

Wiltshire Council
East Area Planning Committee

July 2nd 2009

List of Applications for Consideration

1. K/57714/O (page 2)

Outline planning application for: Erection of 18 live/work units; 14 residential dwellings and associated works following the demolition of existing buildings

At: Marlborough Depot Site, Salisbury Road, MARLBOROUGH

RECOMMENDATION: Defer and Delegate to Area Development Manager to grant outline planning permission subject to a legal agreement entered into by Wiltshire council and the next owner of the site

2. E/09/0536/FUL (page 18)

Full planning application for: Demolition of existing detached single garage. Proposed two storey extension and related alterations incorporating new single garage/utility area/WC shower plus bedroom and bathroom over

At: Elmhurst Wick Lane DEVIZES SN10 5DW

RECOMMENDATION: Refuse planning permission

3. E/09/0401/FUL (page 23)

Full planning application for: Alterations to existing rear lean-to and erection of single storey rear extensions

At: Double Cottage, 23 Wilcot Green, WILCOT SN9 5NS

RECOMMENDATION: Refuse planning permission

4. E/09/0204/LBC (page 29)

Listed building application for: Alterations to existing rear lean-to and erection of single storey rear extensions

At: Double Cottage, 23 Wilcot Green, WILCOT SN9 5NS

RECOMMENDATION: Refuse listed building consent

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	02/07/2009
Application Number	K/57714/O
Site Address	Marlborough Depot site, Salisbury Road, Marlborough
Proposal	Erection of 18 No. live/work units, 14 No. residential dwellings, and associated works following the demolition of existing buildings.
Applicant	Wiltshire County Council
Town/Parish Council	MARLBOROUGH
Grid Ref	4194410 1686480
Type of application	Outline Planning
Case Officer	Andrew Guest

Reason for the application being considered by the Committee

This planning application was considered by the former Kennet District Council Regulatory Committee in May 2008 where it resolved to grant planning permission subject to the applicant (namely, the former Wiltshire County Council) entering into a legal agreement with Kennet District Council under Section 106 of the Town and Country Planning Act. The agreement was not entered into prior to the demise of these Councils, and it is now not possible for Wiltshire Council to enter into the legal agreement with itself. The application is, therefore, re-presented to the 'new' Wiltshire Council East Area Planning Committee to allow it to consider an amended resolution taking into account these circumstances.

The earlier resolution was as follows –

Approve subject to the applicant entering into a Section 106 agreement covering the following matters –

1. a financial contribution towards off-site recreation provision;
2. a financial contribution towards education services;
3. a financial contribution towards providing the pedestrian/cycle link at the east end of the site; and
4. a commitment to funding and providing the Marlborough household recycling centre from the proceeds of the sale of the site.

The application report previously considered by Kennet District Council's Regulatory Committee is set out below in its original, unabridged form (except for the final resolution). There have been no material changes in circumstances since the Regulatory Committee considered the original application other than the general downturn in the economy.

Purpose of Report

To confirm the earlier resolution that the application be approved, although now subject to an amended legal agreement, to be entered into by Wiltshire Council and the next owner of the site following its sale by Wiltshire Council, covering –

1. a financial contribution towards off-site recreation provision;
2. a financial contribution towards education services; and
3. a financial contribution towards providing the pedestrian/cycle link at the east end of the site,

- and, subject to separate commitments by Wiltshire Council to –

1. provide the Marlborough household recycling centre (HRC) from the proceeds of the sale of the site; and
2. expeditiously enter into the legal agreement referred to above with the next owner of the site,

- and subject to the planning conditions set out at the end of the report.

If agreed by the Area Committee, this resolution would supersede the earlier resolution by Kennet District Council's Regulatory Committee.

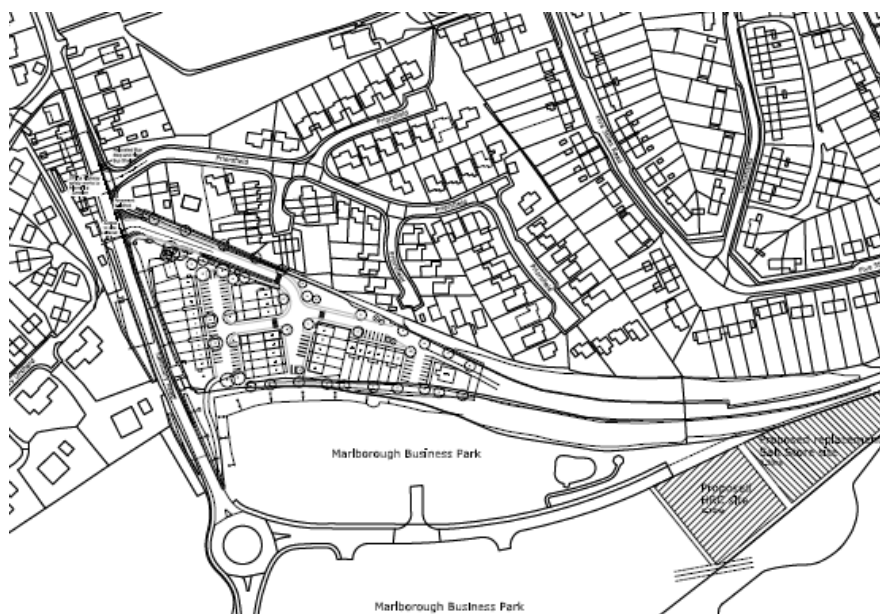
The application report previously considered by Kennet District Council's Regulatory Committee follows –

Report

SITE LOCATION

The application site comprises the Wiltshire County Council depot at Salisbury Road, Marlborough. It is located on the east side of Salisbury Road, on former railway land, immediately to the north of the Marlborough Business Park and to the south of Priorsfield, a residential estate. As a consequence of its former railway use, the entire application site is raised above surrounding land on an embankment. Its current use is a salt store and general storage depot with associated offices for Wiltshire County Council.

The larger part of the application site is defined in the Kennet Local Plan as a Protected Strategic Employment Site lying within the Limits of Development of Marlborough. Marlborough and its surroundings lie within an Area of Outstanding Natural Beauty.



Location Plan

RELEVANT SITE HISTORY

There is no relevant planning history relating to the actual application site.

The land to the immediate south of the application site comprises Marlborough Business

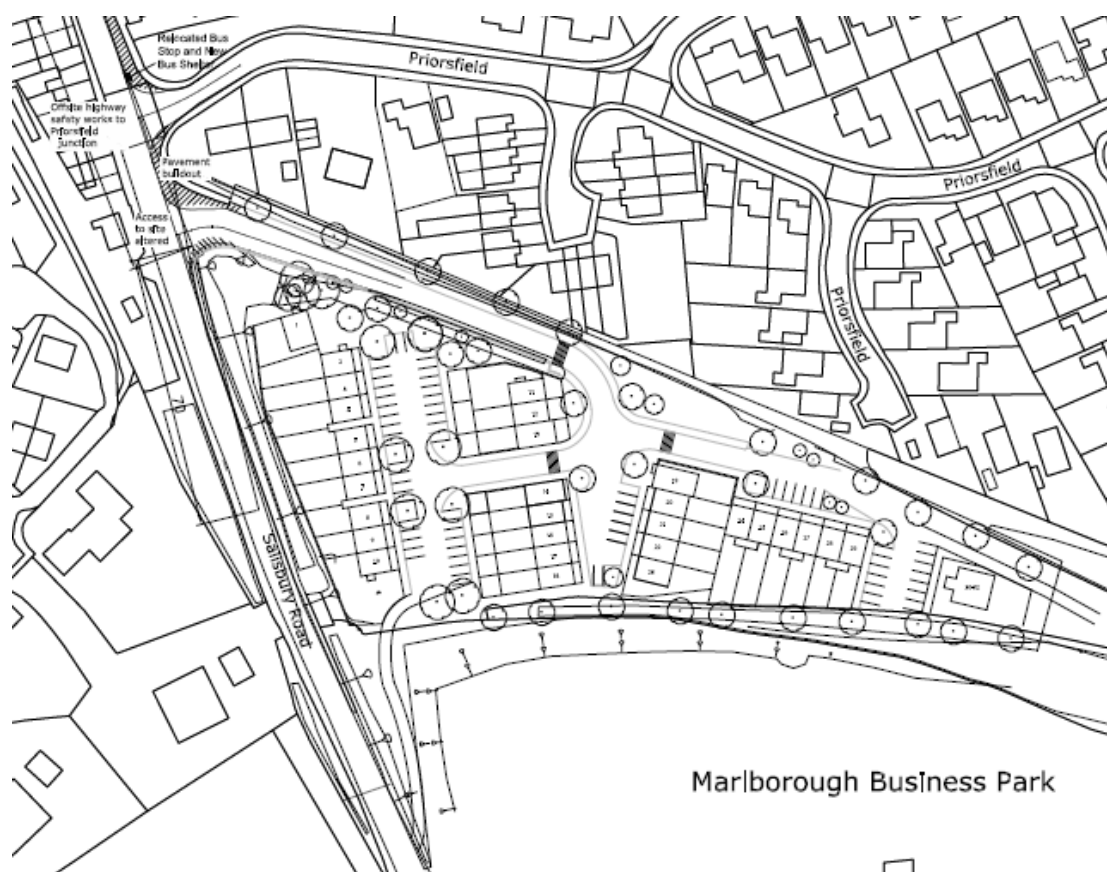
Park which is also a Protected Strategic Employment Site. Wiltshire County Council is currently processing a planning application for the erection of a new salt store on

land at Marlborough Business Park, to replace the salt store and depot at the application site. Wiltshire County Council also intends to apply for planning permission for a household recycling centre (HRC) on land at the Business Park. Whether or not the HRC proposal is pursued depends on the outcome of the application for the re-development of the existing depot as funding for the new HRC is dependent on this.

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission to clear the site and erect 14 dwellings and 18 'live/work' units, together with associated infrastructure (roads, parking, etc.). All matters are reserved except layout and means of access.

The layout utilises the existing vehicular access to the site (although modified at the point it reaches Salisbury Road in accordance with the requirements of County Highways) with the buildings mainly grouped in terrace blocks around courtyards. The housing would be made up of 11 terrace houses (2 storey) and 3 flats (2.5 storey), whilst the 'live/work' units would be all terraces (2 storey). A new cycle route would be provided for access to the south, and a potential future cycle route along the former railway line to the east.



Layout Plan

The indicative plans show landscape buffers around the edges of the site (much of which is already landscaped), and new formal planting within the courtyards within the site itself. Parking for 66 vehicles is indicated, this equating to just over 2 spaces per unit.

The access modifications involve realignment of both the junction serving the site and that serving Priorsfield. Cycle/pedestrian access is proposed from the south and east sides of the site.

No affordable housing is proposed, instead finance generated from the sale of the site would be used to deliver a new salt store and household recycling centre (HRC) for Marlborough at the adjacent business park. Financial contributions would, however, be made towards local off-site recreation facilities, local education services and to facilitate the potential future cycle route along the railway embankment at the back of the site.

The application is accompanied by a Design and Access Statement, a Contamination Report, an Arboricultural Report, a Flood Risk Assessment, a Transport Assessment, a Landscape and Visual Appraisal, a Habitat Survey and a Scheme of Community Involvement. There is also a confidential Development Appraisal.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The number of units has been reduced from 34 to 32 and the layout changed to achieve better relationships with neighbouring properties and particular features of the site. Units originally proposed to be 3 or 2.5 stories have been reduced to 2 stories, with the one exception of the block of three flats which has been reduced from 3 stories to 2.5 stories. Modifications to the access and road layout have been made to address initial objections from County Highways.

Additional reports have been prepared - namely, the Flood Risk Assessment, the Landscape and Visual Appraisal and the Development Appraisal.

ADDITIONAL STATEMENT BY APPLICANT

The Design and Access Statement says the following -

“The County Council wishes to acquire planning permission for the re-development of an existing highways depot site for a new mixed use development comprising [32] units. The scheme would have a significant employment-related component in the form of live/work units. Approximately half of the development would comprise such components, with the remainder being housing.

An important benefit of the proposals to the local community is that it will enable the creation of a new Household Recycling Centre (HRC) at the Marlborough Business Park nearby, to where the main functions of the highways depot would also be relocated. This would improve the local recycling rates, while reducing traffic to more distant HRCs.

It is felt that such a scheme represents an efficient use of public assets, and that it will ... provide a range of important planning benefits for the town of Marlborough, of which the HRC is but one”.

TOWN/PARISH COUNCIL COMMENTS

Marlborough Town Council: approve this application in principle but are concerned that the 2.5 storey dwellings will still be overbearing on existing properties at a lower elevation.

[As is evident from the “principal amendments made following submission” section above, the applicant has agreed to remove the majority of 2.5 storey units from the site, the one exception being the 3 flats which remain 2.5 stories].

Savernake Parish Council: objects to the proposed buildings on this outline application, but not to the idea of live/work units on this site providing the money from the sale of the land is used to build a HRC on the Marlborough Business Park.

The WCC depot is on high ground just north of Postern Hill. Postern Hill is in the AONB, it is part of the SSSI of Savernake Forest and many people use footpath 14 on this hill, including many visitors who use the rear entrance to the camp site. Form this public right of way there is a view over the Marlborough Business Park to the

WCC depot. At present the depot is screened by a hedge and trees along its southern side and there are no tall buildings on the site.

A great deal of soil was removed to lower the ground level on the land which became the business park and hence reduce the impact of these buildings on the surrounding area. The WCC depot is on raised ground with steep embankments on the south side above the business park and on the north side above the residential houses.

The proposal for the WCC depot includes 2.5 storey dwellings. Some are even called focal gateway buildings. These tall buildings should be removed from the plan. The site does not need focal buildings which will be visible from Postern Hill, the residential housing to the north of the site, the recreation ground and probably most of the places in the northern part of Marlborough.

On the plan the live/work units look too small to be of practical use. These units should be large enough to be both a dwelling and have sufficient space in the studio/workshop for a business. The existing site is registered as employment land. If the site became a site for live/work units it would not have to comply with the high density requirements of a residential site. If 20+ live/work units were erected on the site, the units could be of sufficient size to be of practical use, be kept to a low height and be units people are willing to buy and the buildings would not become prominent in the surrounding landscape. There should be sufficient money from the sale of the land for WCC to relocate on the business park and for the HRC. There will probably not be sufficient money for a capital contribution to education purposes.

Work in a studio will probably not make noise, but there will probably be noise from some of the workshops. From both potential noise and safety aspects it is not a good idea to put residential housing which will probably have children and live/workshop units on the same site.

The existing hedge and trees along the southern side of the WCC depot must be retained and maintained by WCC. It should not be felled and/or replanted as this would take too long to grow to develop a screen. The embankments are high and steep and on safety grounds should have fencing which remains under the ownership and control of the local authority.

CONSULTATIONS

WCC Highways (Mr Wiltshire) [*now WC Highways*]: final views awaited. Initial detailed objections likely to be addressed by amended plans.

WCC Ecologist [*now WC Ecologist*]: recommend that further surveys for protected species be undertaken, and that a condition is imposed to control Japanese Knotweed on the site.

WCC Education Officer [*now WC Education Officer*]: requires financial contribution towards local school services.

WCC Archaeologist [*now WC Archaeologist*]: recommends condition.

Environment Agency: no objection subject to conditions relating to groundwater and contaminated land, and water efficiency.

Thames Water: no objection. Recommend informative.

Wiltshire Wildlife Trust: no objection.

KDC Environmental Health Officer [*now WC EHO*]: recommends condition requiring details of renewable energy features of the buildings to be provided at reserved matters stage.

KDC Landscape and Countryside Officer [*now WC L&C Officer*]: requires ridge heights of new buildings to be as low as possible. The 2.5 storey units should be two storey with rooms in the roof only.

Plot 19 should be deleted and this area landscaped. [This amendment has now been made].

The landscape design needs to take account of the seasonal differences in the views, possibly adding an evergreen component to the understorey to reduce views into the gardens and of garden paraphernalia.

KDC Housing Officer [*now WC Housing Officer*]: Accepts exceptionally that if the delivery of the HRC/salt store is a priority then the normal expectation for affordable housing can be waived in this case.

KDC Drainage Engineer [*now WC Drainage Engineer*]: Final views awaited.

REPRESENTATIONS:

A total of eight representations have been received (from nos. 31, 35, 50, 51, 52 & 53 Priorsfield, and no. 11 River Park (2 letters)) summarised as follows :

- * acknowledge that re-development will take place at some time but seek assurances that the embankments and associated trees and ecology will not be touched;
- * objection to tall buildings, resulting in overlooking and overbearing. The site does not need “feature buildings” (in particular, the three flats) which would detract from wider distant views and be overbearing in relation to the adjacent bungalows in Priorsfield;
- * Concern at overlooking from unit 19, [*this unit has now been deleted from the proposal*];
- * request that the embankments will continue to be maintained and/or reduced to improve light levels in adjacent properties. A management plan for the future maintenance of the embankments needs to be provided;
- * Concern at potential overlooking and security issues from potential future cycle route along the railway line;
- * request hours of working restriction on the site during construction period in the interests of residential amenity;

POLICY CONSIDERATIONS

Policies PD1, ED7, HC5, HC7, HC30, HC34, HC37, HC42, AT9, AT10 and NR7 of the Kennet Local Plan 2011 are particularly relevant.

Central Government policy set out PPS1, PPS3 and PPS4 is also relevant.

PLANNING OFFICER'S COMMENTS

The main issues in this case are, firstly, the principle of re-development; and then, if this is accepted, the layout and design principles embodied in the scheme, its visual impact (including distant views), the benefits stemming from re-development, and highway safety.

Principle of re-development

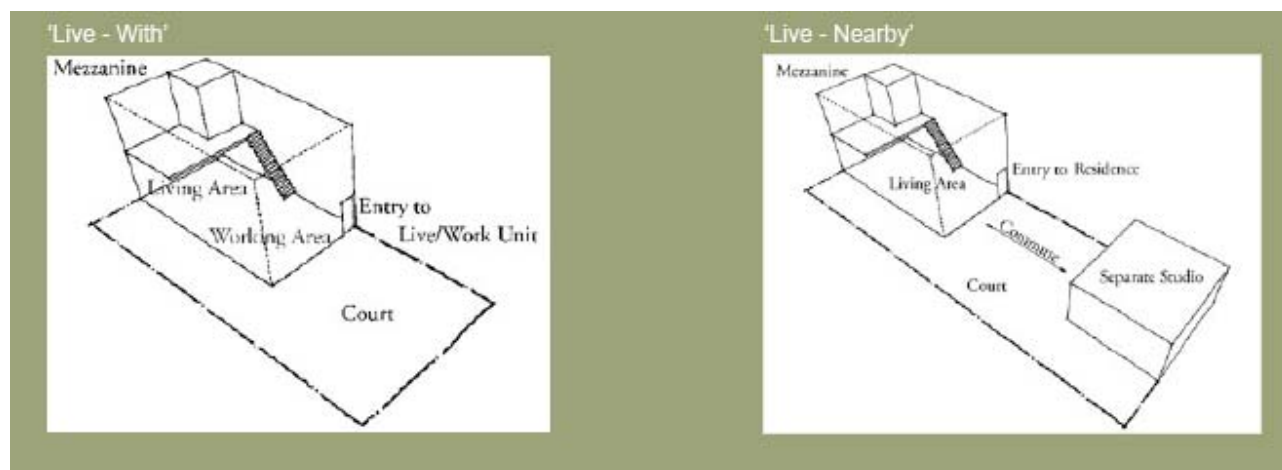
The application site is defined in the Local Plan as a Protected Strategic Employment Site. Policy ED7 states that such sites will be protected for employment uses, and that applications for non employment generating uses will be subject to special scrutiny to ensure that the proposed use contributes to the vitality and viability of the town centre.

The proposal is to re-develop the site for mixed uses - namely 'live/work' units (56%) and conventional housing (44%). Clearly, the conventional housing does not amount to an employment use, and as a consequence under the terms of Policy ED7 this application requires "special scrutiny".

Notwithstanding that some of the site would be given over to conventional housing, the greater proportion would be 'live/work' units. Live/work units combine both residential accommodation (often over the work space) and business accommodation (normally a workshop, office or studio) to enable the occupier to both live and work in the same place. The reasons for this relatively new approach to providing business accommodation are explained in the Design and Access Statement as follows:

- * the desire to avoid commuting, saving on time, cost and to reduce impacts on the environment;
- * the use of the internet, fax machines, and web cams make the need to travel to meetings less necessary;
- * changing household structures where parents work from home;
- * affordability, not only of home and work place but also transportation and childcare.

Live/work units are, therefore, an employment providing use, and as such, meet the Policy ED7 requirement to protect at least part of this employment site for employment purposes.



Extract from D&A Statement illustrating 'live/work' concept

The remainder of the site would be given over to conventional housing which is clearly not an employment providing use. However, there are particular circumstance in this case which allow an exception to be made to the usual presumption against such development on an employment site.

Firstly, the proposed live/work units would achieve particularly efficient use of that part of the site on which they are located. A total of 18 live/work units are proposed, this equating to 18 small businesses. In contrast, the WCC depot is not a particularly efficient user of the whole site - large areas are given over to storage and parking of HGV's and related highways equipment. It is considered that the loss of part of the site to a non employment providing use can be balanced against the greater efficiencies offered by the proposed live/work units.

Secondly, the site lies next to another strategic protected employment site (namely Marlborough Business Park) which has provided an additional 1.8ha of new employment land for the town. Take-up of the business park has, however, been relatively slow, this suggesting limited immediate demand. Under these

circumstances loss of part of the application site to housing is not so critical when there is evidently available employment land elsewhere in the town.

Thirdly, a principal reason for the planning application is to facilitate the delivery of a new salt store and a household recycling centre at Marlborough. Both these new facilities will require capital, which it is intended will be raised through the sale of the application site to a developer. A confidential Development Appraisal prepared by the applicant reveals that the cost of the new salt store and HRC would only just be met by the expected return from the sale of the application site for the mix of development proposed (partly due to high extraordinary costs stemming from contamination). Changing the mix with more employment accommodation is likely to undermine the viability of the entire project, and jeopardise provision of the HRC.

For these various reasons it is, therefore, considered that the proposal as a matter of principle is acceptable. Although the entire site would not be retained in employment use, much of it would (though 'live/work' units), and that area lost to housing would at least have facilitated the HRC. Future short to mid term employment needs in Marlborough can be met by other employment sites in the town, and in particular the presently under-utilised Marlborough Business Park.

Layout and Design

The layout has the majority of the buildings on the site arranged around formal landscaped courtyards. The edges of the site, where there are the naturally landscaped sides of the old railway embankment, would be improved and further landscaped. This general arrangement of the site is considered to be acceptable.

The heights of the majority of buildings on the site have been reduced to two stories since the application was first submitted. Only the three flats at the far end remain 2.5 stories, although a condition is recommended requiring this building to also be two storey in view of its prominent siting. A limit to two stories is considered essential on this site in view of its elevation and the likely harmful impact of taller buildings on distant views.

In terms of residential amenity, the layout has been revised since original submission to achieve satisfactory relationships with neighbours. Adequate margins and screen planting are proposed to ensure no adverse impacts.

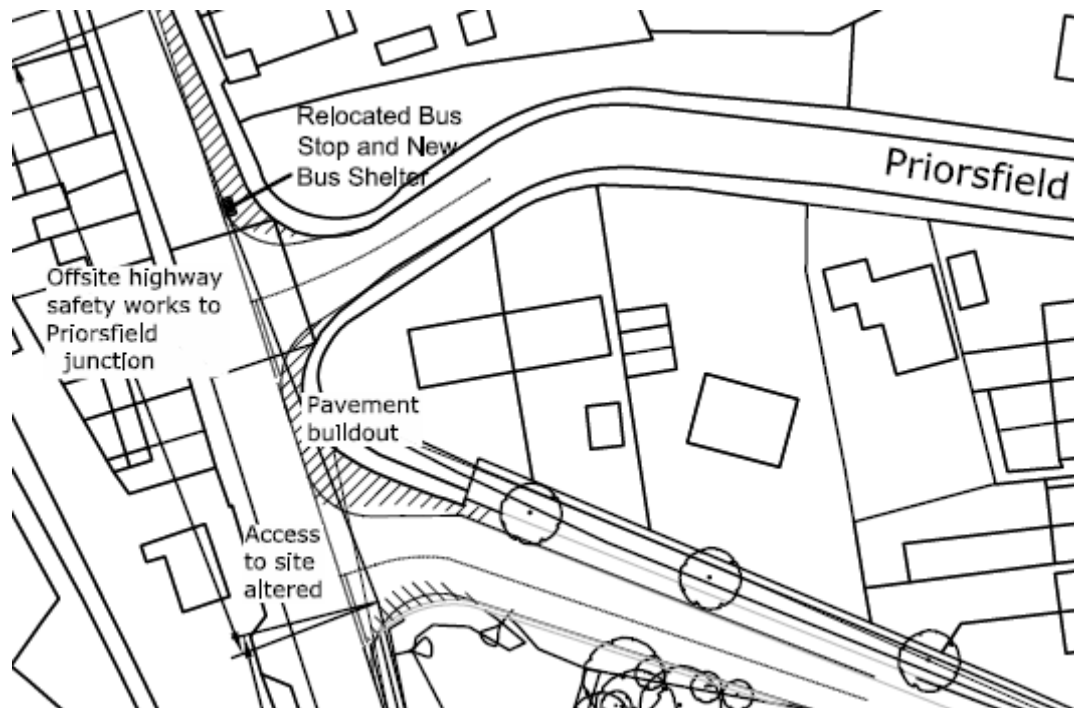
The changes to the junctions of the access to the site and Priorsfield are necessary in the interests of highway safety. They pose no amenity issues.

The scale (but not height), the external appearance and the detailed landscaping remain reserved matters, and so would be the subject of a further planning application in the event of this application gaining approval.

Highway Safety

The application is accompanied by a Transport Assessment which concludes that there is not a significant safety issue within the vicinity of the site and the likely trips generated by the proposed development would not have a significant impact on safety in the vicinity. It further points out that the site is reasonably well-served by public transport with bus stops in Salisbury Road. This is supported by County Highways in principle. Amendments to the detailed design of the junction of the site with Salisbury Road are proposed to further improve safety, together with cycle links to the south and east.

Overall it is not considered that the proposal would have a detrimental impact on road safety or that it would lead to additional congestion on the local road network.



Alterations to site access and Priorsfield junction

Section 106 agreement

The policies of the local plan and the Community Benefits from Planning SPG seek to ensure that the impacts of development on existing facilities and services are adequately mitigated through appropriate investment, facilitated by way of planning obligations (or Section 106 agreements). This proposal would in normal circumstances generate requirements for investment in four areas - recreation provision, education provision, community facilities and affordable housing.

In this case the applicant has put forward sound reasons for reducing the normal expectations. Firstly, redevelopment of this site would be subject to extraordinary costs resulting from the requirement to remove ground contamination stemming from the historic uses. The application is accompanied by a detailed contamination report which reveals significant hydrocarbon contamination on parts of the site. The Development Appraisal concludes that the cost of decontamination is likely to be in the order of £250,000. Clearly, this extraordinary cost affects the ultimate land value, and in turn this affects the revenue that can be generated from the sale of the site.

Secondly (and leading on from the first point), the revenue generated from the sale of the site is intended to be used to fund the new salt store and HRC at the Marlborough Business Park. However, it is evident from the Development Appraisal that if the development is expected to meet all the normal obligations *and* the extraordinary costs then there would be insufficient remaining capital to meet the salt store and HRC costs. Under these circumstances the entire development would, therefore, flounder.

Finally, the provision of an HRC is in itself a community gain which will only come about as a consequence of the sale of the depot for a price which will meet the cost of the HRC and the new salt store.

Having regard to these reasons it is considered reasonable in this particular case to reduce the normal planning obligation expectation. To this end the applicant has agreed to provide the full off-site financial contribution towards recreation provision in the locality, the full financial contribution towards local education services, a financial contribution towards providing the pedestrian/cycle link through the back of the site,

and a commitment to providing the HRC. The applicant will not, however, provide any affordable housing on the site.

In this particular case this is considered to be an acceptable outcome. Under normal circumstances the expectation would be for 7 of the 14 conventional houses on the site to be affordable. Instead there will be 14 conventional houses and no affordable houses, but greater certainty that the HRC will be provided. The HRC itself is a community benefit which is considered in this case to be of equal importance to affordable housing. This approach is, therefore, supported as an exception to the normal 'rule' and in view of the benefits to the Marlborough community stemming from the provision of the HRC.

Other Matters

Regarding ecology, the application is accompanied by a habitat survey which concludes that areas of botanical and ecological interest are limited, and are in any event of low nature conservation interest. A condition is recommended requiring further surveys prior to development taking place.

Conditions are recommended to ensure trees to be retained are protected during construction and that details of all service runs are provided. In principle there is no objection to the tree works proposed. A condition is also recommended requiring a management plan for retained landscaped areas to be submitted and ultimately implemented in perpetuity.

The issue of contamination has been referred to above. Again, conditions are recommended in accordance with the requirements of the Environment Agency to ensure proper processing of this matter.

Conclusion

This application, for both business and residential development, strikes the right balance between safeguarding at least part of the site for employment purposes in accordance with Policy ED7. Finance generated by the sale of the site for re-development would fund Marlborough's household recycling centre, and this is considered to be an important material consideration in this case. Although affordable housing would not be provided on the site, this is considered acceptable as an exception to the normal rule in view of the extraordinary costs *and* the other benefits which include provision of the HRC. For these reasons the application is recommended for approval.

RECOMMENDATION –

APPROVE SUBJECT TO A LEGAL AGREEMENT ENTERED INTO BY WILTSHIRE COUNCIL AND THE NEXT OWNER OF THE SITE FOLLOWING ITS SALE BY WILTSHIRE COUNCIL COVERING –

1. A FINANCIAL CONTRIBUTION TOWARDS OFF-SITE RECREATION PROVISION;
2. A FINANCIAL CONTRIBUTION TOWARDS EDUCATION SERVICES; AND
3. A FINANCIAL CONTRIBUTION TOWARDS PROVIDING THE PEDESTRIAN/CYCLE LINK AT THE EAST END OF THE SITE;

AND SUBJECT TO SEPARATE COMMITMENTS BY WILTSHIRE COUNCIL TO –

1. PROVIDE THE MARLBOROUGH HOUSEHOLD RECYCLING CENTRE FROM THE PROCEEDS OF THE SALE OF THE SITE; AND
2. EXPEDITIOUSLY ENTER INTO THE LEGAL AGREEMENT REFERRED TO ABOVE WITH THE NEXT OWNER OF THE SITE,

AND SUBJECT TO THE FOLLOWING CONDITIONS -

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

REASON:

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

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

REASON:

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

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

REASON:

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

- 4 This permission relates to the scheme of development as submitted except insofar as amended by the revised plan nos. 6169(L)003B, 6169(L)004C & 6169(L)006B from Nash Partnership received on 2 May 2008, and revised plan nos. 748283-D-008A & 748283-D-007A from Mouchel Parkman received on 1 April 2008.

REASON:

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

- 5 All of the conventional houses and 'live/work' units hereby approved shall incorporate within their designs sufficient renewable energy features to reduce carbon dioxide emissions from energy use by the owners/occupiers by 10%. The details of these renewable energy features shall be submitted to the local planning authority as part of the reserved matter relating to appearance. The development shall be carried out, and maintained thereafter, in accordance with the approved details.

REASON:

To accord with the local planning authority's policy for renewable energy.

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

REASON:

To secure harmonious architectural treatment.

- 7 Notwithstanding the details set out in the application particulars, none of the buildings hereby approved shall be greater than two storey unless agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory relationship with the surroundings having regard to the elevation of the site.

- 8 None of the conventional houses hereby approved shall be occupied until the 'live/work' units are completed, unless first agreed in writing by the local planning authority.

REASON:

To ensure appropriate phasing of the development in accordance with the agreed scheme.

- 9 The 'work' element of the 'live/work' units hereby permitted shall be used for business and/or storage and distribution purposes only (that is, uses falling with Classes B1 and/or B8 of the Town and Country Planning (Use Classes) Order (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

REASON:

In the interests of amenity.

- 10 The 'work' element of each 'live/work' unit hereby approved shall remain an integral part of the 'live/work' unit to which it relates, and shall not at any time be occupied separately from that 'live/work' unit as a self-contained 'work' unit.

REASON:

In the interests of amenity.

- 11 The detailed landscaping plans to be submitted as part of the landscaping reserved matter shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

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

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

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

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

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

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

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

REASON:

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

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

REASON:

In the interests of visual amenity.

- 15 Before work commences on the erection of the buildings hereby approved, decontamination of the site shall take place in accordance with the recommendations of the Integrale reports accompanying the planning application.

REASON:

In the interests of the safety of the public and the environment.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until the developer has submitted to, and obtained written approval from the local planning authority for, an amendment to the recommendations set out in the Integrale reports detailing how the unknown contamination shall be dealt with. De-contamination shall then take place in accordance with the agreed amendments.

REASON:

To prevent pollution of local water interests.

- 17 Plans of the means of disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. The plans shall specify no infiltration of surface water into the ground unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

- 18 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details no later than the first occupation of the buildings unless otherwise agreed in writing with the local planning authority.

REASON:

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

- 19 No development shall take place until details of the treatment of all boundaries within and at the edges of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASONS:

In the interests of amenity.

- 20 No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

- 21 Within 12 months of the date the development hereby approved commences, further wildlife surveys shall be carried out for badgers, bats, reptiles and dormice (the surveys to be carried out at the appropriate time of year by a qualified ecologist). Within 2 weeks of the date the development hereby approved commences, a further wildlife survey shall be carried out for breeding birds (again, by a qualified ecologist). The results of the surveys, and any recommendations stemming there from, shall be submitted to the local planning authority for approval

in writing. Development shall only commence when written approval by the local planning authority has been given.

REASON:

To accord with the recommendations of the Simecology report accompanying the planning application, and in the interests of potential wildlife on the site.

- 22 Before any part of the development hereby permitted is first occupied the re-designed access shown on drawing no. 748283-D-008A and the cycle routes shown on drawing no. 748283-D-007A shall be completed in accordance with these approved plans.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

- 24 INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, ED7, HC5, HC7, HC30, HC34, HC37, HC42, AT9, AT10 and NR7; and Central Government policy set out in PPS1, PPS3, PPS4, PPS7 and PPG13.

- 25 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 *****.

- 26 INFORMATIVE TO APPLICANT:

A B1 Business use means a use for any of the following purposes: -

- (a) as an office other than a use within Class A2 (financial and professional services).
- (b) for research and development of products or processes, or
- (c) for any industrial process. being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

References to Class B1 and A2 are from the Town and Country Planning (Use Classes) Order 1987.

- 27 INFORMATIVE TO APPLICANT:

In relation to condition no. 7, the applicant is advised that the local planning

authority is unlikely to object to a building with a slightly larger footprint at units 30-32 than that shown on the approved layout drawing to enable the three flats to be contained within a two storey building. This is likely to be considered acceptable under the terms of the outline planning permission.

28 INFORMATIVE TO APPLICANT:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the development.

29 INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the informatives set out in the attached letter from the Environment Agency.

Date of Meeting	2 July 2009
Application Number	E/09/0536/FUL
Site Address	Elmhurst Wick Lane Devizes Wilts SN10 5DW
Proposal	Demolition of existing detached single garage. Proposed two storey extension and related alterations incorporating new single garage/utility area/WC shower plus bedroom and bathroom over
Applicant	Mr & Mrs Willis
Town/Parish Council	DEVIZES
Grid Ref	400566 160616
Type of application	Full Planning
Case Officer	Karen Guest

Reason for the application being considered by Committee

The application has been brought to committee at the request of the former county councillor Charles Winchcombe.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are:

- The impact of the proposal on the existing property and the streetscene.
- The impact of the proposal on neighbour amenity.

3. Site Description

Elmhurst is a large semi-detached older property (approximately 100 years old according to the applicant's agent) located on the southern side of Devizes. The property lies at the northern end of Wick Lane, on the right-hand side of the road, and can be seen from the Potterne Road/Wick Lane roundabout where Wick Lane leaves the A360 Devizes - Salisbury Road.



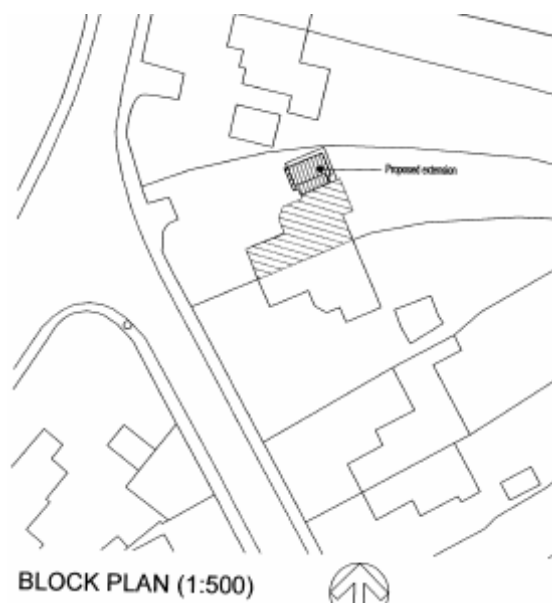
Site Location – A360 to Potterne on left of map

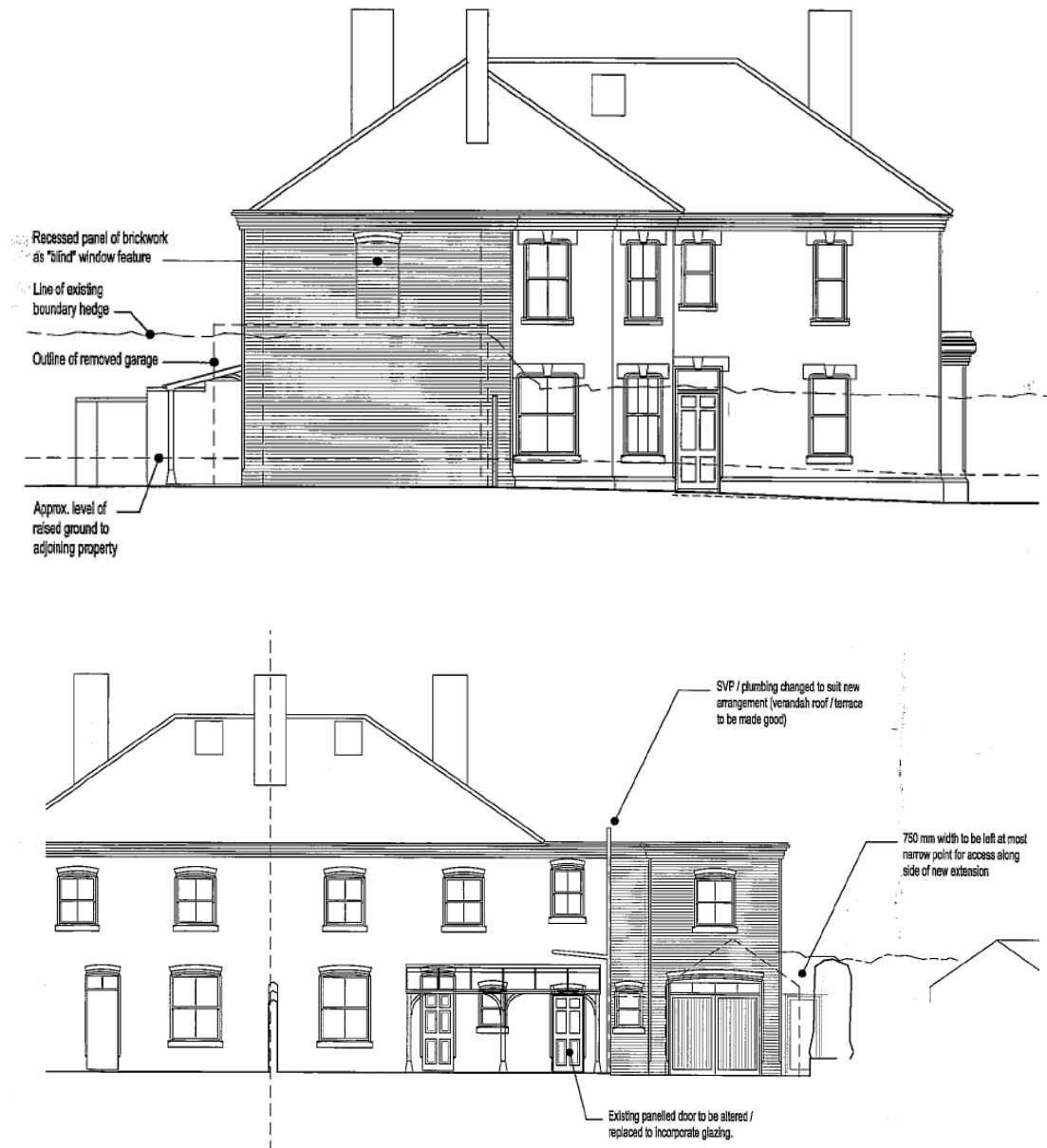
4. Planning History

K/59599/F – an application for a two-storey extension to the property was withdrawn in December 2008.

5. The Proposal

The application is for the demolition of an existing detached garage and the construction of a two-storey extension incorporating a single garage/utility area and shower/WC with a bedroom and bathroom above. The proposal is the same size as the one that was previously withdrawn. The only change to this scheme is the omission of the originally proposed hipped roof (a flat roof is proposed instead).





Proposed side and rear elevations

6. Planning Policy

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of the application.

7. Consultations

Devizes Town Council - no objections to the proposal.

8. Publicity

The application has been advertised by a site notice. Neighbour notification has also been carried out. One letter of objection has been received, which raises the following key concerns:

- The proposal will impact significantly on the appearance of the elegant Victorian semi-detached properties with proportional and highly appropriate gaps between them.

- The proposed extension will have a considerable impact on the neighbouring property to the north, Belmont. The new rear elevation bedroom window will clearly overlook the garden and patio areas, which previously offered a degree of privacy. The side elevation wall of the proposed extension will be significantly overbearing and will impact on enjoyment of the patio area. A considerable degree of light will be blocked, thus impacting on the side patio and more significantly the family room and kitchen where most time is spent.
- The proposed wall on the boundary will affect the roots and cut out direct sunlight to the existing hedge, which will probably result in its eventual death.
- The new access gate will be much closer to Belmont, thus increasing noise awareness.

One letter of support has also been received, which comments that the proposed extension would enhance the neighbourhood and not have any adverse impact on the surrounding area.

9. Planning Considerations

The main considerations in respect of the proposal are its impact on the existing property and street scene and upon residential amenity.

Impact on Existing Property and Street scene

The properties in the vicinity of Elmhurst comprise large semi-detached houses of Victorian appearance, with proportional gaps between them which give a sense of space. The proposed extension would take up most of the gap between the existing property and the boundary, the result being that it would appear out of keeping with the street scene. Currently, Elmhurst and the surrounding properties have a well-balanced, symmetrical appearance. It is considered that the construction of the proposed flat roofed extension would adversely affect this balance and symmetry, which in turn would have a detrimental impact on the appearance of both the existing property and the street scene.

Impact on Neighbour Amenity

The positioning of the boundary between the two properties is such that the garden area to the rear of the neighbouring property to the north would be overlooked, to the detriment of the occupants' reasonable living conditions. The applicant's agent has commented that there is already a mutual overlooking situation. However, as the proposed first-floor bedroom window in the rear elevation of the extension would be in much closer proximity to the neighbouring property than the existing bedroom windows, this impact would be exacerbated.

The neighbour to the north has expressed concerns that the proposed extension would block light to his family room, kitchen and side patio. It is considered that the proposed extension would be sufficiently far away from the windows in question to not significantly compromise the neighbours' reasonable living conditions. The neighbours to the north have a rear patio as well as a side patio and for this reason, it would be difficult to argue that any overshadowing from the proposed extension would significantly compromise the neighbours' reasonable living conditions.

It is considered that the proposed extension would be sufficiently far away to

not have an overbearing impact on the occupants of the neighbouring property to the north.

Other Issues

The neighbour to the north has expressed concerns about the potential impact of the proposed extension on the boundary hedge. It is not possible to insist on the retention of the hedge and in any event, it is considered that the proposed extension would be far enough away to not significantly affect its roots.

10. Conclusion

The proposal is considered to be unacceptable in terms of its impact on the existing property and the street scene and upon neighbour amenity. Accordingly, the refusal of planning permission is recommended.

RECOMMENDATION

Refuse for the following reason:

- 1 The extension, by virtue of its size, design and positioning, would have a detrimental impact on the existing property and the surrounding street scene, which is characterised by symmetrical, well-proportioned semi-detached properties with appropriate gaps between them. Consequently, the proposal would be contrary to policy PD1 in the Kennet Local Plan 2011.

- 2 The first-floor bedroom window in the rear elevation of the extension would overlook the rear garden of the neighbouring property to the north, to the detriment of the occupants' reasonable living conditions. The proposal would therefore be contrary to policy PD1 in the Kennet Local Plan 2011.

Date of Meeting	02/07/2009
Application Number	E/09/0401/FUL
Site Address	Double Cottage, 23, Wilcot Green, Wilcot, Wiltshire, SN9 5NS
Proposal	Alterations to existing rear lean-to and erection of single storey rear extensions
Applicant	Mr and Mrs Toby Joll
Town/Parish Council	WILCOT
Grid Ref	414286 161116
Type of application	Full Planning
Case Officer	Rebecca Hughes

Reason for the application being considered by Committee

This application was called to committee prior to the recent elections by the ward member for Wilcot at that time, Mr. Molland.

Purpose of Report

To consider the recommendation that the application be refused.

Report Summary

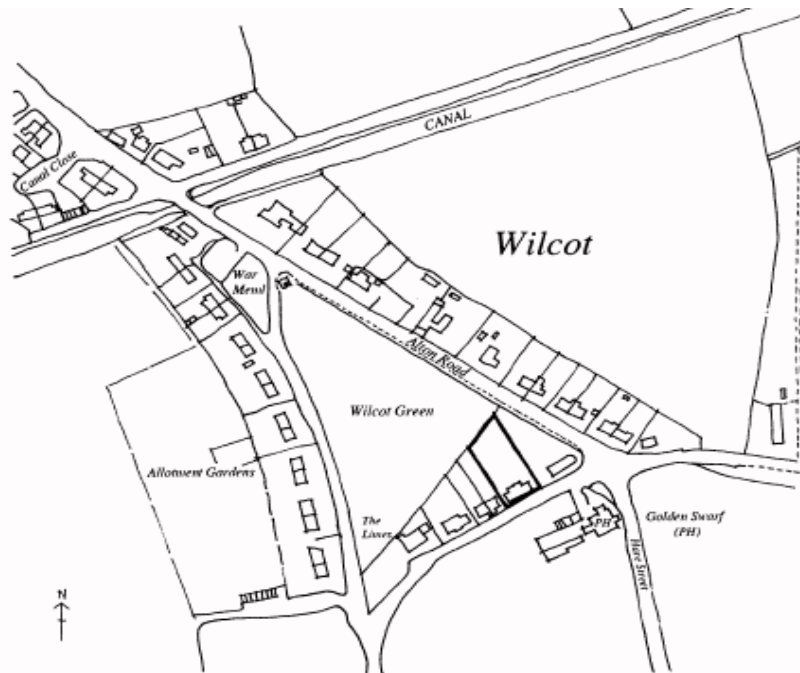
The main issue to consider is:

The impact of the proposal on the character, appearance, setting and special architectural and historic interest of this grade II listed building. Also the impact on the character and appearance of Wilcot Conservation Area.

Site Description

The application relates to a grade II listed thatched building known as Double Cottage. Formerly one of three pairs of estate workers cottages dating from the late C18th, Double Cottage was converted into one dwelling in the 1990's. The property has been subject to several previous extensions, including a double pitched two storey rear extension.

The site lies towards the eastern end of Wilcot and backs onto Wilcot Green. At the junction adjacent to the Golden Swan Public House head toward Wilcot Manor. Double Cottage is the second property on the right hand side. It lies within North Wessex Downs Area of Outstanding Natural Beauty and Wilcot Conservation Area. The rear of the property can be seen from Wilcot Green,



Site Location Plan (not to scale)

Planning History

K/32793 - Approve with Conditions 13/06/1996

Single and two storey extensions to 23 & 24 Wilcot to form an enlarged house.

K/32794/L - Approve with Conditions 13/06/1996

Internal alterations and openings, demolish single storey extension, construct two storey extension and other associated alterations to form a single dwelling.

K/33352 - Approve with Conditions 07/10/1996

Construction of porch at rear.

K/33353/L - Approve with Conditions 07/10/1996

Construction of porch at rear.

K/34551 - Refuse 28/07/1997

Variation of condition No.4 on K/32793 to permit retention of clear glass in bathroom window.

K/38759/L - Approve with Conditions 17/03/2000

Internal alterations to the first floor, remove 2 stud partition walls, install shower room and one other stud partition wall to improve size of bedroom and shower room.

K/83/0560/LB - Approve with Conditions 19/08/1983

Alterations and extensions

K/52394/LBC - Approve with Conditions 08/08/2005

Replace seven windows on south (front) elevation

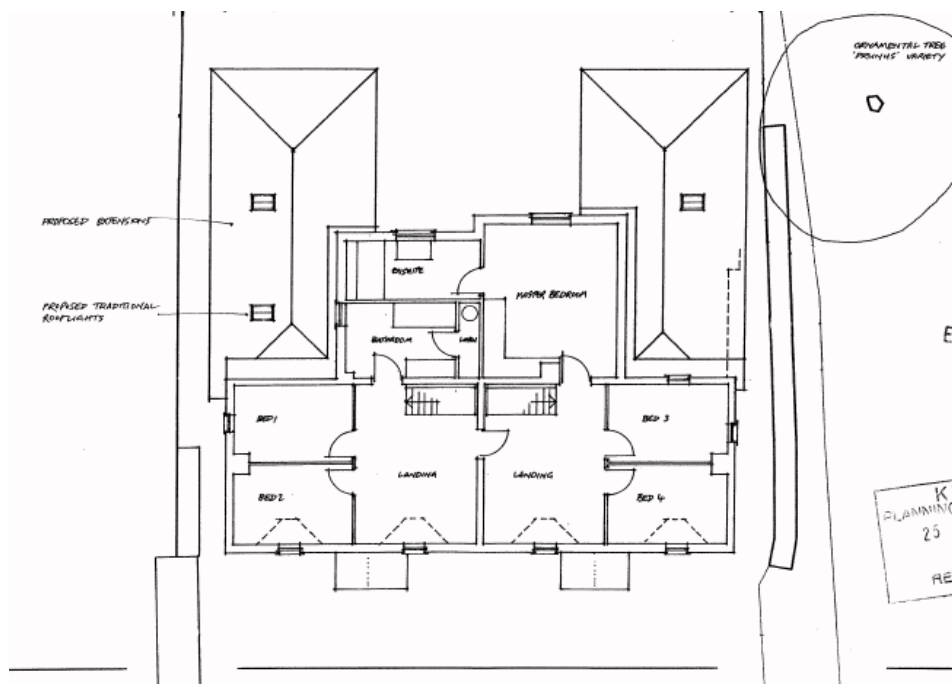
E/09/0132/LBC - Withdrawn 19/03/2009

Alterations to existing rear lean-to and erection of single storey rear extensions

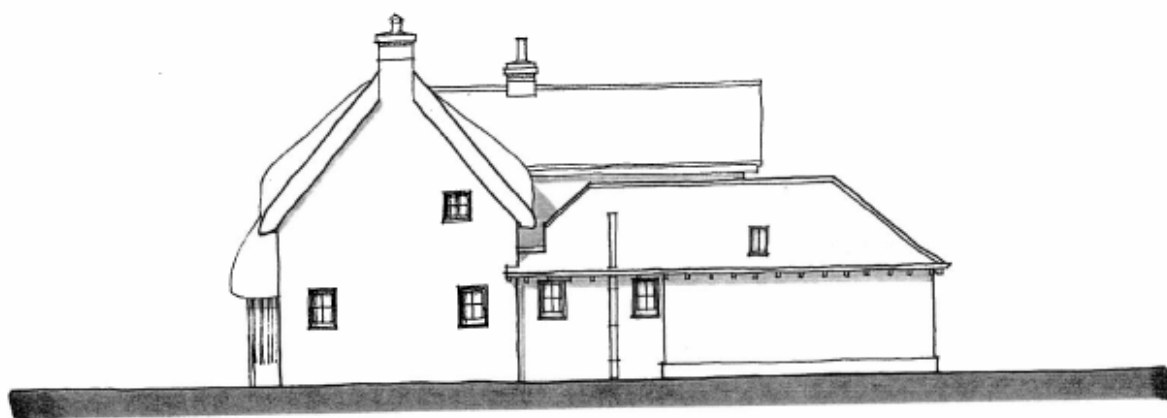
The Proposal

This proposal relates to an application for full planning permission for alterations to existing rear lean-to and erection of single storey rear extensions.

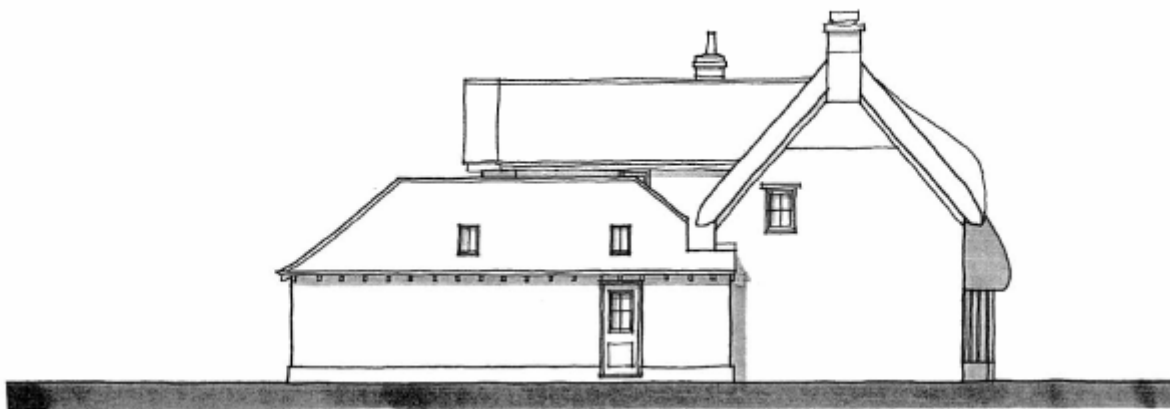
The extensions are proposed to project from the rear elevation of the cottage as two wings, located either side of the existing two storey addition. They would project from the original rear elevation of the building by a maximum of approximately 9.2 metres and would be approximately 4.5 metres wide. The extensions are proposed with a pitched roof with hipped ends, approximately 2.4 metres to the eaves and 4.5 metres to the ridge. Materials would be brick and slate with timber joinery.



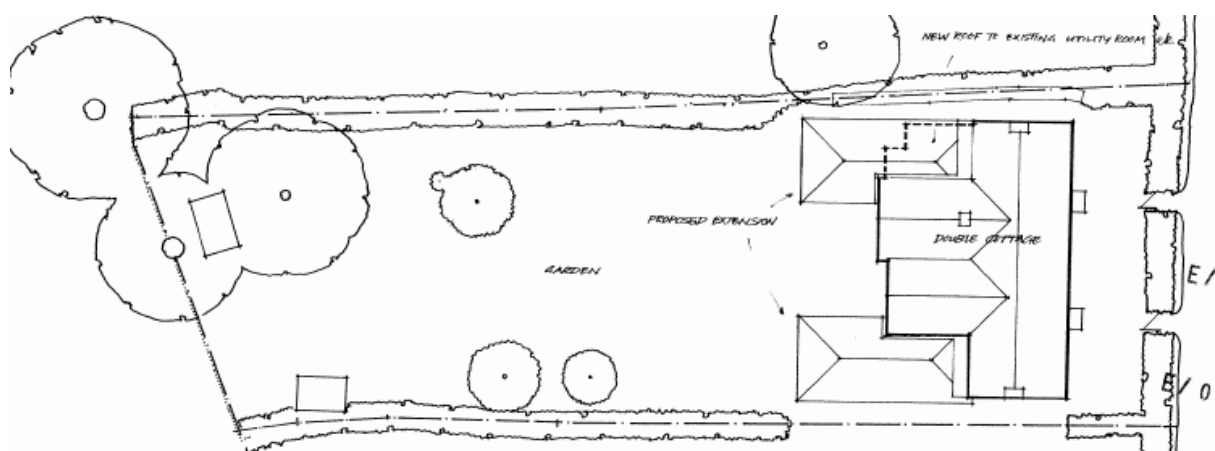
Proposed Roof Plan (not to scale)



Proposed North East Elevation (not to scale)



Proposed South West Elevation (not to scale)



Proposed Block Plan (not to scale)



Proposed North West Elevation (not to scale)

The external appearance of the scheme is identical to that withdrawn under applications ref: E/09/0131/FUL & E/09/0132/LBC.

Planning Policy

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of this application, as is central government guidance contained in PPS7: Sustainable Development in Rural Areas and PPG15: Planning and the Historic Environment. Supplementary planning guidance contained in Wilcot Conservation Area Statement is also relevant.

Consultations

Wilcot Parish Council – no objections

Council Conservation Officer – the proposed extensions will be detrimental to the special interest of the listed building. The degree of extension this building can sustain has already been established through the modern extensions, granted permission in 1996. The existing modern extensions are large, comprise of two storeys and already provide an additional amount of living accommodation to the original dwelling. The existing modern extensions are not entirely sympathetic to the listed building and further extension to the property will further erode the special interest of this cottage. This is not only due to the direct impact on the architectural and historic importance of the building and any historic fabric, but also the concerns of the wider historic environment. Not only will the overall footprint of the cottage be considerably increased, but the extensions will increase the visual dominance of the rear of the property. This in turn will have a negative impact on the character and appearance of the Conservation Area. The application should be refused.

Publicity

The application has been advertised with press and site notices. Neighbour notification has also been undertaken.

A letter of objection has been received signed ‘Wilcot Village Residents’. The letter objects to the application on the following grounds:

- Size of extension in relation to original cottage and neighbouring properties, out of keeping
- Visibility from the road and the green
- Precedent
- Work does not fit a listed building or conservation area
- Impact on road structure of the village, increase in volume of traffic, more cars parking on road poses safety hazard
- Questions need for another large house in the village. Pushing out first time buyers.

Planning Considerations

Double Cottage has previously been subject to substantial extensions to its rear elevation including a large double pitched two storey addition. The Conservation Officer is of the opinion that the extensions proposed under this application would be detrimental to the special interest of the listed building, a view that is shared by planning officers.

If permitted the extensions would obscure the remainder of the original ground floor of the rear elevation of the cottage and at a maximum of approximately 9.2 metres in depth, their scale would be out of proportion with the original footprint of the cottage. This would be contrary to advice contained in Annex C paragraph C7 of PPG15: Planning and the Historic Environment which states that “modern extensions should not dominate the existing building in either scale, material or situation”. The extensions would increase the visual dominance of the rear of the property which is visible from Wilcot Green, an important landmark within Wilcot Conservation Area and would further erode the character of the building, built originally as a pair of modest estate workers cottages.

As the site falls within Wilcot Conservation Area, the local authority has a statutory duty to give high priority to the objective of preserving or enhancing the character and appearance of the area. Although as stated above the site is visible from Wilcot Green, the length of the rear garden would ensure that any views of the extensions are distant and views from the Green would be partially obscured by existing garden vegetation. However, the acceptability of the impact of the proposal on the surrounding Conservation Area should not detract from the key concern with this application, which is the impact of the proposals on the character and special qualities of the host listed building.

The applicant refers to extensions to surrounding properties and the need for additional space to create viable family accommodation as justification for the proposals. Although the two pairs of estate cottages to the west of the site have been extended to the rear, this is to a lesser degree than is proposed under this application. Officers consider that Double Cottage having been converted into one dwelling from what was formerly a pair of cottages and having already been substantially extended, provides sufficient accommodation to function as viable family dwelling. Paragraph 3.3 of PPG15: Planning and the Historic Environment states that there should be “a general presumption in favour of the preservation of the listed building except where a convincing case can be made out for alteration”. It is not considered that the building can sustain further extensions of this scale without adverse impact to its special qualities and the justification put forward does not outweigh the harm that would result from the development to the character of the historic cottage and its surroundings.

Conclusion

Due to their size, scale and situation, when taken with what has already been built at the property, the proposed extensions would represent unsuitable and insensitive alterations which would have a detrimental impact on the special interests of this grade II listed building. As such it is recommended that the application be refused.

RECOMMENDATION

Refuse

- 1 The proposed extensions, by reason of their size, scale and situation, would adversely affect the character and special interest of this grade II listed building. Furthermore when viewed in combination with previous extensions, the development would visually dominate the rear elevation and erode the character of building, which was formerly a pair of modest estate workers cottages. As such the proposal is contrary to advice contained in PD1 of the Kennet Local Plan 2011 and central government guidance contained in PPG15: Planning and the Historic Environment.

Date of Meeting	02/07/2009
Application Number	E/09/0402/LBC
Site Address	Double Cottage, 23, Wilcot Green, Wilcot, Wiltshire, SN9 5NS
Proposal	Alterations to existing rear lean-to and erection of single storey rear extensions
Applicant	Mr and Mrs Toby Joll
Town/Parish Council	WILCOT
Grid Ref	414286 161116
Type of application	Listed Building Consent
Case Officer	Rebecca Hughes

Reason for the application being considered by Committee

This listed building consent application is associated with the previously reported application for planning permission E/09/0401/FUL and is called in for the same reason.

Purpose of Report

To consider the recommendation that the application be refused.

Report Summary

The following information is all as reported under E/09/0401/FUL:

- Site Description
- Planning History
- Description of Development (The Proposal)

The main issue to consider is:

The impact of the proposal on the character, setting and special architectural and historic interest of this grade II listed building.

Planning Policy

Central Government Planning Guidance Note 15: Planning and the Historic Environment is relevant to the consideration of the application.

Consultations

The same as reported in the previous item.

Publicity

The same as reported in the previous item.

Planning Considerations

Double Cottage has previously been subject to substantial extensions to its rear elevation including a large double pitched two storey addition. The Conservation Officer is of the opinion that the extensions proposed under this application would be detrimental to the special interest of the listed building, a view that is shared by planning officers.

If permitted the extensions would obscure the remainder of the original ground floor of the rear elevation of the cottage and at a maximum of approximately 9.2 metres in depth, their scale would be out of proportion with the original footprint of the cottage.

This would be contrary to advice contained in Annex C paragraph C7 of PPG15: Planning and the Historic Environment which states that *“modern extensions should not dominate the existing building in either scale, material or situation”*. The extensions would increase the visual dominance of the rear of the property which is visible from Wilcot Green, an important landmark within Wilcot Conservation Area and would further erode the character of the building, built originally as a pair of modest estate workers cottages.

The applicant refers to extensions to surrounding properties and the need for additional space to create viable family accommodation as justification for the proposals. Although the two pairs of estate cottages to the west of the site have been extended to the rear, this is to a lesser degree than is proposed under this application. Officers consider that Double Cottage having been converted into one dwelling from what was formerly a pair of cottages and having been substantially extended, already provides sufficient accommodation to function as viable family dwelling. Paragraph 3.3 of PPG15: Planning and the Historic Environment states that there should be “a general presumption in favour of the preservation of the listed building except where a convincing case can be made out for alteration”. It is not considered that the building can sustain further extensions of this scale without adverse impact to its special qualities and the justification put forward does not outweigh the harm that would result from the development to the character of the historic cottage and its surroundings.

Conclusion

Due to their size, scale and situation, the proposed extensions would represent unsuitable and insensitive alterations which would have a detrimental impact on the special interests of this grade II listed building. As such it is recommended that the application be refused.

RECOMMENDATION

Refuse, for the following reasons

- 1 The proposed extensions, by reason of their size, scale and situation would adversely affect the character and special interest of this grade II listed building. Furthermore when viewed in combination with previous extensions, the development would visually dominate the rear elevation and erode the character of the building, which was formerly a pair of modest estate workers cottages. As such the proposal is contrary to central government advice contained in PPG15: Planning and the Historic Environment.