

Regulatory Committee

January 29th 2009

List of Applications for Consideration

1. **K/59763/F** (page 6)

Full planning application for: Erection of replacement industrial unit

At: Bourne Works High Street COLLINGBOURNE DUCIS SN8 3EH

RECOMMENDATION: Grant planning permission

2. **K/59718/O** (page 11)

Outline planning application for: Erection of single storey dwelling with new vehicular access.

At: Haxton Dairy, Everleigh Road, Haxton FITTLETON SP4 9PT

RECOMMENDATION: Grant planning permission

3. **K/59790/F** (page 17)

Full planning application for: Erection of two dwellings

At: Land at 3, Nursteed Road, DEVIZES SN10 3AD

RECOMMENDATION: Grant planning permission

4. **K/59793/F** (page 24)

Full planning application for: Change of use of part of ground floor from dwelling to hairdressing studio

At: 30, Estcourt Street, DEVIZES SN10 1LQ

RECOMMENDATION: Grant planning permission

5. **K/59784//F** (page 30)

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At: Land adjacent to 5, St Margaret's Mead, MARLBOROUGH SN8 4AZ

RECOMMENDATION: Grant planning permission

6. **K/59895 /F** (page 37)

Full planning application for: Extension to car park and new gate

At: Broad Hinton C of E Primary School, BROAD HINTON SN4 9PQ

RECOMMENDATION: Grant planning permission

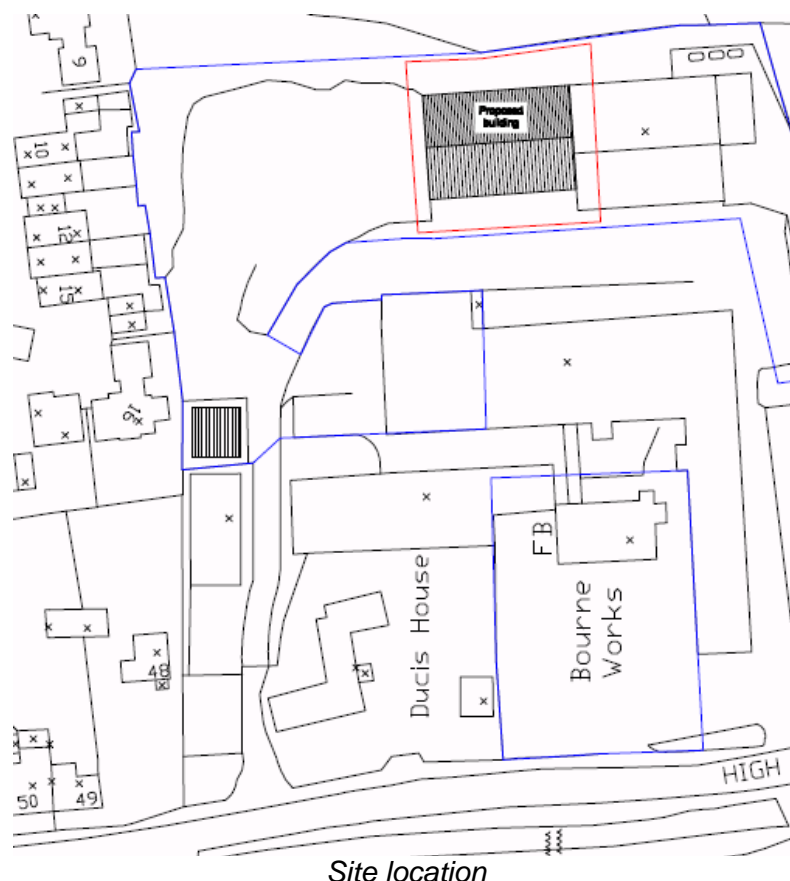
Item 1

APPLICATION NO: K/59763/F
PARISH: COLLINGBOURNE DUCIS
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of replacement industrial unit.
SITE: Bourne Works High Street Collingbourne Ducis Wiltshire SN8 3EH
GRID REF: 424459 153949
APPLICANT: Mr Vic Wheeler
AGENT: Lee Morphy ATSS Ltd
DATE REGISTERED: 18/11/2008
CASE OFFICER: Richard Cosker

SITE & LOCATION

The site is located in the long established Bourne Works employment site which is located on the eastern side of the A338, which is also known as the High Street, just to the south of the Cadley Road crossroads. Vehicular access to the site is through a one-way system off the High Street. The building proposed by this planning application is sited at the back of the site up against the embankment of the old railway line.

The site lies within the Collingbourne Ducis Conservation Area and in the North Wessex Downs Area of Outstanding Natural Beauty.



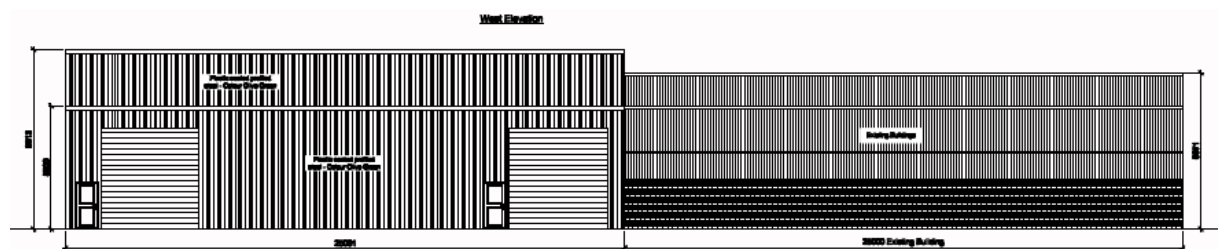
SITE HISTORY

K/51484/F – This application was for fifteen new dwellings and two B1 (office/light industrial) buildings. This application was reported to committee in 2005 where members resolved to grant planning permission subject to the completion of a section 106 agreement. That agreement was never signed and the site has since been bought by the current applicant.

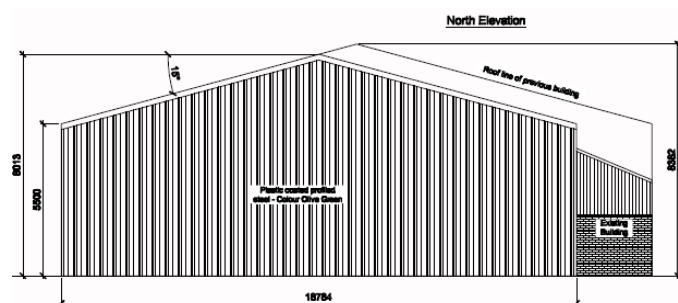
DESCRIPTION OF DEVELOPMENT

The proposal is for the construction of a 540 square metre class B1 employment building on the site of a former building. This former building was used as a fertilizer plant by the previous occupant and formed part of a wider fertilizer plant which extended right up to the boundary with the properties in Saunders Meadow.

The applicant has demolished the previous building and started to build the one now subject of this application under the guise that it was a repair of the existing building. However, the work undertaken was the almost total demolition of the existing building and the rebuilding of a slightly smaller structure. This is therefore classed as a new build for which planning permission is required. The steel frame of the building has been erected but the applicant ceased work on site as soon as he was made aware of this situation.



Front elevation of proposed building (building to the right is existing)



Side elevation

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted the necessary Design and Access Statement with the application. The applicant has also confirmed that the building will be used for class B1 use (business) and that the land adjacent to the proposed building will not be used as an outside storage or working area for the user of the building.

PRINCIPAL AMENDMENTS MADE SINCE SUBMISSION

The application site has been reduced so it only includes the industrial building proposed.

PARISH COUNCIL COMMENTS

The Parish Council have commented and raised the following objections;

1. The applicant stated at the Parish Council meeting that the building was required for B1 use but the statement submitted states B2 use. Members may have concerns should the application be approved for non B1 uses.
2. The temporary office associated with this application is a nuisance to the adjoining property and it is recommended that a condition of the consent should be that its removal is time limited.
3. The boundary fence adjoining the properties to the north is not very suitable as it allows the general untidiness of the area to be seen from the properties. It is recommended that a further condition should be for a suitable fence to be erected and the site is tidied up.
4. The existing access and egress are not good and there is a concern that any increase in use could exacerbate the problem.

CONSULTATIONS

County highways – No highway objection

REPRESENTATIONS

Three letters have been received and the points raised can be summarised as follows;

1. If this is same person who operated the previous factory he had no concern about impact on residential neighbours due to noise and working hours. The previous use also caused problems with dust, light pollution and constant trucks.
2. Since the previous factory ceased its operations our village has been a joy to live in. It would be a pity for the village to be fouled again with this type of operation.
3. The office building near my house is acceptable as it brings work to the village but not noise or dust, this is better than the temporary building and a large industrial unit planned.
4. I was told an acoustic fence would go along this boundary but this did not happen.
5. The temporary building has been there since February 2008 without planning permission.
6. Worked started without planning permission and was very disruptive, work began very early and we had to put up with constant bonfires.
7. What will happen to the rest of the site?

POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, ED10 and ED12 and the advice if Planning Policy Guidance Note 15: Planning and the Historic Environment are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

This is an existing employment site within the limits of development of Collingbourne Ducis and it is considered a 'protected' employment site under policy ED12 which seeks to retain these sites for B class uses. Policy ED10 also accepts the principle of small scale businesses within classes B1 and B2 in the limits of development of this village. The later policy does state that class B2 uses will not be permitted in locations that are predominantly residential in nature. Having regard to the wider designation of this site as an employment site and policy ED10 it is considered that the principle of the erection of an employment building on this site is acceptable.

The key issues that are raised by this proposal therefore are the impact of the proposed building on; the visual amenity of the area, the amenities of the occupiers of the neighbouring house and on highway safety.

On the first issue the site does lie within the Collingbourne Ducis Conservation Area and as such development must either preserve or enhance the character or appearance of the conservation area. In this instance a large industrial building previously existed on the same site and the building is set at the back of the site within a complex of existing industrial buildings. It is therefore considered that the building would not harm the visual amenities of the area and would preserve the character and appearance of the conservation area.

With regard to the issues of residential amenity, comments have been received from local residents that the use of the previous building caused harm to them by way of noise and dust. The previous use on this part of the site was a fertilizer company and the council's environmental health officers dealt with numerous complaints concerning these matters. It must however be made clear that the applicant was not the operator of that company and the proposal is solely for a single building to be used for class B1 uses. Class B1 uses are business uses and include light industry,

which is defined as those industrial uses that can be carried out in a residential area without causing nuisance by way of noise, fumes, dust etc. Having regard to the nature of a B1 use, together with the position of the building, it is considered that the use of the building should have no adverse impact on the amenities of the occupiers of the adjacent houses.

The Parish Council have raised concerns about the adequacy of the access and egress into the site. This one way system is however long established and the proposed building is on a site where previous employment uses were sited. There is therefore no expansion of the employment activity on the site and it is on this basis that no objection has been raised by the highway authority.

Turning to the other issues raised, the temporary building referred to does not form part of this application and is subject to separate enforcement investigations. It should however be noted that the applicant has stated that he intends to use the building as a site office and for welfare facilities during the building project. Such a use would be permitted development and the enforcement investigations would be held in abeyance during that period. The issue of the boundary between the employment site and the adjoining housing has also been raised, including the need to screen the employment site from the houses. It is however considered that this is not a matter that can be required by this application, which is for the replacement of a previous employment building on the same footprint. It is however considered that any future employment development in between this building and the housing will need to be carefully considered in order to address that relationship.

RECOMMENDATION

Approve with Conditions

- 1 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number 00721-01 Rev B received on the 15th January 2009.

REASON:

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

- 2 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 The building to which this permission relates shall be used solely for purposes within Class B1 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).

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class, having regard to the circumstances of the case.

- 4 No industrial processes relating to the business(s) occupying this building shall be carried on outside of the building hereby permitted.

REASON:

To safeguard the amenities and character of the area.

- 5 **INFORMATIVE TO THE APPLICANT:**
The applicant should note that this permission relates to the erection of the industrial building only and does not give any consent for the building marked as 'temporary office' on the submitted drawings or for the use of the open land to the north of industrial building.

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, ED10 and ED12 of the Kennet Local Plan and the guidance in Planning Policy Guidance Note 15: Planning and the Historic Environment.

Item 2

APPLICATION NO: K/59718/O
PARISH: FITTLETON
APPLICATION TYPE: Outline Planning
PROPOSAL: Erection of single storey dwelling with new vehicular access
SITE: Haxton Dairy, Everleigh Road, Haxton, Wiltshire SP4 9PT
GRID REF: 414988 149495
APPLICANT: Mr and Mrs Toomer
AGENT: Mr Steve Mankin Swift Architectural Design
DATE REGISTERED: 07/11/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to a site on the north-eastern edge of Haxton. When exiting the village on the Everleigh Road the site lies on the left hand side, immediately beyond the turning into Downs View. The site comprises a series of former agricultural buildings.



SITE HISTORY

K/57623/O – Erection of new dwelling, outline planning permission refused on the 28th November 2007. The refusal reason was as follows:

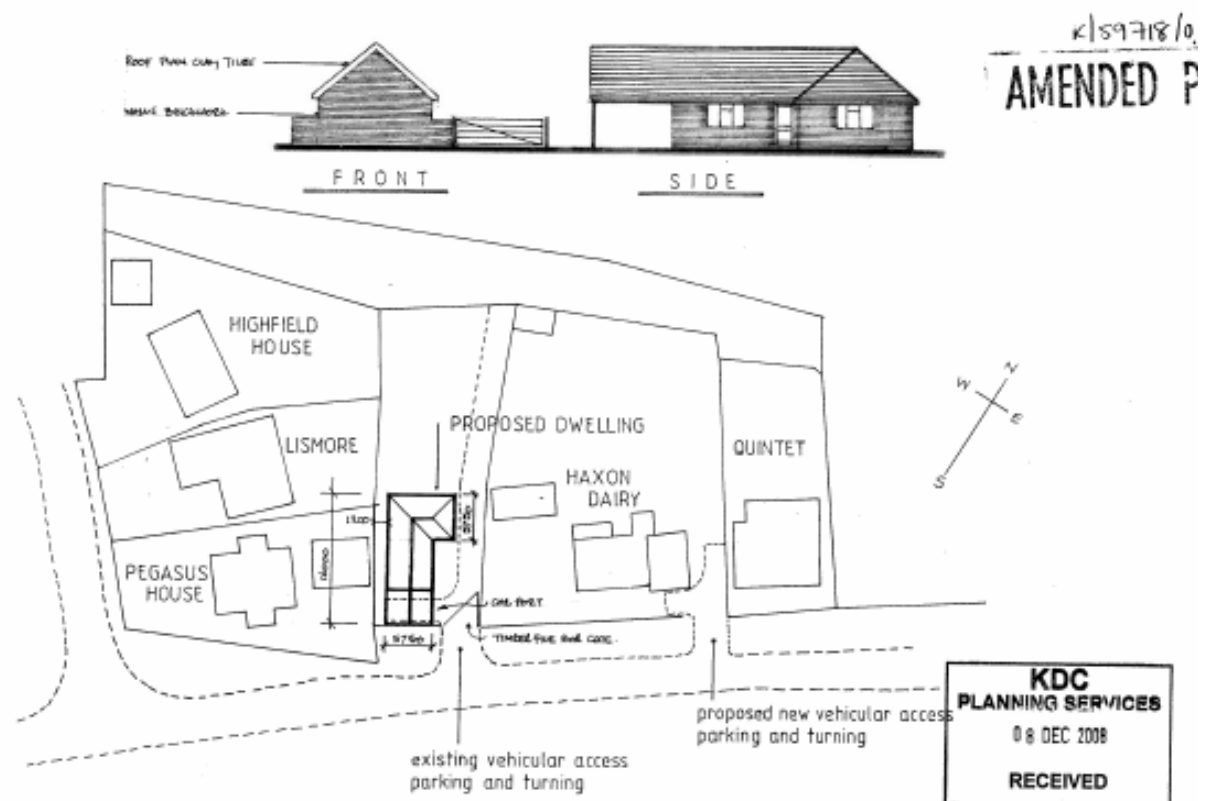
“The proposed dwelling would, by virtue of its siting on the plot and scale, be overbearing for the occupiers of adjacent properties, harmful to their amenities. Furthermore, the scale parameters provided suggest a dwelling of poor design and excessive scale. As such the proposals will be contrary to Policies HC24 & PD1 of the Kennet Local Plan 2011.”

K/58417/F – Erection of new two storey dwelling, planning permission refused on the 2nd May 2008. The refusal reason was as follows:

“The proposed dwelling would, by virtue of its siting on the plot and scale, be overbearing for the occupiers of adjacent properties, harmful to their amenities. Furthermore, the submitted illustrative elevations indicate a dwelling of poor design which fails to take the opportunities available for producing a high quality scheme on the site. As such the proposals will be contrary to Policies HC24 & PD1 of the Kennet Local Plan 2011.”

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a single storey dwelling with vehicular access. The application has been submitted in outline with access and scale for consideration at this stage. An illustrative layout has been submitted with the application. The application also includes a proposal for a replacement vehicular access to serve Haxton Dairy.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

An amended illustrative layout has been submitted (see above). This plan shows a re-siting of the dwelling further forward on the site and a change in the size and shape of its footprint.

PARISH COUNCIL COMMENTS

Comments on application as originally submitted:

Fittleton Parish Council objects to the application. The scale of the dwelling will cause hardship to the neighbour at Lismore in Downs View Close. The length and height will deprive the house and garden of natural light and be overbearing on the rear boundary.

Should KDC approve the application it is recommended that the rear and height of the dwelling should be reduced. The dwelling should be a normal building not a farm building. The roof covering should be similar to adjacent roofs – e.g. textured brown/orange, not slate.

Comments on amended plans:

1. The scale of the dwelling is not in proportion with other bungalows in the near vicinity.
 - The height of the roof is greater than the height of the wall from ground level to the eaves.
 - In other bungalows the ratio of the height of the roof to the height of the wall is less than 1:1.
 - It is proposed that the height of the roof should be reduced by one metre.
2. There are no other car ports facing the road in Haxton.

- There are no similar car ports in Haxton which are in front of the building fronting a road.
- It is proposed that the roof line should end at the front wall of the dwelling.

CONSULTATIONS

KDC Landscape & Countryside Officer – no objections.

County highways – no objections subject to appropriate conditions.

Wessex Water – no objections, the site lies within a foul sewered area and mains water is available.

REPRESENTATIONS

Representations have been received from three local residents. The following issues are raised:

1. The objector draws attention to the fact that officers were not prepared to support proposals for an extension above the garage to Pegasus House on the grounds that it would overshadow the neighbouring property Lismore.
2. There is nothing on the plans specifying the maximum height of the building and nothing to stop it being extended to the rear a further 4m in the future, as planning permission would not be required.
3. The owners/occupiers of Lismore request that a condition be imposed on any planning permission to remove permitted development rights for rear extensions and rooflights.
4. The owners/occupiers of Lismore express concerns regarding the height of the proposed dwelling. They request that the height of the dwelling be reduced by at least 1 metre to help minimise the loss of light to their north-east aspect.
5. The structure would eliminate natural light to the dining room for Pegasus House and reduce the level of light into the property's kitchen.
6. Concerns are expressed regarding the accuracy of the plans.
7. The proposal would increase traffic in an area that already suffers from problems with traffic and parking congestion.

POLICY CONSIDERATIONS

Kennet Local Plan - policies HC24 and PD1 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Policy HC24 of the Kennet Local Plan would, in principle, permit infilling or the redevelopment of existing buildings in Haxton, providing that development:

- (i) lies within the built-up area;
- (ii) does not consolidate an existing sporadic, loose knit area of development; and
- (iii) is in harmony with the village in terms of its scale and character.

The proposal complies with criteria (i) and (ii). The main issue for consideration is whether development would be in harmony with the village in terms of its scale and character. It is also relevant to consider whether development would comply with the requirements of Policy PD1 in respect of issues such as layout, the appearance of

development in the street scene and impact upon neighbour amenity.

It is important to understand that layout and design are not for formal consideration at this stage; both issues will need to be considered as part of the reserved matters. Nevertheless, it is relevant to consider whether the illustrative layout, submitted as part of the application, would form a basis for an acceptable layout. Officers have sought amendments to the illustrative layout to bring the dwelling further forward on the site, thus improving the likely appearance of development and its relationship with neighbouring properties. The amended scheme is considered to be acceptable.

Concerns have been expressed regarding the height of the dwelling. This is shown on the plans at 5.2 metres. This is not excessive for a single storey building and it is not considered that the height would harm the amenities of neighbouring occupiers. Previous, refused schemes for this site were for a full height two storey dwelling.

In contrast with previous, refused schemes for this site the new dwelling would no longer abut large sections of the rear garden boundary for Lismore. The new dwelling would be buffered from Pegasus House by that property's detached double garage. It is not considered that either neighbour would suffer any loss of amenity, either by way of overbearing impact or loss of light.

The parish council raises concerns regarding the principle of a carport and the scale of the dwelling / extent of its roof. In response to these concerns it should be noted that the new dwelling will not be seen in the context of other bungalows in the vicinity. The latter have full hipped roofs whereas the proposed dwelling has been designed to reflect the scale and proportions of a traditional farm building (in keeping with the site's former use). The scale is considered to be modest and acceptable in planning terms. With regard to the carport issue, the structure is not a carport in the conventional understanding of the term; it is simply an open bay within the building which can be used to turn a vehicle within the site, something which is necessary in the interests of highway safety.

The proposed access to Haxton Dairy is considered to be acceptable in highway terms and there would be no loss of amenity for occupiers of the neighbouring property, Quintet.

With regard to the other issues raised by objectors officers would comment as follows:

- (i) It would be reasonable to impose a condition to remove permitted development rights for extensions to the dwelling. A rear extension could potentially have an overbearing impact on the occupiers of Lismore whose garden is extremely shallow. It would be possible to remove permitted development rights for roof lights at the reserved matters stage, once the detailed design is known.
- (ii) Officers have taken measurements on site and are satisfied with the accuracy of the plans.
- (iii) This scheme is materially different from the scheme referred to by the objector at Pegasus House. Each planning application must be considered on its own individual merits.
- (iv) It would be unreasonable to refuse planning permission on highway grounds, given the lack of highway authority objection and the fact that the proposal would be unlikely to result in a material increase in the number of vehicle movements, over and above the existing agricultural use.

RECOMMENDATION

Approve with the following conditions:

- 1 This permission relates only to the scheme of development shown on the revised plans (Drawing no. 08087/1 Rev A) received on the 8th December 2008.

REASON:

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

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

REASON:

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

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

REASON:

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

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

REASON:

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

- 5 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 the interests of the proper planning and amenity area.

- 6 Before the dwelling hereby permitted is occupied the first 4.5 metres of the access serving that dwelling (measured from the edge of the carriageway) shall be resurfaced in a well bound consolidated material (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 7 Any gates serving the access for the new dwelling shall be set back 5.0 metres from the edge of the carriageway, such gates to open inwards only.

REASON:

In the interests of highway safety.

- 8 Before development commences to construct the new dwelling, the replacement vehicular access, parking and turning area for Haxton Dairy shall be completed in accordance with the details shown on the approved plans. The access shall be laid out with small radii and the first 5.0 metres of the access (measured from the edge of the carriageway) surfaced in a well bound consolidated material (not loose stone or gravel). Any gates shall be set back at least 5.0 metres from the carriageway edge, with the gates being made to open inwards only. The access shall be retained as such thereafter for use in connection with Haxton Dairy.

REASON:

In the interests of highway safety.

- 9 INFORMATIVE TO APPLICANT:

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

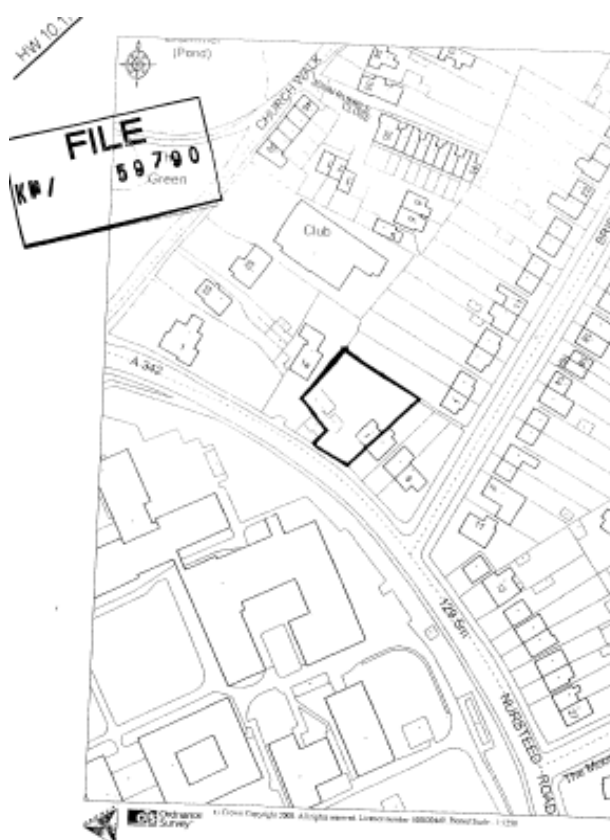
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies HC24 & PD1.

Item 3

APPLICATION NO: K/59790/F
PARISH: DEVIZES
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of two dwellings.
SITE: Land at 3 Nursteed Road Devizes Wiltshire SN10 3AD
GRID REF: 401089 161335
APPLICANT: Clenche Properties
AGENT: Mr Howard Waters, Mathewson Waters Architects
DATE REGISTERED: 24/11/2008
CASE OFFICER: Rachel Yeomans

SITE & LOCATION

From Devizes town centre, proceed south west along Nursteed Road (the A342). Go past the green and the first left turning, Church Walk. The application site can be found a short way along on the left hand side. The site is relatively level.

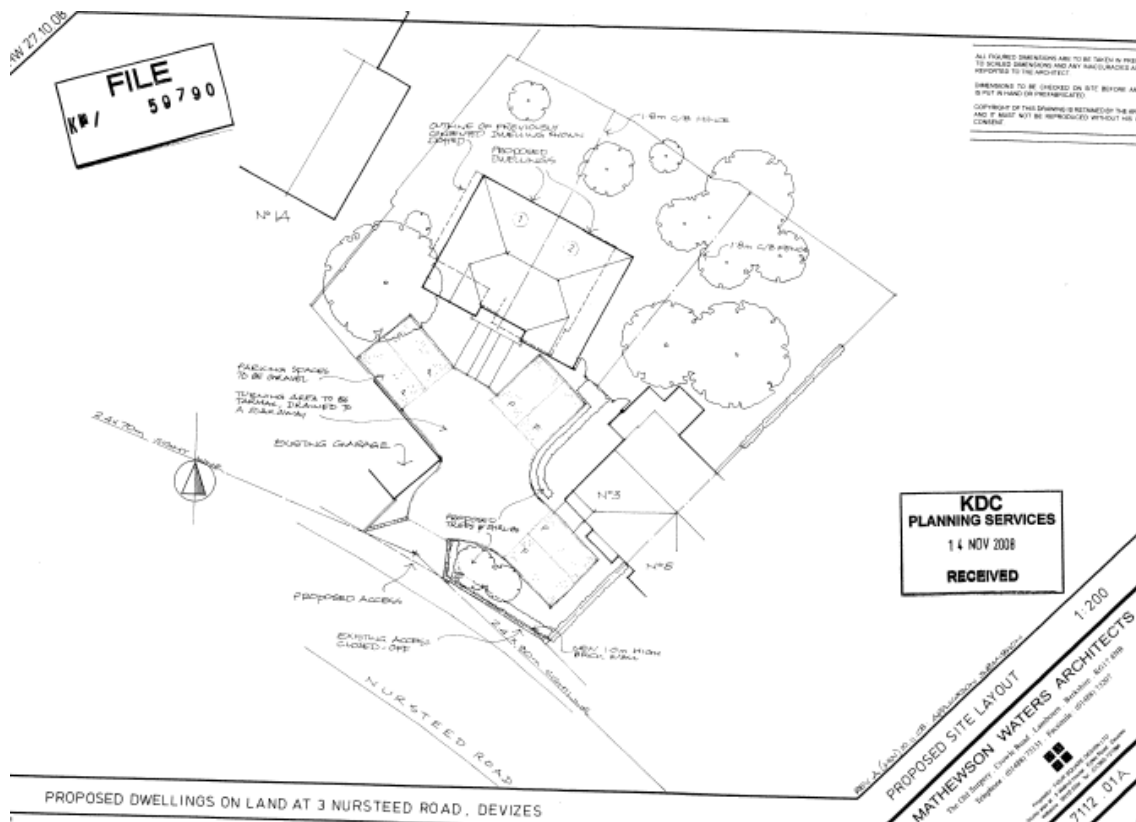


SITE HISTORY

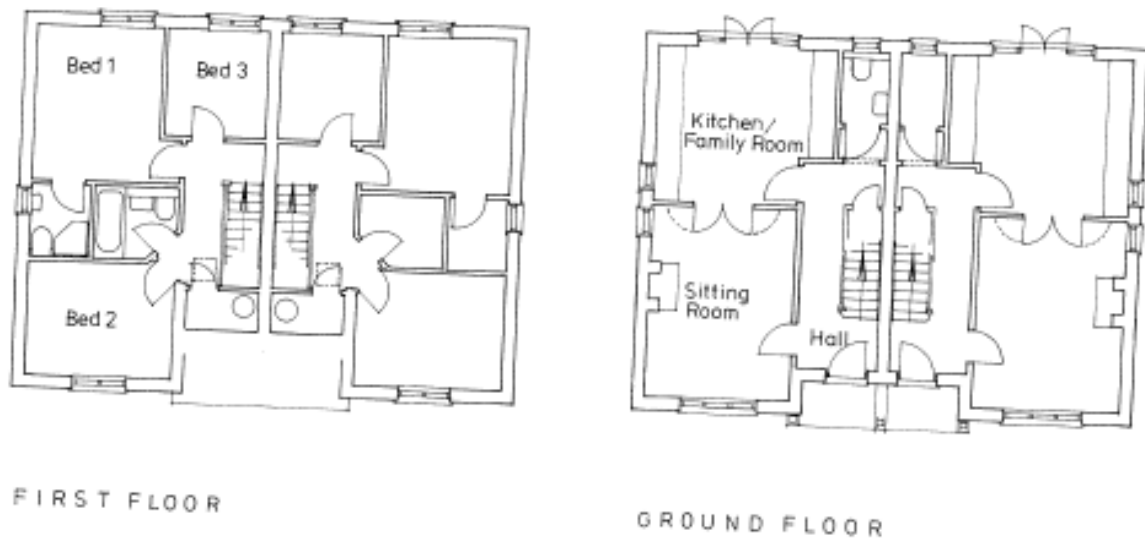
K/58643/F – Planning permission was granted with conditions on 25th June 2008, for a single detached dwelling on the site. The footprint of this approved dwelling was similar to the footprint proposed under the current application for the two semi-detached dwellings. Its approved outline is shown dashed on the proposed site layout below.

DESCRIPTION OF DEVELOPMENT

The application proposes the construction of a single pair of semi-detached three bedroom properties and associated works, including four parking spaces to serve the two new dwellings and alterations to the access.



Site layout



Floorplans



Proposed elevations

CONSULTATIONS:

County Highways – No objections subject to conditions as recommended for the previous application

County Archaeologist – No objections

Engineering & Design Manager – No objection subject to condition to cover disposal of surface water in the event that soakaways are not acceptable.

TOWN COUNCIL COMMENTS

Devizes Town Council objects to the application on the grounds of access.

REPRESENTATIONS:

Two letters of objection have been received from neighbouring residents. Their concerns can be summarised as follows;

- The proposed increase in on-site parking provision proposed, restricted turning areas and limited access arrangements, would be detrimental to highway safety.
- The proposed wall is not in keeping with the appearance of others in the road from No. 3 to Moonrakers corner.
- The existing access in conjunction with dropped kerbs used for the proposed access would further encourage the use of the area outside numbers 3 & 5 as a layby unless this is changed to a full kerb.
- The proposed properties would result in loss of privacy to the neighbouring garden to the rear.
- The proposal would overshadow the neighbour's vegetable garden at number 1 Bricksteed Avenue, especially in the afternoons

- The application site has been left untouched for many years and may adversely affect ecology. In particular, newts and slow worms have been found on land adjoining the application site.

One neighbour has also raised queries over responsibility of a dilapidated boundary fence, which is a private matter, and has also queried what plans there are for the alleyway between 3 Nursteed Rd and Bricksteed Avenue, which is gated and unused. However this latter issue is unrelated to the application

POLICY CONSIDERATIONS

National guidance contained within Planning Policy Statement 3: Housing, and policy PD1 of the adopted Kennet Local Plan 2011 are relevant to the consideration of this application.

PLANNING OFFICER COMMENTS

The key issues for consideration are the principle of residential development, the impact of the new dwelling on highway safety, residential amenity and the visual impact of the proposal.

Regarding the principle of residential development, the site lies within the Limits of Development for Devizes, and has been vacant 'garden' land for many years. In locations such as this, the principle of the site being used for housing is in accordance with PPS3 is therefore acceptable. The granting of planning permission for the single dwelling under reference K/58643/F has also accepted the principle of residential development on this site.

The main issue is therefore whether the detailed design and layout of the semi-detached dwellings now proposed has any significant adverse impacts compared to the previously approved scheme for a single dwelling.

Residential Amenity

The proposed windows at first floor level would offer opportunities for overlooking of the rear portion of the neighbour's garden at number 1, Bricksteed Avenue. This garden is to some extent, already overlooked from the first floor windows of numbers 3 & 4 Nursteed Road. The situation would also not be dissimilar than the opportunities for overlooking from the previously approved dwelling under application reference K/58643/F. The proposal would also result in some additional opportunities for overlooking of the garden of number 1A Nursteed Road, however no further harm to the privacy of this neighbour would result over and above the fallback situation. In view of these factors, it is not considered that the proposed dwellings would result in significant harm to neighbour privacy so as to warrant refusal of planning permission on this basis.

With regard to overshadowing and overbearing impact, the width of the two properties is approximately 80 centimetres wider than the previously approved single detached dwelling. The nearest part of the dwellings to number 1A Nursteed Road, would be approximately 65 centimetres further away from number 1A than the previously approved scheme. The dwellings' position is no further back within the plot than the previously approved dwelling, nor is its height any larger than the approved dwelling. However, whilst the roof remains hipped, the design has changed to incorporate a modest front gable projection at first floor level. The net impact of the slightly bulkier elevation, in combination with its amended position slightly further away from number 1A than the previously approved dwelling, would not result in any significant harm to neighbour amenity, despite this neighbouring dwelling being a bungalow, with windows to the side elevation. The additional width to the properties represents a very modest increase over the previous scheme and would not result in significant overshadowing of the garden of number 1 Bricksteed Avenue. No other significant harm to neighbour amenity would result.

Visual Amenity

The application site lies towards the north of Nursteed Road where semi-detached properties, together with the occasional detached individual property, are the prevailing styles. The proposed properties are well-proportioned and attractively designed, reflecting some of the features of nearby properties, such as the hipped roof and window style. The properties are relatively modest in scale and are adequately accommodated within the site. They are situated some 17 metres back from the roadside. Their style and positioning suits the transitional plot from the detached bungalow at 1A to the semi-detached similarly designed properties at 3,5,7 & 9, and would not be harmful to the streetscene. The proposed treatment to the front boundary with a 1 metre high wall is considered appropriate to provide enclosure to the front and would not be detrimental to visual amenity.

Highway Safety

The scheme includes the provision of two parking spaces for each of the two new dwellings and two to the proposed front garden of number 3 Nursteed Road. This is a net increase of two spaces over and above the previously approved scheme to serve the additional dwelling, and the access point onto Nursteed Road has been widened accordingly. Visibility splays have been shown on the proposed site layout plan and county highways have raised no objection to the scheme, subject to conditions covering any proposed gates, the proper surfacing of the access and the proper closure of the existing access and associated works.

Other issues

One objector has mentioned the possible presence of protected species at the site. Whilst it may be usual to request appropriate surveys to investigate this possibility, the fallback situation is one where a similarly sized building could be developed with a similar impact on the existing environment with no further requirement for surveys. In view of this, your officers do not consider it reasonable to require further investigations in the context of this particular site. This would not override any protection afforded to protected species and their habitats under environmental protection legislation, and it is recommended that if Members are minded to grant planning permission, then an informative should be added to advise the applicants of these obligations.

Conclusion

The proposed dwellings make efficient use of the land in an accessible location and would cause no significant harm to visual or neighbour amenity nor would be detrimental to highway safety. Approval of planning permission is therefore 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 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 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, rooflights, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level (including the roofslope) on either the south east or north west elevations of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 4 The first floor bathroom windows on the south east and north west elevations shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring property.

- 5 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 hereby approved shall be erected.

REASON:

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

- 6 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 approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON: In the interests of highway safety.

- 9 Prior to the first use of the access the first 4.5 metres of driveway back from the edge of the carriageway 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.

- 10 The sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved and within one month of the occupation of the dwelling, the existing access point shall have been permanently stopped up and the existing lowered kerbs being replaced by full-height kerbs, and the footway being resurfaced to suit the revised levels.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of visual amenity.

- 12 Prior to the commencement of development full details of the design, height, position and materials of all boundary treatment proposed, which will include the front boundary wall and the boundaries with neighbouring properties, shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed in full prior to the first occupation of the dwelling hereby permitted.

REASON:

In the interests of visual and neighbour amenity.

- 13 **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 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.

- 14 **INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to national Planning Policy Statement 3: Housing and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

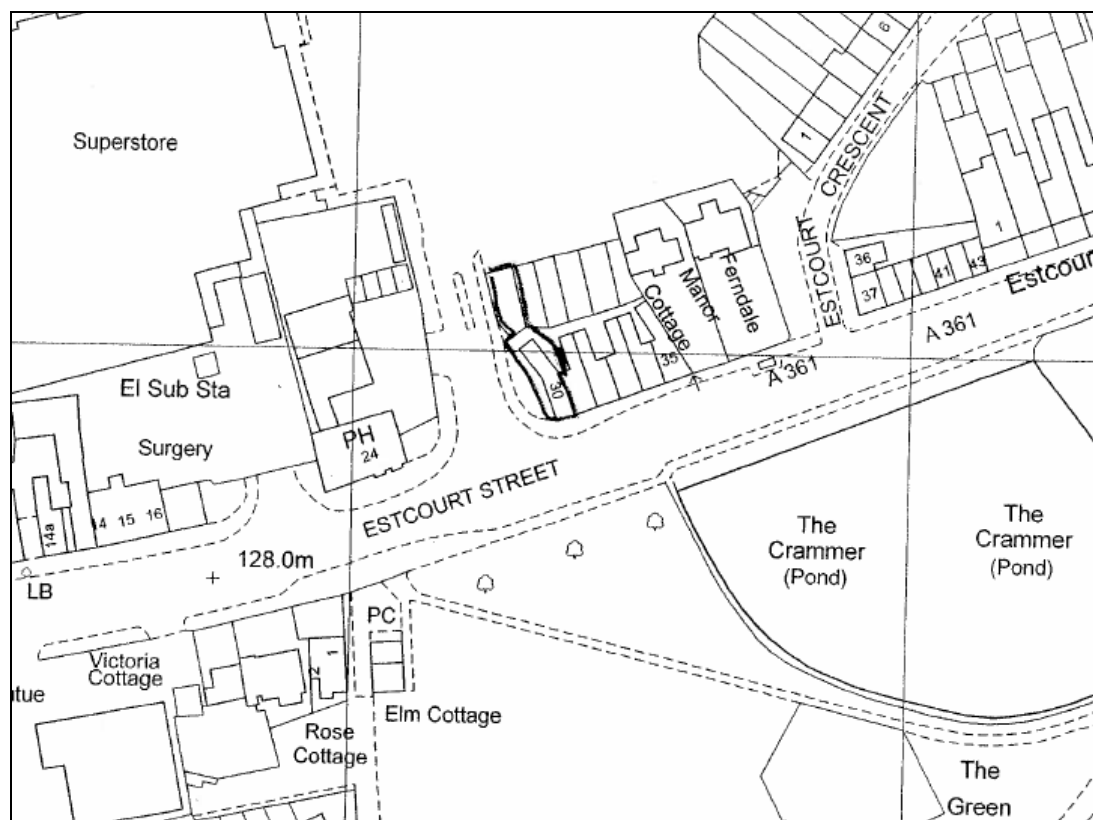
- 15 The Council has been made aware that there may be protected species present within the vicinity of the site, namely slow worms and newts. You should note that the work hereby granted consent does not override the statutory protection afforded to these species under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. You are advised to seek expert advice if you suspect that the works would disturb any protected species. For further advice, please contact English Nature on 01733 455000.

Item 4

APPLICATION NO: K/59793/F
PARISH: DEVIZES
APPLICATION TYPE: Full Planning
PROPOSAL: Change of use of part of ground floor from dwelling to hairdressing studio
SITE: 30 Estcourt Street, Devizes, Wilts SN10 1LQ
GRID REF: 400936 161496
APPLICANT: Mr L Wills
AGENT: Mr Christopher Sault
DATE REGISTERED: 24/11/2008
CASE OFFICER: Rob Parker

SITE LOCATION

This application relates to an existing end-terrace property in Estcourt Street, Devizes. The property lies opposite the Crammer and immediately adjacent to the roundabout serving the Morrisons supermarket.



Site plan

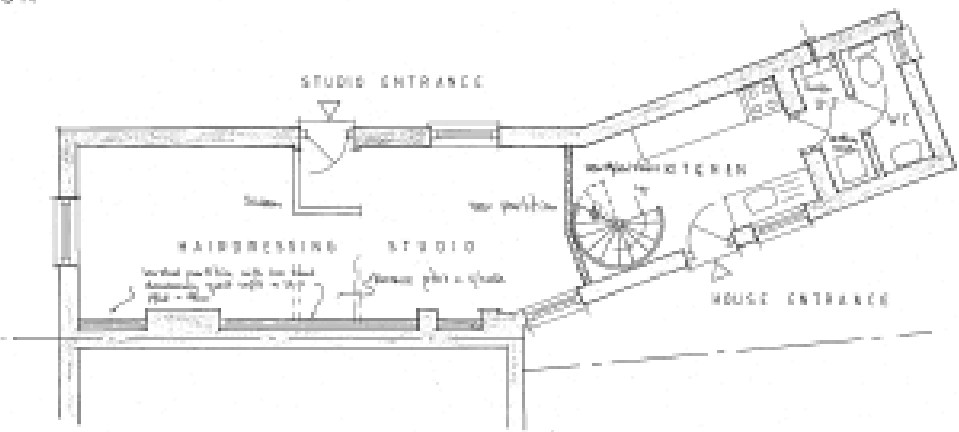
SITE HISTORY

There is no relevant planning history.

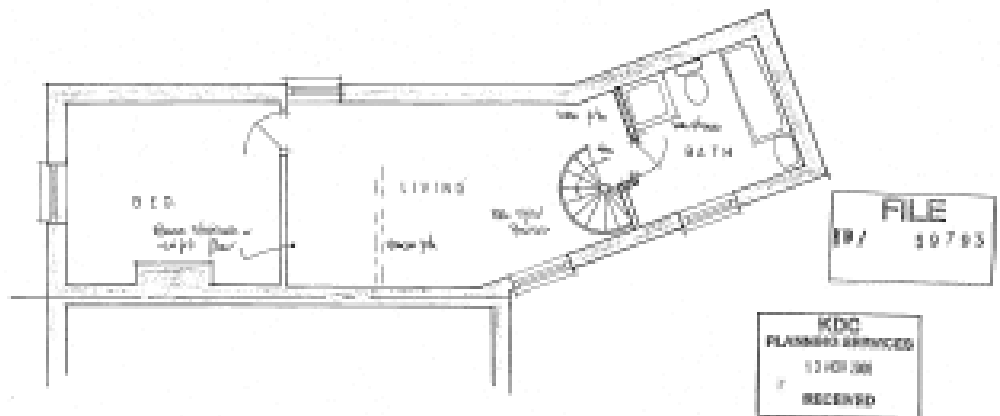
DESCRIPTION OF DEVELOPMENT

The proposal is for a change of use of part of the ground floor from residential to a hairdressing studio. The rearmost part of the ground floor and the whole of the first floor would be retained in residential use as a single dwelling.

GROUND FLOOR



FIRST FLOOR



ADDITIONAL STATEMENT BY THE APPLICANT

The applicant leases and operates a hair stylists at 1 Albion House in Sidmouth Street, and has done so for the last 24 years. Recently he has been suffering with dermatitis brought on by handling styling additives over a long period, and has been advised to reduce his hours to alleviate the problem. As his existing lease would not be financially viable on reduced hours he has decided to give notice and open up a smaller operation using part of the ground floor of his mother's house in Estcourt Street.

The applicant will only be styling selected existing customers and so no advertising signage would be required. His intended opening hours would be 9am to 1pm on a Tuesday, 9am to 4pm on Wednesday, Thursday and Friday and 9am to 1pm on a Saturday. The business will be run by the applicant and two of his existing stylists, all on a part time basis.

So as not to cause a nuisance with the adjoining neighbour the applicant has offered to soundproof the party wall.

TOWN COUNCIL COMMENTS

Devizes Town Council objects on the grounds that this is an inappropriate premises for a commercial venture.

CONSULTATIONS

KDC Environmental Health – no objection subject to the installation of sound installation in the stud partition to be built between the proposed studio and the next door property. A planning condition should be imposed to require submission of further details for the Council's prior approval.

County highways – no objection on the basis that the site’s town centre location means that sufficient parking is easily accessible within walking distance.

REPRESENTATIONS

Five representations of objection have been received from the owners/occupiers of nos. 31, 32, 33 & 35 Estcourt Street. The Trust for Devizes has also raised an objection.

The following issues of concern are raised:

- a) The proposal would spoil the character of this terrace of Victorian cottages.
- b) The proposal would be harmful to the conservation area.
- c) The property is unsuitable for conversion to commercial use.
- d) Access to the property is via a shared path belonging to the six cottages. The proposal would draw attention to this hitherto private and for the most part unnoticed path and thereby compromise the privacy and security of other properties in the terrace.
- e) Residents are also concerned that as a shared path they would be held liable for any accidents, requiring them to take out insurance to protect themselves.
- f) The proposal would exacerbate an existing litter problem that affects the shared path.
- g) The terrace is a close, friendly “micro-community” and this would be damaged by the conversion of one of the properties to commercial use.
- h) Noise from the hairdressing studio would be harmful to the amenities of the neighbouring terraced property (no.31 Estcourt Street).
- i) The proposal will result in loss of privacy for the occupiers of 31 Estcourt Street as the rear of the studio would look directly into the objector’s kitchen and dining room.
- j) The proposal will put additional strain on the existing Victorian drains. The drains regularly become blocked with soap and the considerable amount of soap and hair associated with a hairdressing studio will further exacerbate the problem.
- k) The proposal will adversely affect water supply. The water pressure that supplies the terrace is very poor and pressure is negatively affected if a neighbour is also using their water supply. A hairdressing studio will use vast quantities of water, which would continually reduce the objector’s water supply to a drip.
- l) The proposal would increase traffic and exacerbate parking problems in the area.
- m) The proposal will set a precedent for further changes of use within the terrace.
- n) There are a number of empty commercial properties in Devizes town centre that would be more suitable for the proposed use.
- o) It is only a matter of time before signs begin to appear both on the property and on the pavement outside.

- p) The objectors were not consulted prior to submission of the planning application.
- q) If approved, there is nothing to stop the applicant selling on his business. Concern is expressed that it may turn into a shop, restaurant or nightclub.
- r) The applicant's medical condition is not appropriate reason to justify the change of use.

POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Devizes in the Kennet Local Plan 2011 and within the designated conservation area. Policy PD1 of the local plan is relevant to the consideration of this application. Government guidance contained in PPG15: Planning and the Historic Environment is also relevant.

PLANNING OFFICERS COMMENTS

In principle there are no planning policies to prevent the conversion of a residential property to commercial use. The two main issues to consider are:

- (i) whether the proposal would preserve or enhance the character or appearance of the conservation area; and
- (ii) whether the proposal would harm the amenities of neighbouring occupiers.

Starting with the impact upon the conservation area, there would be no external alterations to the property and the applicant has stated that he is not proposing any signage in relation to the business. With no physical manifestations of the commercial use it would be difficult to argue that the proposal would cause harm to the conservation area. The character of this terrace of cottages would be unaffected.

With regard to neighbour amenity, the entrance to the property lies on the end wall of the terrace. As such, customers would not need to walk past neighbouring properties to access the hairdressing studio. The only neighbour likely to be affected will be the occupiers of the attached terraced property; this neighbour has a particular concern regarding the passage of noise through the party wall. In response to this concern the applicant is proposing to construct a new stud partition incorporating noise insulation. The Environmental Health Service is satisfied that this would be sufficient to prevent noise nuisance to neighbouring occupiers.

The neighbour at 31 Estcourt Street is also concerned regarding loss of privacy caused by a ground floor window at the rear of the premises overlooking his kitchen and dining room. The window presently serves a dining room but would serve the hairdressing studio under the application proposals. Given that this is an existing window it would be difficult to argue that there would be an additional loss of privacy over the current situation.

Objectors raise a whole range of other issues. However, none would provide sufficient grounds to warrant a refusal of planning permission. Officers would make the following specific comments:

- a) The highway authority raises no objections to the proposals on the basis of the site's town centre location; it would therefore be difficult to substantiate a refusal of planning permission on the grounds of traffic generation or the lack of on-site parking.
- b) Issues relating to the use of the shared path, the blocking of drains and the impact upon domestic water supply pressure are not material planning considerations. It is not considered that the security of neighbouring properties would be compromised, particularly given that they would retain a gated shared

rear access.

- c) It is highly unlikely that a hairdressing studio would give rise to problems of littering. This would not be grounds to refuse planning permission.
- d) A condition has been recommended to ensure that any permission relates only to a hairdressing studio and to no other use. Planning permission would therefore be required for alternative uses and any future planning application will need to be considered on its individual merits.
- e) The applicant was under no legal requirement to consult neighbouring occupiers prior to submitting a planning application.
- f) The availability of empty commercial premises in the town centre cannot be used as grounds to refuse planning permission. The current application must be considered on its own merits.
- g) The concerns regarding signage are valid considerations. However, the applicant has stated that he does not intend to erect any signage and the Council would retain a high degree of control under the Advertisement Regulations.

RECOMMENDATION

Approve with the following conditions:

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

REASON:

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

- 2 The area identified for change of use to a hairdressing studio on the approved plans shall be the sole area used for this purpose and shall be used for a hairdressing studio and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provisions equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, having regard to the circumstances of the case.

- 3 If the use of as a hairdressing studio ceases, the ground floor area designated for this use shall revert to its previous residential use as part of the single dwelling at 30, Estcourt Street.

REASON: The use of the area for residential purposes as part of the existing dwelling is acceptable and by adding this condition, the property can revert to this use without the need for a further grant of planning permission.

- 4 The hairdressing studio hereby permitted shall not be brought into use until sound insulation has been installed along the party wall with the neighbouring property, in accordance with details which shall be first submitted to and approved in writing by the local planning authority.

REASON: To prevent noise nuisance for neighbouring occupiers.

5

INFORMATIVE TO APPLICANT:

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

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

Item 5

APPLICATION NO: K/59784/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning
PROPOSAL: Erection of 3 bedroom house following demolition of ground floor extension
SITE: Land adjacent 5 St Margaret's Mead Marlborough SN8 4AZ
GRID REF: 419553 169009
APPLICANT: Mr & Mrs M Hutton
AGENT: Mr John Whitton Premier Design (Wiltshire) Ltd
DATE REGISTERED: 20/11/2008
CASE OFFICER: Rebecca Hughes

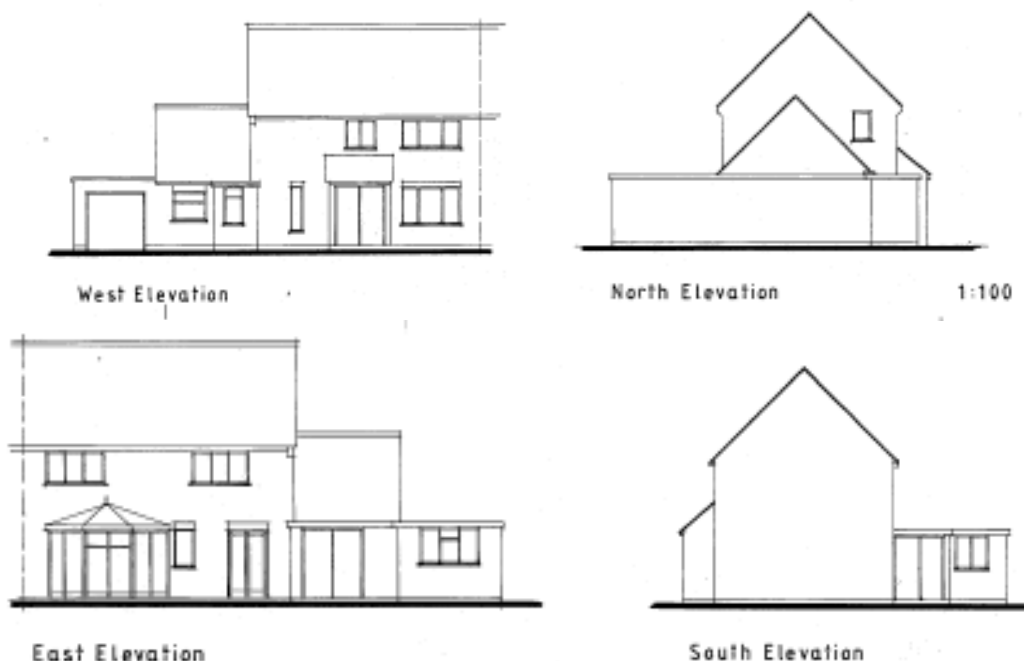
BACKGROUND

Members will recall that outline planning permission was granted by the Regulatory Committee for a three bedroom dwelling on this site in November 2007 (ref: K/57383/0). All matters were reserved except access and layout. The site has subsequently been sold and the layout of the proposed house has been slightly altered, thereby requiring a new application. This application is, therefore, for full planning permission.

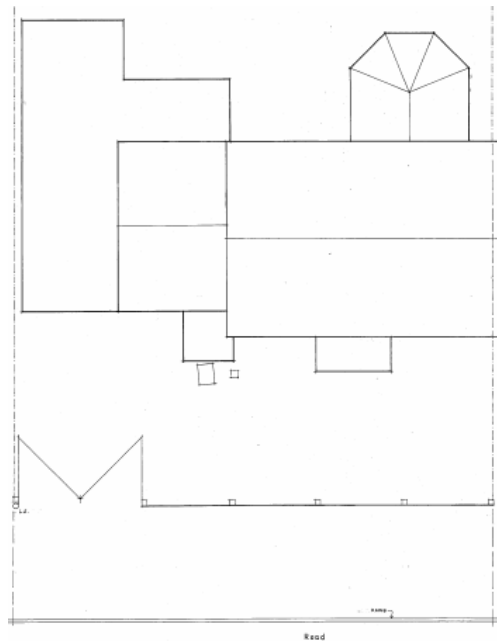
SITE LOCATION

The site lies within a residential area to the east of the town centre of Marlborough. St. Margaret's Mead is accessed off London Road and consists predominately of semi-detached dwellings. When entering St. Margaret's Mead, the site can be found between the second and third properties (no's 3 and 5) on the left hand side of the street. Currently the site comprises a single storey garage and single storey side extension which attach and formerly belonged to no.5 St Margaret's Mead, a two storey, semi detached dwelling. Residential properties border the site to all aspects. The site is located within the limits of development for Marlborough and lies within North Wessex Downs Area of Outstanding Natural Beauty.

Existing Elevations (also showing no.5, not to scale)



*Existing Site Layout (also showing no.5,
(not to scale)*



SITE HISTORY

K/59333/RM -Erection of three bed house following demolition of ground floor extension - Withdrawn -29/10/2008

K/57383/0 -Erection of three bed house following demolition of ground floor extension - Approved by Regulatory Committee -8/11/2007.

DESCRIPTION OF DEVELOPMENT

The proposal relates to a full application for an attached three bed house following demolition of an existing ground floor extension/garage (which was formerly part of the adjacent property, no.5 St Margaret's Mead). Two paved off-road parking spaces are proposed at the front of the site.

The new dwelling would be very similar in size and design to the previous permission. It would be two stories in height and would follow the existing front building line of no.5. At the rear, two gable projections are proposed, one with a maximum depth of four metres, the other alongside with a maximum depth of two metres .

The differences between the layout approved at outline stage and that now proposed are an increase in the rear projecting gable by approx 0.30 m adjacent to the boundary with no.3 St Margaret's Mead and an increase in the projection adjacent to the boundary with no.5 from 1- 2 metres.

The dwelling is proposed to be constructed of brick with a concrete tiled roof. 1.8m high fencing is proposed to demarcate the amenity area serving the proposed new dwelling at the back of the site.

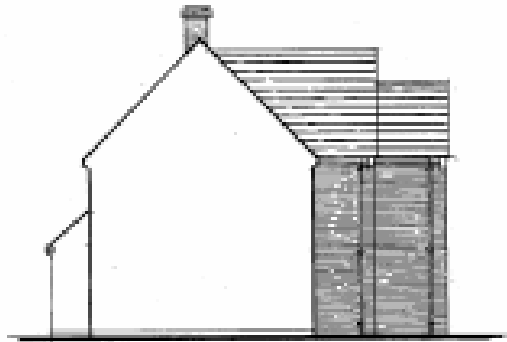
Proposed Elevations and Block Plan (not to scale, no.5 shown in white)



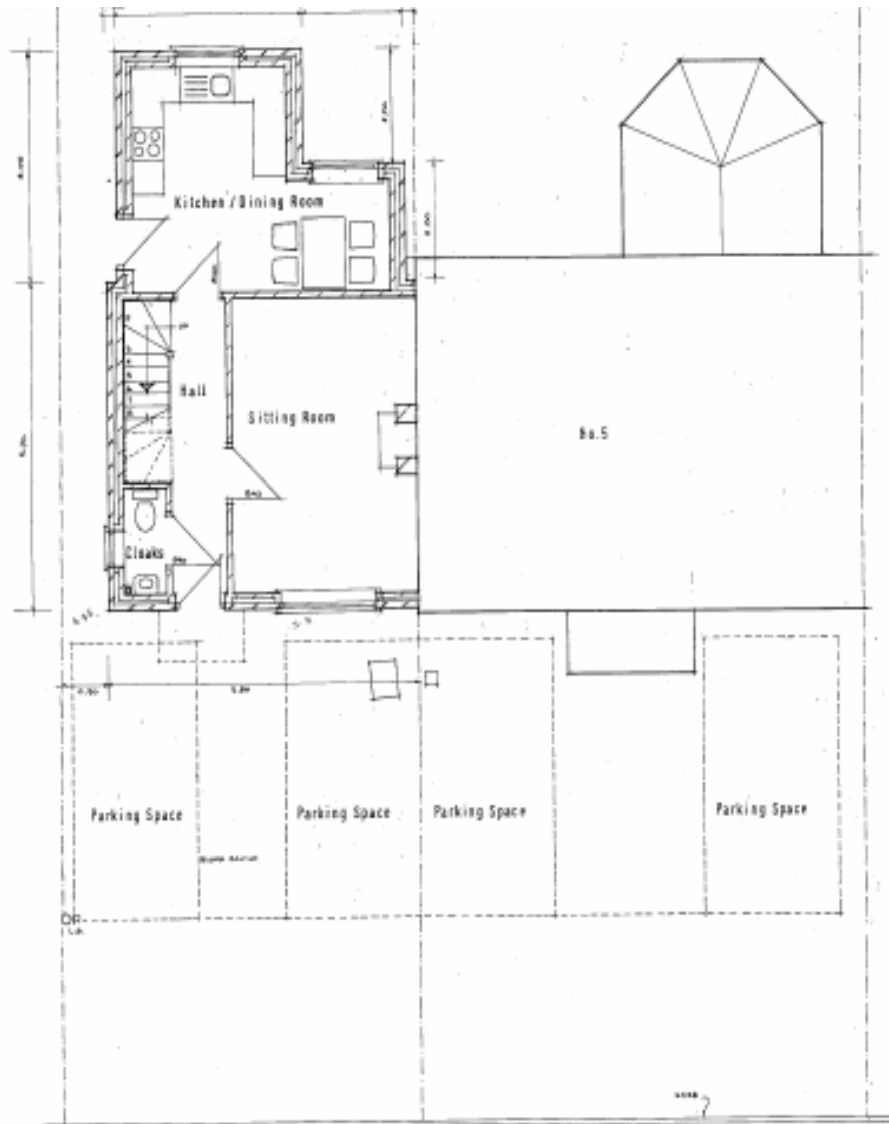
West Elevation



North Elevation



South Elevation



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has not been amended during the course of its consideration.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted additional statements in support of the application in the design and access statement. These are summarised below but a full copy is available to view on the planning file or internet:

- The proposed layout has been designed in the context of national planning policy;
- The proposal respects the character and amenities of the surrounding area, whilst making best use of the site in the most appropriate manner;

The overall impact of the proposal will compliment the pattern of development and is consistent with the scale of development approved elsewhere in the street.

CONSULTATIONS

Marlborough Town Council: object to the application considering it to be an over-development of the site.

KDC Landscape and Countryside Officer: nothing further to add to previous comments on this site regarding the potential for softening the site frontage. Previous comments were as follows: No objections to the proposals subject to the addition of one or two small tree species to the front of the site to soften the appearance of the development from the road.

KDC Engineering and Design Manager: no adverse comments.

County Highways (Mark Wiltshire): no objections subject to conditions requiring the provision of the parking spaces detailed on the submitted plans and the lowering of roadside kerbs to allow proper access to the new parking spaces with the footway being resurfaced to suit the revised levels.

Thames Water: no adverse comments in respect of sewerage or water infrastructure.

REPRESENTATIONS

Four letters of objection have been received and can be viewed on the working file or online. The key concerns can be summarised as follows:

- Unhappy with introduction of terraced form of development as opposed to semi detached;
- Impact on amenity of no.3 St Margaret's Mead including encroachment onto property, loss of light, loss of privacy and devaluation of property;
- Lack of consideration for neighbouring properties leading to claustrophobic and cramped conditions to no.10 Gales Ground and no.3 St. Margaret's Mead. Loss of security and privacy to no.10 Gales Ground;
- Not sufficient room for a three bedroom house on the site, whilst other similar builds in St Margaret's Mead, no other is so hemmed in and close to its neighbour.

POLICY CONSIDERATIONS

Kennet Local Plan -the site lies within the limits of development for Marlborough. Policy PD1 and of the adopted Kennet Local Plan 2011 is relevant to the consideration of this application as is central government guidance contained in PPS

1 (Delivering Sustainable Development) PPS 3 (Housing) and PPG 13 (Transport).

PLANNING OFFICERS COMMENTS

The key issues for consideration when determining this application are, firstly, the principle of development, and secondly (assuming the principle is agreed) the impact on neighbour amenity. These issues are assessed below.

Principle of Development

The site lies within the limits of development for Marlborough where additional small scale residential development is acceptable in principle, subject to conformity with other relevant policies in the development plan. In this case the requirements of policy PD1 (General Development and Design) are applicable. Of particular relevance to this application are criteria 8(2), which requires all new development to adequately address matters relating to the scale, height massing and density of development and 8(4) relating to layout, servicing and access arrangements and road safety. Criteria in 8(10) relating to impacts on residential amenity is also of relevance and is assessed separately below.

The application proposes to infill a small gap to the side of no.5 St Margaret's Mead with a new dwelling, creating a terrace of dwellings. St Margaret's Mead is characterised mainly by semi-detached properties, however several of these have been subject to side extensions (for example no.8). The principle of an additional dwelling on the site has been established by the Regulatory Committee's earlier grant of outline consent for a three bed dwelling of similar dimensions in 2007.

Neighbour Amenity

The existing dwellings which stand to be most affected by the proposed development are those either side of the plot (no's 3 and 5 St Margaret's Mead) and to a lesser extent no. 10 Gales Ground, located to the rear of the site.

The relationship with the adjacent neighbours to either side will be close. A two metre deep two storey projection will be located almost on the boundary with no.5 St Margaret's Mead (compared to the 1 metre depth previously approved). The limited depth of this projection should prevent significant loss of amenity to no.5 in terms of loss of light or overbearing impact. The four metre deep gable projection (compared to the 3.7 metre previously approved) will be inset approx 2.1m from the boundary with no.5 and as such would not adversely affect the amenity of this neighbour. The absence of openings in the south elevations of the proposed dwelling prevents overlooking to an unacceptable extent.

Currently a single storey flat roof element approximately 2.6m in height resides near the boundary with no.3 St Margaret's Mead. This projects approx 5.3m beyond the existing rear building line of the single storey side element of no.3, which serves as a kitchen. It should be noted that the openings in the rear elevation of the kitchen do not provide the only source of light to the room, which is also served by a window in the elevation facing the road. If permitted, the existing single storey buildings will be replaced with a blank two storey side elevation of the same rear projection, inset approx 0.85m from the boundary. A projection of this depth and height would be readily visible from no. 3 (including from the single storey side element). However, the layout permitted under the outline application varies only slightly in the arrangement near the boundary with no.3, being inset marginally further from the boundary (approximately one metre as opposed to 0.85m now proposed) and with a reduction in the rear projection by approximately 0.25m. Having regard to this fall back position, it is not considered that the impact on the amenity of no.3 St Margaret's Mead would justify refusal of this application.

The proposed new dwelling and no.10 Gales Ground will not be directly aligned. The depth of the rear garden of the proposed new dwelling exceeds commonly adopted standards of 10.5m and as such it is not considered that the proposal will have any significant adverse impact on the amenity of no.10 Gales Ground.

Other Issues

Third parties have raised concern over devaluation of nearby properties and encroachment onto land outside the ownership of the applicant. Impact on property values is not a material planning consideration; neither are boundary disputes, which is a private issue to be resolved between the parties concerned.

CONCLUSION

Whilst the site occupies a close relationship with neighbouring properties to either side, the principle of a new dwelling on the site has been established by the granting of outline consent for a three bedroom dwelling on the site in 2007. Having regard to this fall back position and the fact that the minor changes proposed in this application do not significantly worsen the situation, approval 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 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 Before the new dwelling hereby permitted is first occupied, the parking spaces shall be laid out in accordance with the approved plans and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: To ensure the adequate provision of off-site parking, in the interests of road safety.

- 4 Before the dwelling hereby permitted is occupied the kerb shall be lowered to allow proper access to the parking spaces provided in connection with the development and the footway resurfaced to suit the revised levels in accordance with details that shall be first submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

- 5 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.

6 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.

7 INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals, namely policy PD1 of the Kennet Local Plan 2011 and central government guidance contained in PPS1, PPS3 and PPG13.

Item 6

APPLICATION NO: K/59895/F
PARISH: BROAD HINTON
APPLICATION TYPE: Full Planning
PROPOSAL: Extension to car park and new gate
SITE: Broad Hinton C of E Primary School SN4 9PQ
GRID REF: 410403 176751
APPLICANT: The Governors of Broad Hinton School
AGENT: John Lippitt Chartered Arch.
DATE REGISTERED: 12/12/2008
CASE OFFICER: Peter Horton

SITE LOCATION

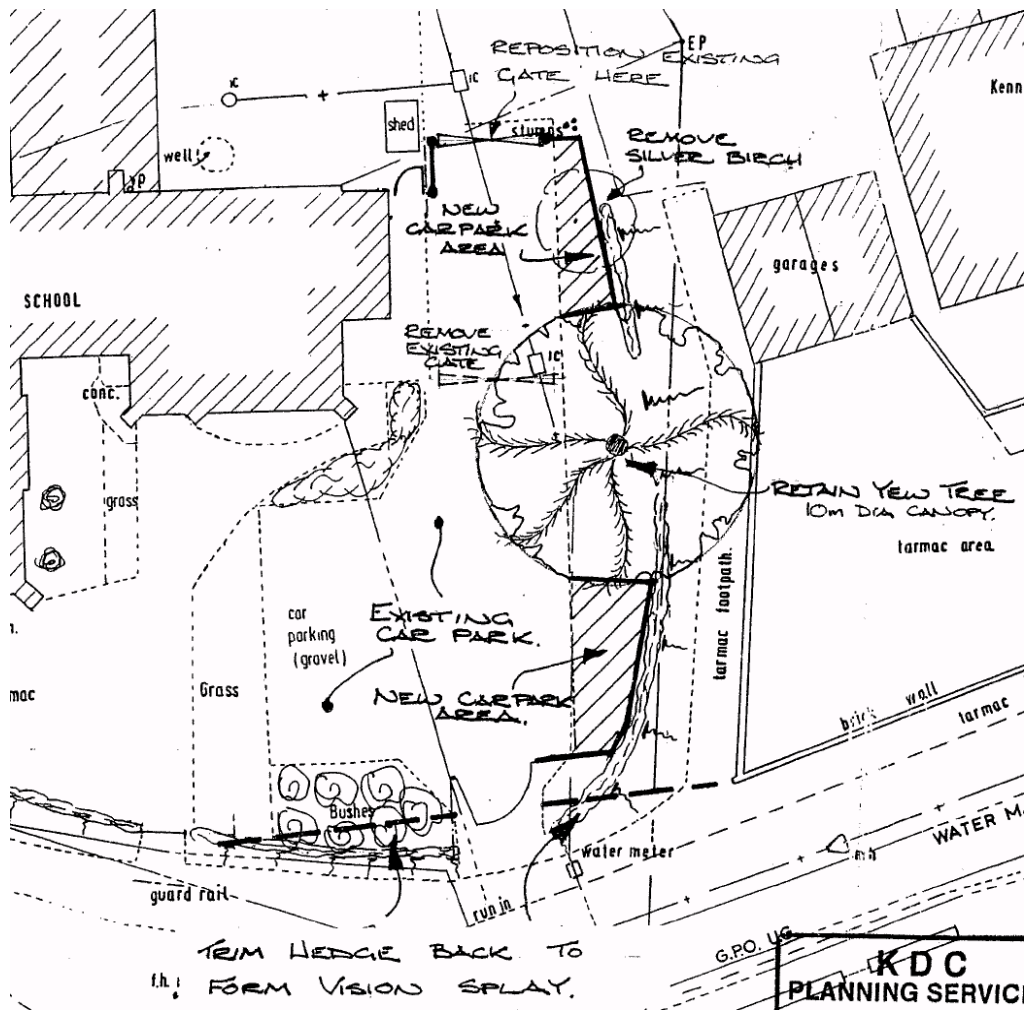
Broad Hinton school is a grade II listed building in the centre of the village.

SITE HISTORY

There is no relevant site history.

DESCRIPTION OF DEVELOPMENT

The proposal is to enlarge the existing school car park along its eastern border by felling a silver birch tree and removing scrubby vegetation. In addition, an improved visibility splay will be provided for users of the car park by trimming a section of hedge along the site frontage.



Site plan

ADDITIONAL STATEMENT BY THE APPLICANT

The proposal will replace an area of scrub and will not encroach into the canopy of the existing Yew tree. This is the only part of the site where there is scope to enlarge the car park.

CONSULTATIONS

Broad Hinton Parish Council: Object for the following reasons:

- The ancient yew tree will be damaged.
- It will spoil the traditional entrance to the school with a sweeping hedge and gate.
- The splay will not make much difference to this very dangerous corner.

County Highways (Paul Galpin): No objection subject to the provision of the visibility splay. The proposal will be beneficial to highway safety.

REPRESENTATIONS

None received.

POLICY CONSIDERATIONS

Kennet Local Plan - highway safety is a relevant consideration (policy PD1) and the impact on the setting of the listed building (PPG15).

PLANNING OFFICERS COMMENTS

The proposal will provide valuable additional parking for the school, albeit only for an additional two cars.

There will be no damage to the Yew tree as no works will take place under its canopy.

No objection is raised to the removal of the silver birch or the scrubby vegetation.

The trimming of the hedge along the site frontage will improve visibility, to the benefit of highway safety. Subject to the provision of replacement planting by condition, there will be no adverse impact to the setting of the listed building or to the street scene.

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 Before the development hereby permitted is brought into use the visibility splays shown on the submitted drawing 08.30A.20A shall have been provided with no obstruction to visibility. The visibility splays shall thereafter be maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

- 3 No development shall take place within the canopy of the yew tree. The tree shall be protected during construction under the terms of BS5837(2005) 'Trees in Relation to Construction'.

REASON: In order to safeguard the health of this visually important tree.

- 4 A replacement hedge shall be planted behind the visibility splays, the details of which shall have been submitted to and approved by the local planning authority prior to development commencing. Details shall include species, sizes at planting, densities, location and numbers.

REASON:

In the interests of visual amenity and of preserving the setting of the listed building.

- 5 The replacement hedge shall be planted in the first planting season following the new car park areas first being brought into use. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON:

In the interests of visual amenity and of preserving the setting of the listed building.

- 6 **INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following planning policies: Kennet Local Plan 2011 policy PD1 and Central Government planning policy contained in PPG15.