

## Regulatory Committee

March 12th 2009

### List of Applications for Consideration

1. **E/09/0003/RM** (page 6)

Approval of reserved matters for: Erection of 244 dwellings, access road, play areas and other associated infrastructure

At: Land at Quakers Walk, ROUNDWAY/DEVIZES

RECOMMENDATION: Grant approval of the reserved matters

2. **K/59900/VAR** (page 19)

Full planning application for: Removal of condition 17 of K/52761/O requiring the lower gates of Quakers walk to be fixed open

At: Land at Quakers Walk, ROUNDWAY/DEVIZES

RECOMMENDATION: Grant planning permission to vary the condition

3. **K/59899/VAR** (page 24)

Full planning application for: Variation of condition 15 of K/52761/O to delete requirement for lighting details prior to occupation of 50th dwelling on site

At: Land at Quakers Walk, ROUNDWAY/DEVIZES

RECOMMENDATION: Refuse variation of the planning condition

4. **K/59860/F** (page 32)

Full planning application for: Erection of five dwellings

At: Land off Plantation Road, TIDWORTH SP9 7SJ

RECOMMENDATION: Refuse planning permission

5. **K/59863/F** (page 38)

Full planning application for: Removal of condition 2 of planning permission K/57377/F to allow retention of single garage on area shown for the parking of 2 cars

At: 3 & 4 Post Office cottages, West Overton, FYFIELD & WEST OVERTON SN8 4ER

RECOMMENDATION: Grant planning permission

6. **E/09/0098FUL** (page 41 )

Full planning application for: Demolition of agricultural building and erection of a replacement building of identically sized footprint to be used for B1 and/or B8 uses (revision to K/58343/F)

At: Little Acre Farm, Stock Lane, ALDBOURNE SN8 2DD

RECOMMENDATION: Grant planning permission

Item 1

**APPLICATION NO:** E/09/0003/REM  
**PARISH:** DEVIZES  
**APPLICATION TYPE:** ROUNDWAY  
**PROPOSAL:** Reserved Matters  
Erection of 244 dwellings, access road, play areas and other associated infrastructure  
**SITE:** Land off Quakers Walk London Road Devizes Wiltshire  
**GRID REF:** 400985 162282  
**APPLICANT:** Taylor Wimpey UK Ltd & Persimmon Homes (Wessex)  
**AGENT:** Mr Glenn Godwin, Pegasus Planning Group  
**DATE REGISTERED:** 05/01/2009  
**CASE OFFICER:** Richard Cosker

### SITE LOCATION AND BACKGROUND

The Quakers Walk housing site is situated to the north east of Devizes. The site has outline planning permission (K/52761/O) for about 230 dwellings and a new school with vehicular access off London Road. The main housing site is bounded to the north and east by residential development (Roundway Park and Parkfields), to the south by agricultural land (with the sports club and allotments beyond) and to the west by Quakers Walk itself.



*The location of the Quakers Walk housing site and Quakers Walk itself*

This application relates to the reserved matters approval for 244 houses on the main site itself. This application relates only to the housing development on this site and a further reserved matters application will be submitted in the future for the school that was also permitted in principle by the outline planning permission.

There are two further applications on this agenda, K/59899/VAR and K/59900/VAR, which are applications to vary/remove conditions 15 and 17 of the outline planning

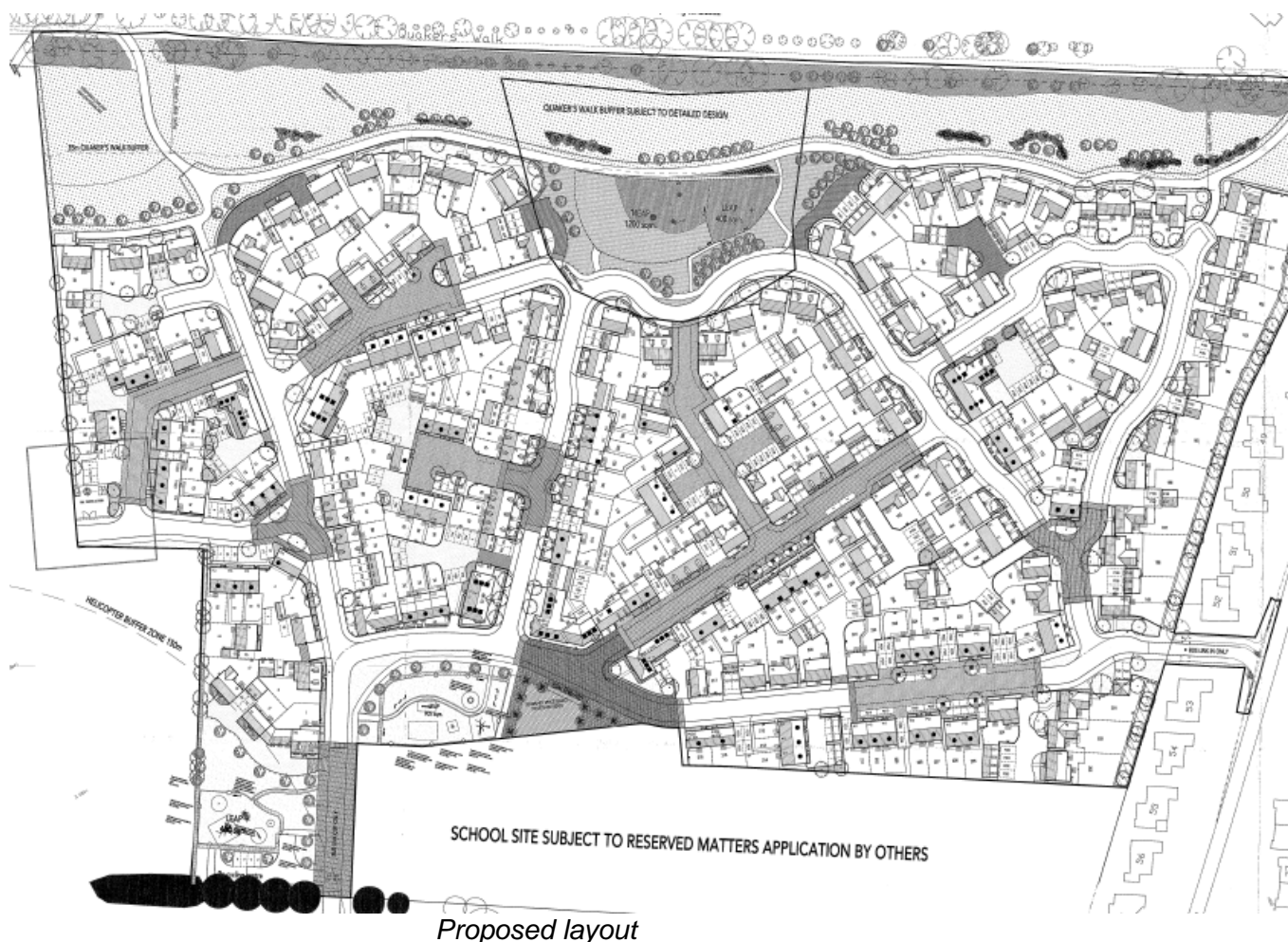
permission. Condition 15 relates to the requirement to fix the gates at the southern end of the walk in an open position whilst condition 17 requires surface improvements and lighting to be carried out on Quakers Walk. The matters raised by conditions 15 and 17 are not for consideration as part of this application which solely relates to the 'detailed' matters concerning the housing development itself.

#### SITE HISTORY

K/52761/O – As set out above this was the outline application for about 230 dwellings and a new school on the site which was allocated for such a development in the Kennet Local Plan 2011. The means of access to the site was approved as part of the outline application whilst all other matters were reserved. This site was also subject of the Quakers Walk Planning Brief which was approved by the council on 26<sup>th</sup> May 2005.

#### DESCRIPTION OF DEVELOPMENT

This is a reserved matters application following the approval of an outline planning application. The application therefore covers detailed matters relating to the layout of the site, the design and siting of buildings on the site and the landscaping of the site including the Quakers Walk landscape buffer.



A total of 244 dwellings are proposed and these are made up of a range of units from 1 bedroom flats to 5 bedroom houses. The site also provides for three separate play areas, a small community square and a neighbourhood recycling centre. The layout generally follows the concept plan that formed part of the planning brief but one of the open space areas has been moved so that it abuts the Quakers Walk Landscape Buffer. This allows the built form in that area to move further from the walk and a greater connection between the landscape setting of the walk and the housing development.

The roads on the site generally radiate from a central public open space and community square next to which the school building will be sited. These roads create links towards Quakers Walk, and onwards towards the town centre or open countryside, or towards the larger play area next to the landscape buffer.

#### PRINCIPAL AMENDMENTS MADE SINCE SUBMISSION

The applicants have submitted amended drawings to accommodate the comments of the highway authority. The amended drawings also address officer objections to the proposed layout and the design/scale of numerous house types and flat blocks. Amendments have included; the reduction in the height of buildings on various plots, improvements to the design and spacing of dwellings facing towards Quakers Walk and improvements to the relationship between dwellings on the northern boundary of the site and the bungalows on Roundway Park.

#### TOWN COUNCIL COMMENTS

Devizes Town Council – Plans should include a roundabout at the junction with the A361.

Roundway Parish Council – No objection but raise the following concerns;

1. The digging of the foul water pipe through Quakers Walk is likely to destroy the tree roots and thus the trees.
2. Need for roundabout on London Road.
3. Concern over flood prevention measures. Several areas of the site have long been prone to flooding and no provision is apparently made for this.
4. The residents of Roundway Park are concerned there will be flats alongside their boundary.
5. Concern about large amounts of traffic using school who will park in Roundway Park where there is already a problem or the London Road end of Victoria Road. Perhaps a bus should be provided from the old to the new school.
6. Parish Council is anxious to obtain S106 money for a village hall.

#### CONSULTATIONS

County highways (Paul Galpin) – The amended plans deal with the outstanding matters, and there are no objections, subject to conditions relating to the provision of the parking spaces; construction of the roads and visibility splays.

Environment Agency – Originally objected due to insufficient details on surface water drainage but has since removed their objection following receipt of further details.

KDC Head of Engineering – Object to the drainage proposals submitted which fail to include sustainable urban drainage to deal with the 1 in 100 year flood event as agreed at the outline application.

KDC Environment and amenities – raised concerns about the detailed equipment proposed on the play areas but final details are controlled by the section 106 agreement.

KDC Environment Protection Officer – The proposals in the Energy Statement adequately meet our 10% target for reduction of CO2 produced at the site as a result of the inclusion of renewable energy sources.

#### REPRESENTATIONS

A total of 13 letters of representation have been received and the comments raised can be summarised as follows;

1. Object to plans before implementation of promised improvements to the highway infrastructure in and around Devizes. At peak times all main roads into the town are at a standstill, this development will add a further 200+ car to the problem.

2. Several new developments off London Road have already caused traffic to be worse on London Road., the number of houses should be halved for safety and comfort of all people who live on or at the side of London Road.
3. The second access that is planned to be used by buses will increase the traffic through a quiet narrow residential road.
4. The site shows a road running off towards Devizes Sports Club, does the sports club have to close of their access and have they been consulted? Traffic going through the site to the club goes over traffic calming areas in the immediate vicinity of housing. That is far from ideal since the club has heavy traffic flows at weekends when children can be expected to be at play.
5. The impact on the area will be devastating; instead of a beautiful walk we get more high density housing.
6. This will be a loss of a green lung.
7. Bungalows would be overlooked by two storey houses.
8. Correspondence with British Waterways concerning the drainage is based on 100 houses on the site and the positive attitude by them may be on a false promise.
9. The site of the proposed school is a concern as noise and light pollution will greatly affect the residents adjacent to the site. Parents will also use Roundway Park and Parkfields as a drop off zone.
10. Quakers Walk is a very quiet beauty spot and this will greatly change with the proximity of the proposed development.
11. The new road across the Police land will lead to possible more housing on either side at a later date. This is not needed as Roundway Park and Parkfields could be used.
12. The TPO's on London Road should be kept as their removal would be detrimental to the appearance of London Road.
13. If the foul water sewer is put into Quakers Walk this will damage the trees and disrupt wildlife.
14. Sewer through the gates will affect what remains of the stone driveway, stones will need to be carefully removed and replaced in the same position using methods approved by a conservator.
15. Little detail is shown of the junction onto London Road but it appears that the ghost island on London Road will interfere with the shared access for Highbank and Adastra House. Traffic lights should be considered.
16. Building a school with all this traffic is an accident waiting to happen.
17. What will joggers and walkers do when Quakers Walk is being dug up?
18. Why build more houses where others in the area aren't selling.

#### POLICY CONSIDERATIONS

Kennet Local plan - policies PD1, HC2, HC5, HC7, HC9, HC31, HC34 and AT9 are considered relevant in the consideration of this application.

#### PLANNING OFFICERS COMMENTS

As already noted above, the Quakers Walk site has a lengthy history which resulted in it being allocated for housing, together with a site for a new primary school, within the local plan. This decision was endorsed by the planning inspector at the local plan inquiry. This council then adopted a Planning Brief for this site and subsequently approved outline planning permission (K/52761/O) for about 230 dwellings and a primary school. The principle of about 230 dwellings on this site has therefore been accepted and it is considered that the proposal for 244 dwellings falls within the definition of 'about 230'.

At the outline planning application stage the details of the means of access to the site was a matter for approval. The main vehicular access is provided via a new 'T-junction' with London Road and secondary emergency/bus access is also provided onto Roundway Park. The access on London Road will be uncontrolled but does include a 'right turn' central lane on London Road. The access road leaving the site will also be three lanes wide for a distance to provide a left and right turn lane as well

as a pedestrian refuge. The inclusion of an extra lane on London Road will result in the footway on the west side of London Road being diverted around the retained trees. The secondary access onto Roundway Park will be restricted by the use of some form of controlled barrier, such as a bus gate or rising bollards, to prevent unauthorised vehicles using it. The exact details are secured by way of a planning condition on the outline planning permission and the section 106 legal agreement. The issue of the means of access, and the design of those accesses, has therefore been agreed and are **not** matters for consideration for this application.

Policy HC9 of the local plan relates to the allocation of this site and the seven criteria of that policy were all addressed in the outline planning application committee report. These criteria are again the starting point for the consideration of this application, together with the supporting text to that policy. This report will therefore address that policy before considering any of the further issues raised by this proposal.

### Policy HC9

- a) *Retain and respect the quality and appearance of Quakers walk by providing a buffer of minimum width 35 metres between the footpath and development*

Both the planning brief and the landscape strategy have previously shown how the landscape buffer could be achieved along Quakers Walk. The intention was for the buffer to be an informal edge along the interface between Quakers Walk and the new development. The landscaping treatment of the buffer is examined under criteria b).

The scheme now submitted has developed those concepts and strategies with the dwellings not keeping rigidly to the 35 metre distance. Whilst some of the dwellings facing Quakers Walk are sited slightly closer than 35 metres, large sections of the dwellings are sited well beyond the 35 metre buffer. In particular, the introduction of a large open play area abutting the buffer allows a wide section of the development to be set significantly further back from Quakers Walk, as does the setting back of the dwellings behind the 'natural bowl' at the southern end of the site. Officers consider that the layout now proposed ensures the interface between the buffer and the development is as informal as possible.

All the dwellings sited along the Quakers Walk buffer actually 'front' onto the buffer. Most of these dwellings have a pedestrian footpath to the front with vehicular access to the rear, although there are a few small sections of private driveways to create some variety and interest to the layout. The dwellings along the buffer are all two storey dwellings with modest ridge heights and have 'traditional' designs which include the use of chimneys. Hedgerows would be used to enclose the front gardens of the dwellings and enclose a section of private driveway closest to the buffer.

Your officers considered that the proposed layout, together with the design and scale of the proposed dwellings adjacent to the buffer, would respect the quality and setting of Quakers Walk ensuring the character of Quakers Walk would not be materially reduced.

The issues relating to the proposed works on Quakers Walk itself (the opening of the gates, surface improvements and lighting) were all considered as part of the outline application and are subject of planning conditions on the outline planning permission. These works are however subject to two further applications on this committee agenda to either remove or vary the planning conditions. As such the proposed works on Quakers Walk are not matters to be considered for this application.

- b) *Include a comprehensive landscaping scheme to minimise the potential external impact of the development on the wider landscape of Roundway Hill and the potential impact on Quakers Walk*

A comprehensive landscape strategy was submitted with this outline application and a full landscaping scheme has been submitted with this reserved matters application. A final landscaping scheme is however awaited which will relate to the amended layout now submitted.

The landscaping scheme not only deals with the impact of the development from Quakers Walk, but the landscaping to minimise the impact on the wider landscape. The landscaping of the Quakers Walk buffer consists of a simple approach with small informal groups of native planting near the development with extensive grassed areas elsewhere, which will include wildflower areas. This planting is not intended to fully screen the development but, as recommended by the Local Plan Inquiry Inspector, the development will be visible from Quakers Walk with views of the development filtered and softened by the landscaping. The trees on the walk itself will however remain the dominant landscape features.

The submitted landscaping scheme also provides for an appropriate landscape buffer between the back gardens of the bungalows on Roundway Park and the proposed dwellings along the northern edge of the site. This buffer is made up of small scale native planting including a number of small light canopied trees which are carefully sited so as not to overshadow the bungalows. This buffer is considered important to, not only provide some separation between these existing and proposed houses, but to provide a suitable landscape setting for the site.

Finally the landscaping scheme provides landscaping within the built area and includes, where appropriate, planting in front gardens to soften the proposed development and define property boundaries.

- c) *Ensure that the use of the allotments to the south of the site is not compromised*

A planning condition was imposed on the outline planning application requiring a crossing point to be created across Quakers Walk for that purpose. Details to discharge this condition are being considered by officers.

- d) *Provide a main vehicular access from London Road and a secondary access for bus services and emergency purposes from between 52 and 53 Roundway Park*

As stated above the means of access were agreed at the outline stage and their provision is controlled by planning conditions and the section 106 legal agreement.

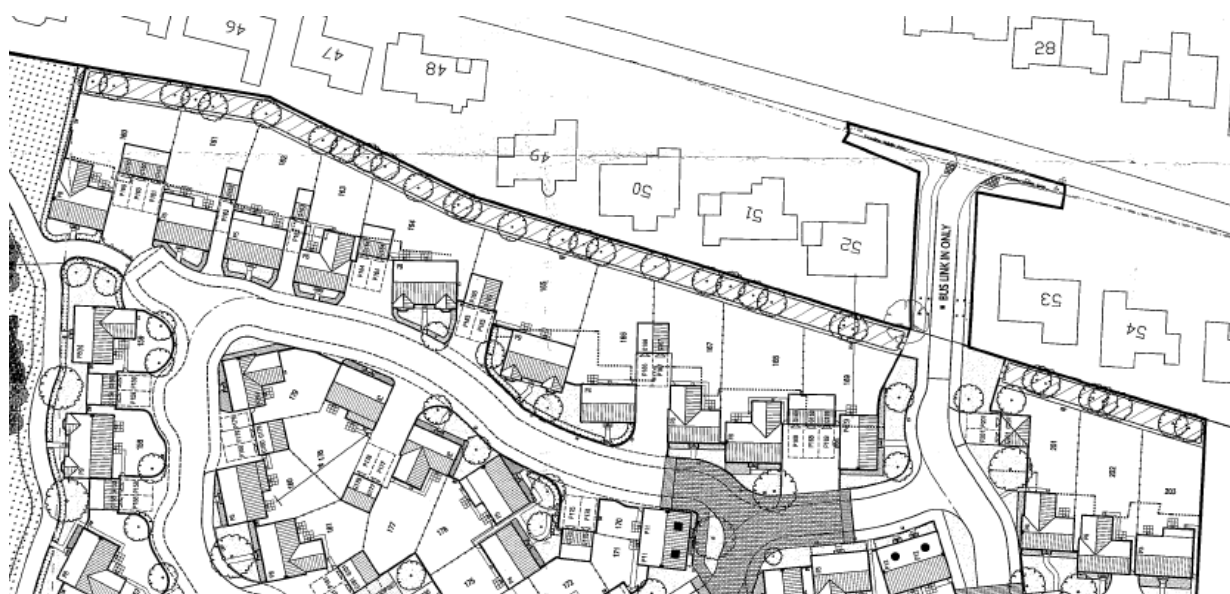
- e) *Ensure the potential disturbance to residents from the use of the helipad is minimised through the design and layout of the scheme*

A noise assessment was submitted at the time of the local plan inquiry principally to address the noise issues associated with the police helipad. As a result of this report and the consultation carried out for the planning brief a 150 metre exclusion zone has been applied to the helipad which includes a small area of the site. It was stated that no residential or school buildings will be possible on this area of land.

The proposed layout conforms with this exclusion zone with the area being used as a landscaped play area and as a position for the neighbourhood recycling centre required by the section 106 legal agreement.

f) *Respect the amenity of adjacent land uses and residents*

The main amenity issues raised on the Quakers Walk site concerned the relationship between proposed dwellings and the school and those existing dwellings that form the northern and part of the eastern boundaries of the site. There are bungalows on Roundway Park to the north, whilst there are two storey dwellings in Parkfields to the east where the proposed school would be sited. This reserved matters application concerns only the housing development and as such the key issue concerns the relationship between the dwelling proposed along the northern boundary of the site (plots 160 to 169 and 201 to 203) and the adjacent bungalows on Roundway Park. The detailed issues concerning the school will be subject to a separate planning application.



*Layout of houses adjacent to Roundway Park bungalows*

The planning brief stated that there should be a separation distance of 25-30 metres between the back of the Roundway Park bungalows and the properties within Quakers Walk. The normal 'back to back' distance to ensure that the level of privacy is maintained to an acceptable degree is 21 metres, as set out in this council's supplementary planning guidance. However, in this instance, having regard to the fact that the relationship was likely to be two storey dwellings to single storey dwellings and the shallow depth of the rear gardens of those single storey dwellings, the brief set out an increased separation distance of 25-30 metres. The layout proposed does indeed show two storey dwellings along the northern boundary and in most instances, following the submission of amended drawings, a back to back distance of 27 metres is achieved. Only in a few instances is it reduced to 25 metres including on plot 169 but on that plot there are no first floor windows in the northern elevation. In addition to achieving these separation distances, the dwellings along the northern boundary have deliberately been designed with modest ridge heights (between 7.5 and 7.9 metres) and the layout ensures there are significant gaps between many of the dwellings. It is considered that the amended plans now show a form of development along this boundary which accords with the requirements of the planning brief and will ensure an acceptable level of privacy is maintained at the existing bungalows.

As already stated at criteria b) the submitted scheme also shows a 4 metre deep landscape buffer between these plots and the bungalows. These will be carefully landscaped to provide a degree of separation between the gardens of the existing and proposed dwelling whilst ensuring the landscaping itself does not have an adverse impact on the amenities of the occupiers of the bungalows. The access to the landscape buffer will be via a locked gate at one end which will only be



accessible for those people undertaking management/maintenance of the planted area.

*g) Not commence on more than 150 of the houses prior to April 2008*

This is no longer relevant as we are now beyond April 2008.

With regard to the points raised in the supporting text of Policy HC9, this expands on some of the above criteria whilst also raising issues that needed to be addressed by the planning brief for the site. One such issue was the opportunity to improve access through the site to what will be an extended sports club on the London Road. This will in turn allow for the stopping up of the existing access to the sports club next to the canal bridge. The layout submitted shows the appropriate access road up to the southern boundary of the access site and the timing of that provision is subject of a planning condition on the outline planning permission. This application provides only for the access road to be built up to the southern boundary of the site and there is at present no requirement for the sports club to use this access or close their existing one off. Officers are aware that these works would however be a requirement of the highway authority if the sports club proposed to increase facilities at the club.

As stated above, in addition to the requirements of policy HC9 a number of further issues are raised by this proposal, many of which have been raised in the representations received by the council. These will be considered below.

#### Highway issues

As noted previously in this report, the proposed development provides main vehicular access onto London Road and a secondary bus and emergency access onto Roundway Park as required by policy HC9. The design and location of those accesses, together with the issues concerning the capacity of London Road for further traffic are all matters that have been considered at the time of the local plan allocation and the outline planning application. These are not matters that can be considered at this reserved matters stage.

With regard to the detailed highway matters the highway authority initially raised objections to the layout first submitted due to technical issues with the internal layout and concern about the inadequacy of car parking provision on the site. Amended drawings have since been submitted that overcome these objections and there is now no objection from the local highway authority.

With regard to the second issue the applicants were made aware of members concerns about car parking levels on residential developments at the pre-application stage. The applicants have now submitted a layout where they have increased parking provision by 20 spaces so their parking matrix now shows an average of 1.93 car parking spaces being provided per dwelling. It is noted that on 24 plots the applicants have 4 parking spaces for some larger dwellings, when in fact the council's maximum parking standards would normally only allow 3 spaces. However, even when those 24 spaces are deducted from the parking matrix the average provision is still 1.83 spaces per dwelling, which is in compliance with this council's maximum parking standards. A total of 35 visitor spaces are also being provided across the site, which equates to 1 per 7 dwellings. This is again in accordance with the council's parking standards that require no more than 1 visitor space per 5 dwellings to be provided. Having regard to this council's maximum car parking standards and the appeal decision at the former Kverneland site, your officers consider sufficient car parking is now being provided.

#### Ecology

The site where the housing would be built was last used for arable crops. As a consequence it has previously been concluded that there is limited ecological interest with no significant vegetation on the site itself. A previously carried out ecological

survey has confirmed this. The most important landscape interests are the trees on Quaker's Walk, those along London Road and those on the boundary of the housing site and the police authority land, where the main access will be routed. Having regard to the 35 metre wide landscape buffer proposed, it is considered that the proposed housing development will be no detrimental impact on the trees along Quaker's Walk.

As already agreed by the outline planning permission the proposed access will result in the loss of three trees between the two large horse chestnut trees on London Road. Whilst the loss is unfortunate the location of the access was crucial to ensure the necessary visibility splays across the applicants land. It was concluded at the time of the outline application that the loss of these trees would not have any adverse impact on the character of London Road, particularly having regard to the retained trees and the avenue planting proposed along the access road.

### Drainage

At the time of the outline planning application the previous owner of the site prepared a surface water drainage strategy for the site in consultation with the Environment Agency. The strategy was to use soakaways and other sustainable urban drainage systems to control surface water run-off from the site to 'greenfield rates' and to deal with the 1:100 year flood event, as required by Government guidance. This was acceptable to the Environment Agency and the Council's Engineer. Condition 24 of the outline planning permission requires the final details of the surface water drainage scheme to be submitted to and approved by the council.

The applicants have submitted a surface water drainage scheme to the council in order to discharge that planning condition. Those details have also been submitted as supporting information with the reserved matters application. The detailed information submitted states that further investigative work has shown that soakaways do not actually work on the site and as such a number of different approaches have been investigated. The option preferred by the applicants is to provide sufficient storage on the site to deal with a 1 in 30 year storm event with the 1 in 100 year flood events being dealt with by a discharge to the canal to the rear of Moonrakers. The sewer to that discharge point would be via London Road.

This option has not however yet been agreed by this council or by British Waterways and as such negotiations are continuing. Officers do however advise members that the failure to agree the details of the surface water drainage scheme is not a reason to refuse this application or defer its determination. The planning condition on the outline planning permission is the mechanism for agreeing these details and officers will continue to negotiate an appropriate scheme. Approval of the scheme will be required before the applicant can commence development on the site.

With regard to the foul water discharge, details of these works are again controlled by a condition of the outline planning permission. Wessex Water has confirmed that the foul sewer in London Road does not have the capacity to accommodate the waste water from this site and that the nearest point of adequacy is in New Park Street. Therefore the details submitted are that all foul water on the site will go to a pumping station located at the southern end of the site with a rising main then running along Quakers Walk to a connection in New Park Street.

Concerns have been raised by the Parish Council and residents that running the sewer along Quakers Walk will cause harm to the trees. As the sewer is a rising main (instead of being gravity fed) the pipe, which would only be 180mm in diameter, can be kept close to the surface level and maintain that depth throughout the walk. At a depth of 1.2 metres the pipe would only be marginally deeper than the trench for the electricity supply to the lights. These two services would in fact share the same trench. Test pits have been undertaken in key locations along Quakers Walk which have shown that root disturbance would be minimal. The council's landscape officer

inspected these test excavations and agrees that the work would cause no harm to the health of the trees. This conclusion has also been based on the fact that the remainder of the root protection areas of each of these trees are, and will remain undisturbed.

#### Public open space and recreation

The section 106 legal agreement set out the criteria for public open space and recreation provision on the site. It will consist of three younger children's equipped play areas and one casual equipped play area. One younger children's play area is located near the entrance to the site whilst the second is located next to the community square and school site. The final younger children's play area and the casual equipped play area are sited alongside each other on the large open space area that abuts the landscape buffer. All play areas have good natural surveillance whilst the separation distances between the play areas and the adjacent dwellings all comply with the council's supplementary planning guidance. Final details of what equipment is used on the play areas will need to be agreed as part of the section 106 agreement.

#### Affordable housing

The applicant proposes 50% affordable housing on the site consisting of 30% subsidised and 20% low cost market housing as per the requirements of the local plan and the section 106 legal agreement. Policy HC31 seeks to ensure that affordable housing is properly integrated into housing developments stating that they should be in groups of, "no more than about 10". It is of course, in practice, quite difficult to do fully comply with this policy where 50% of the dwellings on the site are affordable and where the characteristics of the site restrict the locations where such dwellings could be sited. In this instance lower density layouts are needed adjacent to the Quakers Walk landscape buffer and Roundway Park. It is not considered appropriate to have semi-detached or terraced dwellings in those locations. Your officers therefore conclude that the distribution of the affordable units on this site does sufficiently address this policy.

#### Conclusion

The principle of the residential development of this site and the means of access to the site has long been established and are not now matters for consideration.

In considering the detailed matters that are now for consideration, following extensive negotiations with the applicants, both during the application process and during the pre-application process, your officers now consider that the proposal now before the council is acceptable. As such approval is recommended.

### **RECOMMENDATION**

Approve with Conditions

- 1        **INFORMATIVE TO APPLICANT:**  
Your attention is also drawn to the conditions imposed on the outline planning permission reference K/52761/O and dated 29th August 2007.
  
- 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 24th August 2007.

- 3 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans set out in the letter dated 19th February 2009 from Focus On Design which were received on the 23rd February 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.
- 4 Notwithstanding the details submitted 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.
- 5 Prior to the commencement of development details of all eaves, verges, windows (including reveal depths and head and sill details), doors, bay windows, balustrades, string courses, rainwater goods, chimneys, dormers and canopies to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details.
- REASON: To secure a harmonious architectural treatment.
- 6 Details of lighting, bollards and other street furniture shall be submitted to and approved in writing by the local planning authority before being constructed on site. The details of the lighting shall include luminance levels for the lighting proposed. The development shall be carried out in accordance with the approved details.
- REASON: To secure a harmonious architectural treatment and to minimise light pollution from the site.
- 7 **INFORMATIVE TO APPLICANT**  
The applicant should note that the council expects the lights and all other street furniture to be finished in black, rather than a standard galvanised finish, and decorative light fittings should also be used to raise the quality of the detail on this important site.
- 8 Notwithstanding the details submitted before the construction of any boundary wall(s), railing(s) or fence(s), including any retaining walls, 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: To secure a harmonious appearance.
- 9 Prior to its construction full details of the proposed pumping station shall be submitted to and approved in writing by the local planning authority. Those details shall include the appearance of any above ground structures, plant or machinery and the boundary treatment of the pumping station. The works shall be undertaken in accordance with the approved details.
- REASON: In the interests of the visual amenity of the area.

- 10 Details of the surface finishes of all roads, footpaths, access ways, garage/parking courts and drives shall be submitted to and approved in writing by the local planning authority before being constructed. The development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 11 Prior to the commencement of development a method statement shall be submitted to and approved in writing by the local planning authority concerning the construction of the access road to the re-cycling centre along the boundary with the Police Authority land. The method statement shall include large scale working drawings of the construction works in relation to existing trees together, details of the method of construction and details of the temporary movement of any protective fencing if so required. The works shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority.

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

- 12 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.

- 13 Prior to the commencement of development 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 should accord with the details in the submitted sustainability statement and shall include the location, appearance and 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.

- 14 Notwithstanding the submitted details, before any work commences on site the ground floor slab levels for all buildings on the site 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 and neighbour amenity.

- 15 The flat blocks hereby approved shall not be occupied until the refuse and recycling storage facilities together with the cycle store shown on the approved plans for that flat block have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse, recycling and bicycles.

16 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 court or private drive.

REASON: In the interests of visual amenity and securing a harmonious architectural treatment.

17 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 the following plots hereby approved shall be erected :- 12, 14-18, 28, 29, 54-57, 60, 63-66, 80, 90-95, 110, 118, 122-124, 135, 136, 141, 142, 210, 212, 213, 216, 224, 230, 232-236 and 238.

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

18 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 northern (rear) elevation of plot 169, the western (rear) elevation of plot 114 and the western (rear) elevation of plot 134.

REASON: In the interests of the privacy of the neighbouring properties

19 The window at first floor level on the western (rear) elevation of plot 114 shall be glazed with obscured glass and shall be so maintained.

REASON: In the interests of the privacy of neighbouring properties.

20 INFORMATIVE TO THE APPLICANT

The applicant should note that the details of the play equipment provided is not acceptable and that the final details will need to be approved as part of the requirements of the section 106 agreement.

21 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, HC2, HC5, HC7, HC9, HC31, HC34 and AT9.

Item 2

**APPLICATION NO:** K/59900/VAR  
**PARISH:** DEVIZES  
ROUNDWAY  
**APPLICATION TYPE:** Variation of Condition  
**PROPOSAL:** Removal of condition 17 of K/52761/O requiring the lower gates of Quakers walk to be fixed open  
**SITE:** Land off Quakers Walk Devizes  
**GRID REF:** 401011 162226  
**APPLICANT:** Taylor Wimpey UK Ltd & Persimmon Homes (Wessex) Ltd  
**AGENT:** Pegasus Planning Group  
**DATE REGISTERED:** 16/12/2008  
**CASE OFFICER:** Richard Cosker

**SITE LOCATION AND BACKGROUND**

The Quakers Walk housing site is situated to the north east of Devizes. The site has outline planning permission (K/52761/O) for about 230 dwelling and a new school with vehicular access off London Road. The main housing site is bounded to the north and east by residential development (Roundway Park and Parkfields), to the south by agricultural land (with the sports club and allotments beyond) and to the west by Quakers Walk itself.

This application, together with another application on the agenda (K/59899/VAR), relates to the works actually on Quakers Walk itself. A further application on the agenda (E/09/0003/REM) is a reserved matters application for the actual housing development on the Quakers Walk site.



*The location of the Quakers Walk housing site and Quakers Walk itself*

Condition 17 of the outline planning permission required a scheme to be approved to fix the lower gates of Quakers Walk in an open position and to install measures to prevent unauthorised vehicular access to Quakers Walk. This was one of two conditions that were imposed to ensure that Quakers Walk was a suitable access for pedestrians and cyclists to gain access to and from the town centre. The requirement to carry out improvement works to Quakers Walk formed part of the planning brief for the site which was adopted by this council as supplementary planning guidance in April 2004.

During the public consultation events last summer, undertaken by the developer prior to submitting the reserved matters application for the housing development, objections were received to the works proposed on Quakers Walk. This application,

which has been submitted in response to those objections, now proposes to remove this planning condition so that the Gates do not need to be fixed open.

#### SITE HISTORY

K/52761/O – As set out above this was the outline application for 230 dwelling and a new school on the 'Quakers Walk site' which was allocated for such a development in the Kennet Local Plan 2011.

#### DESCRIPTION OF DEVELOPMENT

The removal of condition 17 of K/52761/O so that the developer is no longer required to fix the Quakers Walk gates in an open position. Pedestrian and cyclists using Quakers Walk would therefore continue to use the existing pedestrian access which exists at the side of the gates.

#### PRINCIPAL AMENDEDMENTS MADE SINCE SUBMISSION

None

#### TOWN COUNCIL COMMENTS

Devizes Town Council – No objection

Roundway Parish Council – No objection

#### CONSULTATIONS

WCC Highways (Paul Galpin) – Object to the application stating that;

*“The gates in a closed position will not provide satisfactory space or suitable alignment for access by wheelchairs, pushchairs, prams/buggies and bicycles. With the gates closed this will not provide suitable access to serve the proposed development /school or encourage these modes to access the town centre. This could result in encouraging use of trips using motor vehicles to the town centre and using London Road, instead of using more sustainable modes and the proposed footpath/cycle link.”*

#### REPRESENTATIONS

A total of 12 letters of support for keeping the gates shut have been received and the comments raised can be summarised as follows;

1. If the gates are kept closed it will reduce the danger of unauthorised vehicular use of Quakers Walk.
2. Keeping the gates closed protects the gates from damage.
3. Keeping the gates closed will not restrict the current access of pedestrians, wheelchairs, buggies and bicycles.
4. Existing access is perfectly adequate.
5. The application reflects the public comments made during the consultation process.
6. If the gates are opened there are dangers for users of the turning circle as cyclists could come hurtling through the gates. The current arrangement makes cyclists slow down.
7. Gates were designed to control access to Quakers Walk and they still perform that function elegantly. Conservation and Government guidance state that the best uses for listed buildings and structures is for what it was originally designed for.
8. The gates form part of the Victoria Road Conservation Area and surely should not be opened without a variation to the conservation area.
9. CABE espouses that heritage features should be integrated into new development, not removed or relegated. For that reason they should remain closed to reflect the importance of the estate to which they belonged.
10. Opening the gates will result in the need for bollards which will be to the detriment of the walk. It may also require works that in itself needs listed building consent.



11. The gates should be kept shut and repaired and restored before being handed over to the highway authority.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, HC9 and HH10 and the guidance in Planning Policy Guidance 15 are relevant.

#### PLANNING OFFICERS COMMENTS

Both this application and K/59899/VAR are proposing to vary or remove planning conditions that were attached to the outline planning permission for the development of the Quakers Walk site. These conditions were recommended by officers, in conjunction with the advice given by the relevant consultees, and agreed by members when the outline application was considered at the Regulatory Committee. However, following the concerns and objections raised at the public consultation events last year, it is necessary to re-consider the appropriateness of those conditions imposed.

In making their objection, the highway authority state that one of the main reasons for the allocation of Quakers Walk, and their members relaxation of the normal second means of access requirements for the site, was the potential for good pedestrian/cycle links to/from the town centre. Your officers can confirm that, in allocating the Quakers walk site for housing, this council and the Planning Inspector at the time of the Local Plan Inquiry, placed significant weight on the opportunities for use of modes of transport other than the private car. The access to the town centre via Quakers Walk is the most important of those opportunities.

In addition to the other alterations to Quakers Walk, which will be considered in the committee report for K/59899/VAR, the opening of the gates was considered a positive option making access onto the walk easy and more convenient. The condition was therefore imposed on the outline consent to keep the gates open, whilst also requiring a scheme to be approved to prevent vehicular access onto the walk. As stated previously this proposal became a very contentious issue at the time of the public consultation events for the reserved matters application, as such your officers have re-examined the issue in deciding whether the planning condition should be removed.

Currently all users of the walk go 'around' the gates to use a narrow pedestrian gate. This route 'around' the gates is not really visible until you get close to the gates and historically the vegetation grew close to, and overhung, the side access. The route also narrows to a 900mm wide 'pinch point' between the end pillar and the retaining wall. The highway authority has stated that it is not just this limited width they have concerns about. They also consider that the nature of the route around the pillar will reduce the convenience for users of the walk, and could even remove the ability for many users, particularly those with wheelchairs, pushchairs and bicycles, to pass through. It should however be noted that 'The Manual for Streets', which is a Department for Transport guidance document, states that 900mm is sufficient width for a wheelchair user or a pushchair.

Your officers accept that opening the gates would create a far more open, attractive and convenient approach into and out of the walk. With the proposed dwellings and school on Quakers Walk it is essential that the attractiveness of using the route for those people accessing the site is not reduced to a point that people are deterred or prevented from using it. The side access has of course been used for many years by a variety of users, many of whom have written in support of this application stating how they have used the access for bicycles and pushchairs. On balance therefore, your officers consider that, subject to additional conditions to improve the usability of the side access, the gates remaining closed will not significantly reduce the likelihood of persons from the development site using Quakers Walk to access the town centre.

As part of the observations received for this application the impact of the requirements of the condition on the listed gates has been raised. It is however considered that gates such as these are intended to be either open or closed. As such the failure to keep the gates closed would not adversely affect the historic or architectural quality of the gates or their setting. It is further considered that the opening of the gates would not materially damage the open character of the Area of Minimum Change in which they are sited.

Finally, the highway authority has also requested that a compromise solution should be reached, rather than just remove the condition. They acknowledge that widening of the side access would not be possible, as this would require removal/re-positioning of part of the retaining wall which is listed, but consider that having only one gate in an open position would provide more room than the side access. Whilst officers consider that such a compromise would be acceptable this is not what the applicants have applied for. If however members wished to support this compromise solution then a variation of the condition could be agreed, rather than its outright removal.

It is therefore recommended that condition 17 of K/52761/O is removed subject to the conditions below being imposed.

## **RECOMMENDATION**

Approve with Conditions

- 1 No works permitted by planning application K/52761/O shall commence until details of the lifting and relaying of the cobbles in the pedestrian access to create a more level and even surface have been submitted to and approved in writing by the local planning authority. Those details shall include a method statement for these works and details of how the re-laid cobbles will relate to the proposed surface improvement works to the walk approved under condition 15 of K/52761/O or K/59899/VAR and the ground level on the south side of the gates. The works shall be carried out in accordance with the approved details prior to the occupation of the 50th dwelling on the housing development approved under K/52761/O.

REASON: In order to improve the surface of the existing side access to aid users of the walk.

- 2 No works permitted by planning application K/52761/O shall commence until there has been submitted to and approved by in writing by the local planning authority a scheme of soft landscaping for the land immediately to the east of the gates. The scheme shall include removal of some of the existing vegetation in that area and the replanting of the area with appropriate species. Details shall include species, sizes at planting, densities, location and numbers of the new planting.

REASON: In order to improve the visibility of the side access when approaching the gates, to ensure existing vegetation doesn't hamper the use of the side access and to ensure an appropriate landscape setting is provided for the gates.

- 3 All soft landscaping works comprised in the approved landscaping details shall be carried out prior to the occupation of the 50th dwelling on the housing development approved under K/52761/O. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure the visibility of the side access is improved and suitable replacement landscaping is carried out when the footpath improvements are carried out.

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**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, HC9 and HH10 of the Kennet Local Plan 2011 and the guidance in Planning Policy Guidance 15

Item 3

**APPLICATION NO:** K/59899/VAR  
**PARISH:** DEVIZES  
**ROUNDWAY**  
**APPLICATION TYPE:** Variation of Condition  
**PROPOSAL:** Variation of condition 15 of K/52761/O to delete requirement for lighting details prior to occupation of 50th dwelling on site  
**SITE:** Land off Quakers Walk Devizes  
**GRID REF:** 401003 162315  
**APPLICANT:** Taylor Wimpey UK Ltd & Persimmon Homes (Wessex) Ltd  
**AGENT:** Pegasus Planning Group  
**DATE REGISTERED:** 16/12/2008  
**CASE OFFICER:** Richard Cosker

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### SITE LOCATION AND BACKGROUND

The Quakers Walk housing site is situated to the north east of Devizes. The site has outline planning permission (K/52761/O) for about 230 dwelling and a new school with vehicular access off London Road. The main housing site is bounded to the north and east by residential development (Roundway Park and Parkfields), to the south by agricultural land (with the sports club and allotments beyond) and to the west by Quakers Walk itself.

This application, together with another application on the agenda (K/59900/VAR), relates to the works actually on Quakers Walk itself. A further application on the agenda (E/09/0003/REM) is a reserved matters application for the actual housing development on the Quakers Walk site.



*Location of Quakers Walk housing site and Quakers Walk itself*

Condition 15 of the outline planning permission required a scheme to be approved to improve Quakers Walk from Park Bridge to the southern end of the site, a distance of some 400 metres. The condition stated that those improvements should include surface treatment of Quakers Walk and the lighting of the walk. These requirements followed the proposals set out in the Quakers Walk Planning Brief which was adopted by this council as supplementary planning guidance in April 2004. The requirement to improve the surface of Quakers Walk and the proposed lighting was set out very clearly to members in the committee report when the outline planning permission was granted.

During the public consultation events last summer, undertaken by the developer prior to submitting the 'reserved matters' application for the housing on the site, objections were received to the works proposed on Quakers Walk. This application, which has been submitted in response to those objections, now proposes to vary the planning condition so that the requirement to light Quakers Walk is removed.

#### SITE HISTORY

K/52761/O – As set out above this was the outline application for 230 dwelling and a new school on the 'Quakers Walk site' which was allocated for such a development in the Kennet Local Plan 2011.

#### DESCRIPTION OF DEVELOPMENT

The variation of condition 15 of K/52761/O so that the developer is no longer required to install lighting along the southern section Quakers Walk between the gates and the southern end of the proposed residential development. The requirement to improve the surface of this section of the walk will however remain.

#### PRINCIPAL AMENDEDMENTS MADE SINCE SUBMISSION

None

#### TOWN COUNCIL COMMENTS

Devizes Town Council – No objection

Roundway Parish Council – No objection

#### CONSULTATIONS

County highways (Ian Postlethwaite) – Object to the application stating that; "the non-provision of lighting along the southern length of Quakers Walk would not encourage its use nor provide safe and convenient access to/from the town centre for all users of the route and so would not satisfy requirements of Policy AT1."

KDC Community Safety – As a result of the development of the houses and the school the use of Quakers Walk will change from being a casual pathway used occasionally by runners and dog walkers to a busy pathway connecting the town centre and the new estate. It is very important that the people who use the path feel safe and this will be encouraged if the area is provided with suitable low-level lighting. Community Safety do not support the proposal to vary the planning condition.

Police Crime Reduction/Architectural Liaison Officer – Objects on behalf of Wiltshire Police stating that; the walk is currently a semi rural setting and its construction and lack of lighting is acceptable. However with the addition of a large housing estate this pathway will see a massive increase in footfall and its use will change to a necessary pathway connecting the town centre to the new estate. Appreciate the comments with regard to the protection of wildlife and its habitat but we also need to take into consideration and place the same importance on the protection of people including children who will undoubtedly be using the pathway regularly. The use and setting of the walk will change with the introduction of the new housing estate. Security measures such as lighting do not need to be intrusive but can be introduced to enhance and blend in with their surroundings.

District Ecologist – No objection to removing the lighting proposals for Quakers Walk as it will be beneficial to keep this habitat unlit.

#### REPRESENTATIONS

A total 12 letters of support for not lighting the southern section of Quakers Walk have been received and the comments raised can be summarised as follows;

12. No benefit to be gained by digging up the path to install intrusive lighting and potentially damage the trees.

13. The requirement to light the walk seems to be a standardised solution to a non-standard situation.
14. The entire canal towpath through Devizes is unlit, The Green is also unlit and section of the Thames Footpath in London are unlit, which has much heavier pedestrian and cycle use. The canal footpath is used by children going to St Joseph's School.
15. Having walked up this path regularly in the dark safety is not currently an issue. I would feel far more intimidated by pools of light eliminating my night vision and making the surrounding areas appear darker.
16. Lighting will change the character of the walk.
17. The impact on the local wildlife is not to be underestimated, particularly bats. A full investigation into the use of the walk by bats is needed.
18. Quakers Walk should remain an unlit country path and shouldn't become suburban.
19. Lighting may well encourage anti-social use of the walk.
20. Aware of similar paths in Suffolk being lit and users of the paths no longer feel safe
21. The arguments for the lights are all based on the needs of the incoming population, which it assumes overrides those of existing residents. Quakers Walk has long been a popular country walk which is steeped in history and we believe newcomers will learn to appreciate the beauty and natural charm in its existing state.
22. Lighting would require works that would harm the landscape including the need to remove lower branches.
23. Not convinced that lighting will deter crime since the tree lined walk gives ample opportunity to hide whilst their intended victims are clearly illuminated.
24. WCC rights of way officer supports the maintenance of Quakers Walk as a country walk by stating that the existing path is not difficult to use and that some mud and puddles are inevitable in the countryside.
25. A better approach would be to modify the S106 to require lighting before the occupation of the 200<sup>th</sup> house if following the occupation of the 100<sup>th</sup> house a survey of users of the path considers it necessary.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC9, AT1 and HH10 and the guidance in Planning Policy Guidance 15, together with the contents of the adopted Planning Brief for Quakers Walk are relevant.

#### PLANNING OFFICERS COMMENTS

Both this application and K/59900/VAR are proposing to vary or remove planning conditions that were attached to the outline planning permission for the development of the Quakers Walk site. These conditions were recommended by officers, in conjunction with the advice given by the relevant consultees, and agreed by members when the outline application was considered at the Regulatory Committee. However, following the concerns and objections raised at the public consultation events last year, it is necessary to re-consider the appropriateness of those conditions imposed.

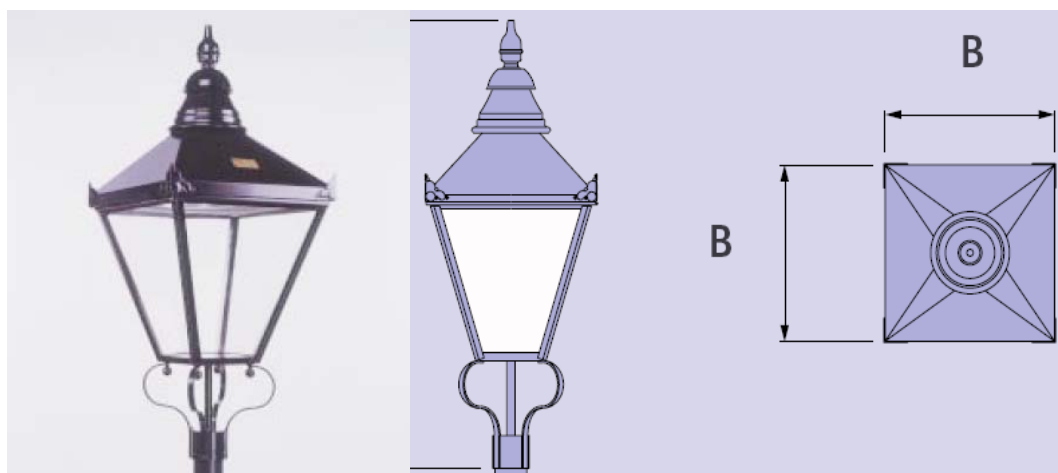
Condition 15 of the outline planning permission required details of a scheme to improve the southern section of Quakers Walk to be submitted to and approved by the local planning authority. Those details include improvements to the surface treatment of the walk together with lighting for the walk. Both of these requirements were set out in the planning brief for the site, which was adopted by this council in April 2004.

Whilst some concerns were raised at the public consultation events about the improvements to the surface of the walk, it appears this was due to people thinking the walk was going to be 'tarmac'd'. The walk is however going to be upgraded with a 3 metre wide 'above ground' path being created with a hoggin surface finish, similar

to that used on the canal towpath. The walk is currently like a normal country public footpath, and as such in wet weather the surface cuts up, gets muddy and puddles form. However, this walk will be an important link to the town centre for pedestrians and cyclists from the proposed residential development and school. Leaving the surface as it exists would certainly discourage those people from using the walk and as such it is considered these surface improvements are needed. It is further considered that that the surface improvement proposed will strike the balance between maintaining the character of the walk whilst providing a convenient pedestrian and cyclist route. It was indicated at the public consultation events that this surface improvement on its own may be acceptable and that the main issue on concern was the lighting. This application therefore seeks only to vary the condition to remove the requirement for lighting.

As stated previously, the requirement to light the walk was set out in the planning brief for the site. This made reference to the use of, 'low-level lighting sensitive to its surroundings'. It was assumed from this that low bollard lighting would be the preferred option but the highway authority have advised that such lighting would be too susceptible to vandalism and that the light achieved from them would be inappropriate. The term 'low-level' could of course be a reference to the preference for low luminance levels from the lighting proposed.

The form of the lighting now proposed are black Victorian style lanterns mounted so they are 4 metres high. These fittings have been chosen to complement the external light on Quakers Lodge and the height of the fitting has been kept as low as possible. A photograph and drawing of the proposed lantern is shown below.



*Photograph and drawing of proposed lantern*

The lights would be sited at approximately 25 metre intervals on alternate sides of the proposed new pathway, which would extend some 400 metres northwards from the gates. The rear panels of each of the fittings would be 'blacked out' to help minimise light spillage towards the open land either side of the walk. In considering whether the application to vary the condition should be allowed, and the requirement to install the lighting removed, a number of key issues need to be considered. These are set out below in turn.

#### Impact of the lighting on the character and appearance of the area

A key area of opposition to the proposed lighting is the visual impact it would have on the character of Quakers Walk and the surrounding area. It is assumed that the objections relate to both the presence of the lamp columns themselves and the illumination from them.

Many objectors to the lights refer to Quakers Walk being a 'rural' walk and that lighting would be detrimental to that rural character. Officers can appreciate why people hold that view. In considering the allocation of the Quakers Walk site at the

Local Plan Inquiry, the Planning Inspector considered the impact the allocation would have on the existing amenity value of the walk. In his conclusion he stated that the walk had, “a pleasant feeling having emerged from the close confines of the built-up area and the immediate presence of buildings”. He went on to state that whilst there was undeveloped land on either side he did not, “consider it accurate to claim that the impression received is of being in completely open countryside, outside the town.... due to various buildings seen across open land that generally lacks substantial vegetation.” He concluded that, “it is not until Roundway Park has been crossed that it can be said that the town has been left behind and one is in the open countryside”. The presence of buildings to the east of the walk will of course be increased by the very housing development accepted by that Planning Inspector, and agreed in principle by this council.

The proposed lights and the surface changes will to an extent ‘formalise’ the lower section of the walk but the light fittings proposed are sympathetically designed to match the light fitting on Quakers Lodge. As such officers consider that the walk will maintain its pleasant character and that the works proposed by this condition would not be out of place in this edge of town location.

When illuminated the lights will again clearly change the character of the walk but the number of lights, the height of the lights and the level of illumination has been kept to a minimum in order to reduce the impact. In considering the impact of the lights when illuminated, it must be remembered that the walk is on the edge of the town, not in completely open countryside, as such the area is already affected by light pollution. In particular there are floodlights from the Devizes Sports Club, lighting from the Police Headquarters and from the existing residential development at Roundway Park. There will of course also be lighting from the new residential development off Quakers Walk. In order to minimise the amount of light pollution, and as mitigation to any impact on bats (which will be set out later in the report), the highway authority accept that a curfew could be used on the lights so that they are switched off between midnight and 5am.

#### The impact of the installation of the proposed lights on the trees

The actual installation of the lights will require a small trench, approximately 75 centimetres deep, down the centre of the new 3 metre wide footpath/cycleway for the electricity supply. There would then be ‘spurs’ off to where each light would be installed at the edge of the footpath/cycleway. The service run would in fact be shared with the foul water sewer that would be routed down Quakers Walk (see the comments in the report for the reserved matters application E/09/0003/REM).

Whilst the excavations would take place within the root protection areas of the trees either side of Quakers Walk, test excavations have been undertaken in key locations which have shown that root disturbance would be minimal. The council’s landscape officer inspected these test excavations and agrees that, subject to an appropriate method statement being agreed for the excavation work, the work would cause no harm to the health of the trees. This conclusion has also been based on the fact that the remainder of the root protection areas of each of these trees are, and will remain undisturbed.

Finally an issue has been raised that the installation of the lights will in fact lead to canopies of the trees needing to be cut back. The position of each of the lights has however been checked on site and little or no work will be required.

#### Ecological impacts from the lights

It is known that Quakers Walk is used by bats as a foraging area and a previous field survey has stated that approximately 20% of the trees along Quakers Walk have features with the potential to be used by roosting bats. Bats are protected under the Wildlife & Countryside Act 1981 and the Conservation (Natural Habitats) Regulations 1994. These make it illegal to; kill, injure, capture or disturb bats, obstruct access to



bat roosts or damage/destroy bat roosts. Lighting in the vicinity of a bat roost causing disturbance could constitute an offence.

Clearly from an ecological point of view the best option would be to have no lighting on Quakers Walk. However as with all planning applications there is a need to balance all material considerations, even if they may appear to be competing with each other. In this instance the need to ensure users of the walk can do so in safety, as set out in the following section of the report, is a material consideration that must also be given a significant amount of weight.

Your officers have therefore looked to ensure the type of lights proposed are appropriate and that the number of lights proposed, and the level of illumination from them is kept to a minimum. In particular the light fittings are proposed to be at only a 4 metre (13 foot) height and the rear sections of the lights would be 'blacked out' to reduce light spillage to the rear. With regard to the level of luminance provided, a low wattage bulb is proposed which maintains a lower than normal luminance level but LED lights may be considered due to their negligible UV levels, which is better for bats. The LED lights also improve control of the lights, not only in direction but also in intensity through dimming. This could allow lower intensity lighting at dusk when bats are more prevalent. Advice from the ecologists are that luminance should preferably be below 3 lux at ground level, in this instance the calculations of the scheme submitted have shown that only a small area around each light would exceed 3 lux (a maximum of 4.5 lux would be achieved at these points) whilst the majority of the walk would be between 0.6 and 3 lux. The majority of footpath/cycleways in Wiltshire are designed to have a minimum lux of 1 and an average of 5 lux and in some locations they have a minimum of 1.5 lux and a 7.5 lux average.

A further proposal to mitigate the impact of the lights on the bats is to operate the lights on a 'curfew' basis. The lights would therefore be turned off between midnight and 5.00 am, thus providing a good period of time where they would provide no interference to the foraging of the bats. This option has the support of the police architectural liaison officer and the highway authority.

The final issue concerning bats is the exact position of the lights along the walk and the impact on any potential roosting sites. The siting shown on the submitted drawings has been determined to ensure an even distribution along the walk in the interests of providing appropriate luminance levels along the walk. However, as stated above, lighting in the vicinity of a bat roost that would cause the bat to desert the roost, could constitute an offence. If therefore members support the recommendation to keep the requirement for lights along the walk, the final siting of the lights will need to be agreed on site with an ecologist to ensure this does not happen.

#### Crime and safety issues

It is clear from the previous sections in this report that there are some objections to lighting being installed on Quakers Walk. As previously stated in this report, the need to light the lower section of the walk has been a requirement since the Quakers Walk Planning Brief was adopted by this council. Furthermore this issue was fully addressed in the committee report for the outline planning application when considering criteria a) of policy HC9, which related to the Quakers Walk allocation. An extract of that committee report is provided below;

*".....concerns have been raised over the impact on the rural character of Quakers Walk itself by the changes proposed in the planning brief, namely the resurfacing and lighting of the southern section. It should however be remembered that when allocating this site for residential development it was clear that the options that Quakers Walk provided for easy pedestrian and cycle access into the town centre was an important factor in determining the*

*sustainability of the site. Clearly whilst the proposals will need to be undertaken as sympathetically as possible the works will have an impact on the rural character of the Walk, albeit this can be minimised by carefully considering the specification and materials. This must however be balanced with the need to ensure this essential link is both safe and convenient to use, indeed under Section 17 of The Crime and Disorder Act 1998 states that;*

*"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can, to prevent crime and disorder in its area".*

*This means that the council, in provision of their daily functions and services, must consider the impact that they will have on crime and disorder. The aim is to anticipate the likely consequences of their decisions on crime, and to look to ensure that any negative impact is avoided and positive outcomes promoted. Specifically in this instance it is considered that the council needs to ensure that that this section of Quakers Walk is properly lit and safe to us."*

In agreeing the recommendation to approve the outline planning application, including the imposition of condition 15, members accepted the need to light the walk and it is considered that little has changed since that decision was made. It is also considered that your officers have secured a scheme of lighting that is both sensitive in its design and level of illumination.

In making the decision on whether to allow the condition to be varied and not install the lights on the southern section of Quakers Walk members must take full account of the council's responsibilities under the Crime and Disorder Act, as set out above. It is acknowledged that the current walk is unlit and is still used by many people. However, the use and nature of the walk will change greatly with the introduction of the large housing estate and the school with far greater numbers of people likely to use the walk. It is this council that has permitted the housing and school development, partly due to this pedestrian and cycle link into the town centre, and as such it is the council's responsibility to ensure the walk is safe to use by lighting it. Lighting the walk will of course also benefit existing occupants of the town who are more likely to use this link to the town centre once the housing development is built and the surface improvements are made.

If lighting is not allowed, pedestrian and cyclist use will be reduced, with additional traffic from cars generated along London Road from those choosing not to use the walk because of safety concerns.

Officers appreciate that the provision of the lights will have an impact on the bats and their habitats but it is considered that the type and level of lighting proposed, together with the proposed mitigation measures, will ensure the level of harm is kept to a minimum. As stated by the police architectural liaison officer, in considering the protection of the wildlife and its habitat, we also have to take into consideration and place the same importance on the protection of the people, including children who will undoubtedly be using the pathway regularly.

### Conclusions

It is understandable why some people are against lighting on Quakers Walk but this council needs to ensure that a safe and convenient pedestrian and cycle route is achieved between this large housing development, the new school and the town centre. It is a requirement that this council agreed when it approved the outline planning permission, even though there were objections raised at that time to lighting on Quakers Walk, and circumstances have not changed since then.

The character of Quakers Walk will change in the coming years, but not just as a result of the surface improvements and lighting of the walk, but due to the proposed housing and school development off it. Those changes though should not materially affect the amenity value of the walk which will remain as a pleasant and open walk on the edge of the town. It is considered that the lighting proposed will complement the character of the walk

The presence of bats is an important consideration in determining this application and your officers have, and will continue to have, regard to them in reaching agreement on the final details of the lighting scheme. It is however considered that, whilst the impact will be mitigated as much as possible, as a council we must also place as much importance on ensuring users of the walk are protected.

It is therefore recommended that this application is refused and that officers should continue to negotiate a scheme of lighting and surface improvements on Quakers Walk as required under the terms of the outline planning permission.

### **RECOMMENDATION**

Refuse

- 1 An important factor in the allocation of the Quakers Walk site for residential development and a new school was that it offered the opportunity for good pedestrian and cycle links to and from the town centre. Improvements to the walk are necessary to encourage such use of the walk and the provision of lighting is fundamental to those improvements. Failure to light this part of the walk would not encourage use nor provide safe and convenient access to and from the town centre. This would be contrary to policies PD1 and AT1 of the Kennet Local Plan 2011 and the contents of the adopted Planning Brief for Quakers Walk. It is further considered that if the Council allowed the walk to remain unlit having granted planning permission for a large residential development on the basis that this would provide a safe pedestrian route into the town centre, it would be failing in its statutory duty under Section 17 of the Crime and Disorder Act 1998.

Item 4

**APPLICATION NO:** K/59860/F  
**PARISH:** TIDWORTH  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Erection of five new dwellings.  
**SITE:** Land off Plantation Road Tidworth Wiltshire SP9 7SJ  
**GRID REF:** 423972 148063  
**APPLICANT:** Mr Sean Willmont  
**AGENT:** Michael Fowler Architects  
**DATE REGISTERED:** 09/12/2008  
**CASE OFFICER:** Karen Guest

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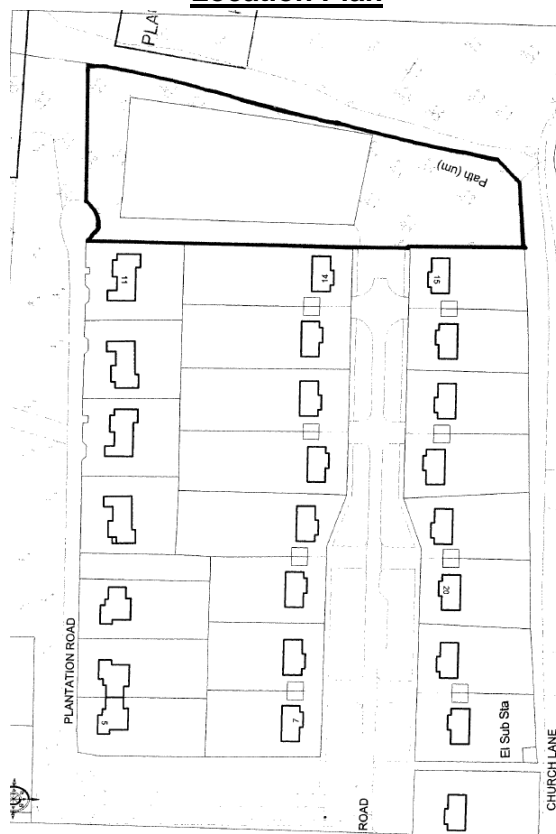
**BACKGROUND**

The application has been brought to committee at the request of the local ward member.

**SITE LOCATION**

The site lies at the southern extreme of Tidworth, at the far end of Plantation Road. When entering Tidworth from the Devizes direction, it is necessary to continue along the A338 Salisbury Road and past the Station Road junction. Approximately 300 metres further on, it is necessary to turn left into Ashdown Terrace and then take the second turning on the right into the northern part of Plantation Road. The site can be found at the end of the road and comprises a small fenced-off paddock, the strip of land adjacent to it (immediately to the rear of the existing properties) and an area of scrub woodland.

**Location Plan**



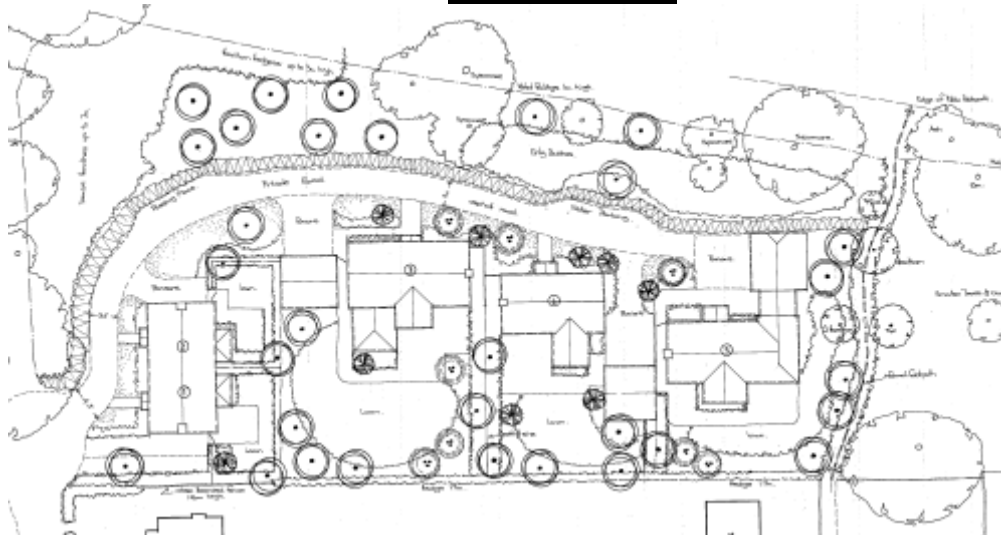
**RELEVANT SITE HISTORY**

There is no relevant planning history.

## DESCRIPTION OF DEVELOPMENT

The proposal is to construct five dwellings on the site, comprising 3 detached and a pair of semi-detached properties. The latter would follow the existing building line and the former would be positioned at right angles to the existing development. There would be a peripheral access road running from the northern end of the site and around the eastern side of the paddock. Beyond this, areas of woodland would be retained and enhanced.

### Site Layout Plan



### Plots 1 and 2



### Plot 3



### Plot 4



### Plot 5



### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been received which address the concerns raised by the highway authority, with the driveway widened at the entrance to 4.5 metres over the first 7 metres and a turning area provided at the end of the drive suitable for use by typical delivery vehicles.

### ADDITIONAL STATEMENT BY APPLICANT

The applicant has submitted supplementary information in support of the application, including a landscape report (undertaken by Glasspoole Design Landscape Architects) and an ecological appraisal (undertaken by Lindsay Carrington Ecological Services Ltd). These are available for viewing on the Council's website and the application file.

In addition, the applicant's agent has responded by letter to the comments made by the Council's Landscape and Countryside Officer. The letter states the following:

- The proposed housing is restricted to the paddock area – disturbance to the existing woodland to the south of the site has been deliberately avoided.
- Although maps show a public footpath to the east, within the County Wildlife Site, this was impassable when the land was surveyed by the landscape architect and her report written.
- The site is only slightly elevated above the existing dwellings in Plantation Road and the proposed houses would be screened by these houses and those in Furze Hill Road. As confirmed by the landscape architect, views from the adjacent properties would be limited as they are orientated north-south and have virtually no windows facing the site.
- It is not considered that there are longer views from the playing fields at the far end of the A338 through town. It is also proposed to set the houses at a lower level to mitigate any possible impact.
- It is disputed that the houses have 'small gardens' and in any event this is irrelevant, as most new houses have smaller houses than larger ones.
- The proposed development would not be out of character as the detached houses reflect the form of the houses in Plantation Road and the semi-detached houses reflect those in Furze Hill Road.
- If this site is an important area in defining the setting of Tidworth, why has a similar policy not been adopted on land slightly further north where recently rebuilt high-density army housing abuts the Limits of Development boundary and the County Wildlife Site, with no buffer zone?

### TOWN COUNCIL COMMENTS

Tidworth Town Council has raised no objections to the proposal.

### CONSULTATIONS

KDC Landscape and Countryside Officer – the proposed development is considered to be unacceptable as it would be an intrusion beyond the current development edge, the paddock would be lost and the woodland boundary to the site would be changed. The site is an important area in defining the setting of this part of Tidworth and the piecemeal extension of the development edge should be resisted. The inclusion of the paddock within the Area of Minimum Change is not an anomaly; this area of land forms an important buffer between the development edge and the countryside. The erosion of this area and the consequent change in character cannot be justified. In

addition, the development form is out of character with that currently on Plantation Road, giving a cluttered appearance. For these reasons, the application should be refused.

KDC Head of Engineering, Design and Property – it is unlikely that there would be a refuse collection from the site and this issue will therefore need to be discussed with the relevant officer from the Council. The application does not detail how the developer will dispose of surface water.

District Ecologist – the submitted ecological appraisal report sets out the findings of several surveys at the site and provides recommendations that are in line with wildlife legislation, planning policy, the Wiltshire Biodiversity Action Plan and PPS 9. It is considered that the consultant ecologist's recommendations (section 5 of the report) should be a condition of the planning decision, with specific reference to the following: inclusion of a 10 metre buffer (comprising a mosaic of grassland and scrub) between the development curtilage and Furze Hill County Wildlife Site (CWS), within which no external lighting shall be installed; no direct access from the new gardens onto the CWS; landscaping of the site must be with species of native origin (details given in section 5.1.3); the protective measures for breeding birds (details given in section 5.3.1); and ecological enhancements as described in section 5.4. A major impact from the proposed development will be the loss of grassland habitat within the site. As a compensatory measure, the consultant ecologist has proposed that an Ecological Management Plan for Furze Hill CWS will be drawn up, and costing towards implementing this plan will be provided by the developer. I recommend that this is secured through a Section 106 Agreement, to ensure the management for the long term.

County Highways (original plans) – no objection in principle. Refuse collections are not normally made along private roads (Plantation Road), although it is understood that in this case a refuse collection is made. The proposed development would not be adopted as public highway due to the fact that it can only be accessed over an existing private road. Therefore, in the event of a change in refuse collection policy relating to Plantation Road, bins would have to be carried a considerable distance by householders to Ashdown Terrace.

The proposed driveway is slightly too narrow at the entrance for two cars to conveniently pass, and there is no turning head for delivery vehicles etc. A revised plan should be submitted detailing the driveway widened to 4.5 metres over the first 7 metres and a turning area at the end of the drive suitable for use by typical delivery vehicles.

No comments have yet been received in respect of the amended plans. Any that are subsequently received shall be reported verbally at the committee meeting.

### REPRESENTATIONS

Six letters of representation have been received, which raise the following key concerns:

- The increase in traffic resulting from the proposal would present a threat to road and pedestrian safety.
- Road safety for pedestrians during the construction phase has not been considered.
- It is not clear in the application whether permission has been secured to use this privately-owned road to access the proposed dwellings (which is understood to be owned by Annington Homes).
- Plantation Road is inadequate, in terms of width, drainage and lighting, to cater for the additional traffic movements generated by the proposal.
- Plantation Road is likely to be damaged during the construction phase.

- Additional residents and motor cars will have an adverse impact on the inadequate access road.
- The proposal would provide inadequate parking facilities, leading to vehicles parking along Plantation Road.
- There are concerns about the impact of construction traffic eg. damaging vehicles, the road and trees.

### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1 and HH10 in the Kennet Local Plan and central government guidance contained in PPS 3 are relevant to the consideration of the application. Policy HH10 defines the site as part of an Area of Minimum change, where planning permission will not be granted for development which would materially damage the character of the area.

### PLANNING OFFICER'S COMMENTS

The principle of residential development on the site is unacceptable, as it conflicts directly with a specific policy that defines the site as part of an Area of Minimum change where planning permission will not be granted for development which would materially damage the character of the area. The erection of five houses on a greenfield site beyond the existing built-up limits of the settlement clearly damages the character and appearance of the area. This, and the other relevant issues, such as highway safety, protected species and the reasonable living conditions of the occupants of neighbouring properties are considered in turn.

#### Impact on Character and Appearance of Area

The site is located between the residential edge of Tidworth and the steep scarp slope of the Furze Hill County Wildlife Site (CWS). Between the site and the CWS, a public footpath flanks the eastern edge of the site. The site is elevated above the existing dwellings on Plantation Road and there are views towards it from the adjacent properties, the footpath to the east and longer views from the playing fields on the far side of the A338 through the town.

The site has an important role as it provides a transition between the built-up part of Tidworth and the woodland beyond. For this reason, it has been designated as an area of minimum change (AOMC) in the Kennet Local Plan. Policy HH10 specifically states that development which would change the character of AOMC's should be resisted. Undoubtedly, the construction of five dwellings within this designated area would change its character. It is considered that this in turn would be harmful to the character and appearance of the surrounding area.

It is also considered that the proposed development would be out of character with the existing pattern and form of development in the immediate area. The existing Plantation Road development forms a quiet back water with large detached dwellings set in large mature gardens and dominated by the woodlands and scarp slope which surround the site. The proposed development, with a pair of semi-detached houses and three large detached dwellings, running at right angles to the existing development and a peripheral access road running from the north around the eastern side of the paddock would be at odds with the existing built form and would turn its back on it. Furthermore, the close proximity of the houses to each other and the small gardens would be out of keeping with surrounding development. The surrounding development is of a lower density and far more spacious in appearance, providing a softer edge to the development. This would be replaced by a harder edge consisting of an urban form of development that is clearly out of place here.

#### Impact on Highway Safety

The proposal is considered to be acceptable in highway safety terms. Amended plans have been submitted which address the concerns raised by the highway authority regarding the driveway at the entrance being too narrow for two cars to conveniently pass and there being no turning head for delivery vehicles. The



proposed development is considered to make adequate provision for parking. Two spaces per dwelling are proposed, which accords with the parking standards set out in the Kennet Local plan.

Concerns have been raised by local residents regarding the suitability of Plantation Road to cater for the additional vehicle movements generated by the proposed development. It is considered that Plantation Road is of adequate width to cater for the vehicle movements that are likely to be generated by this relatively small-scale development. The highway authority has raised no objection to the proposal on this ground. For these reasons, it is not considered that a refusal on highway safety grounds could be substantiated.

#### Impact on Protected Species

It is not considered that the proposed development would harm protected species, subject to the measures recommended in the ecological survey report being implemented. These matters could be dealt with by way of condition/legal agreement.

#### Impact on Neighbour Amenity

The positioning of the proposed dwellings in relation to the existing properties in Plantation Road is such that they would not have a detrimental impact on residential amenity, by reason of overlooking or overbearing impact.

#### Other Issues

Concerns have been expressed by local residents about the impact of the vehicles associated with the development (particularly construction traffic) on the road itself and upon parked vehicles and trees. This is a private matter to be resolved between the developer and the respective landowner(s).

It has also been queried whether permission has been sought to use the privately-owned road to access the dwellings. This is not a planning matter and would therefore not be a reason in itself to withhold the granting of planning permission. It would, however, be necessary for the developer to obtain the landowner's consent to use Plantation Road to access the dwellings.

#### Conclusion

The proposed development is considered to be unacceptable in principle in terms of its impact on the character and appearance of the area and accordingly, the refusal of planning permission is recommended.

### **RECOMMENDATION**

Refuse

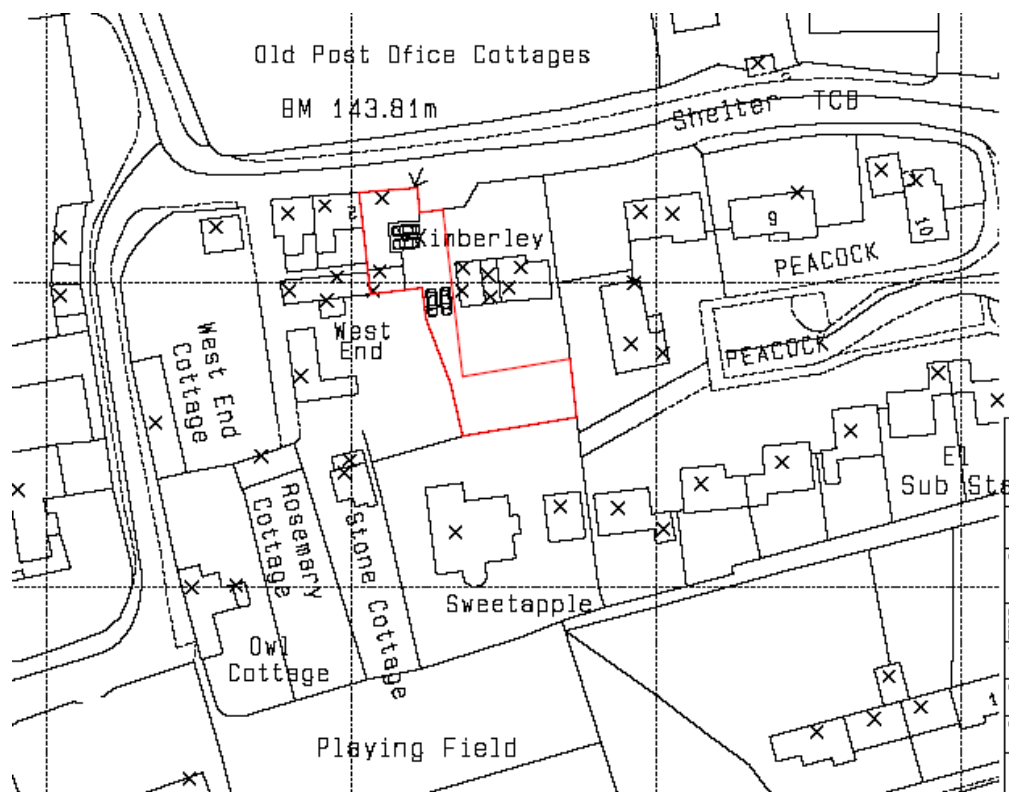
- 1 The site is beyond the built-up limits of the settlement, situated between the low density housing with large gardens that marks the edge of the settlement, and the woodlands and scarp slope beyond. It is designated in the Kennet Local Plan as an Area of Minimum Change that makes an important contribution to the character and appearance of the settlement. The proposal would result in an undesirable extension of the built-up part of the settlement into the rural landscape and would create an urban character that would appear incongruous with its surroundings. Furthermore, the form and layout of the dwellings is such that it would be out of keeping with the existing properties in Plantation Road. The proposed development would therefore be harmful to the character and appearance of the immediate area and the surrounding landscape, which would be contrary to Policies PD1 and HH10 in the Kennet Local Plan.

Item 5

**APPLICATION NO:** K/59863/VAR  
**PARISH:** FYFIELD & WEST OVERTON  
**APPLICATION TYPE:** Variation of Condition  
**PROPOSAL:** Removal of condition 2 of planning permission K/57377/F to allow retention of single garage on area shown for the parking of 2 cars.  
**SITE:** 3 & 4 Post Office Cottages, West Overton, Wiltshire  
**GRID REF:** 412945 168013  
**APPLICANT:** Mr & Mrs Hemery  
**DATE REGISTERED:** 08/12/2008  
**CASE OFFICER:** Gill Salisbury

### SITE & LOCATION

The site is situated towards the north-western edge of West Overton on the southern side of the main road through the village. The building fronts the road and its curtilage extends to the rear eastern side of the property before wrapping around the rear of Kimberly in an L-shape. A single garage is situated at the southern end of area provided for off road parking to the side and rear of the two dwellings.



*Location Plan*

### SITE HISTORY

**K/15616** – Planning permission was granted in 1990 for the erection of a single garage.

**K/57377/F** – Planning permission was granted by the Regulatory Committee in November 2007 for the conversion of existing building from one dwelling to two dwellings. This has since been implemented and the two dwellings are occupied.

## **DESCRIPTION OF DEVELOPMENT**

This is an application to remove condition 2 of planning permission K/57377/F to allow the retention of the single garage on the area shown for the parking of two cars.

Condition 2 of planning permission K/57377/F requires that *"The area allocated for parking on the submitted plans shall be kept clear of obstruction and shall not at any time in the future be used other than for the parking of vehicles in connection with the development hereby permitted"*.

## **ADDITIONAL STATEMENT BY THE APPLICANT**

The removal of the garage would not change the size of the space to park. Parking three cars would not be a problem. This is a very quiet rural road with space in front of each dwelling for at least one car and more on road parking in either direction.

## **CONSULTATIONS**

Fyfield and West Overton Parish Council - object to this application. If the aim is to achieve safe off-road parking for two separate households this condition has to be retained. The siting of the garage means that the parking plan on the original site plan cannot be achieved and its retention makes it impossible for four or even three cars to manoeuvre independently in and out of the remaining parking area. Its removal as anticipated in the original application will ease the parking congestion along this terrace where other properties do not have off-street parking available to them.

County highways - object to this application. The retention of the garage will lead to an unsatisfactory parking arrangement within the site. There will not be adequate space to accommodate the required four parking spaces and the existing turning space will be compromised. The proposal would result in the loss of on-site vehicle parking facilities and would encourage parking on the highway with consequent risk of additional hazard to all users of the road.

## **REPRESENTATIONS**

One letter of objection has been received. Parking in the village is already congested causing problems for vehicles travelling through the village and people wanting to access the post box.

## **POLICY CONSIDERATIONS**

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

## **PLANNING OFFICERS COMMENTS**

Objections have been received to the removal of condition 2 of planning permission K/57377/F on the grounds that the retention of the garage will lead to an unsatisfactory parking arrangement on site and that the loss of on-site vehicle parking facilities would encourage parking on the highway to the detriment of road safety.

Under planning application K/57377/F it was proposed to remove the existing single garage to allow for additional off-street parking to improve the parking situation. It was however recognised during the consideration of this application that the space available for off street parking was limited. It was reported to the Committee under application K/57377/F that the site *"...would be capable of taking at least three vehicles. While concerns regarding on-street parking are acknowledged, space exists to the front of these properties for the parking of vehicles. On street parking is common within the village and, on balance, one additional dwelling would not, it is considered, lead to unacceptable congestion or danger, particularly having regard to the previous historic use of part of the site as a shop"*. This was accepted by the Committee and the application approved subject to the condition that the area allocated for parking would be kept clear of obstruction and not used other than for the parking of vehicles in connection with the development.

It is now proposed to remove this condition to allow the garage to be retained on the site. While the garage building obviously takes up more physical space within the parking area than if it were not there, the site with the garage retained is still capable of accommodating three or even four vehicles. This can clearly be seen in the photograph below.



However, the retention of the garage would mean that turning on-site would be compromised, as the photo also illustrates. If the garage is to be retained, as desired by the applicant, vehicles will either have to reverse onto the road, or reverse into the site.

The main issue is therefore considered to be whether the lack of a turning space is critical on this site. Clearly, reversing out of a site with restricted visibility at the access is not as safe as being able to enter and leave in forward gear. However, a turning space, whilst nearly always desirable, is not always necessary. The need for it depends on the road safety hazard that would be created if a turning space were omitted. It is notable that whilst most of the other properties in the street have off-street parking, not all of them have on-site turning, including the detached house next door to the site and two of the terraced houses on the opposite side of the road further to the east. The road itself is a 'C' class road and not heavily used and no evidence of any accidents has been provided. In these circumstances, a turning space may not be justified as necessary for road safety.

## **RECOMMENDATION**

Approve with Conditions

- 1 **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:** E/09/0098/FUL  
**PARISH:** ALDBOURNE  
**APPLICATION TYPE:** Full Planning  
**PROPOSAL:** Demolition of agricultural building and erection of a replacement building of identically sized footprint to be used for B1 and/or B8 uses (revision to K/58343/F)  
**SITE:** Little Acre Farm, Stock Lane, Aldbourne, Wiltshire  
**GRID REF:** 425619 174862  
**APPLICANT:** Aldbourne Chase Estate  
**AGENT:** LPC (Trull) Ltd  
**DATE REGISTERED:** 04/02/2009  
**CASE OFFICER:** Gill Salisbury

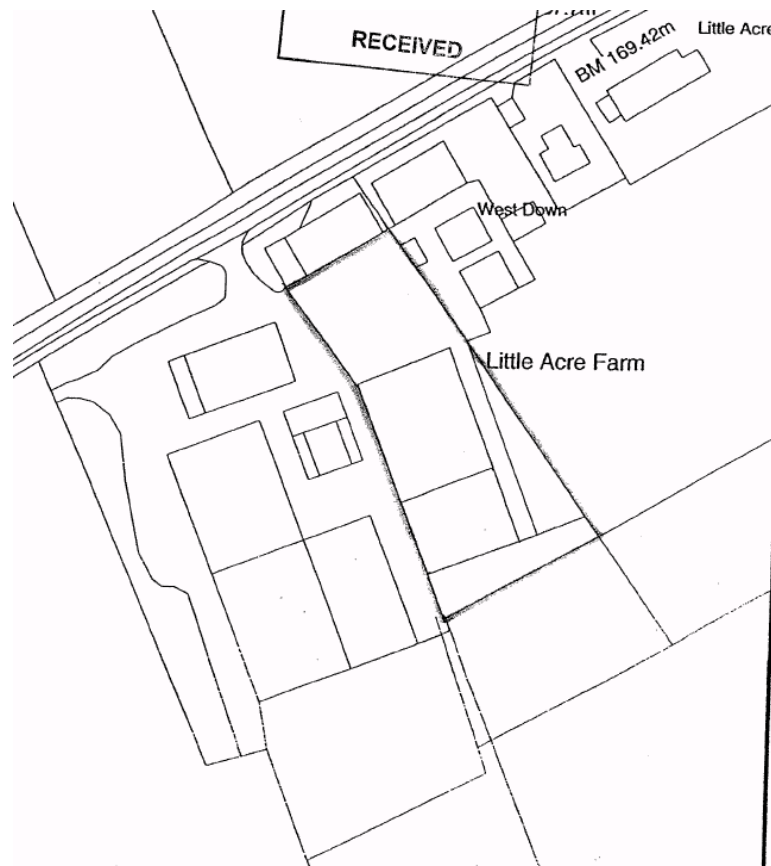
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### SITE & LOCATION

The site is located approximately half a mile south west of Aldbourne on the southern side of Stock Lane, that is, the Aldbourne to Axford road.

The site is located on the east side of an existing farm complex. To the south west are refurbished agricultural buildings. The site is open to the north, south and east, To the north east are three residential properties.

The site is within the North Wessex Downs Area of Outstanding Natural Beauty.



Location Plan

**SITE HISTORY**

**K/33325** – Planning permission was approved in September 1996 for an extension to the adjacent barn for the storage of straw.

**K/47299** – Planning permission was approved in May 2004 to clad the adjacent agricultural building and to raise the roof by approximately 2 metres

**K/55832/F** – Planning permission was approved in March 2007 to refurbish the existing agricultural building and use it for B1 (business) and/or B8 (storage and distribution) employment use

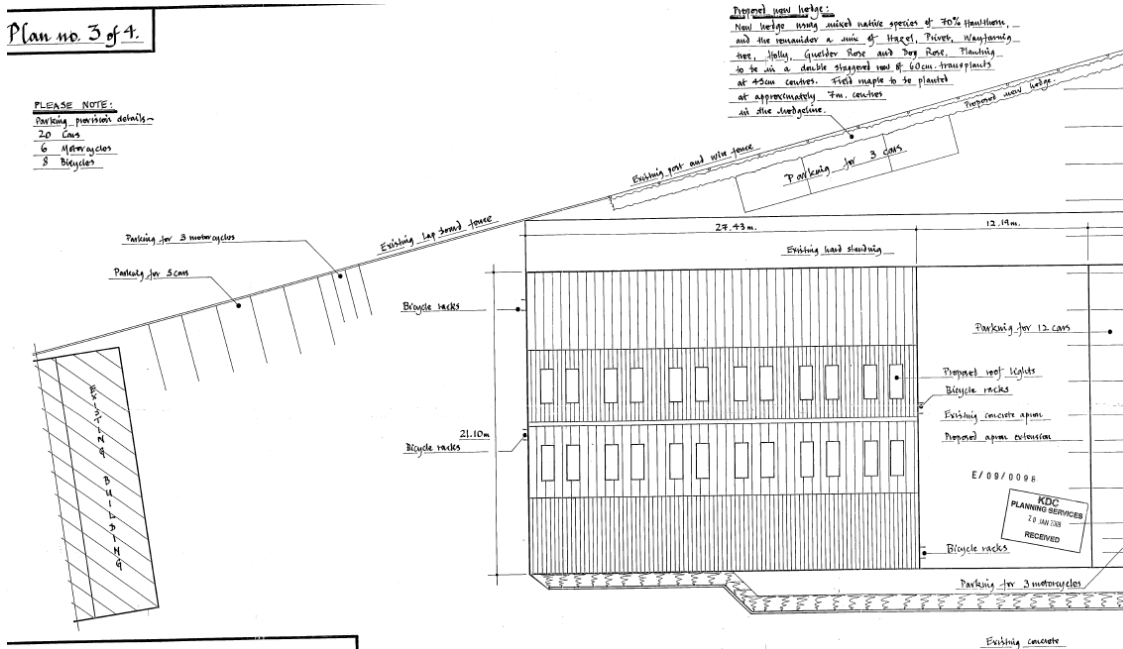
**K/58343/F** – Planning permission was approved in April 2008 to demolish the existing agricultural building and erect an identically sized replacement building to be used for B1 and/or B8 uses.

**DESCRIPTION OF DEVELOPMENT**

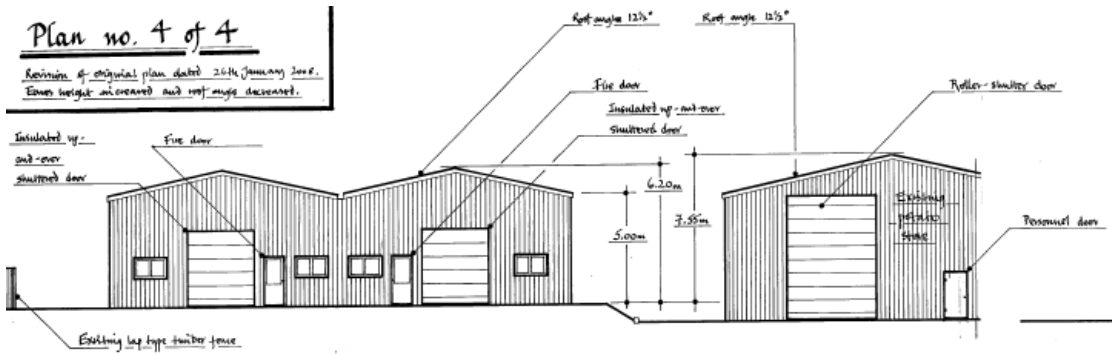
This is a full planning application to demolish the existing agricultural building and erect a replacement building to be used for B1 (business) and/or B8 (storage and distribution).

The width, depth and location of the building are the same as the existing building. The building will have two gables and a valley roof. The eaves are 5 metres above ground level and the ridge 6.2 metres high. The material to the walls and roof will be plastic coated steel profiled sheets in juniper green to match the adjacent building. Metal shutter doors are proposed on the gable ends with windows and doors inserted in the end elevations and windows in the side elevations. A series of rooflights are proposed on the inner roof slopes.

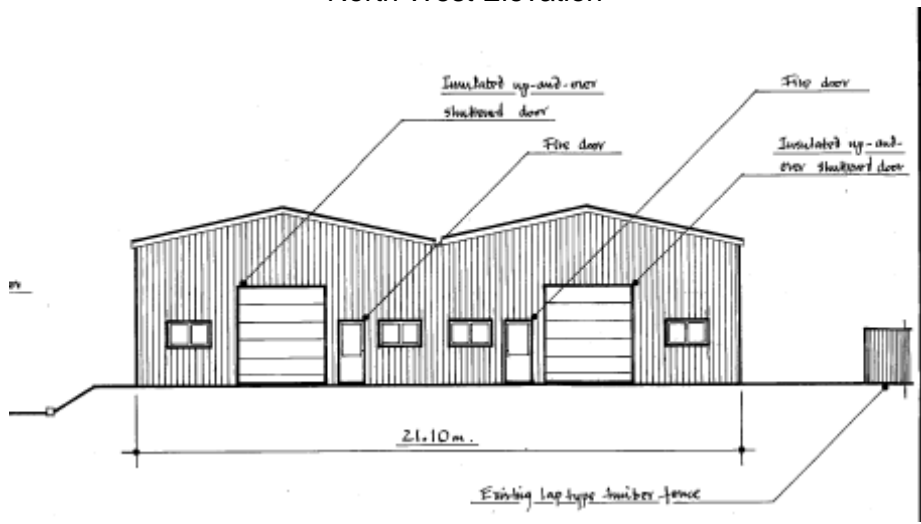
Landscaping is proposed along the eastern boundary and 20 parking spaces are to be provided, along with bicycle and motorcycle parking.



Site Plan



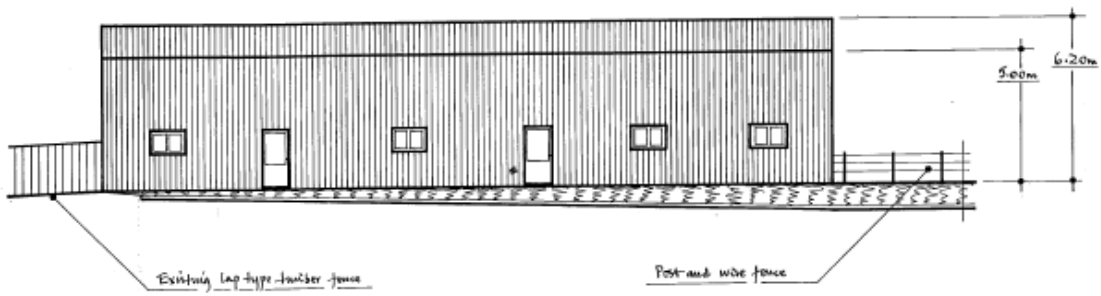
North West Elevation



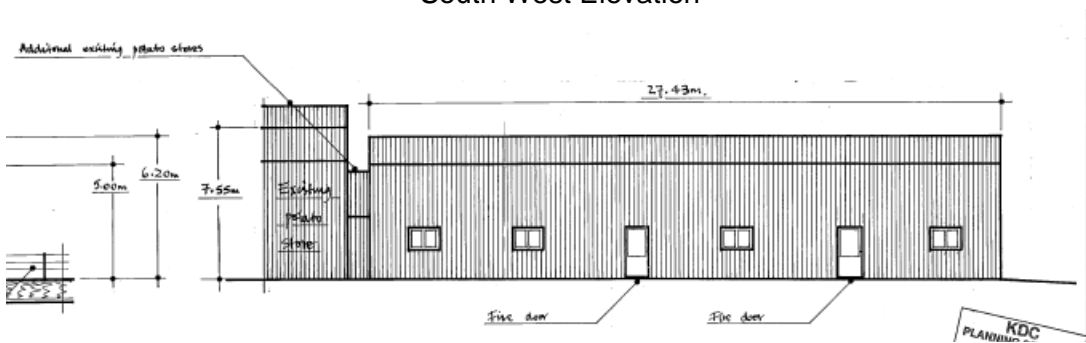
South East Elevation

**Materials:**  
 Roof to be in Big Six cement based sheets.  
 Side sheeting to be in plastic coated steel profile sheets.  
 Colour of roof and side sheeting to match that of the existing potato store (reconstructed in 2004).

Additional existing potato store



South West Elevation



North East Elevation

## **ADDITIONAL STATEMENT BY THE APPLICANT**

The applicant has submitted a Design and Access Statement to support their application.

In terms of appearance the proposed appearance will, like the permitted conversion and replacement building, be harmonious to the countryside setting and with the adjacent buildings, retain the subservience to the refurbished buildings. It will represent an enhancement in both visual and landscape terms.

So far as the impact upon landscape is concerned, the proposal will represent an enhancement, replacing an unattractive and outworn farm building with one of more modern and sympathetic appearance.

The full document is available to view on the working file.

## **CONSULTATIONS**

Aldbourn Parish Council - object to this application on the grounds that the revised scheme is significantly higher at both eave and apex which is considered an unacceptable intrusion on the landscape. They also comment that light spill from the rooflights should be minimised and there should be landscaping at the back of the building to screen the building from the south east.

County highways – No objection subject to conditions.

KDC Environmental Health – No objection

## **REPRESENTATIONS**

No representations have been received at the time of writing. Any subsequently received will be reported verbally at the meeting.

## **POLICY CONSIDERATIONS**

Kennet Local Plan - policies PD1: Development and Design and NR7: Protection of the Landscape and Central Government planning guidance contained in PPS7: Sustainable Development in Rural Areas are relevant to the consideration of this application.

## **PLANNING OFFICERS COMMENTS**

As noted above, planning permission has previously been approved for the erection of a replacement building to be used for B1 and/or B8 uses under K/58343/F. The main consideration is therefore the impact of the changes to the size and design of the building on the landscape quality of the area.

Aldbourn Parish Council object on the grounds that the revised scheme is significantly higher to the eaves and ridge which will intrude on the landscape. In comparison to the approved scheme the proposed building will be 1.5 metres higher to the eaves and 1 metre higher to the ridge. While the proposed increase in the eaves and ridge height does increase the overall scale of the building, the building is well contained within the site and will be seen as part of the existing complex of farm buildings. It has also been designed to be in keeping with the adjacent farm building, being proposed in matching materials and with the same roof pitch. As such it is not considered that the proposed increase in the height of the building will increase its visual prominence or have a detrimental impact on the wider landscape.

The parish council has also raised concerns about light spill. The rooflights will be on the inner roof slopes of the building, as previously approved, which will keep light spill to a minimum.



The parish council would also like to see landscaping at the back of the building to screen the building from the south-east. As the proposed changes to the building are not considered to increase the visual prominence of the building, planting along the rear boundary of the site is not necessary.

### **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 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- 3 Notwithstanding the submitted details, the construction of the roof shall not be commenced until details of the roof material and its colour have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

**REASON:** To secure harmonious architectural treatment.

- 4 The delivery and dispatch of goods to and from the site shall be limited to the hours of 0730 and 2000 from Mondays to Fridays (inclusive), 0730 and 1300 on Saturdays and at no time on Sundays or Bank Holidays.

**REASON:** In the interests of neighbour amenity.

- 5 Before the development hereby permitted is brought into use the vehicle turning and parking areas shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

**REASON:** In the interests of highway safety.

- 6 Before the development hereby permitted is brought into use a highway visibility area shall be cleared and kept free of all obstructions to sight at a height not exceeding 600mm above carriageway level over a strip 2.4 metres wide parallel and adjacent to the road edge between the centre line of the access and a point 30 metres to the north-east.

**REASON:** In the interests of highway safety.

- 7 Before the development hereby permitted is first brought into use the cycle parking facilities shall be provided and made available for use as shown on the approved plans. The cycle parking facilities 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.

8 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 NR7 and government planning guidance contained in PPS7.