbours.

Other issues

The parish council and a neighbouring resident have raised a number of other concerns, some of which are addressed below;

Loss of affordable housing; whilst these houses may well have been designed to be low cost affordable homes, there are no conditions attached to the original permission requiring them to remain low cost homes in perpetuity which is consistent with many such developments in the 1980's. The Council's affordable housing policies relate only to new housing and therefore this issue is not a material planning consideration in relation to this application. The Council also has no policy relating to the need to retain smaller dwellings in the rural areas.

Application K/57389/F - at number 8 Tibbs Meadow. This was refused purely on design grounds as the first floor extension incorporating a dormer window was completely at odds with the design of the host dwelling. This refusal is not considered to set a precedent for this proposed scheme which is substantially different.

Conclusion

For the reasons given above, approval of planning permission is recommended.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 In this condition "retained hedge" means the existing hedge to the northeast boundary 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 hedge shall be cut down, uprooted or destroyed.

(b) If any retained hedge is removed, uprooted or destroyed or dies, another hedge shall be planted at the same place and that hedge 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 hedges shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed 1 metre from 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 the boundary hedge on the site in the interests of visual amenity and the character and appearance of the conservation area.

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

REASON:

To secure harmonious architectural treatment.

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 northeast and southeast elevations of the extension hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 5 The en-suite / bathroom window at first floor level shown on the approved plans on the southeast elevation shall be glazed with obscured glass and fitted with a ventilation stay restricting the opening of the window, in accordance with details which have been first approved in writing by the local planning authority. The window shall be maintained in accordance with the approved details thereafter.

REASON:

In the interests of the privacy of the neighbouring property.

- 6 **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.

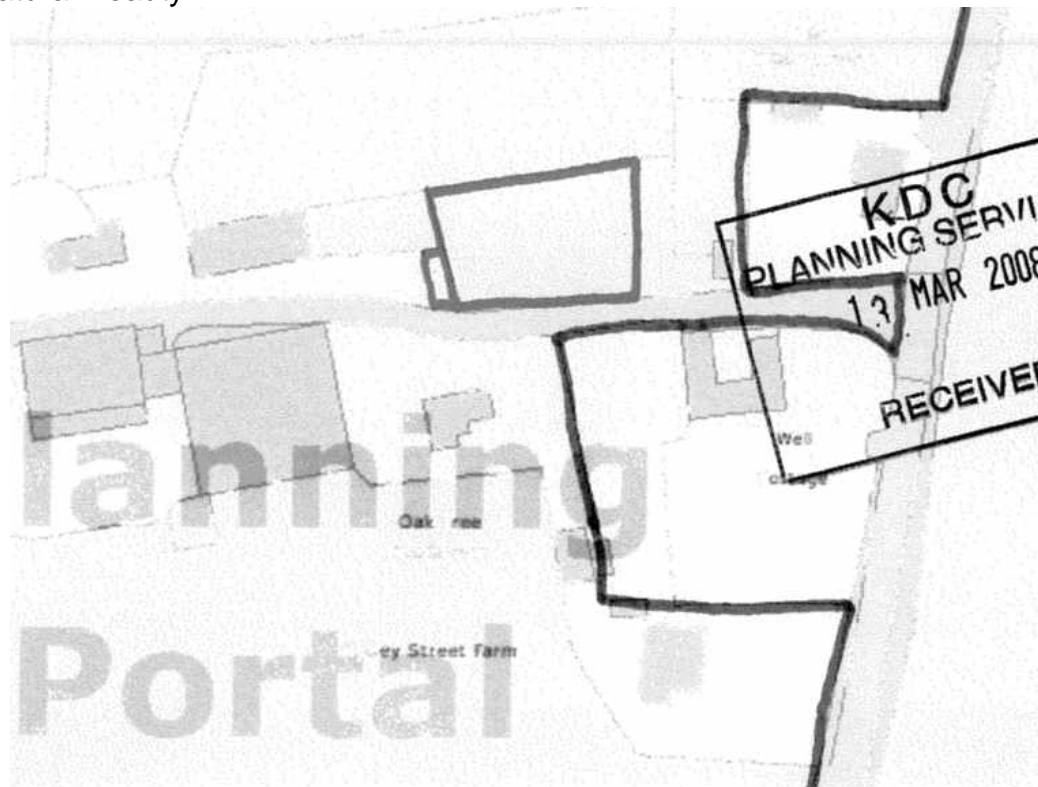
APPLICATION NO: K/58898/F
PARISH: ALTON
APPLICATION TYPE: Full Planning
PROPOSAL: Single Storey Log Cabin - Land Adjacent to Oak Tree Farm House, Honeystreet Farm, Woodborough
SITE: Oak Tree Farm House, Honeystreet Farm, Woodborough, Pewsey, Wiltshire, SN9 5PS
GRID REF: 410347 161113
APPLICANT: Mr I Trowbridge & Miss M Amor
AGENT: Premier Design (Wiltshire) Ltd
DATE REGISTERED: 11/06/2008
CASE OFFICER: Gill Salisbury

BACKGROUND

This application has been called to Regulatory Committee at the request of Cllr J Triggs.

SITE LOCATION

The site lies to the south of Honey Street, approximately 350 metres south of the Saw Mill. The site is on the right-hand side of the road as you head towards Woodborough with access from a track situated between Well Cottage and The White House. The site lies adjacent to the main farm house and associated buildings and is currently used for the storage of farm machinery. The site is within the North Wessex Downs Areas of Outstanding Natural Beauty.



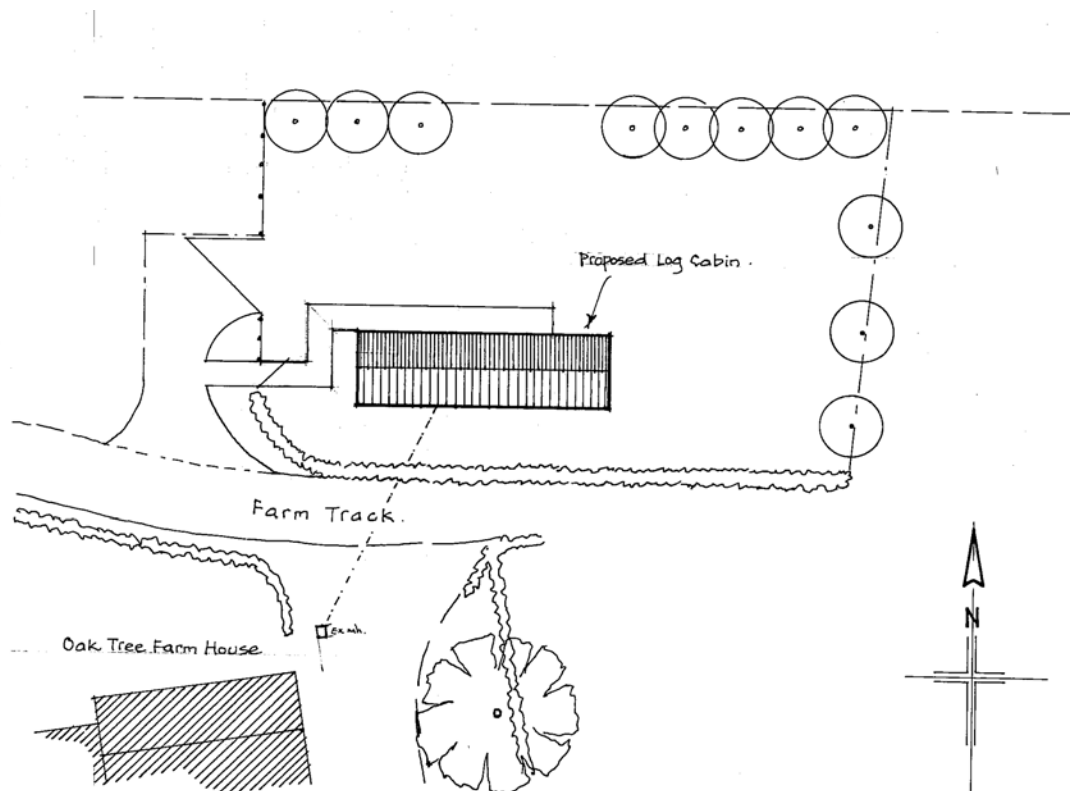
SITE HISTORY

K/58444/F – An identical planning application to that currently under consideration was withdrawn on the 7th May 2008. This was due to concerns over the impact of the proposed development on the character and appearance of the AONB and neighbour amenity.

K/47023 – Planning permission was approved in October 2004 for the erection of an agricultural workers dwelling approximately 12 metres south-west of the application site.

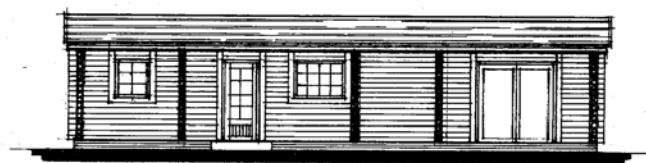
DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a purpose made single storey log cabin to be used as holiday accommodation. The building measures 12.85m in length by 3.96m deep and 3.7m to the ridge. The construction of the log cabin is wood, stained nut brown with soft wood joinery and granular finish profiled tiles to the roof. It is proposed to plant several trees on the northern boundary to reduce any impact when viewed from the north.



Block Plan

1: 200



North Elevation

1:100



West Elevation



South Elevation

1:100



East Elevation

CONSULTATIONS

Alton Parish Council – Raise no objection and are in support of the application.

KDC Landscape and Countryside Officer – Objects to the proposal on the grounds that the application will detrimentally affect the character and appearance of the AONB.

WCC Highways – No objection subject to conditions relating to occupation and the provision of two parking spaces.

Wiltshire Fire & Rescue Service – No objection. Standard response received regarding recommended fire safety measures.

REPRESENTATIONS

One letter of objection has been received on the grounds that the proposed development is too near Well Cottage.

POLICY CONSIDERATIONS

Policies PD1, NR6 and NR7 of the Kennet Local Plan 2011, The Kennet Landscape Conservation Strategy, adopted as Supplementary Planning Guidance in May 2005 and Central Government Planning Guidance contained in PPS7: Sustainable Development in Rural Areas are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

It is considered that there are two main issues relating to this proposal. These are the principle of development and the impact of the proposal on the landscape character of the area.

When considering the principle of development the application must be looked against Central Government planning guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). This specifies that tourist accommodation requiring new buildings should be located in, or adjacent to, existing towns and villages. The application site however sits squarely within the open countryside of the North Wessex Downs. As such the proposal is contrary to PPS7 and unacceptable as a matter of principle.

In terms of landscape impact, the site is located in an agricultural area. The erection of a log cabin in this location would result in a change in the character of the land by introducing a domestic use into what is currently an agricultural area. This would introduce a discordant feature into the landscape which would be out of keeping with the established agricultural character of the area to the detriment of the character of the AONB at this point.

In addition to the above the site is open, forming a field edge. As a result there are significant views into the site from the road to the north. The change in character of the land that would result from erecting a log cabin on this site and the log cabin itself would therefore be highly visible. Planting is proposed to help mitigate the impact of the proposed development however a significant amount of planting would be required to screen the building. Having to mitigate the visual impact of the building through screen planting to close the view of the development indicates that the location is inappropriate. Furthermore, the creation of thick landscape boundaries around the building would in itself amount to a change in the landscape character of the area away from its existing open character.

In light of the above the proposal is considered detrimental to the landscape character and appearance of the North Wessex Down Area of Outstanding Natural Beauty.

As regards amenity, the neighbour is concerned that the log cabin is too close to the Well Cottage. The proposed development however is located approximately 22 metres from the adjacent property. The development is single storey and at an obscure angle to Well Cottage. As such it is not considered that the proposed development would result in any significant harm to amenity.

RECOMMENDATION – Refuse.

1. Central Government planning guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas specifies that tourist accommodation requiring new buildings should be located in, or adjacent to, existing towns or villages. This application proposes new build holiday accommodation in a location which sits squarely in the open countryside of the North Wessex Downs Area of Outstanding Natural Beauty. As such the proposal is contrary to PPS7 and is unacceptable as a matter of principle.

2. The proposed development, by reason of its siting and location on open agricultural land would introduce a discordant feature into the landscape to the detriment of the character of this part of the North Wessex Downs Area of Outstanding Natural Beauty. Furthermore, the planting that would be required to screen the development would in itself be harmful to the character and appearance of the area by the introduction of extensive screen planting in this open area that would close off the existing view. As such the proposal is contrary to Kennet Local Plan policies PD1 and NR7, supplementary planning guidance contained in the Kennet Landscape Conservation Strategy and Central Government Planning guidance contained in PPS7.