

Regulatory Committee

April 24th 2008

List of Applications for Consideration

1. K/58261/F (page 15)

Full planning application for: Erection of 43 dwellings and ancillary development and demolition of redundant factory buildings

At: Former Jam Factory Site Kings Road EASTERTON

RECOMMENDATION: Approve with conditions, subject to completion of legal agreement

2. K/58187/F (page 30)

Full planning application for: The erection of treatment centre

At: Land to the North of Marshall Road Devizes ROUNDWAY

RECOMMENDATION: Approve with Conditions, subject to completion of legal agreement

3. K/57165/F (page 41)

Full planning application for: Cessation of business use at Bridgemead; the removal of existing building and storage containers; the erection of a detached house with a garage and works associated with this development

At: Bridgemead High Street AVEBURY SN8 1RF

RECOMMENDATION: Approve with Conditions

4. K/58354/F (page 50)

Full planning application for: Erection of three bedroom cottage as new end of terrace attached to 42 The Street. Revised proposal following the refusal of K/57342/F

At: Land to the SW of 42 The Street ALL CANNINGS SN10 3PA

RECOMMENDATION: Approve with Conditions

5. K/58128/F (page 59)

Full planning application for: Erection of amateur radio aerials consisting of 9.2m high lattice tower to support horizontal wire and one vertical antenna

At: 2 Jackson Close DEVIZES SN10 3AP

RECOMMENDATION: Approve with Conditions

6. K/58244/F (page 64)

Full planning application for: First floor extension to rear and front porch.

At: Little Thatch The Bottom URCHFONT SN10 4SF

RECOMMENDATION: Approve with Conditions

7. K/58145/F (page 69)

Full planning application for: Single storey front extension. Two storey side extension. Single storey side extension

At: 20 Stonebridge Close MARLBOROUGH SN8 2AE

RECOMMENDATION: Refuse

Item 1

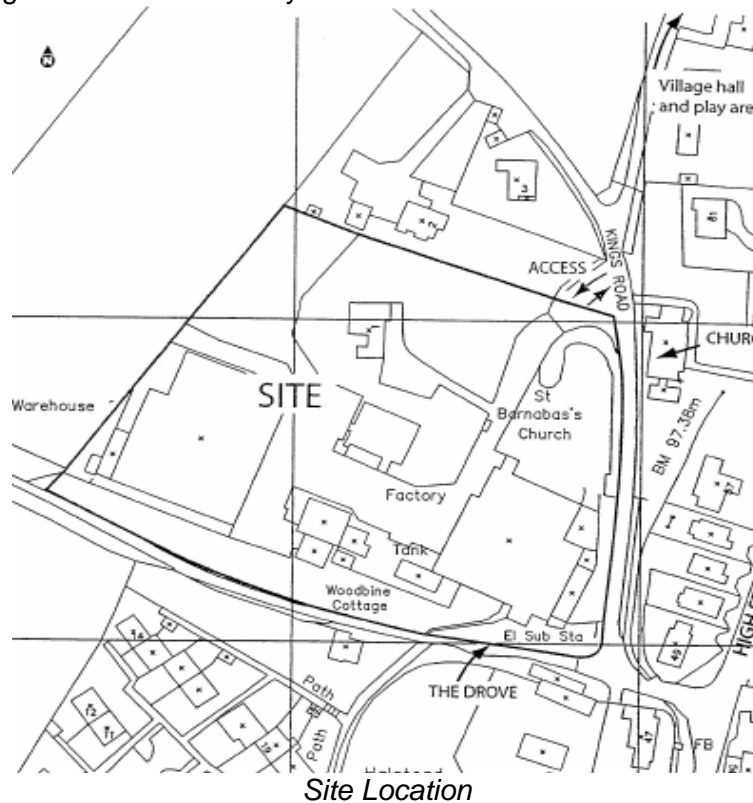
APPLICATION NO: K/58261/F
PARISH: EASTERTON
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of 43 dwellings and ancillary development and demolition of redundant factory buildings
SITE: Former Jam Factory Site Kings Road Easterton
GRID REF: 402024 155268
APPLICANT: Comparo Limited
AGENT: APG Architects
DATE REGISTERED: 07/03/2008
CASE OFFICER: Richard Cosker

BACKGROUND

This application has been submitted following the refusal of a previous application on the site at the Regulatory Committee in November 2007. The sole reason for refusal related to insufficient affordable housing being provided on the site. It is however proposed to review all issues relating to this proposal in this report.

SITE & LOCATION

The site comprises the former Jam Factory premises and is located on the western side of Kings Road which is just off the main High Street near the church. The Jam Factory comprises a 1.47 hectare site with about 3700 sq. metres of industrial buildings together with an on-site bungalow; the buildings on the site are large, utilitarian and unattractive. The Jam Factory closed in 1998. The site is accessed from Kings Road opposite St. Barnabas Church. The ground rises steeply in a north-westerly direction. The site is prominent and elevated and adjoins the Easterton Conservation Area. Part of the bank along The Drove is actually within the conservation area.



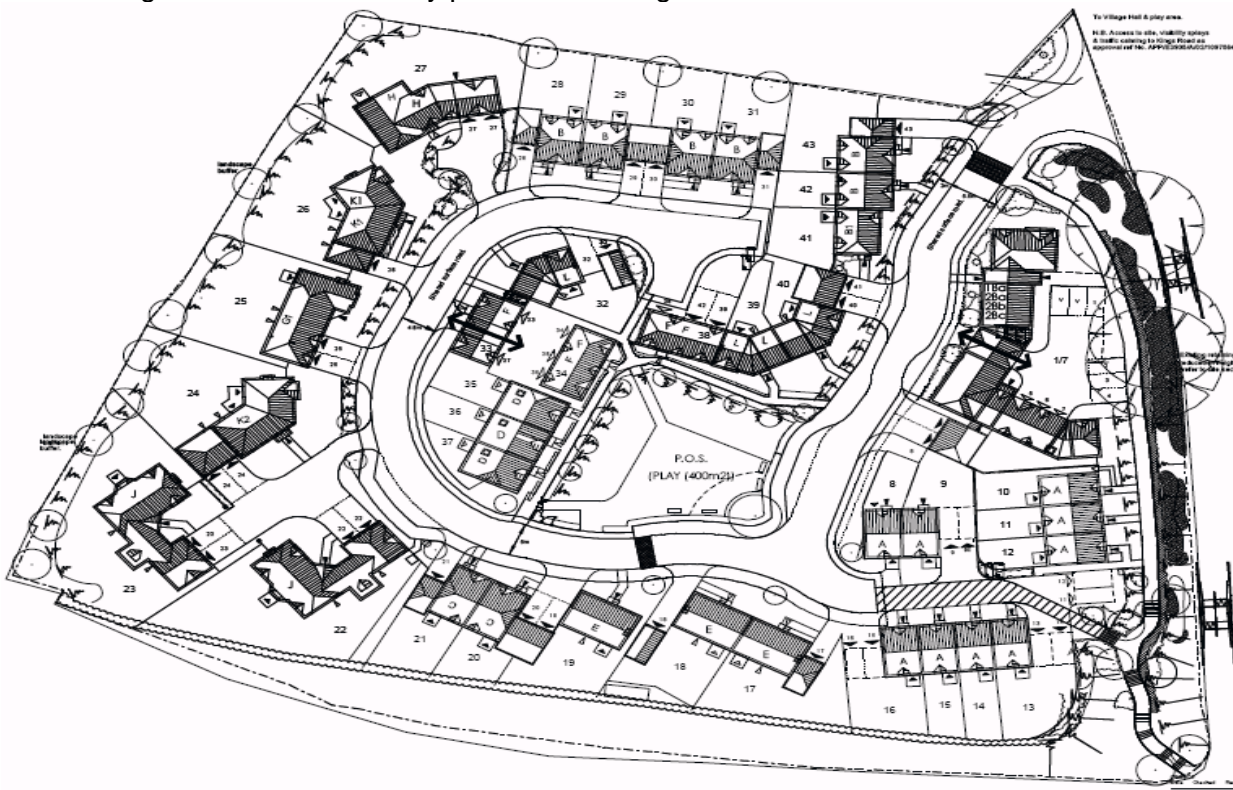
SITE HISTORY

K/39894/O – This is an outline planning application, which was accompanied by an illustrative layout, for the erection of 24 houses and the retention of approximately 1400 sq. metres of the existing buildings for employment use. The 24 houses comprised 8 affordable housing units, 3 work-from-home units and 9 open-market homes. The application was refused on 14th March 2002, contrary to the officer recommendation, due to the application making inadequate provision for safe pedestrian access to and from the site. The proposal was subsequently allowed on appeal on 13th March 2003. It was renewed in March 2006 (K/53498/VAR).

K/57166/F – This was the previous application for 43 dwellings, as set out in the background section. The application was refused at the Regulatory Committee on 18th October 2007.

DESCRIPTION OF DEVELOPMENT

This application is a full application for the demolition of the current buildings and the erection of 43 dwellings. A wide variety of dwellings are proposed on the site including; 1 and 2 bedroom apartments, 2 and 3 bedroom terraced and semi-detached houses and 4 bedroom detached houses. This equates to a density of just under 30 dwellings per hectare. The position and mix of the dwellings on parts of the site have been amended since the previous planning application as part of the negotiations on affordable housing. An area of public open space which would provide both play equipment for younger children as well as landscaping is proposed towards the centre of the site. Vehicular access will be via the existing access and traffic calming measures are proposed along Kings Road as per the details approved at the appeal for the outline planning application. The applicant proposes to reduce the height of the retaining wall which runs along approximately 50 metres of the Kings Road boundary. The wall is approximately 5.2 metres tall at the highest point reducing to approximately 3 metres as Kings Road climbs to the north. At the highest point the wall will be reduced by 2.4 metres with the made up ground behind it removed and remodelled. These works will also allow a stepped footpath access to be created into the site from the corner of Kings Road and Drove Lane. The footpath will link into the south eastern corner of the site and also continue along the eastern boundary parallel with Kings Road.



Site layout

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following a request by officers the applicant has submitted amended plans to reposition the dwellings on plots 15-21 so they are further away from the top on the bank along The Drove boundary.

PARISH COUNCIL COMMENTS

Easterton Parish Council – On the basis of the amended proposal with reference to affordable housing (7 rented dwellings and 2 low cost home ownership) we have no objections.

CONSULTATIONS

County highways (Mr Wiltshire) – Previously raised no highway objections to the principle of the development. A number of conditions were however suggested which include; traffic calming of the bottom section of Kings Road, introduction of a 20mph zone for that part of Kings Road, minor improvements to the surfacing of The Drove and the provision of a narrow footpath from the bottom of the steps and across the bridge onto the High Street.

WCC Education Authority – Require secondary school contribution to be secured by section 106 legal agreement.

WCC District Ecologist – Raised no objections at the time of the last application subject to the necessary planning conditions being imposed to deal with bat, badger and reptile mitigation measures, including the long term management of the proposed bat building.

Environment Agency – No objection subject to conditions concerning surface water drainage and water efficiency measures.

KDC Housing – Following the housing needs survey they advise that, even though the needs survey suggests the requirement for affordable dwellings in Easterton is significantly less than indicated by Kennet's own housing register, the register should not be overlooked. It is acknowledged that the site is a significant size and a lesser number of affordable homes may be appropriate. It would normally be expected that all affordable homes provided in rural locations should be for Social Rent, however members may wish to consider the inclusion of two low cost home ownership dwellings (in addition to 7 for Social Rent) in order to reflect that there may be some limited demand for this tenure also.

KDC Environmental Health – Previously advised that, due to the proximity to existing residential property, the developers should employ best practice when demolishing the existing buildings which contain asbestos. Also request a restriction on the hours of construction.

KDC Engineer – Had raised concerns about the contents of the Flood Risk Assessment on the previous application but these matters were resolved at that time. Applicant has now confirmed that the same principles previously agreed still apply, namely the use of an attenuated surface water drainage scheme.

REPRESENTATIONS

Two letters of representation were received concerning the original plans. The comments raised can be summarised as follows;

1. Still concerned about the detrimental effect that the close proximity of the planned homes at the top of the bank will have on the amenity of our house. The updated plans now show the houses nearer than at the time of the last application.
2. Pleased to see application meets the requirements for affordable housing.
3. Pleased to see the play area as we are close to the existing playing area and we are concerned that this small area would not be able to cope with such an increase in numbers.

4. Still concerned about increased traffic both on the main road through the village as well as up Kings Road.
5. The provision of the footpath through the site is a positive step, as is the traffic calming.

POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, HC5, HC7, HC24, HC32, HC34, HC37, HC42, ED12, AT1 and AT9 are considered relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Notwithstanding that the previous application was only refused on the grounds of insufficient affordable housing, this application raises a number of key issues including those raised by the parish council and other consultees. The main issues are; the principle of residential use on this site (including the issue of residential development on employment land), impact on highway safety, the impact on the setting of the conservation area, the impact on the residential amenity of occupiers of neighbouring properties, affordable housing provision, recreation open space provision and impact on ecology on the site.

The principle of residential development on the site

In considering the principle of this proposal for 43 dwellings it is recognised that this site is somewhat of an anomaly as a very large previously developed employment site within a village which, within the Kennet Local Plan is classed as a village with limited facilities. Policy HC24 of the local plan states that in such villages new housing development will be restricted to; infilling (sites for a single dwelling within the built up area), replacement of existing dwellings, re-use of existing buildings or the redevelopment of existing buildings, subject to three criteria and compliance with other policies in the plan. In considering policy HC24, it is clear that this proposal constitutes redevelopment of existing buildings and it lies within the built up area of the village. The policy sets no upper limit of the number of dwellings that are permissible when redeveloping existing buildings but the third criteria of policy HC24 does require the development to be in harmony with the village in terms of its scale and character. The village of Easterton consists of approximately 220 dwellings and as such the proposal for 43 dwellings (a 19.5% increase in dwellings) could be considered to be out of scale with the village. Of course it must be remembered that the site, which previously employed up to 90 people, is very much out of scale with the village, and this was part of the reason that the outline planning permission for 24 dwellings and 1400sqm of industrial floorspace was considered acceptable in principle by this council.

When considering the principle of the proposed wholly residential development regard must be had to policy ED12 which seeks to protect employment or tourism sites within villages. That policy states that sites greater than 0.1 hectares in size currently, or last used, for employment or tourism purposes, will be retained for such uses wherever possible and that other uses will only be permitted where;

1. it is clear that there is no demand for the continued use for employment;
2. redevelopment for alternative employment or tourism use is not economically viable; or
3. the redevelopment for an alternative use will remove a use which is demonstrably incompatible with neighbouring property.

The policy goes on to state that where one of the above criteria are met proposals for alternative development will be permitted for affordable housing schemes, other non-residential uses of benefit to the local community or mixed use developments. The outline planning application was supported by this council in 2003 on the basis of the third criteria of policy ED12 (which was at the time an emerging policy) in that residential development was allowed on approximately two thirds of the site whilst the largest of the industrial buildings was retained for employment re-use. It has become clear that the retained building is unsound and at the end of its usable life and it is likely that its re-use would be unfeasible. It should also be noted that outline planning permission for the site does not have any requirement to retain the building. There are also no planning conditions or clauses in the

associated legal agreement requiring the building to be occupied or even made usable before the approved dwellings are occupied. In other words the residential part of the approval could be implemented in full and the remainder of the site could remain derelict and vacant. Whilst the previous approval retained the largest building for employment uses to create a mixed use scheme on the site, so as to comply with the second element of policy ED12, it is certainly an argument that the removal of the remaining building could itself be acceptable by reason of the third criteria of that policy. It should be noted that at 1400sqm the retained building is a large industrial building and if any class B2 or B8 end user was found there would certainly be highway safety and convenience implications on the local highway network of the large vehicles, including HGV's, that could be associated with such a user.

Government advice on the unnecessary retention of former employment land, together with the push for residential development on 'brownfield land', has also very much changed since the original planning permission for this site was granted. The employment use has now ceased for some ten years and as such has not been a valuable asset in the employment strategy of the area. This has been very much confirmed by the absence of the site from the councils recently completed employment land assessment.

Officers therefore conclude that, having regard to the above considerations, the principle of a wholly residential scheme should be accepted on this site and that the additional 19 dwellings (beyond the 24 already approved) in place of the employment building does not result in the development being out of scale with the village.

Highway issues

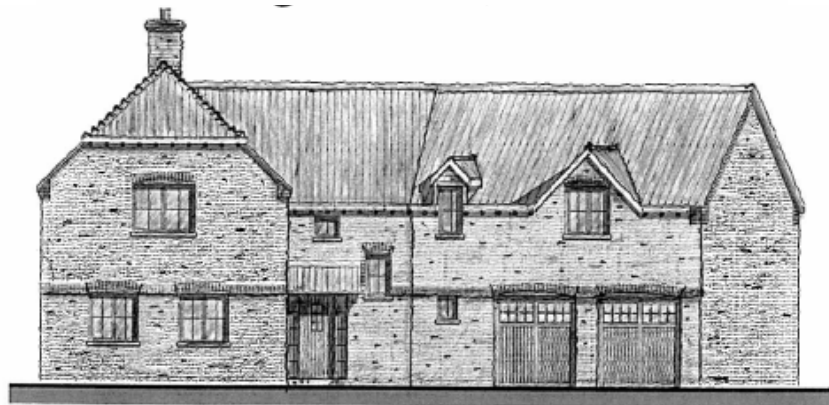
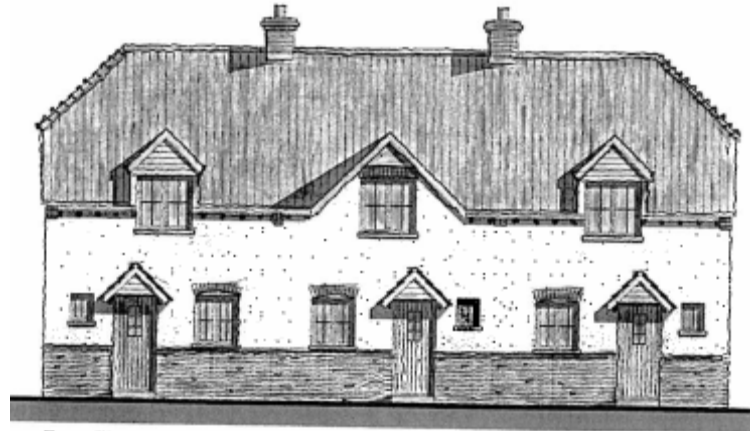
The outline planning application was refused by members on highway grounds, in particular due to the application making inadequate provision for safe pedestrian access to and from the site, but that decision was overturned when the planning appeal was allowed. The traffic calming measures on Kings Road that were previously approved by the Planning Inspector to improve pedestrian safety are again proposed, but as mentioned previously pedestrian access to, and through, the site are proposed from the corner of The Drove and Kings Road. Whilst the parish council has previously had concerns regarding the use of steps on the footpath this is unavoidable due to the large change in levels. The applicants have re-investigated this option but both they, and your officers, consider that a 'zig-zag' ramp would be a huge engineering operation that would extend a long way down The Drove resulting in the removal of a large amount of vegetation. The resulting structure would be visually damaging to the rural character of The Drove and harmful to the character and appearance of the conservation area. It should be noted that whilst the ramp solution would be best option in accessibility terms the pedestrian link proposed is an enhancement on the approved scheme which has no such link.

Turning to the other highway matters, the key issue, in terms of whether this current proposal is acceptable on highway safety and convenience grounds, is whether the situation would be materially worse than that if the extant planning permission was implemented. The applicant submitted a Transport Assessment (TA) in order that this comparison could be made. The conclusion of the TA is that the current proposed wholly residential scheme would give rise to slightly lower peak hour traffic flows than the extant permission scenario, although over a day the current proposal would create a small increase in traffic flows (312 two way traffic movements a day instead of 290) over the extant planning permission scenario. This increase is however considered unlikely to make a material difference to traffic conditions in the local area. It is on this basis that the highway authority has raised no objections to the proposals subject to a number of conditions being imposed.

Impact on the Conservation Area

The site lies immediately outside the Easterton Conservation Area with the boundary of the conservation area following the Kings Road boundary of the site. The site is elevated above the conservation area as such the existing buildings are very dominant in keys views within the

conservation area. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and its setting. As stated previously the existing buildings on the site, together with the retaining wall along Kings Road, are particularly unattractive. The removal of the buildings and reduction in the height of the wall will make a positive contribution to the conservation area. It is further considered that the proposed layout which includes; extensive remodelling of the Kings Road boundary, a new pedestrian link into the site, extensive landscaping which includes a central 'green space' and the siting of some buildings so they face onto Kings Road, will help make a positive contribution to the setting of the conservation area whilst also helping ameliorate the development into the village. One of the beech trees on Kings Road near the vehicular access will need to be removed due to disease but the others will remain. Along the embankment of The Drove it is proposed to clear out the dead elm trees and brambles and carry out replacement lower level native planting. This will thin out the vegetation to 'lighten' The Drove whilst maintain adequate screening. The future management of this area is a matter that could be controlled via a planning condition



2.74m

Examples of house designs

Impact on amenities of occupiers of adjacent properties

The site is quite well contained but there are a number of locations where concerns have been raised about the impact of the proposed dwellings on the amenities of occupiers of neighbouring properties. Number 2 Kings Road adjoins the northern boundary of the site and a number of proposed dwellings face that boundary. However, due to a combination of the position of those dwellings approximately 10 metres off the boundary, the vegetation along that boundary together with the orientation of 2 Kings Road, it is considered that there will be no adverse impact on the occupiers of that property. On the southern boundary Woodbine cottage and a couple of new dwellings under construction are the only properties on this part of The Drove. A number of dwellings will be sited backing onto The Drove boundary of the site and these will be considerably elevated above the existing dwellings. At the time of the previous application officers considered that the proposed dwellings were sufficiently

set back from the top of the bank. The changes in some of the housetypes on this boundary resulted in this application being submitted with houses on plots 15-21 significantly closer to the top of the bank than before. The applicant has now submitted amended plans moving those dwellings back so they are no nearer the top of the bank than when the previous application was considered. It should also be noted that the vegetation along the embankment of The Drove is quite substantial, and will remain so even after management works to that area. It is therefore considered that there will be no material harm to the occupiers of those properties. Finally there are a number of bungalows/dormer bungalows on the High Street which back onto Kings Road. The dwellings on the site which front onto Kings Road are again sited high above the level of those existing dwellings. In this instance there is again a strong vegetation screen which will ensure that any inter-visibility achieved will be well filtered and as such there is considered to be no material harm.

Affordable housing provision

Policy HC32 of the local plan is applicable to the consideration of the acceptability of the level and type of affordable housing proposed. That policy states that;

“The local planning authority will seek to negotiate the equivalent provision of general market and affordable homes on all proposed housing sites within the villages subject to evidence of local housing need supporting this level of provision and individual site characteristics. Planning permission will not be granted if the size and type of individual affordable houses proposed in accordance with this policy do not reflect local needs”

In other words the policy requires officers to negotiate the provision of 50% affordable housing on this site, subject to this being backed up by evidence of local housing need. That provision, together with the type of affordable housing provided, including the tenure, should meet local housing needs.

Since the previous application your officers have sought to negotiate a scheme of affordable housing which they felt, having regard to all matters, they could support in light of the existing planning policies. In February this year, on behalf of the Parish Council, the Wiltshire Rural Housing Association (WRHA) carried out a housing needs survey for the Parish of Easterton. The findings of that survey are certainly mixed and it was disappointing to note that, even though a major housing development was currently being considered in the village, only 27.6% of the 242 forms distributed were returned. The findings of the forms returned showed a much lower level of housing need than the Council's Housing Register but it did not provide any evidence that rented housing was not needed, with 7 of the 12 respondents stating a preference to either rent or buy a dwelling. Unfortunately only 1 respondent provided any information on what they could afford as a mortgage for buying or shared ownership, and at £70-90,000 this was well under what would be needed. WRHA has advised that in their experience those failing to provide information on what they can afford rarely have sufficient to afford any form of home ownership. The housing needs survey has not therefore provided a totally conclusive answer, and instead your officers consider it should be considered in conjunction with the Council's housing register, rather than seen as overriding the register. It is on this basis that the affordable housing provision on the site has been amended to 7 rented dwellings 2 low cost market houses.

Open space/recreation provision

The original submission of the previous application provided only a small area of open space on the site with the applicant placing a reliance on commuting the public open space/recreation requirements of policy HC34 off-site. Whilst the Parish Council are concerned about the provision of a play area on site, officers were concerned that a residential scheme of this size should make a greater recreation provision on site, particularly for younger children. It should be noted that the potential location of the off-site play (at the village hall) is poorly located across the other side of the Kings Road. The provision of the larger play area on site will also create a central 'green space' which will include tree planting to help 'soften' the development both internally and when viewed

from outside of the site. This current application has maintained the larger play area as was considered when the last application was considered by members at the Regulatory Committee.

A development of this size also generates a need for equipped casual play areas for older children and this requirement can be commuted off-site, together with payment towards formal sports/pitches. This payment could be used to improve existing play facilities at the village hall.

It is considered that the approach negotiated by officers will create a better quality of development whilst also meeting the aspirations of the Parish Council to consolidate and reinforce play provision at the village hall.

Impact on ecology

Ecological surveys took place on this site at the time of the previous application but the later specific surveys for bats and reptiles were not undertaken until mid-September last year. These found an extensive bat population (including a potential maternity roost and possibly up to seven different bat species including one exceptionally rare bat species). There is also a slow worm presence on site. It was for that reason, together with the considerable bat population found, that the applicant's ecologist recommended that further surveys were necessary during spring and summer this year. Those further necessary surveys have not taken place. Members should be aware that case law has shown that councils should not grant planning permission for development where impact on any protected species cannot be fully assessed. That assessment must include the consideration of the scope and acceptability of the mitigation proposed. In this instance because of the doubts of the results of the surveys, and the lack of further surveys,

The applicant has however agreed a 'worse case scenario' mitigation strategy for bats, reptiles and badgers with the District Ecologist, which includes a free standing bat building. It is considered that, provided the recommendations of the report are secured by planning conditions, there are no ecological reasons for refusing this application.

Other matters raised

A number of other issues have been raised by your officers and in consultation responses including; drainage and the renewable energy provision.

With regards to drainage a Flood Risk Assessment (FRA) was submitted with the application to assess the implications of surface water drainage from the site. Clearly the site is not a 'greenfield' site instead it consists of a number of hard surfaced areas and roofs from which surface water drains from. The proposal therefore is that the level of surface water drainage from the site following development should not be at a greater rate than currently exists. This will be achieved by a variety of attenuation techniques being used on the site to control the run-off rate to no more than the current rate. The Environment Agency has raised no objection to this approach being proposed and, following negotiations, the Council's Engineer has also raised no objections.

With regard to renewable energy issues, this council has now adopted an interim policy on this matter until policies within the Local Development Framework are adopted. That policy requires larger scale development to provide, as a minimum, sufficient on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%. Whilst full details and calculations of how this will be achieved have not been submitted the applicant is committed to achieving this policy requirement and has suggested a number of options including solar, ground source heat pumps and combined heat and power systems. Such a matter could in this instance be controlled by a planning condition.

Conclusion

At the time of the last application officers considered that the proposal to redevelop this site for wholly residential purposes was acceptable except for lack of provision of affordable housing. That

recommendation was supported by members when they resolved to refuse that application solely for that reason. Officers consider that all aspects of the application are now acceptable and as such it is recommend that it is approved subject to the following conditions and the completion of a section 106 legal agreement to secure;

1. The provision of the affordable housing,
2. The necessary education contribution,
3. Contributions towards off-site recreation provision,
4. The provision of the on-site equipped play area,
5. The long term maintenance of the on-site equipped play area and the other areas of incidental open space (including the steps and public footpath).

RECOMMENDATION

Approve subject to the completion of the necessary planning agreement and 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 757/001 Rev A and 757/002 Rev A received on the April 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 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

- 4 No construction work, other than internal fitting out work, shall be carried out before 0800 or after 1800 on Monday to Friday or before 0800 and after 1300 on Saturdays and there shall be no external working at any times on Sunday or Bank Holidays.

REASON: In the interests of residential amenity.

- 5 No development shall take place, other than the demolition of the existing buildings and clearance of the site, until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 6 Prior to the commencement of development, other than the demolition of the existing buildings and clearance of the site, details of all eaves, verges, window (including head, sill and window reveal details), doors, chimneys, dormers and canopies to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure harmonious architectural treatment.

- 7 Before the construction of any boundary walls, railings or fences are commenced (including any retaining walls or structures) details of the design, height, position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

- 8 Prior to works commencing on them full details of the construction and appearance of the proposed footpath and steps down to The Drove and along the eastern boundary of the site shall be submitted to and approved in writing by the local planning authority. Those details shall include details of finishes of the steps and path and the method of construction under the canopies of the protected trees. The entire length of the footpath and the steps shall be constructed fully in accordance with the approved details prior to the occupation of the 30th dwelling.

REASON: To ensure convenient and safe pedestrian access to the site is achieved and in the interests of the character and appearance of the conservation area and its setting.

- 9 Prior to the reduction in the height of the retaining wall along the Kings Road boundary full details of the extent of the work, including details of the changes to the modelling of the land behind it and the finish proposed to the top of the reduced wall, shall be submitted to and approved in writing by the local planning authority. The works to the retaining wall shall be carried out in full prior to the occupation of the 30th dwelling on the site.

REASON: In the interests of the character and appearance of the conservation area and its setting.

- 10 The ground floor slab levels of the buildings on the site shall be in accordance with the approved slab level drawing 757/002 Rev A.

REASON: In the interests of visual amenity.

- 11 No development shall take place, other than the demolition of the existing buildings and clearance of the site, until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, details shall also include species, sizes at planting, densities, location and numbers. The scheme shall accord with the illustrative planting proposals shown on drawing 07-02 Rev F.

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

- 12 All hard and soft landscaping comprised in the approved landscaping scheme shall be carried out in accordance with a scheme of phasing to be agreed in writing by the local planning authority before development commences on the site. The soft landscaping shall be carried out in the first planting and seeding season following occupation of the dwellings or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years of planting, 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.

- 13 The trees on the site which are protected by a Tree Preservation Order, together with other trees and hedgerows shown as retained on the approved plans, shall, before any work commences (including any demolition or site clearance works), be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by a braced Heras fence (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, unless otherwise agreed in writing by the local planning authority, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

To enable the local planning authority to ensure the retention of trees and hedgerows on the site in the interests of visual amenity

- 14 Where construction work is required within the tree protection areas no work shall be carried out in that area and the protective fencing shall not be moved until a method statement concerning the work has been submitted to and approved in writing by the local planning authority. The method statement shall provide details of the timing of the works and movement of the protective fencing together with details of the method of construction to be used. The works shall be carried out in accordance with the approved details.

REASON:

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

- 15 Prior to the occupation of the dwellings on plots 13-23 the works shown on the submitted 'The Drove Tree Retention and Removal Plan' (drawing 07-02 04) shall be carried out in full and a long term management plan for that area shall be submitted and approved in writing by the local planning authority. The management plan shall include long term design objectives, management responsibilities (including details of any management company proposed) and maintenance schedules. The landscape management plan shall be carried out as approved in perpetuity.

REASON:

To ensure the proper management of this important landscape buffer.

- 16 No development, other than the demolition of the existing buildings, shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

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

- 17 Prior to the commencement of development, other than the demolition of the existing buildings or site site clearance, full details of how sufficient on-site renewable energy will be provided to reduce CO2 emissions from energy use by users of the dwellings on the site by 10% shall be submitted to and approved in writing by the local planning authority. Those details shall include the phasing of the renewable energy provision. The development shall be carried out fully in accordance with those details.

REASON:

To ensure that the use of renewable energy is satisfactorily integrated into the development to assist in the reduction of CO2 emissions.

- 18 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site (other than the demolition of the existing buildings). These details shall include the use of Sustainable Urban Drainage Systems (SUDS) and accord with the details in the e-mail from RPS on 11th April 2008 and the cross-referenced previous letter from RPS dated 25th September 2007 (dated 2010 in error).

REASON:

To ensure satisfactory surface water drainage and prevent flooding.

- 19 No development, other than the demolition of the existing buildings, shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON:

In the interests of sustainable development and prudent use of natural resources.

- 20 **INFORMATIVE TO THE APPLICANT:**

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These could include, as a minimum, dual-flush toilets, water butts, spray taps and low flow showers. Greywater recycling and rainwater harvesting should be considered.

- 21 Before the 30th dwelling hereby permitted is occupied the play area shown on the submitted plans shall be laid out and equipped in accordance with a scheme to be first agreed in writing by the local planning authority. The submitted scheme shall include boundary treatment and make provision for future maintenance and safety checks of the equipment.

REASON:

To ensure that the play area is provided in the interests of the amenity of future residents.

- 22 Prior to the commencement of development, including the demolition of any of the buildings, a detailed design for a freestanding bat building, together with any other bat roosts proposed, shall be submitted to and approved in writing by the local planning authority. Those details should accord with the details in the letter from EPI dated 12th October 2008 and should also include;

- i) details of the long term management of the artificial bat roost provision,
- ii) a monitoring strategy to include survey monitoring for 5 years with reports to the local planning authority and any necessary amendments to mitigation made based on those findings,
- iii) a detailed timescale and methodology of demolition and construction works to ensure the alternative roosts are all provided before any demolition works take place.

REASON:

To ensure the existing bat population, which are protected under the Wildlife and Countryside Act 1981 (as amended) are protected.

- 23 Prior to the commencement of development, including and demolition and site clearance works, a full mitigation strategy to deal with the potential for badgers on the site shall be submitted to and approved in writing by the local planning authority. The strategy shall make provision for a survey for badger activity within the application site and along The Drove prior to the commencement of any works. The development shall be carried out in accordance with the approved details.

REASON:

To ensure any badger population, which are protected under the Wildlife and Countryside Act 1981 (as amended) are protected.

- 24 Prior to the commencement of development, including any demolition and site clearance works, a full mitigation strategy to deal with slow worms on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

To ensure the existing slow worm population, which are protected under the Wildlife and Countryside Act 1981 (as amended) are protected.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road, footpath, car parking or turning area, or open space

REASON:

In the interests of visual amenity.

- 26 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 8-12, 13-21, 35-37, 39- 40 and 42 hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of these dwellings, where the private gardens are modest, in the interests of the proper planning and amenity area.

- 27 No dwelling shall be occupied until the parking space(s) shown for it on the approved plans, together with the access thereto, have been provided.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

- 28 Prior to the first occupation of any of the dwellings hereby permitted, the traffic calming scheme on the Kings Road, including 'pedestrian in-road' warning signs, shall be carried out in full in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON: In the interests of highway and pedestrian safety.

- 29 Prior to the first occupation of any of the dwellings hereby permitted, a 20 mph zone shall be introduced on the Kings Road, including the necessary signage, in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON: In the interests of highway and pedestrian safety.

- 30 Prior to the first occupation of any of the dwellings hereby permitted, improved street lighting shall be provided between a point 60 metres north of the access to the site and Easterton High Street in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON: In the interests of highway and pedestrian safety.

- 31 Prior to the first occupation of any of the dwellings hereby permitted, Kings Road shall be resurfaced from a point just beyond the northernmost traffic calming measure and Easterton High Street in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON: In the interests of highway and pedestrian safety.

- 32 Prior to the first occupation of any of the dwellings hereby permitted, a pedestrian footway within the existing highway area between the bottom of the proposed stepped footway from the site and Easterton High Street shall be carried out in full in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON: In the interests of highway and pedestrian safety.

- 33 Prior to the first occupation of any of the dwellings hereby permitted, radius improvements to the junction of Kings Road with the High Street and traffic priority road markings near the bend in Kings Road at the High Street end, shall be carried out in full in accordance with the details first submitted to and approved in writing by the local planning authority. The details shall generally accord with the RPS Proposed Highway Improvements plan JBR/0770/701 Rev A within the submitted Transport Assessment.

REASON:

In the interests of highway and pedestrian safety.

- 34 Prior to the first occupation of any of the dwellings hereby permitted, minor surface improvements to the The Drove to provide a more useable surface for pedestrians between its junction with Kings Road and the footway which leaves The Drove at Woodbine Cottage, shall be carried out in full in accordance with the details first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway and pedestrian safety.

- 35 **INFORMATIVE TO THE APPLICANT:**

The applicant should note that the Highway Authority will require the measures subject of conditions 28 to 34 to be secured by a Section 278 Agreement. The traffic calming measures and 20 mph zone will also require public consultation and advertisement for which the applicants will be required to bear the cost.

- 36 **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, HC5, HC7, HC24, HC32, HC34, HC37, HC42, ED12, AT1, AT9 and Interim Policy One - Renewable Energy and New Development..

Item 2

APPLICATION NO: K/58187/F
PARISH: DEVIZES/ROUNDWAY
APPLICATION TYPE: Full Planning
PROPOSAL: The erection of treatment centre
SITE: Land to the North of Marshall Road Devizes
GRID REF: 401676 160232
APPLICANT: UK Specialist Hospitals
AGENT: Miss Anna Grove, Atkins Ltd
DATE REGISTERED: 26/02/2008
CASE OFFICER: Richard Cosker

BACKGROUND

A previous application for an Independent Treatment Centre was submitted in 2006 for this site. That application was approved by members at the Regulatory Committee on 25th January 2007 subject to the completion of a section 106 legal agreement concerning various highway matters. That agreement was completed and the decision was issued on 21st May 2007.

This application is a revision to that approval with the previous part two storey structure amended to a wholly single storey structure. This is as a result of the plant room, previously proposed on the roof of the treatment centre, being placed to the rear of the building instead. Having regard to this previous planning approval the principle of the use on the site has been accepted. The key issues of this application therefore are the changes made to the building, and the implications for the appearance of the area and the amenities of nearby residents, and whether any circumstances have changed since the previous approval. This report will however consider all the issues relating to this proposal as it did for the previous application.

SITE & LOCATION

The application site lies on Marshall Road 250m from the junction with the A342 Andover to Devizes Road and just before the entrance to Green Lane Hospital. On approaching the site from the A342 the site is located immediately after the old railway embankment that bounds the Wayside Farm housing estate. The site forms part of the wider greenfield site lying to the north of Marshall Road.



SITE HISTORY

K/19713 - This application was for a community hospital, mental healthcare hospital and access road on land to the east of the former Roundway Hospital. The site encompassed what is now the Green Lane hospital site together with the land on which Marshall Road was constructed and the land to the north of Marshall Road, part of which is now subject of this application. The community hospital element of that permission has never been implemented with the existing community hospital facility remaining near the town centre.

K/55450 – Previous application for Independent Treatment Centre on the site as set out in the 'Background' section above.

DESCRIPTION OF DEVELOPMENT

The proposal is for an independent sector treatment centre which will provide day care treatment for NHS patients run by the independent sector. The centre will contain two operating theatres with associated recovery spaces, endoscopy unit, ultrasound and x-ray facilities, four consulting rooms and examination rooms together with the necessary ancillary facilities. No overnight facilities are provided within the unit.

The proposed building would be sited at the eastern end of the site with the former railway embankment forming the eastern boundary, with the Wayside Farm estate beyond that. Marshall Road forms the southern boundary. The remainder of the wider site forms the northern and western boundaries with residential development in Mill Close and Kempsfield beyond this. Vehicular access will be off Marshall Road and this has been designed so as to allow future development on the site to also be accessed from the same junction.



Site Layout

The treatment centre facilities will all be laid out at ground floor level, with the plant room now also shown on the ground floor to the rear of the building. The building maintains a modern design incorporating a flat roof with a mainly timber clad finish. Small elements of render will be used to break up the building and add greater interest, including a render and glazed entrance feature. A detached service compound is proposed to the east of the main building and a car park for a total of 59 parking spaces will be provided to the south of the building. A covered cycle parking store is also proposed.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has re-submitted the ecological assessments carried out at the time of the last application, this included a Precautionary Method of Working in respect of great crested newts. The transport assessment, including a green travel plan, has also been resubmitted.

PARISH/TOWN COUNCIL COMMENTS

Roundway Parish Council – object for the following reasons;

1. The parking space allocation for visitors is insufficient for the projected number of likely visitors. The Parish Council believes that many visitors will travel by car and this has not been accounted for. This extra traffic will cause congestion in the surrounding areas which are all residential.
2. The car parking spaces allowed for staff is less than the number of staff likely to be at the centre during the day. This will cause staff to impinge on visitors parking and thus cause and overspill into nearby residential areas.

Further comments made are;

1. The Parish Council asks that the developer provide a covered substantial bus shelter at the centre, for those who may use the local bus services
2. The Parish Council wish to point out that in their submission, the developer talks of rail links, which have not existed for at least 40 years.

Devizes Town Council – No objections but observations made that it is hoped that the availability of car parking will be optimised thus lessening the impact.

CONSULTATIONS

County highways (Mr Wiltshire) – No objections subject to the imposition of the same highway conditions being imposed and the completion of a legal agreement to secure improvements for access to the site by cyclists/pedestrians and public transport as per the previous approval.

Environment Agency – No comments had been received at the time of writing this report, but at the time of the previous application no objection was raised subject to the imposition of a condition concerning approval of details of surface water drainage from the site and a number of informatives.

Wiltshire Wildlife Trust – All recommendations of the updated ecological statement should be conditions of planning permission. They do however raise concern that the Precautionary Method of Working in respect of great crested newts is over a year old and they are not aware that the spring survey of the ponds proposed has occurred.

Wiltshire and Swindon Biological Records Centre – They report records of badgers within 100m of this site.

REPRESENTATIONS

A total of 38 letters of representation (including a large number of pre-printed pro forma responses) have been received and the comments made are summarised below. Some of the letters received are however very detailed and members can view all the letters received on the planning file.

1. It has not been made clear why this second application has been made.

2. The unsustainable design of the structure will be out of keeping with its location.
3. Unfortunate if prefabricated flat roof building system is accepted here, a traditional brick building would be more sensitive and acceptable solution.
4. The building should be moved anti clockwise easing it further west away from residents and the compound and parking should be moved further west.
5. The lack of parking spaces will lead to non-residents parking in my street.
6. The number of vehicle movement is under estimated, no-one is going to use public transport to get to the site.
7. The increase in traffic along Marshall Road will be detrimental to road safety and result in more noise and pollution.
8. Marshall Road should be restricted to 20mph and have speed bumps.
9. Parking on Marshall Road will be extremely dangerous on a long curving blind bend.
10. The site should be further along the road so its entrance can be opposite Green Lane Hospital entrance and a roundabout can be created.
11. Residents only parking should be enforced on Wayside Farm estate.
12. All the areas where patients will come from are to the west of Devizes there will therefore be an increase in traffic through an already congested Devizes town centre.
13. The development will adversely affect the landscape setting of Devizes.
14. Concerned about effect of development on the ecology of the area, this unused site has become a haven for wildlife. The ecological report is not correct and it is considered that more wildlife exists on the site.
15. Plant room should be placed on the side of the building, as far away from local residents as possible.
16. Rights of way may have been established across this land.
17. Concerned about the lack of solution offered for surface water drainage.
18. There has been no prior consultation with the community.
19. There are inconsistencies in the various reports submitted.
20. Why is the money being spent on a private venture instead of a proper replacement for Devizes Community Hospital?
21. We should not be allowing a private ISTC when the admirable local hospital is likely to be closed rather than updated.
22. Local plan says growth should be encouraged on previously developed land, this is not the case with the ISTC.
23. What will happen to the ISTC in 5 years time after the PFI is complete?
24. What future developments can be expected on the adjacent land?
25. Have alternate sites been properly considered such as those away from residential development.
26. The development will have a negative effect on the value of my home.
27. The construction works will affect the residential amenity of a number of nearby dwellings.

POLICY CONSIDERATIONS

Kennet Local Plan - the site is identified in the local plan as 'land previously permitted for new hospital' but there is no policy relating directly to this i.e. a reserved hospital site policy. The site does however lie within the limits of development of Devizes and a number of policies of the Kennet Local Plan 2011 are relevant to the consideration of this application. These include policies PD1, AT1, AT9, AT10 and NR18.

Further policies which were considered at the time of the last application, AT2, AT3, AT12, NR5 and NR18, are not however saved policies and are not therefore now applicable.

PLANNING OFFICERS COMMENTS

The application site is within the limits of development of Devizes and the principle of the development of a health care use on this site would not be contrary to any local plan policies. Indeed as stated above there is a historical planning permission for such a use on the site which is reflected

in the reference in the local plan. The issue concerning the future of the Devizes Hosiptal and any replacement community hospital is a separate matter. This proposal is for mainly additional facilities to the existing Devizes hospital. The proposal is not intended to be a replacement of that hospital. It should also be noted that the development takes up only part of this site and is located in such a way to not prejudice any future healthcare proposals for the remainder of the site.

Having regard to the above, and the existing planning permission for a similar proposal, your officers consider that the proposal is acceptable 'in principle'. There are clearly a number of issues that need to be considered. These will be considered in turn below.

Highway issues

The access to the site has been agreed by the highway authority and has been designed to allow future access to the remaining land to be taken off it as well. The Transport Assessment deals with the issue of the impact on the local highway network and the highway authority are satisfied that the proposed use would have no adverse impact. This situation is unchanged by the amended planning application.

With regards to car parking, the internal floor area is 1300m² with about 180m² of that consisting of the rear plant room. Maximum parking standards for D1 uses (which includes clinics and health centres) are 5 spaces per consulting room. These standards are to include both patients and staff. It is however considered that the proposed use is somewhat different to standard health centres, and as such more flexibility needs to be given to the consideration of how many parking spaces would be appropriate. In this instance there will be 4 consulting rooms but also 2 operating theatres, an x-ray facility and a endoscopy room; therefore the council's standards would result in a maximum of 40 parking spaces (a total of 8 'consulting rooms' multiplied by 5 parking spaces). However when you examine the likely staffing levels of 18 permanent staff and 17 visiting staff (surgeons or consultants who will also work at other centres) together with the potential for a high 'throughput' of patients, it can be seen that the demand for parking may be higher than the normal health centre use. The applicant's knowledge of parking demand at other such facilities previously lead to the original proposal providing a total of 50 car parking spaces, 10 more than the maximum standards would normally allow. However at the time of the last application that number was increased to 56 spaces following concerns that this provision was still inadequate and would lead to car parking over spilling onto Marshall Road or the adjacent residential streets. This current application now proposes 59 car parking spaces.

Officers acceptance of a greater number of parking spaces than normally permitted is, it is considered, justified by the particular nature and uniqueness of the use. It is considered that the level of car parking is now more than adequate for the use and any further increase could not be justified. Notwithstanding the need to ensure there is adequate car parking on site it is also important that improvements are made to ensure it is more attractive to visit the site by means other than the motor car, if only for staff members. Therefore off site improvements required by the highway authority include a bus stop and shelter on Marshall Road and improvements to cycle facilities on Nursteed Road. This will again be secured by a legal agreement. The provision of adequate cycle parking facilities on site and the implementation and monitoring of a travel plan will also be subject of planning conditions.

Impact on neighbour amenities

The nearest dwellings to the proposed site are those in the Wayside Farm estate on the other side of the former railway embankment. Those dwellings either front onto, or side onto, the embankment and are set beyond landscaped private driveways. The nearest dwelling is at least 30 metres away from the site boundary. The dwellings to the north and west in Kempsfield and Mill Close are between 65 and 85 metres away.

The previously approved building had a maximum height of 7.8 metres. The amended proposal however will be no higher than 4.3 metres. Having regard to the amount of intervening land and existing landscaping, which includes the former railway embankment (which is approximately 2 metres in height), it was considered that the previously approved larger building would not have any adverse impact on those residents. The single storey building now proposed will of course have an even lesser impact. The issues of the potential impact by way of noise or light pollution do however still need to be considered carefully.

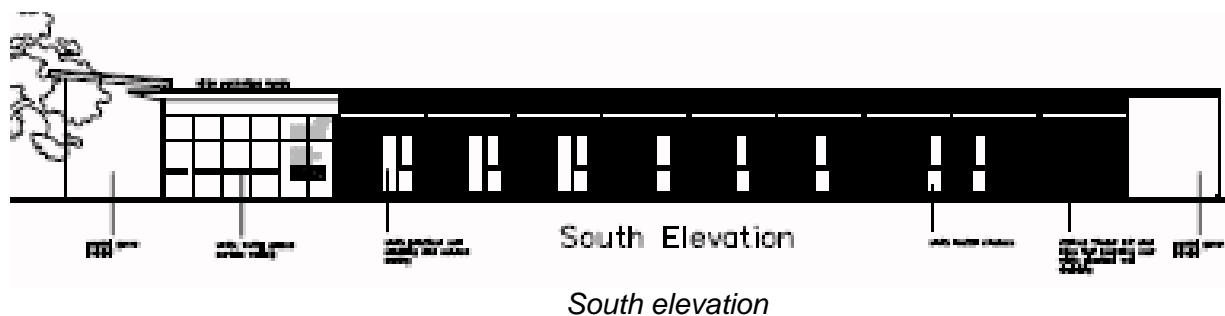
Officers had previously requested that a noise survey should be carried out to show what the background noise level is in the area. Unfortunately this has never been carried out. Notwithstanding the fact that the noise survey has not been undertaken, it is considered that noise from plant and other equipment associated with the use and the actually 'comings and goings' from the building (car doors slamming and cars manoeuvring) will be the two main potential sources of noise nuisance. With regard to the first issue the centre will have a chiller unit and an emergency generator situated within the detached compound. It will also have a variety of plant within in the plant room at the rear of the building. If noise levels exceed 10dB above the background noise level then this is a positive indication that nuisance, and hence complaints are likely. If noise levels are 5dB above the background noise level this is considered as of marginal significance, a condition controlling noise levels to no more than 5dB above the background noise level has therefore been recommended by the council's environmental health officers. It is recommended that those readings should be achieved at the site boundary, rather than at the boundaries of the nearest dwellings, as this will also ensure there would be no potential for impact on any future uses on the remaining area of land to the north and west. The environmental health officers are satisfied that such a condition could be complied with by using recognised attenuation methods. The fact that all of the plant will now all be at ground floor level means that the proposed condition will be significantly easier to achieve. An additional condition is also recommended in order to ensure the plant is installed with sufficient attenuation to achieve the requirements of the first noise condition.

With regard to the issue of disturbance from the 'comings and goings' from the centre, the centre will not accommodate overnight stays and the applicant has advised that there is currently no intention to operate the use '24 hours a day'. Having regard to the likely low evening and night time background noise levels there is concern that an unacceptable level of nuisance could be caused if the use were to extend late into the evening. Whilst the idea of a condition controlling hours of use at a 'normal' hospital would be unusual this use is slightly different as there will be greater pressure to increase the 'throughput' and work late into the evening. Therefore having regard to the proximity of the residential premises it is considered that the use should be restricted between 8.00am and 8.00pm.

With regard to the issue of light pollution, it is proposed that the position, type and light spill of proposed lights for the site will be controlled by condition.

Building design

Many representations have again stated that they consider the building design to be inappropriate for this residential area and would be better suited to a location on the Hopton Park Industrial Estate. In terms of scale, as stated earlier the height of the building has now been reduced to only single storey, thus its impact will be lessened, particularly having regard to the proposed landscaping. Officers therefore consider that the building is of an appropriate scale for the area.



The design of the building is clearly partly driven by its function with all the patient facilities needing to be provided on ground floor level, the building will also be constructed off site as far as possible using a modular system so that the construction on site is limited mainly to the footings and the external finishes. Those external finishes are unashamedly modern but the timber cladding used and entrance feature will help soften the buildings appearance. Whilst there are residential dwellings near to the site the area has a mixture of architectural styles nearby including the Green Lane Hospital, blocks of 3 storeys flats and even the industrial buildings in Nursted Road are visible. Officers considered that the buildings design reflects the use within it and is not inappropriate for the area.

Landscape and visual impact

The building is located in the corner of the larger open area up against the former railway embankment. Short range views of the site will be from the surrounding houses and Marshall Way. However, with the building being reduced to single storey, the wider views from the south of the town are reduced significantly. A landscaping scheme has been submitted which includes a substantial amount of landscaping to ensure the buildings impact is softened.

Ecological matters

An ecological report was submitted by the applicant with the original application. The findings were that, whilst the site could be considered suitable as a foraging and sheltering area for common reptiles, there were no protected species on or near to the site. The ecologist recommended habitat manipulation to displace any potential reptiles before any construction took place. Subsequently the Wiltshire Wildlife Trust had anecdotal evidence that Great Crested Newts had previously been sited in one of the three ponds on the Wayside Farm estate as well as in an individual's garden pond on the same estate. The ecological report included a habitat survey for these three adjacent ponds but it was considered that only one of them (the furthest away from the site) was considered to have potential for Great Crested Newts. The only way to prove or disprove the presence of the newts would be a species presence survey but this could not be carried out at that time. Natural England was however satisfied that the application could be determined on the basis that a 'precautionary approach' is taken. Therefore, the previous application was considered on the basis that Great Crested Newts were present in the adjacent pond. Natural England confirmed that if newts were present in that pond it would not be a reason for refusing the application provided the applicant submitted detailed mitigation proposals to demonstrate how the newts would be protected during and after construction. Such a precautionary method statement was submitted and it included; a requirement for a spring/summer species presence survey and works to ensure the newts are not harmed during or after the construction process.

The previous application was approved on the basis of the submitted precautionary method statement, the recommendations of which were made subject of a planning condition. Following the determination of the previous application a species presence survey was undertaken of the three ponds on Wayside Farm, and of the pond in the private garden. This survey showed no presence of Great Crested Newts in any of the ponds and the County Ecologist is satisfied by the results of this survey, as such there is no evidence of any Great Crested Newts being present on, or near, this site.

The further issues raised about the area being used as a foraging area for bats and owls were not considered matters which would justify refusal of this application. The site is only a small part of a much wider area and as an edge of town location there is more than adequate alternative foraging areas nearby.

The WSBRC has raised the issue of badgers being recorded within 100 metres of this site but the survey work undertaken showed no presence within 30 metres of the site and no signs of badger activity.

Drainage

The supporting statement submitted with the application advises that there are no surface water drains in the locality so ideally soakaways would be used. However it is acknowledged that soakaways are not normally effective on green sand and that further investigation is necessary. As at the time of the last application no further information has been provided on how surface water drainage will be dealt with but the Environment Agency were satisfied that this matter can be conditioned. Any details submitted to discharge the condition will need to incorporate sustainable urban drainage systems to limit the rate of surface water drainage from the site.

Conclusion

The principle of this proposal has already been agreed by virtue of the planning permissions granted under K/55450. The application now submitted is not materially different to that approval, indeed the changes made reduce the impact of the proposed building on the locality. As such it is considered that this application should be approved subject to the same planning conditions as the previous application and the completion of the necessary section 106 legal agreement.

RECOMMENDATION

Grant planning permission subject to the completion of the necessary planning agreement and the following planning 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 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

- 3 This permission relates only to the scheme of development shown on the revised and additional plans YK 0200220-PL001 Rev A and PL002 Rev A received on the 31st March 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.

- 4 No development shall take place until details of the materials to be used for the external walls and roofs of the main building, cycle store and external compound

(including samples) together with details of all windows and doors 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 work commences on site the ground floor slab levels for the main building, cycle store and external compound 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaping setting for the development.

- 8 Before the construction of any boundary wall(s), railing(s) or fence(s) is commenced details of the design, height, position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 9 Prior to their installation full details of any floodlighting/external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard local amenities.

- 10 The medical centre hereby permitted shall only be open to the public between the hours of 0700 and 2000 inclusive. The centre shall not be open to the public at any other time.

REASON:

To protect the amenities of the nearby residential properties.

- 11 Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out fully in accordance with the recommendation set out in the submitted Ecological Report dated 27/10/2006 (section 4.0).

REASON:

To ensure any protected species on the site are safeguarded.

- 12 All plant and machinery (both inside and outside of the main building) must be controlled or silenced to ensure that the equivalent continuous A-weighted sound pressure level (LAeq) from it shall not exceed the background noise level (LA90) by more than +5 dB at the boundary of the site. The method of assessment to be carried out in accordance with British Standard 4142:1997: Method for Rating Industrial Noise Affecting Residential and Industrial Areas.

REASON:

To protect the amenities of the occupiers of the nearby residential properties and future users of the adjacent vacant land.

- 13 Prior to the installation of any plant or machinery (both inside and outside of the main building) a full detailed scheme of how that plant and machinery will be installed and silenced to allow compliance with the requirements of condition 12 shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the plant or machinery is first used and shall be so maintained unless otherwise agreed in writing by the local planning authority.

REASON:

In protect the amenities of the occupiers of the nearby residential properties and any future users of the adjacent vacant land.

- 14 Before any part of the development hereby permitted is first occupied the access shall be completed in accordance with the approved plans.

REASON:

In the interests of highway safety.

- 15 No part of the development hereby approved shall be occupied until the car parking shown on the submitted plans has been properly consolidated, surfaced in accordance with the approved hard landscaping details and laid out in accordance with details shown on those plans, and this area shall thereafter be maintained and remain available for this use at all times.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety and amenity.

- 16 Prior to their installation full details of the secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first use of the development hereby permitted and shall thereafter be retained for use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 Before the development hereby permitted is first brought into use, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 18 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation from the site, including pollution prevention has been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details and programme of implementation.

REASON: To prevent the increased risk of flooding.

- 19 No construction work, other than internal fitting out work, shall be carried out before 0800 or after 1800 on Monday to Friday or before 0800 and after 1300 on Saturdays and there shall be no working at any other times.

REASON: To protect the amenities of the occupiers of the nearby residential properties and any future users of the adjacent vacant land.

- 20 **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, AT1, AT9, AT10 and NR18.

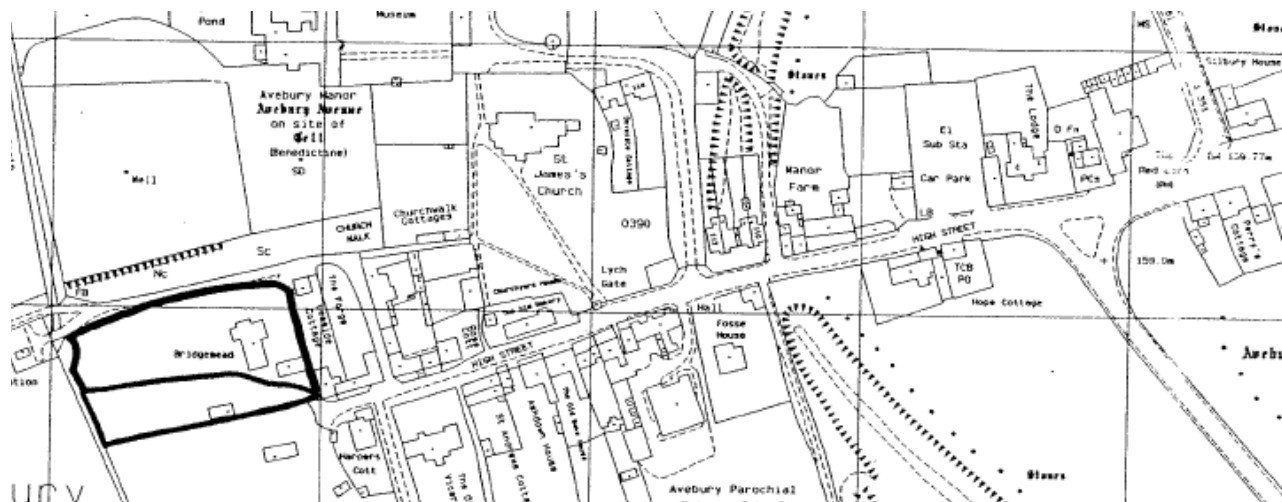
Item 3

APPLICATION NO: K/57165/F
PARISH: AVEBURY
APPLICATION TYPE: Full Planning
PROPOSAL: Cessation of business use at Bridgemead; the removal of existing building and storage containers; the erection of a detached house with a garage and works associated with this development
SITE: Bridgemead, High Street, Avebury, Wiltshire SN8 1RF
GRID REF: 4098560 1698610
APPLICANT: Mr J Sumbler
AGENT: Paul Oakley
DATE REGISTERED: 13/08/2007
CASE OFFICER: Peter Horton

SITE LOCATION

Bridgemead is a 1970s bungalow set within a very large garden and is situated at the westernmost end of Avebury High Street.

In addition to Bridgemead there are two other buildings on the site, as well as two lorry bodies: some of these are used in a low-key manner in connection with an established marquee hire business that operates from Winterbourne Monkton. A Certificate of Lawfulness granted in 2005 permitted the storage, drying and cleaning of marquees on a small part of the site in association with the use at Winterbourne Monkton.



Location plan – the site is at the western end of the High Street

SITE HISTORY

K/54058/F - Approved with Conditions 18/05/2006
Extensions to dwelling (including roof extension to facilitate first floor accommodation)

K/51359/COL - Approved 20/01/2006
Use of site for storage and distribution

K/50658/F - Withdrawn 15/09/2004

Demolition of outbuildings and garage. Refurbishment of Bridgemead and construction of two new detached houses.

K/37295 - Approved with Conditions 29/07/1999

Improvement to access.

K/37806 - Approved 28/09/1999

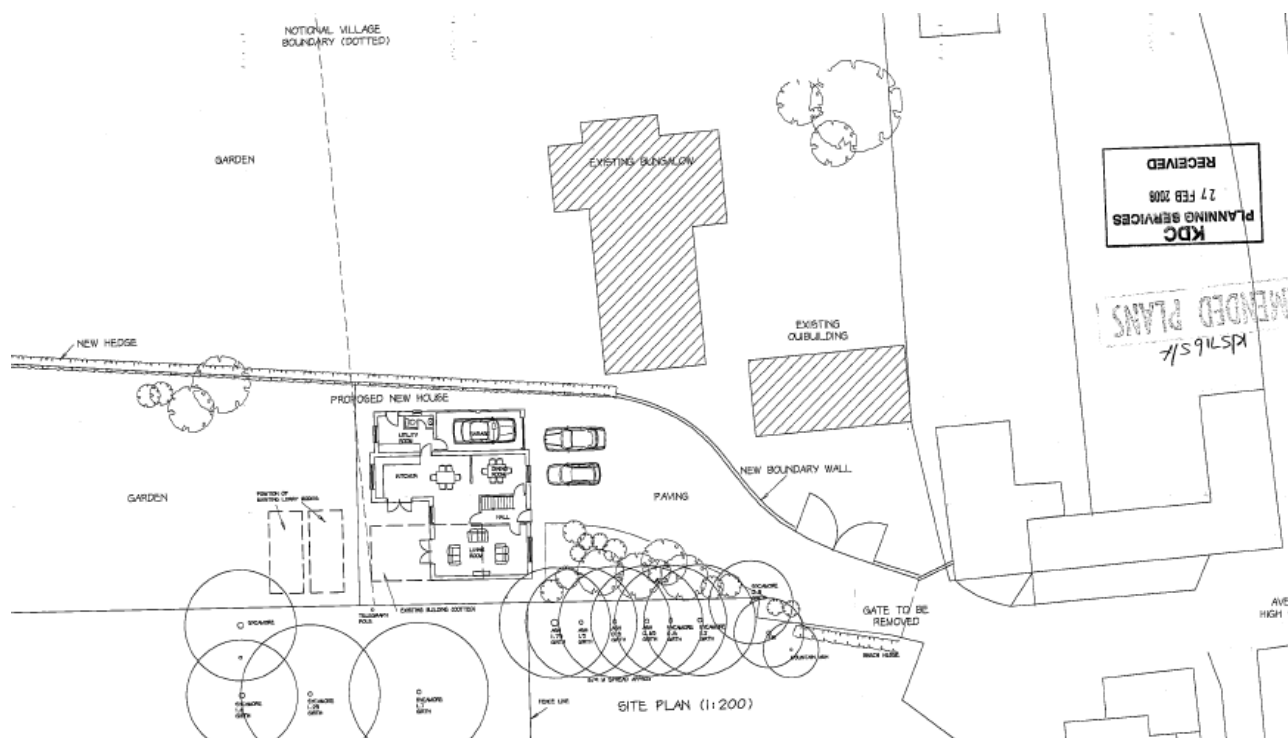
Certificate of Lawfulness for the use of the property called Bridgemead for residential purposes, and the use of the building outlined in red on the attached plan for

DESCRIPTION OF DEVELOPMENT

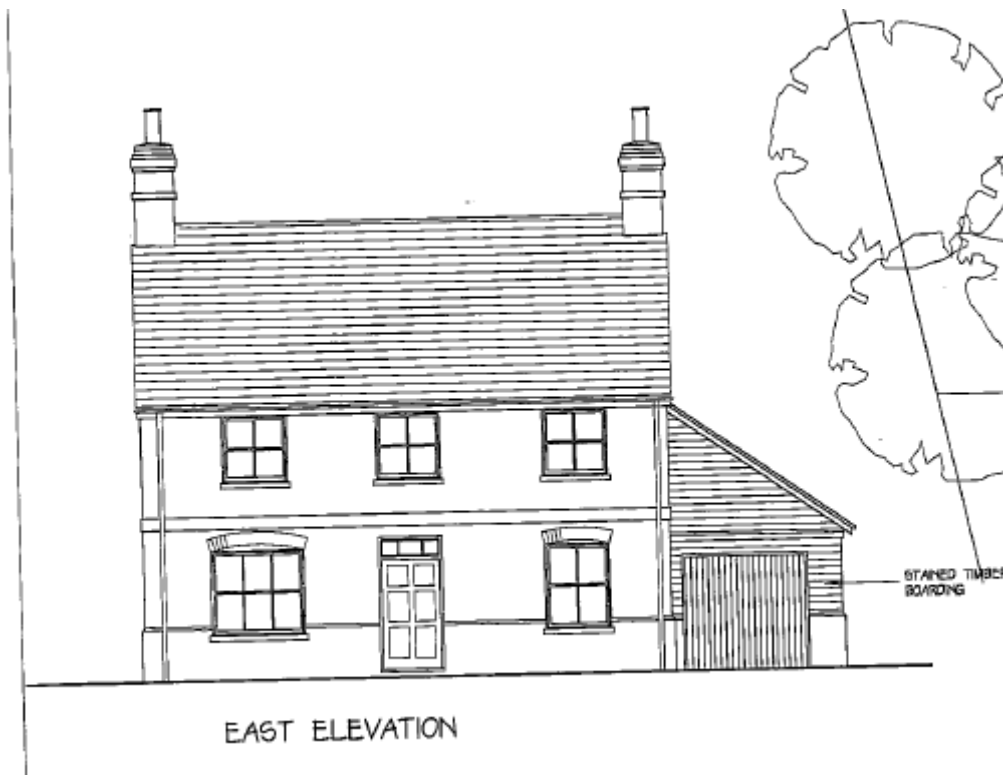
It is proposed to erect a 4 bedroomed detached dwelling with integral single garage to the south west of the existing bungalow. It would be constructed of brick and clay tile, with timber boarding over the garage.

One of the outbuildings and the lorry bodies would be removed to make way for it. The other outbuilding, a quadruple garage that cannot be used for commercial purposes, would be retained within the curtilage of Bridgemead.

The existing marquee hire business would completely cease from the site.



Site Plan



Front elevation

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application was accompanied by an archaeological evaluation. However at the requirement of the county archaeologist, an additional evaluation has been undertaken involving test pits within the footprint of the proposed dwelling itself.

An arboricultural report has been submitted to assess the impact of the proposal of the adjoining trees along the southern boundary.

A bat and nesting bird survey has been undertaken.

The roof of the proposed dwelling has been changed from slate to tiles, and the boundary treatment between the existing and proposed properties has been changed from a fence to part wall and part hedge.

ADDITIONAL STATEMENT BY THE APPLICANT

The proposal represents an appropriate way to re-use a brownfield site. The proposed dwelling is a quality design to replace an unsightly range of structures. The site is of limited archaeological importance and the county archaeologist has advised that the site can be developed. Access is straightforward and traffic generation would be less than the current situation.

CONSULTATIONS

Parish Council: No objection.

County Highways – Mr Witt:

No objection subject to the existing garages being used for non-business purposes.

County Archaeologist:

None of the test pits were positioned within the footprint of the proposed dwelling, so could not properly assess the impact of the development on the Beckhampton Avenue. Hence she required that an additional test pit be excavated within the footprint. This was subsequently done.

She notes the lack of evidence for the supposed line of the Beckhampton Avenue. She recommends that if planning permission is granted that a condition be imposed relating to the need for archaeological mitigation work. This would need to take the form of the excavation of the remaining areas of the building footprint and a watching brief over all groundworks associated with the development.

World Heritage Site Officer:

The application should be refused due to its potential to cause major harm to one of the key monuments of the World Heritage Site.

The (original) archaeological evaluation work was undertaken before the site for the proposed development was finalised. The results do not therefore provide a reliable indication of whether the house would impact on the monument. In addition it is unclear whether the evaluation could detect all stone holes and buried sarsens. Even though a test pit does not reveal them this does not guarantee that adjacent to it, there is not archaeological evidence. It should also be considered that the construction work and associated services would have an impact on archaeology beyond the immediate footprint of the development.

Even if the development were proved to be not directly over a stone hole or buried Sarsen it might risk being located within the Avenue. One important element of avoiding harm to the World Heritage Site is the protection of the setting of the monuments. A development within the course of the Avenue would constitute clear harm to the monument and its setting. PPG16 clearly states that "Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation".

With regard to the second evaluation, her concerns still stand despite the trenches turning up no evidence of the Avenue. If permission is granted, the proposed condition to excavate the entire footprint of the dwelling is welcomed, but would not confirm that the Avenue did not go through the site.

English Heritage: No specific comment.

Wiltshire Archaeological and Natural History Society:

It is essential to identify the route of the Beckhampton Avenue prior to determining the application. The additional archaeological evaluation was inadequate to identify the route of the Avenue at this point. There should be no further development on or alongside the Beckhampton Avenue.

If the application is approved, the applicant should be required to undertake a full archaeological excavation of the footprint of the proposed dwelling rather than to be permitted to build on a raft over the archaeology.

Council for British Archaeology, Wessex Region: Further archaeological evaluation is required, to define the line of the Avenue, before determining the application.

The Avebury Society: Would not object to the erection of a dwelling elsewhere on the site, e.g. on the site of the garages. However they have misgivings about building on the supposed line of the Beckhampton Avenue. Further archaeological evaluation needs to be undertaken in order to establish for certain whether the Avenue passes through the site.

A proper tree survey is required to ensure that the boundary trees would not be affected.

The boundary between the new and proposed dwelling is very suburban. Furthermore, the large expanse of tarmac could do with removing and being landscaped.

Wiltshire Wildlife Trust: The building to be demolished may harbour bats and breeding birds. Therefore lodge a holding objection pending the submission of an ecological survey.

Natural England: Recommend refusal on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species, particularly bats.

REPRESENTATIONS

Objections have been received from 3 local residents. Their main concerns are as follows:

- The archaeological evaluations have done little to define the route of the Beckhampton Avenue; a condition should be attached to any approval to discover its location once and for all;
- Highway and noise/disturbance implications of an additional dwelling at the end of the High Street;
- If the proposal is allowed, all commercial activity at Bridgemean should be made to cease;
- The existing garages are unsightly and should be removed;
- A former public footpath running through the site should be reinstated;
- The area will be improved by the removal of the existing gates, but alternative (smaller) gates should be put back;
- Tarmac to the front of the site should be removed to prevent run-off from backing upon to High Street.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1; HC23 Housing in Avebury; HH3 Avebury World Heritage Site.

PPG16: Archaeology

PPG15: Conservation Areas

PPS7 : AONB

PPS9: Protected Species

PLANNING OFFICERS COMMENTS

Bridgemean is set within a large site and can well accommodate an additional dwelling. However it is an extremely sensitive site, being located within both the World Heritage Site and Avebury Conservation Area.

Previous proposals for multi-unit development have foundered and it is considered that a single dwelling approach is the most realistic. The proposal is also an opportunity to do away with the residual elements of the applicant's marquee hire business which operate from the site, which would be more satisfactorily re-located to his Winterbourne Monkton headquarters.

The demolition of one of the outbuildings and the removal of the lorry bodies would bring about a welcome visual improvement. The wildlife consultant's report indicates there to be no evidence they are used by bats or nesting birds.

It is unfortunate that the quadruple garage is not also proposed for demolition. However this is located outside the red line application site and will be retained for the use of Bridgemead.

The design of the dwelling is considered to be acceptable and there would be a neutral impact on the character and appearance of the conservation area. There would be no adverse impact on the amenities of either Bridgemead or other neighbouring properties.

The dwelling would be located just outside the root protection area of the adjoining boundary trees. Following negotiation, the proposed boundary treatment between the existing and proposed plots is acceptable.

The applicant has undertaken two separate archaeological evaluations. These have come up with no evidence that the Beckhampton Avenue runs through the site. Hence the County Archaeologist raises no objection (subject to conditions) to the proposal going ahead.

Whilst the concern of other archaeological bodies and history groups over the line of the Beckhampton Avenue and other issues is noted, it is considered that the applicant has undertaken all the pre-application archaeological evaluations that can have been reasonably required of him and that there is now no reasonable justification in withholding planning permission.

No highway objection is raised as an additional dwelling would have an immaterial impact on the traffic conditions in High Street. Indeed, the removal of the remnant commercial use on the site would bring about a net highway benefit.

CONCLUSION

The application site is extremely sensitive, not least in terms of potential archaeology. However the applicant has satisfied all the requirements of the County Archaeologist, and in the absence of clear evidence that the Beckhampton Avenue runs through the site, there are considered to be no grounds to withhold planning permission.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

- 2 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number 528/1D received on the 27th February 2008.

REASON:

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

- 3 No development shall take place anywhere within the footprint of the dwelling hereby approved until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for the complete excavation of the footprint of the dwelling in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. Furthermore, the developer shall afford access at all reasonable times to archaeological staff working for, or on behalf of, the County Archaeologist to observe any groundworks associated with the development and to record items of interest.

REASON:

To safeguard this site of tremendous archaeological potential within the Avebury World Heritage Site.

- 4 Before the construction of the dwelling hereby permitted commences, the existing building and lorry bodies on the site shall have been demolished and the resultant materials removed from the site.

REASON:

In the interests of the visual amenity of this sensitive location.

- 5 The land edged red and the land edged blue on the submitted 1:2500 site location plan shall be used solely for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes Amendment) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Prior to development first commencing, all residual elements associated with the applicant's marquee hire business shall have completely ceased operating from both parts of the site.

REASON:

In the interests of residential amenity.

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

REASON:

To secure harmonious architectural treatment.

- 7 Before the construction of the new boundary wall and gates is commenced details of the design, height and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 8 The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

REASON:

To ensure that the new works harmonise with their surroundings.

- 9 All new casement windows shall be constructed to traditional flush profiles (i.e. not with storm-proof detailing).

REASON:

To secure harmonious architectural treatment.

- 10 The rooflights to be inserted above the garage shall be of the 'conservation' type, fitted flush to the roof.

REASON:

To secure harmonious architectural treatment.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), no rooflights other than those above the garage expressly authorised by this permission shall be inserted in the development hereby permitted.

REASON:

To maintain the architectural integrity of the development, given the sensitivity of the site.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

REASON:

In the interests of the integrity of the design and of the character and appearance of Avebury Conservation Area.

- 13 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 dwelling hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the dwelling in this visually sensitive location at the end of Avebury High Street.

- 14 No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The scheme shall specify the enclosure of the neighbouring trees along the southern boundary by protective fencing as per the submitted arboricultural report

and the associated plan 528/1C/Arb. The scheme shall also specify the species, sizes at planting, densities, location and numbers of any trees, shrubs and hedgerow plants.

REASON:

To ensure a satisfactory landscaped setting for this development in such a sensitive location.

- 15 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 this development in such a sensitive location.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the use of the garage hereby approved shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

REASON:

To safeguard the amenities and character of the area and in the interests of highway safety.

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

REASON:

In the interests of the visual amenity of this highly sensitive site at the end of Avebury High Street.

- 18 **INFORMATIVE TO APPLICANT:**

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

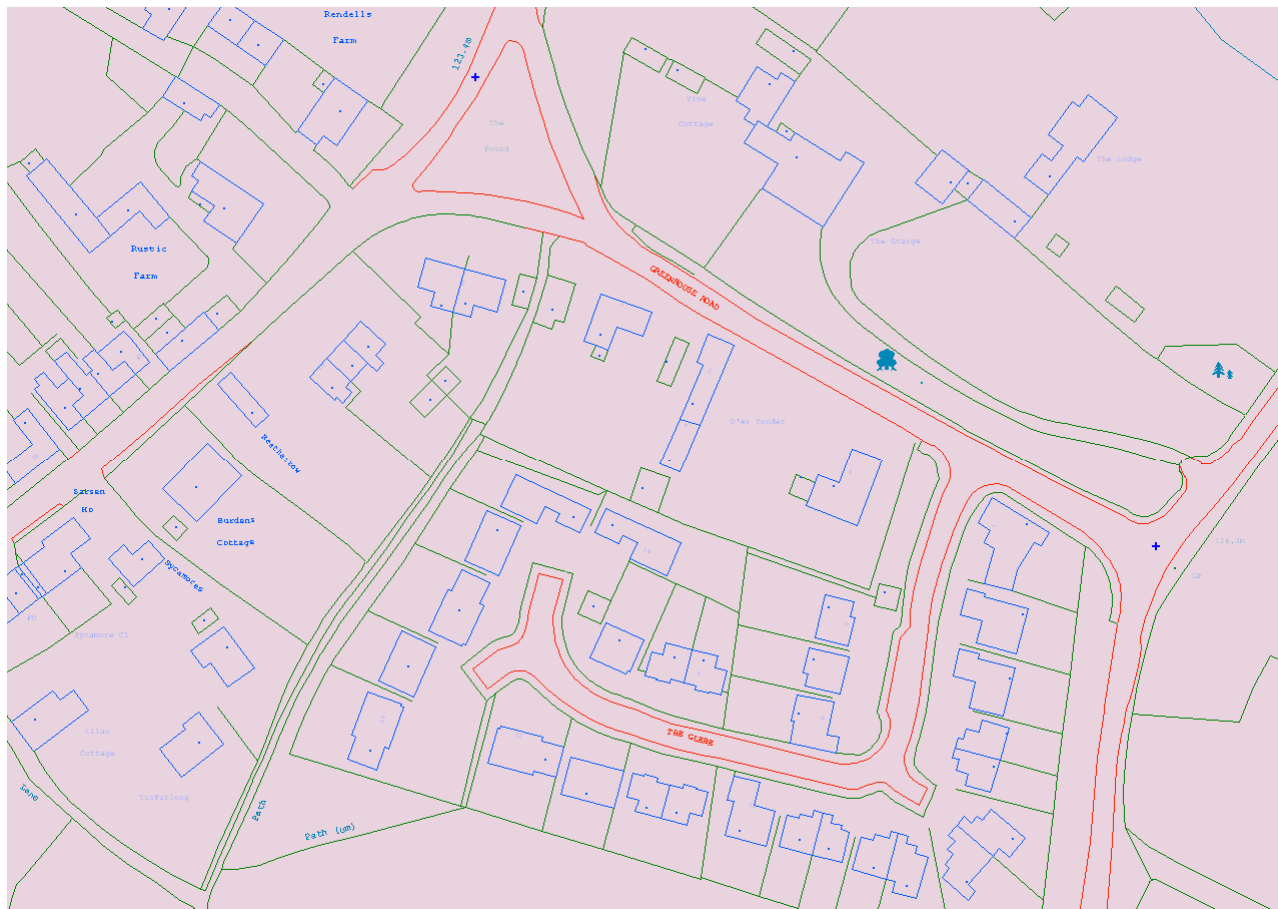
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC23 and HH3.

Item 4

APPLICATION NO: K/58354/F
PARISH: ALL CANNINGS
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of three bedroom cottage as new end of terrace attached to 42 The Street. Revised proposal following the refusal of K/57342/F.
SITE: Land to the SW of 42 The Street All Cannings Wiltshire SN10 3PA
GRID REF: 407232 161908
APPLICANT: Ms Virginia Hill
AGENT: Peter Kent Architect
DATE REGISTERED: 18/03/2008
CASE OFFICER: Andrew Guest

SITE LOCATION

The application site lies within the limits of development of All Cannings, on the south east side of The Street. It is also within the All Cannings Conservation Area and the area of outstanding natural beauty.



Location Plan

The site comprises the side garden of no. 42 The Street. No. 42 is the end of terrace in a row of three terrace former estate houses (nos. 42-46). The row of houses stand prominently on a bank above the level of the highway, approximately 14m back from the edge of the carriageway with relatively long gardens gently rising to the rear. To the other side of no. 42's side garden is a detached thatched house, Rest Harrow, set further forward on its plot and at a lower level than no. 42.

SITE HISTORY

K/16036 - Refused 26/06/1990

Erection of semi-detached dwelling with access and parking.

K/17388 - Refused 30/05/1991

Erection of detached two storey dwelling.

K/56616/F - Withdrawn 03/07/2007

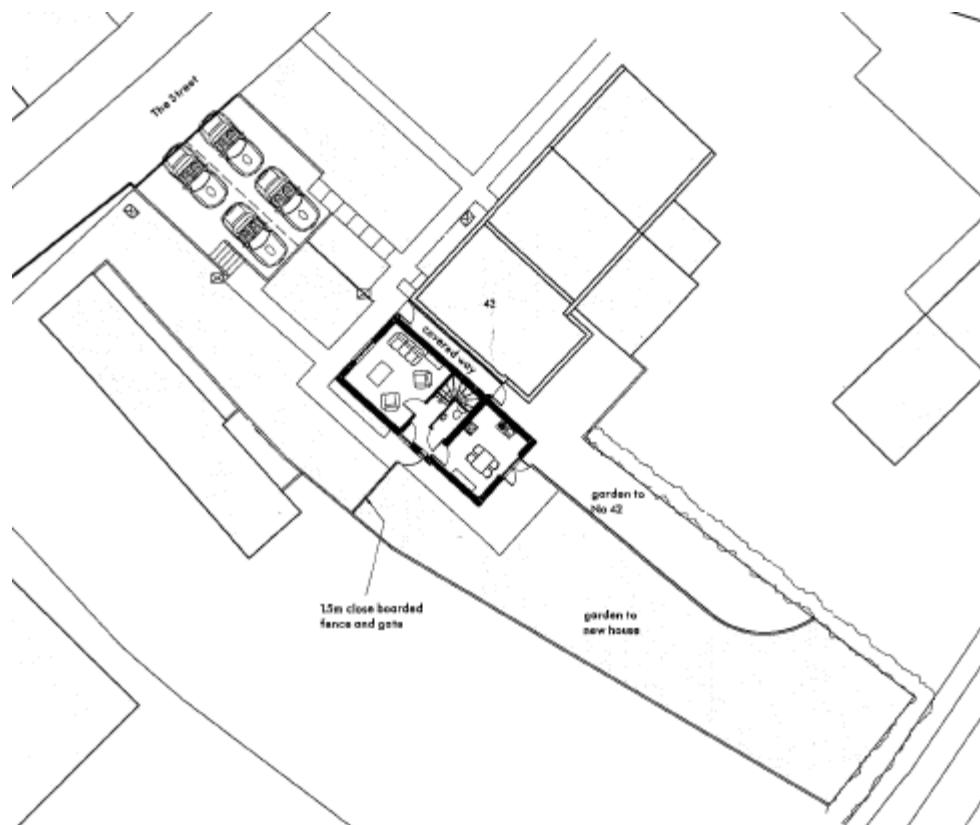
Erection of detached three bedroom cottage.

K/57342/F - Refused 08/11/2007

Erection of three bedroom cottage as new end of terrace attached to No 42 The Street.

DESCRIPTION OF DEVELOPMENT

The proposal is to erect a single dwelling on the site, attached to no. 42 (effectively creating a fourth dwelling at the end of the terrace row). The design would follow that established by the terrace row with, in particular, a large tile hung gable fronting the highway and matching roof, chimney and general fenestration detailing. The "front" door would be at the side, although a pedestrian access would be provided at the front through a covered alley between the proposed house and no. 42.



Block Plan

In terms of its siting, the new dwelling would be built on the same front building line as the terrace row, so maintaining an approximately 14m long front garden. A rear wing would project approximately 1.6m beyond the extended rear elevation of no. 42. The side projection would be some 5.8m, leaving an approximately 4.4m gap with Rest Harrow. Because Rest Harrow is set further forward on its plot, the proposed dwelling would project approximately 8.0m behind the rear elevation of Rest Harrow.

This proposal differs from that refused in November 2007 in that the house has been reduced in size with resulting changes to the design. Specifically, a previously proposed “cat-slide” roof at the side has been removed. This increases the retained gap with ‘Rest Harrow’ and results in greater symmetry in the principal front elevation of the terrace row as a whole.



Proposed Front Elevation



Proposed Side and Rear Elevations

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

The Design and Access Statement accompanying the application states the following –

“... Following criticism of the previous scheme at Committee ..., the new design more closely emulates the existing three houses in the terrace, with equal ridge, window heads and eaves lines. While the front entrance door has been located to the side of the proposed house, the covered way required under neighbours’ rights has been located to resemble the front door, and shares an extended porch with no. 42. The scale and fenestration exactly matches that of no. 42, and is therefore entirely in scale with the remainder of the terrace.

Reducing the footprint to ensure that the proportion of the front elevation exactly matches the

remainder of the terrace has resulted in additional space between the proposed house and Rest Harrow from that previously proposed in the refused application. The existing garden area to no. 42 has been split between the two units in a proportion appropriate to the size of the houses. In addition the new cottage relates better to the garden area, and no. 42 has a larger planted front garden area. The parking area, to be shared between the two dwellings, remains as existing. ...”

PARISH COUNCIL COMMENTS

All Cannings Parish Council : no objections.

CONSULTATIONS

County highways (Mr Wiltshire) : recommends conditions.

KDC Conservation Officer : Number 42 The Street is the south end of a terrace of three early 20th century buildings built of brick with tile-hung gables and roofs and with traditional painted timber windows and doors. The buildings have an architectural unity and have been identified in the All Cannings Conservation Area as of local interest. The quality of the buildings is emphasised by architectural details and the selection and consistency of materials.

The street scene is an attractive part of the Conservation Area as, apart from the break in the frontage to accommodate the parking in front of number 42, the other houses in the terrace are set back behind verges and mature hedges.

The size and shape of the existing garden make it difficult to sub-divide in an attractive way. The distance between the south-west wall of number 42 and the boundary is only 10 metres which is a small plot to develop. The subdivision of gardens to the rear is contrived providing only a 3 metre wide strip to the existing house that intrudes into the private space of the proposed dwelling.

As the sub-division of the garden is not ideal this part of the layout could be improved to advantage. It would probably be better to reduce the rear garden to the existing dwelling to make the rear garden of the new house more usable.

The design of the new house is shown as a continuation of the terrace and as a copy of the existing but there will be difficulties in complying with building regulations. Windows will need to be double glazed which is likely to alter their appearance, particularly in the size of glazing bars. Decorative chimney stacks are integral to the design of the terrace and although a stack is shown on the new house there is no chimney breast. It is essential that the new stack is an exact copy and some supporting structure, preferably a functioning fireplace should be included.

On the basis that the principle of development has already been accepted then extending the existing terrace with a further matching house is the best option. Great care will be necessary to match the quality of materials and workmanship, and attention to detail will be crucial. Full window and door details need to be submitted to demonstrate that the design illustrated can be achieved under current regulations. There also needs to be an assurance of the proper construction of the chimney, preferably with a functional fireplace.

Improved landscaping around the car parking area is desirable and should be subject to condition to improve the setting within the conservation area.

REPRESENTATIONS

Three objection letters have been received from the owners/occupiers of no. 44 The Street, Rest Harrow and 16 The Glebe summarised as follows –

1. Objection in principle to extending the existing terrace of three houses. The proposal

would have an adverse affect on the amenity, setting and appearance of the three houses which are recognised as being significant unlisted buildings in the All Cannings Conservation Area Statement. They were built as a unit fronting on to The Street and surrounded by land on the remaining three sides. The space on either side of nos. 42 and 46 is essential to the character and feel of the group itself and the farmhouse opposite and the second group of cottages opposite The Pound;

2. Conservation Area. The Conservation Area Statement states that it is important to ensure that the settings of buildings are retained including spaces between buildings that contribute to the character of the area;
3. Poor design. The new building is a poor pastiche, particularly the double porch. If following the line of the terrace the roof line should follow that of no. 42 at the rear. Some dimensions are misleading meaning that the building will be in fact closer to Rest Harrow – a more detailed plan is required. The two storey rear ‘wing’ is out of keeping with the rest of the terrace row (where there are single storey additions only);
4. Right of Way. Proposed passage is inadequate for purpose;
5. Car parking. Owner of no. 42 has four cars with no concession to reduce this number. There will, therefore, be inadequate off-street parking leading to safety and parking issues in The Street. Highway safety was one of the reasons for refusing applications K/16036 and K/17388. Nuisance caused by construction traffic;
6. Impact on residential amenity. Due to the characteristics of the site the new dwelling would appear overbearing when viewed from Rest Harrow. The plot tapers so the house would be closer to the common boundary at the rear. Rear ‘wing’ would cause loss of light to no. 44.

POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1 and HC22 and the All Cannings Conservation Area Statement are relevant. Central Government policy in PPS1, PPS3 and PPG15 is also relevant.

PLANNING OFFICERS COMMENTS

The main issues in this case are the impact of the proposed development on the character and appearance of the conservation area (including the setting of no. 42-46 The Street), the impact on residential amenity, and the impact on highway safety.

As a matter of principle policy HC22 of the Kennet Local Plan 2011 allows limited additional housing consisting of infilling in ‘Villages with a Range of Facilities’ (including All Cannings) provided that the development is in harmony with the village in terms of its scale and character. Infilling is defined as the filling of small gaps within small groups of houses. The application site, by reason of its size and situation, is considered to satisfy the definition of a small ‘gap’, and consequently, subject to the detailed design being harmonious in all other respects, the proposal is as a matter of principle considered to be acceptable under policy HC22. In refusing the last application for an attached dwelling on the site the Regulatory Committee raised issues of detailed design only and not an objection in principle to a new dwelling in this location.

Conservation Area

Within conservation areas PPG15 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the areas, and planning decisions in respect of development proposals must give high priority to these objectives. The Conservation Area Statement provides specific guidance in relation to All Cannings, noting the early 20th Century estate style cottages “... with their distinctive gables to the road and tile hanging to the upper parts of the walls ...” as attractive features. The statement further remarks that “designed groups of buildings should always be seen as one so that individual changes do not destroy the architectural integrity”, in particular having regard to consistency of roof lines, materials, chimney

stacks and windows.

PPS1 provides policy for design noting that “good design ensures attractive usable, durable and adaptable places and is a key element to achieving sustainable development”. The PPS further notes that key objectives should be to ensure, in particular, that new development responds to its local context and creates or reinforces local distinctiveness, and is visually attractive as a result of good architecture and appropriate landscaping. The PPS is reinforced by Policy PD1 of the local plan which requires, in particular, the relationship to townscape context, the relationship to historic features, elevational treatment, building detailing, and the impact on residential amenity to be taken into account.

In this particular case it is considered that the applicant has fully taken into account the relevant considerations referred to above, and designed a development which would conserve the conservation area. It is acknowledged that the site is constrained by virtue of its position between two significant unlisted buildings. However, the proposed dwelling, by reason of its attachment to the existing row of cottages and its respect for their design (both in terms of its proportions and detailing) would not destroy the architectural integrity of the cottages. In fact, it is considered that the proposed development would compliment the existing cottages, and ensure that they continue to be seen as one, in accordance with the conservation area statement.

The single modest dwelling proposed would not detract from the wider street scene. Although spaces between buildings are often as important as the buildings themselves, in this case the particularly wide gap between no. 42 and Rest Harrow lends itself to infilling in the manner proposed. The Conservation Area Statement acknowledges that this part of The Street has a “... more developed feel with buildings closer together ...”, and that “... the settings of the earlier buildings have been changed by considerable infilling ...”. The proposal, therefore, fits the tradition of infilling that has taken place, and for this reason the loss of the existing open space would not amount to a sustainable reason for resisting the development.

More so than in the previous application, the design of the proposed dwelling takes into account its immediate context. The regular pattern of high hip ends and symmetrical fenestration in the front elevation of the existing row of cottages is reflected in the detailed design of the proposed house. The previously proposed single storey addition to the side and “cat slide” roof has been deleted, this addressing the detailed reason for refusal of application no. K/57442/F. The deletion of this element has also increased the retained gap with Rest Harrow, this achieving an improved relationship with this other neighbouring property.



Proposed Front Elevation



Refused Front Elevation (Application K/57342/F)

Overall it is considered that the proposed dwelling, by reason of its traditional design (which respects the style and form of the cottages to which it would be attached) and its modest scale, conserves the conservation area and is harmonious with established development, in accordance with the PPG/S and Policy HC22 of the Local Plan.

Residential Amenity

As referred to above, the proposed dwelling has been designed to reflect the style of the row of cottages. Its flush front elevation with the other cottages and its limited rear projection would ensure no adverse impact on the amenities of occupiers of the cottages. Although there are no other two storey wings on the back of the existing cottages, other alterations at ground floor level have taken place. The two storey wing proposed as part of the dwelling would, therefore, fit in with the evolved form of the rear elevations.

Regarding the relationship with Rest Harrow, in view of the forward position of the latter, the proposed dwelling would project behind its rear elevation, and so be visible. However, the combined effect of the proposed design and the retained gap to the side boundary would ensure a satisfactory and neighbourly relationship. Conditions are recommended to restrict further openings in the side elevations and to require the windows facing the flank wall of Rest Harrow to be obscurely glazed.

The retained garden at no. 42 would be relatively small compared to others in the row of cottages. However, as this is a matter of personal preference this is not considered to be an overriding concern.

A third party has expressed concern that the proposed dwelling would be built over a right of way, and that the dimensions of the covered alley may not satisfy the parameters of this right of way. This is a private matter which cannot be taken into account in the planning application process. The applicant would require separate permission to either block or change the terms of the right of way set out in the covenant or other restriction. A grant of planning permission would not override the need for separate permission, and would not be relevant to the consideration of an application to remove or vary the covenant or restriction.

Highway Safety

No. 42 presently has four off-road parking spaces. The proposal is to retain two of these spaces for no. 42 and give two of the spaces to the proposed dwelling. Two parking spaces for each dwelling satisfies the maximum standard for parking provision set out in the local plan, and consequently an objection based on a shortfall of parking could not be sustained. For this reason county highways does not raise an objection.

Disruption caused by construction traffic is an unfortunate consequence of the development

process, but as it is only short term would not amount to a reason for refusing planning permission. Noise or other nuisance generated from a building site can be controlled by other legislation.

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

REASON:

To secure harmonious architectural treatment.

- 3 Prior to commencement of development details of all eaves, verges, barge boards, windows (including head, sill and window reveal details), doors, rainwater goods, and the chimney stack to be used shall be submitted to and approved in writing by the local planning authority. The details shall specify each of these architectural features to match the design, materials and colour of equivalent architectural features in/on the existing terrace row. Development shall be carried out in accordance with the approved details.

REASON:

To ensure 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 in the south-west facing and north-east facing side elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

- 5 All of the windows (including the rooflights) and glazed door shown on the approved plans on the south-west facing side elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

- 6 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 building(s) hereby approved shall be erected.

REASON:

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

- 7 The area allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used for any purpose other than for the parking of vehicles in connection with the development hereby approved and no. 42 The Street.

REASON:

In the interests of highway safety.

- 8 Before the dwelling hereby approved is first occupied, the parking spaces shall be surfaced in a well bound consolidated material (not loose stone or gravel) and maintained as such thereafter.

REASON:

In the interests of highway safety.

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

REASON:

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

- 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, and Central Government policy set out in PPS1, PPS3 and PPG15 in particular.

- 11 **INFORMATIVE TO APPLICANT**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

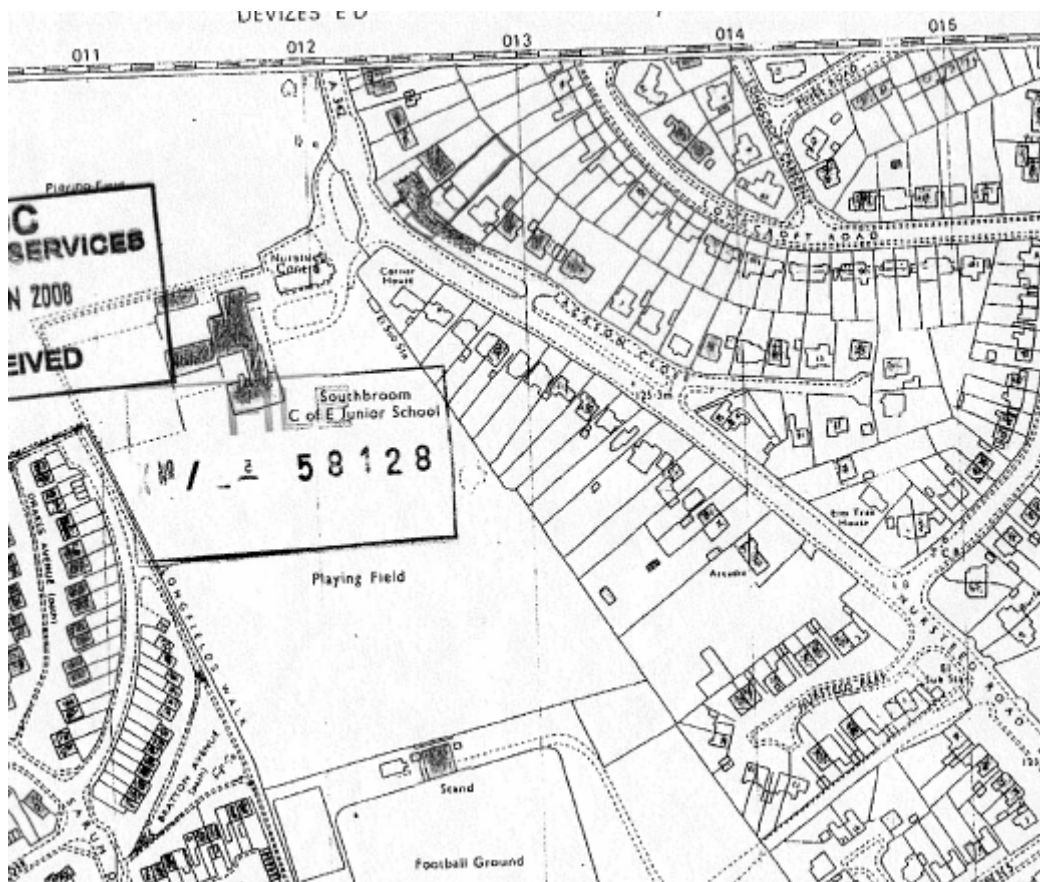
Item 5

APPLICATION NO: K/58128/F
PARISH: DEVIZES
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of amateur radio aerials consisting of 9.2m high lattice tower to support horizontal wire and one vertical antenna
SITE: 2 Jackson Close Devizes Wiltshire SN10 3AP
GRID REF: 401269 160940
APPLICANT: Mr R D Wright
AGENT: N/A
DATE REGISTERED: 12/02/2008
CASE OFFICER: Rachel Yeomans

This application is presented to committee at the request of the ward member, Councillor A Duck.

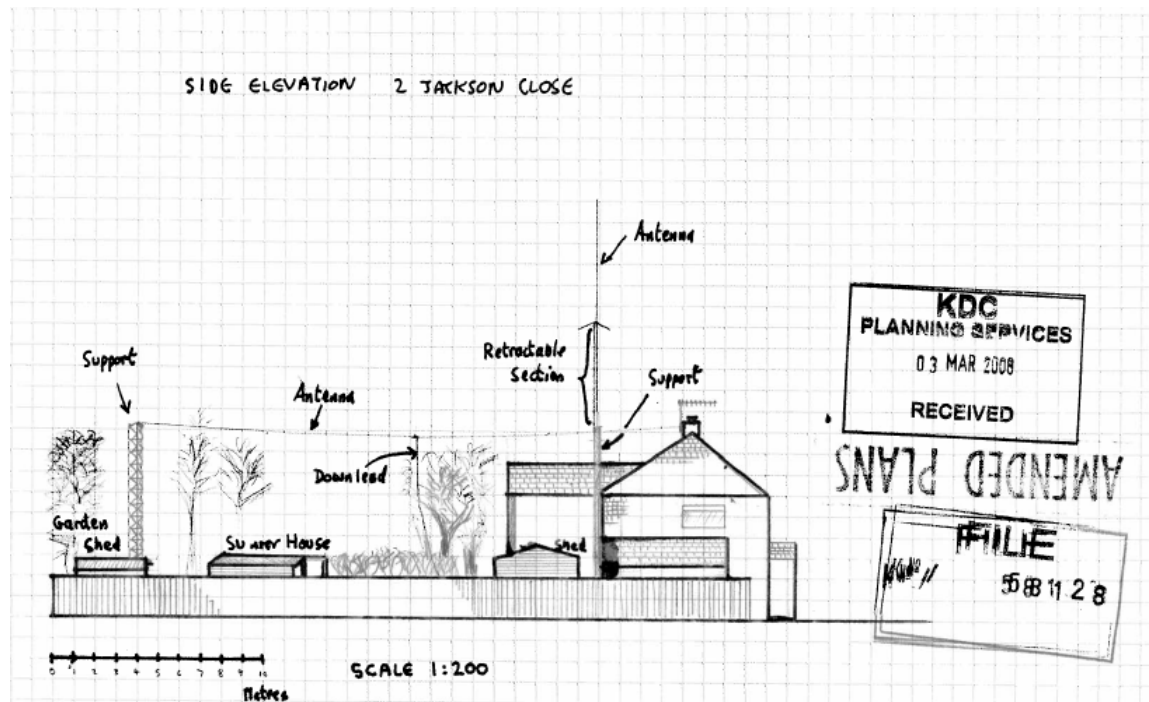
SITE & LOCATION

The site can be accessed by proceeding from Devizes Town centre south west along Nursteed Road (A342). After passing the Southbroom Junior School on the right hand side, take the next left turning into Jackson Close, and follow round to the left. The property can be found on the right hand side just before the end of the cul-de-sac. The lattice tower is in the rear garden.



Site location

is unauthorised and is proposed to be removed and replaced with a horizontal wire running from the house to the mast. A further amendment was also requested by officers in the interests of clarity, which was to show the vertical aerial at its fully extended height.



TOWN COUNCIL COMMENTS

The Town Council's comments to the amended plans were outstanding at the time of writing and any that are shall be reported verbally at committee. However no objection was received to the initial plans.

REPRESENTATIONS:

In total, eight letters of objection have been received from three neighbouring properties. Their representations can be summarised as follows;

1. The proposal has no place in a residential area, and is more suitable to a trading estate
2. The masts dominate the skyline, protruding above the ridgeline, and are an eyesore incongruous to their surroundings and spoiling views.
3. The lattice tower is excessive to support a single horizontal wire and the height of the lattice tower is harmful to neighbour and visual amenity.
4. Concerns have been expressed about the installation of further masts/ aerials.
5. The proposals are akin to a high-tech radio transmitter station and as such are improperly and unacceptably sited in a residential and local community environment.
6. The reference to RAYNET is a red herring as portable equipment could be used in an emergency and no lives would be put in danger if the aerials were not allowed, and in any case, this would be a poor choice of location.
7. The application ignores neighbour concerns expressed at the stage of the previous application, especially as the vertical mast to the lattice tower has not been removed.
8. The single vertical retractable mast has a height in excess of 15 metres and towers above neighbouring properties, harming their enjoyment.
9. The tower is not screened by trees and shrubs from some neighbouring properties.
10. Health hazards cannot be discounted from the installations and as such, should not be located in such close proximity to Southbroom Junior School.

11. The masts are over-powering and overbearing and would adversely affect the enjoyment of neighbouring properties.

POLICY CONSIDERATIONS

Kennet Local Plan – policy PD1 is relevant to the consideration of this application.

PLANNING OFFICER COMMENTS

The application proposes the retention of the lattice mast (9.2m in height) and the retention of a single vertical antenna 20.1 metres at fully extended height, retractable to just over 15 metres.

The lattice tower

In terms of the lattice mast, it should be noted that the applicant has an extant permission for a lattice tower 7.95 metres in height (as per the submitted scale on the drawing) and that this would be the 'fallback' situation. The top of the mast, above the 1.8m high garden fencing is visible from numbers 1, 3 and 4 Jackson Close. However, impact on the neighbour to the rear is limited as the majority of the tower is screened by existing trees.

Some views of the lattice mast are afforded from the road to the front between numbers 1 and 2 Jackson Close. Wider views of the mast are somewhat limited by surrounding trees and houses. Despite being 9.2 metres in height, the mast is located to the back of the rear garden furthest away from neighbouring dwellings and is inset from the neighbouring boundaries with numbers 1 and 3 Jackson Close. The lattice mast is relatively modest in terms of width and construction and whilst visible from these properties and tall, it is not considered to be over-bearing. Similarly, although visible from neighbouring properties, the structure is not considered to result in significant harm to neighbour or visual amenity so as to warrant refusal of planning permission.

The single vertical retractable mast

The applicant has stated that the 20.05 metre high mast (at its fully extended height) would not need to be extended for much of the year. However, if planning permission were to be forthcoming, it is unlikely to be practicable to cover this by condition and it must therefore be considered at its fully extended height.

The height of the mast and its position means that it is more prominent than the lattice tower from public viewpoints and is also visible from adjoining neighbouring properties (but perhaps less prominent from number 3 Jackson Close). Although very tall, the visual impact of the mast is to some extent limited by its design, being of a single slim, white 'flagpole' variety and is partially screened by many wider viewpoints by existing trees and houses. This antenna/ support is not considered to result in significant harm to visual amenity, however the cumulative impact of any further aerials may be considered to result in significant harm to visual amenity .

Other issues

The vertical antenna would primarily be to support RAYNET's activities. Whilst the activities of organisations such as RAYNET have been taken into account by previous appeal inspectors, they have been accorded little weight.

In terms of health, this is not a material planning consideration in relation to radio aerials and there is no evidence to justify any concern on this aspect.

Objectors have also referred to concerns about interference. However this issue is covered by the Home Office who issue licenses to amateur radio operators and are required by wireless telegraphy legislation to avoid creating undue interference with other electrical equipment. In the absence of any other conclusive evidence, this is not considered a material factor.

For the forgoing reasons, approval of the application 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 This permission relates only to the scheme of development shown on the revised side elevation received on the 3rd March 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 two months of the date of this permission, the vertical aerial to the top of the lattice tower shall be removed.

REASON:

To ensure the removal of this structure in the interests of visual amenity.

- 4 **INFORMATIVE TO APPLICANT:**

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

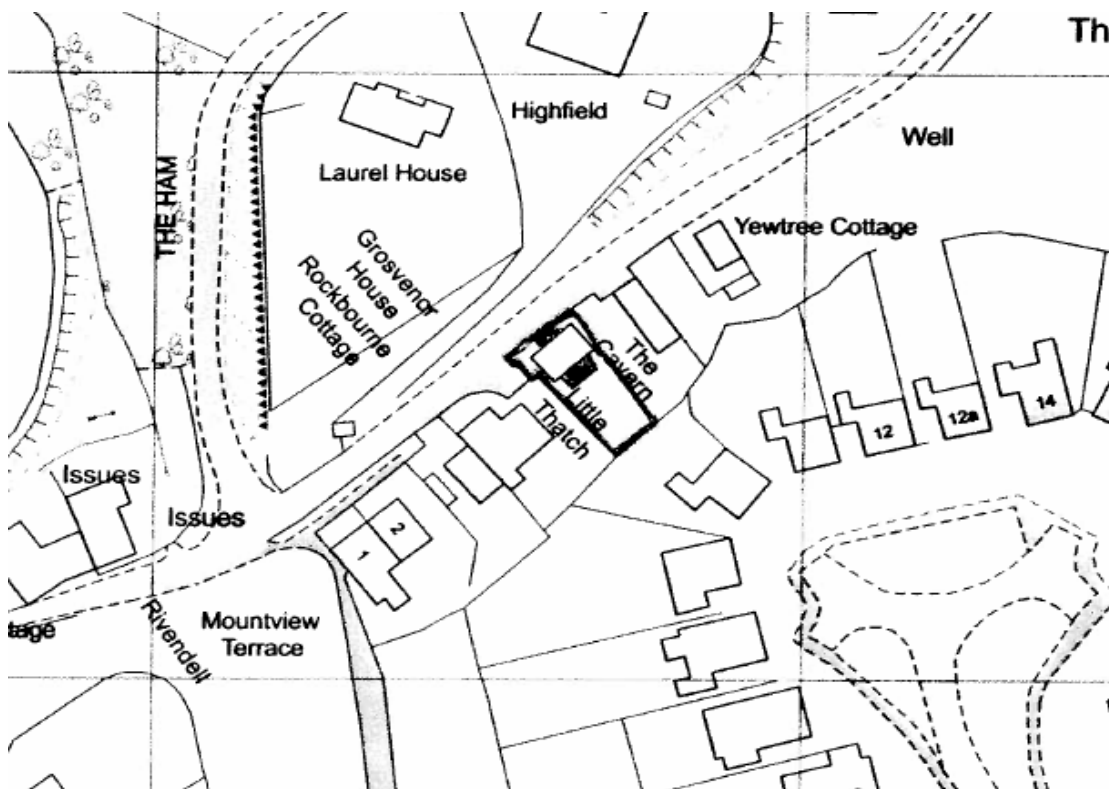
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Item 6

APPLICATION NO: K/58244/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning
PROPOSAL: First floor extension to rear and front porch
SITE: Little Thatch, The Bottom, Urchfont SN10 4SF
GRID REF: 404263 157152
APPLICANT: Mr & Mrs J Hobrough
AGENT: Mr William Drury
DATE REGISTERED: 15/02/2008
CASE OFFICER: Mike Wilmott

SITE LOCATION

The site is a thatched cottage on the south side of the narrow lane that leads on from Friars Lane. To reach the site from the B3098, turn into Urchfont and take the right turn into Friars Lane just before reaching the village green and pond. The road drops sharply. The cottage is on the right hand side, opposite a rough pull-in. There are brick built houses to either side. The property is an unlisted house with a single storey lean-to extension at the rear.



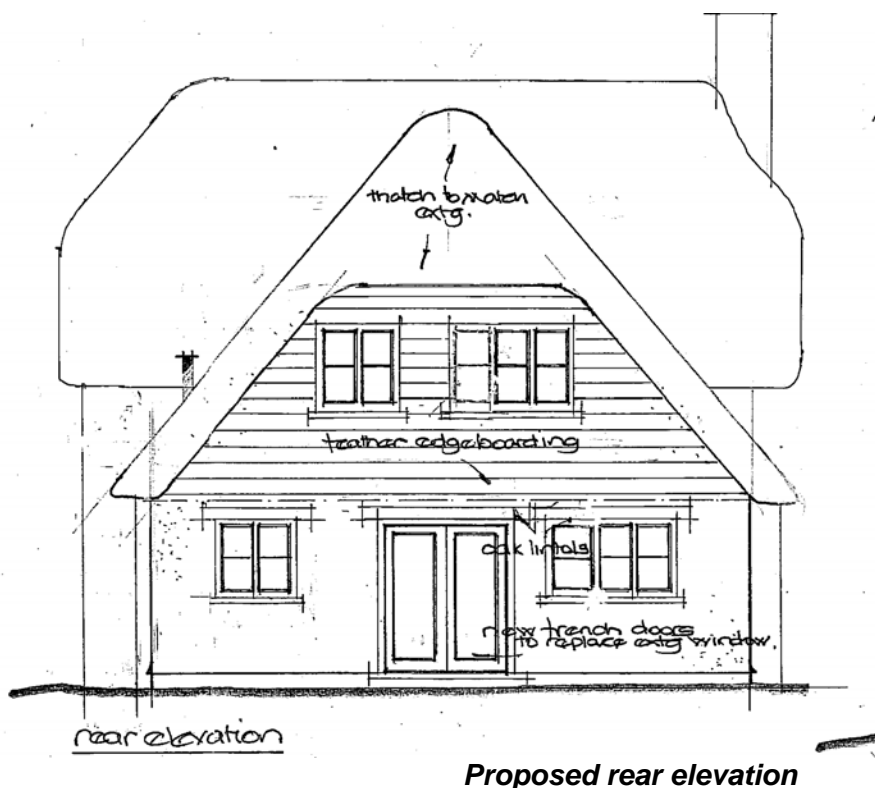
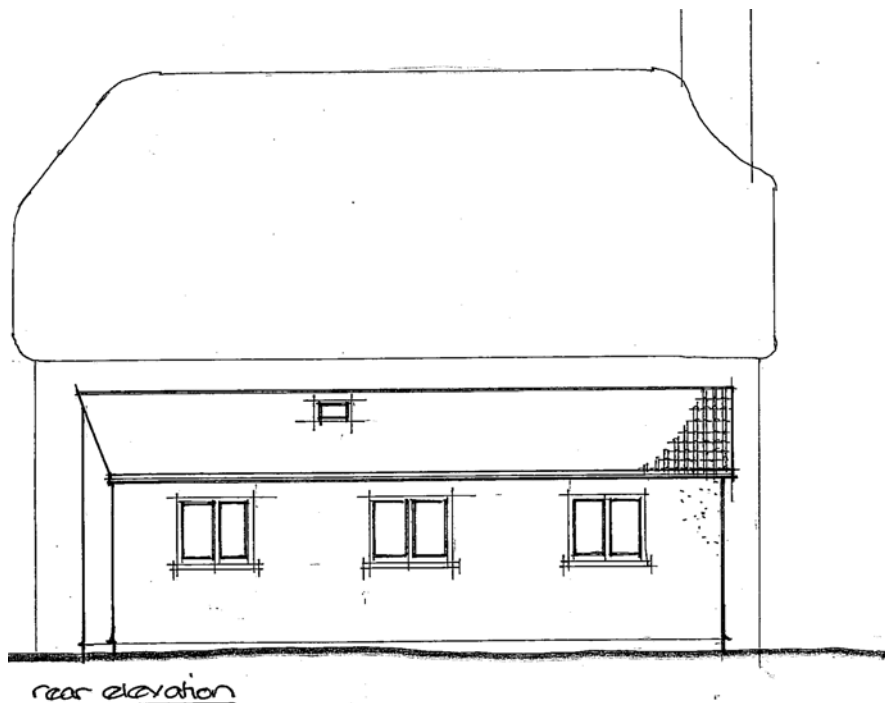
Location (not to scale)

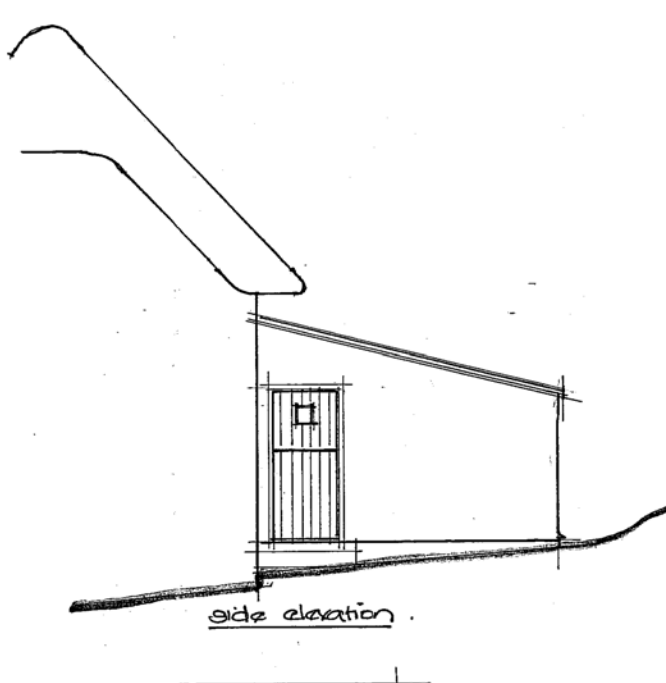
SITE HISTORY

The site has no relevant planning history

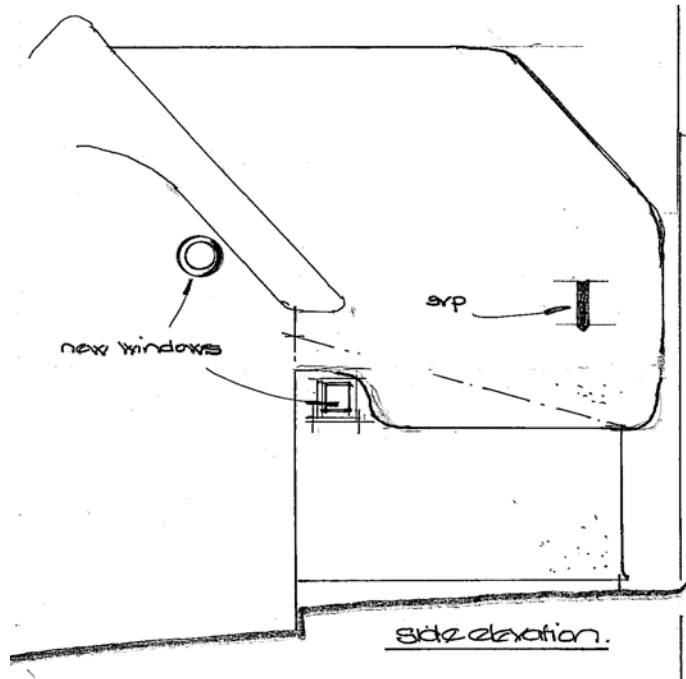
DESCRIPTION OF DEVELOPMENT

This proposal involves the replacement of the existing front porch with a new one of similar size and design. No objections have been raised to this aspect of the proposal. The main part of the works is a first floor extension to the rear built on top of the existing ground floor extension. This would have a thatched roof and would contain a bedroom, bathroom and landing. The extension extends 3.5 metres from the rear wall of the house.





Existing side elevation (not to scale)



Proposed Side elevation (not to scale)

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been made since the application was submitted

CONSULTATIONS

Urchfont Parish Council - no objection to the proposed porch. Accept that the cottage needs some improvement, but would ask that the Council reject the first floor rear extension for the following reasons:

- the extension will be out of scale with the rest of the cottage
- the extension will be over-bearing to neighbouring properties
- there will be a significant loss of light from the west to the house known as The Cavern
- the cottage is situated in a narrow lane and a larger house may attract more traffic
- the Parish Council feels that small cottages, when enlarged, become unaffordable
- the single storey extension may not be strong enough to support this first floor extension

REPRESENTATIONS

A letter has been received from the owner of the neighbouring house to the east objecting to the proposal on the following grounds:

- The first floor rear extension will have a detrimental impact on my property. The roof will dominate the skyline and block out a significant amount of light;
- The road is very narrow with a limited amount of off-road parking. Any increase in size will generate more traffic together with associated parking problems;
- This is one of the few remaining affordable non-estate houses in Urchfont and any increase in size will remove it from this category;
- The existing ground floor extension may not be strong enough to support the weight of the extension

No objection is raised to the front porch.

POLICY CONSIDERATIONS

Kennet Local Plan – policy PD1 is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The key issue to be considered in determining this application is the impact on the amenity of the neighbouring property. The other issues raised are not material to the application as the Council has no policy on retaining small dwellings at their original size; an increase to three bedrooms would not justify refusal on lack of parking grounds and the structural capacity of the existing extension is a matter for Building Regulations, not planning.

Impact on the amenity of the neighbouring dwelling

The existing building is on slightly higher ground than the house next door and is separated from it by the garden of that property. The windows of some of the habitable rooms on the ground floor of the neighbouring house face out across the side garden (there is no rear garden as the house backs into a cliff) and therefore face towards the side of the existing cottage and are separated from it by ca 8 metres.

The roof of the proposed extension is some 3.5 - 4.5 metres taller than the roof of the existing single storey lean-to and slopes steeply away from the boundaries. It has a hipped end.

There is no doubt that the extension will have an impact on the outlook from the neighbouring

property and will change the view. However, given the comparatively short length of the first floor extension (3.5 metres from the rear), the gap between the properties and the design and slope of the roof, it is not considered that there will be a significant loss of light to the neighbouring house that would justify refusal of the application.

Although the extension is at the rear, parts of it will be visible from the roadside. However, the use of thatch will ensure that it matches the existing house and will be in keeping. The small porch is similarly suitable designed.

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 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 side elevations of the extension hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 3 **INFORMATIVE TO APPLICANT:**

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

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

Item 7

APPLICATION NO: K/58145/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning
PROPOSAL: Single storey front extension. Two storey side extension. Single storey side extension
SITE: 20 Stonebridge Close Marlborough Wilts SN8 2AE
GRID REF: 419514 169150
APPLICANT: Mr & Mrs J Neale
AGENT: Mr Laurie Dobie
DATE REGISTERED: 18/02/2008
CASE OFFICER: Rebecca Hughes

BACKGROUND

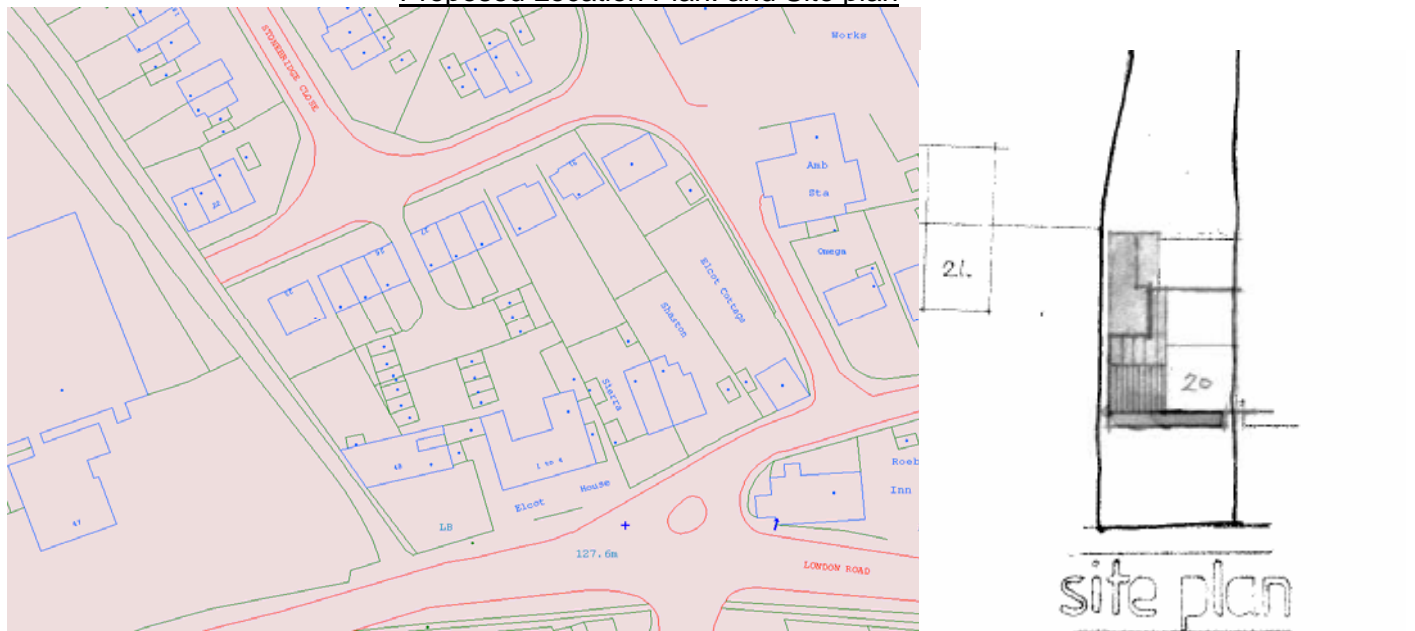
This application has been brought to regulatory committee at the request of the local ward member, Cllr Edwina Fogg.

SITE LOCATION

The site is located within the cul de sac of Stonebridge Close, a residential area on the north eastern side of Marlborough Town Centre. When travelling in an easterly direction along London Road, turn left into Elcot Lane. Stonebridge Close is the first turning on the left. Continue into the Close, following the road round a left hand bend. Upon reaching the first junction, turn right. No. 20 is the first property on the left hand side.

No.20 is a semi detached chalet style dwelling with an attached single storey garage to the side. The site falls within North Wessex Downs Area of Outstanding Natural Beauty.

Proposed Location Plan: and Site plan



SITE HISTORY

K/57115/F - Withdrawn 10/09/2007
Single storey front extension. Two storey side extension

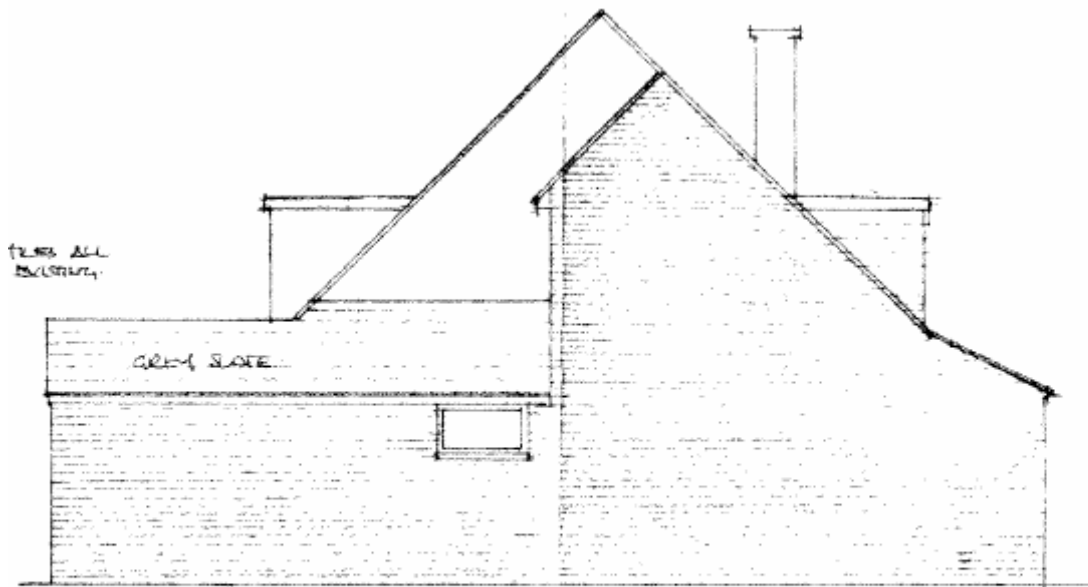
K/57702/F - Withdrawn 04/01/2008
Single storey front and rear extensions. Two storey side extension.

DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for a two storey side extension and single storey front and side extensions.

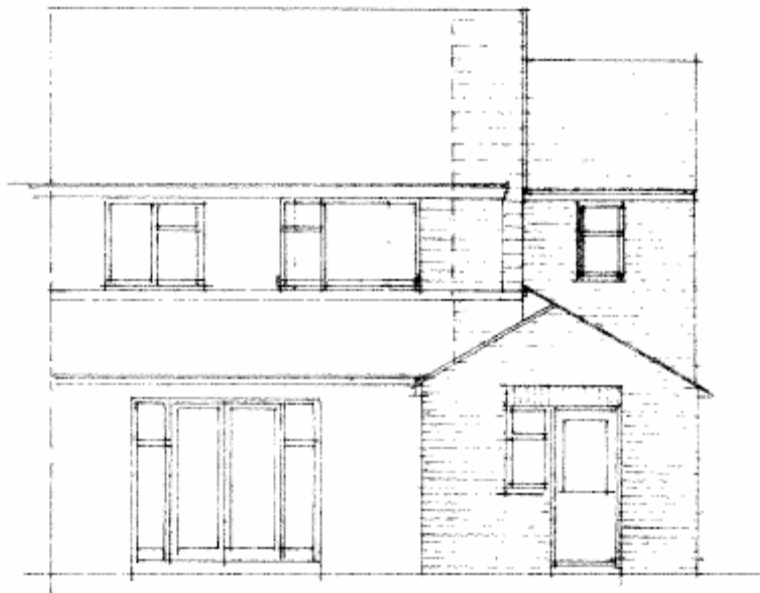
The two storey side extension would be approx 3.2m wide and 5.5m deep and is proposed in line with the existing front elevation at first floor level. In addition, a one metre wide section of the two storey extension is proposed to span the gable width of the entire existing first floor (7.8m). At ground floor level a single storey side extension with a part lean to, part pitched roof, would be located beyond the two storey extension and will project approx 0.3m beyond the rear of the existing property.

To the front of the property a one metre deep single storey lean to extension is proposed, inset approx 0.25m from the northern boundary. Proposed materials are all to match existing.



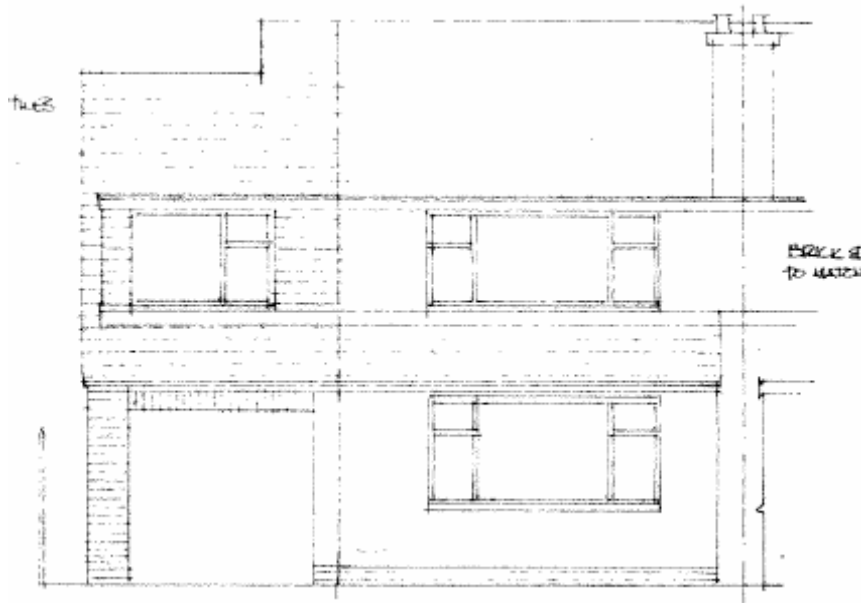
south elevation

Proposed side elevation



west elevation

Proposed Rear Elevation



Proposed Front elevation

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been received to accurately illustrate the proposed two storey extension when viewed from the front elevation.

CONSULTATIONS

Marlborough Town Council has no objection to the application

REPRESENTATIONS

Three letters of representation have been received in respect of the application, from the neighbouring properties to either side of the site (no's 19 and 21 Stonebridge Close) and from a property nearby (no.25). Concerns raised can be summarised as follows:

- Impact of extensions on no.21 Stonebridge Close in particular by way of loss of light and outlook, due to close proximity of new development.
- Impact of development on value of no.21 Stonebridge Close
- Overbearing impact on no.19 Stonebridge Close resulting from unbroken brick wall to northern aspect of front (dining room) extension.
- Less off street parking provision may lead to vehicles parking on street, to the detriment of the Close.

POLICY CONSIDERATIONS

Kennet Local Plan - policy PD1 is relevant to the consideration of this application, as is central government guidance contained in PPS 1: Delivering Sustainable Development.

PLANNING OFFICERS COMMENTS

The key issue to be considered when determining this application is the design of the scheme and its impact on the amenity of neighbouring properties.

The application site occupies a close relationship with the neighbouring property to the south, (number 21 Stonebridge Close) which is situated at a 90 degree angle to no.20, with its rear elevation backing onto the application site. Currently a flat roof garage/store belonging to no.20 is located near this boundary and would be replaced with the new side extensions.

The proposed extensions are no closer to the side boundary than the existing garage/store, however they will considerably increase the bulk, mass and height of the dwelling when viewed from the rear elevation of no.21. The single storey extension is proposed with an eaves height of 2.5m and a maximum ridge height of 3.8m and would be located directly in line with the rear elevation of no.21. A 7m high flank gable end of the two storey extension would face south towards no.21, albeit slightly to the east of the neighbouring property. A distance of only approx 7m would separate the proposed side extensions from the rear elevation of no.21 at first floor level and a distance of only 5.5m at ground floor. It is considered that the size and proximity of the extensions to no.21 would result in an overbearing impact on the amenity of this neighbouring property. The impacts of the proposal would be intensified by the orientation of no.21, which is situated so that its rear elevation faces the side gable end of no.20.

The proposed front extension would also result in an un-neighbourly relationship with the adjoining property, no.19 Stonebridge Close. The blank wall of a 1m deep projection would be situated within 0.5m of the bay window of the adjoining property. However, the room lit by this window would still receive a great deal of light from the front, thus mitigating the impact.

A third party has raised concerns regarding highway safety. Two- off street parking spaces would be retained on site which is considered adequate in this residential area.

CONCLUSION

Following the withdrawal of the previous applications the design of the scheme has been amended (in particular the two storey element located further towards the front of the site) in an attempt to lessen the impact on the amenity of no.21 Stonebridge Close. However the amendments made do not adequately alleviate previous concerns regarding neighbour amenity.

In summary the design of the development is considered to be cramped and due to the close relationship of the site with neighbouring properties, would result in unacceptable harm to neighbour amenity, in particular it would have an overbearing impact on the rear aspect of no.21 Stonebridge Close.

RECOMMENDATION

Refuse, for the following reason:

The proposed extensions to the side and rear, by virtue of their combined size, height and siting close to No. 21 Stonebridge Close would result in a cramped and overcrowded development that would have an overbearing impact on the amenity that residents of this property could reasonably expect to enjoy. As such, the proposal is contrary to policy PD1 of the Kennet Local plan and government guidance contained in PPS1: Delivering sustainable Development.