

Wiltshire Council
East Area Planning Committee

October 15th 2009

List of Applications for Consideration

1. E/09/0482/FUL (page 2)

Planning permission for: Extension and conversion of existing outbuilding and erection of detached double garage

At: The Old Vicarage, CHARLTON ST PETER SN9 6EU

RECOMMENDATION: Grant planning permission

2. E/09/0483/LBC (page 11)

Listed building consent for: Extension and conversion of existing outbuilding

At: The Old Vicarage CHARLTON ST PETER SN9 6EU

RECOMMENDATION: Grant listed building consent

3. E/09/0873/FUL (page 14)

Full planning application for: Proposed erection of five 2 storey terraced two and three bedroom houses together with 25 parking spaces and associated site works following demolition of existing dilapidated garage block

At: Kennet Rise, Axford, RAMSBURY, Wilts, SN8 2HA

RECOMMENDATION: Grant planning permission

4. E/09/1050/FUL (page 29)

Full planning application for: Provision of rooflights to proposed loft conversion

At: 4 Broadleas Close DEVIZES SN10 5DJ

RECOMMENDATION: Grant planning permission

5. K/52761/O & K/59899/VAR (page 35)

Discharge of planning condition relating to improvement of surface

At: Land off Quakers Walk, London Road, DEVIZES/ROUNDWAY

RECOMMENDATION: Agree discharge of condition without electrical cable run

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No.1

Date of Meeting	15 th October 2009
Application Number	E/09/0482/FUL
Site Address	The Old Vicarage Charlton St Peter Wiltshire SN9 6EU
Proposal	Extension, conversion of existing outbuilding & erection of detached double garage.
Applicant	Mr G Bowen
Town/Parish Council	CHARLTON ST PETER
Grid Ref	411768 156036
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to committee at the request of Councillor Hall following receipt of a number of different sets of amended plans and additional information.

1. Purpose of Report

To consider the recommendation that the application be approved subject to the conditions set out.

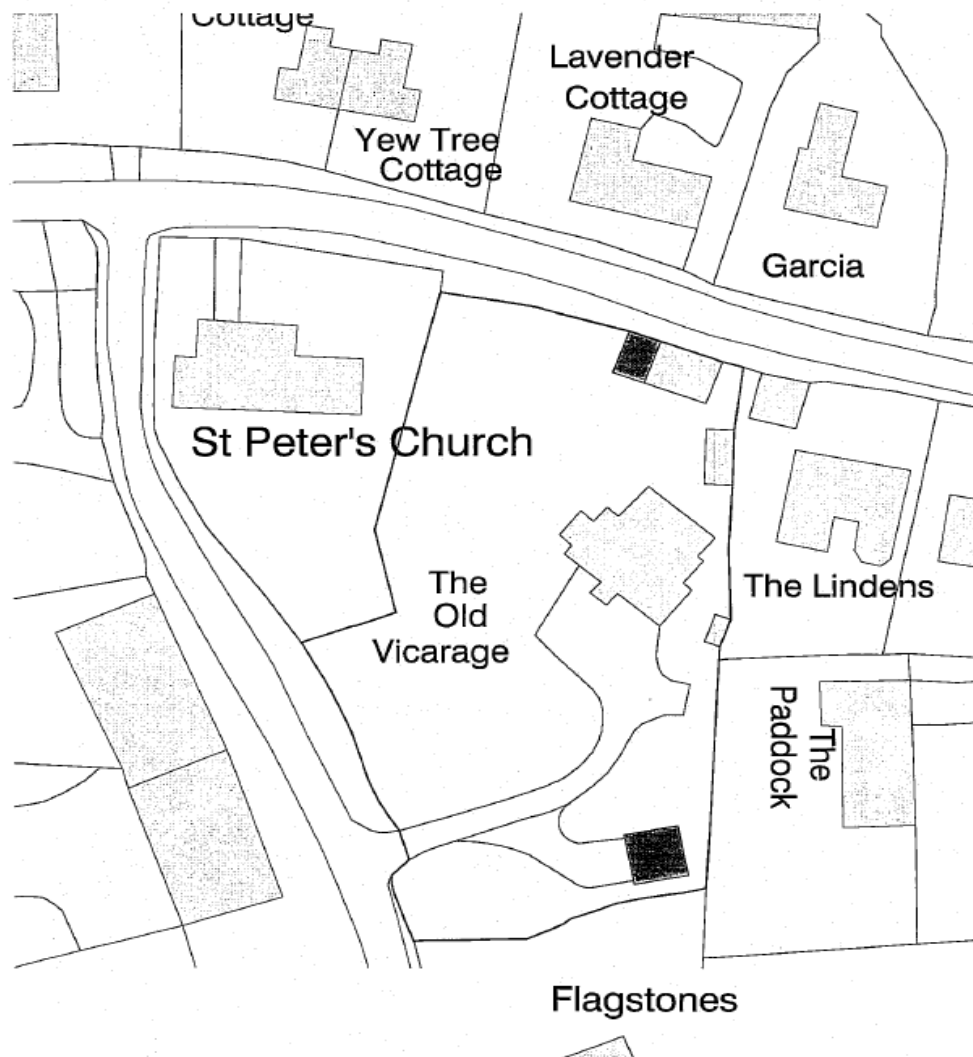
2. Report Summary

The main planning issues to consider are:

- The impact on visual amenity (including the impact on trees)
- The impact on residential amenity
- The impact on the setting of a grade II listed building
- The impact on the character and appearance of the conservation area
- Impact on archaeology

3. Site Description

The Old Vicarage is a detached property set in a large curtilage which occupies a position adjacent to the church and within the centre of the small hamlet of Charlton-St-Peter. The site has two entrances and can be found by proceeding from Devizes along the A342 for approximately 6 miles. Go past the Charlton Cat public house on the left hand side of this road and take the next turning left down into the village. The property can be access by turning right into the driveway, prior to the 'T' junction, or by turning right at the 'T' junction and taking a further right into the property's second driveway.



Location of The Old Vicarage – east of St Peter's Church, showing outbuilding to be converted/extended at top of site and position of proposed garage at the southern end

4. Planning History

Relevant applications are:

K/55410/LBC & K/55408/F - Refuse 27/11/2006

Demolition of existing flat roof bay window and replace with new in keeping with existing dwelling

K/56817/LBC & K/56816/F - Approve with Conditions 01/08/2007

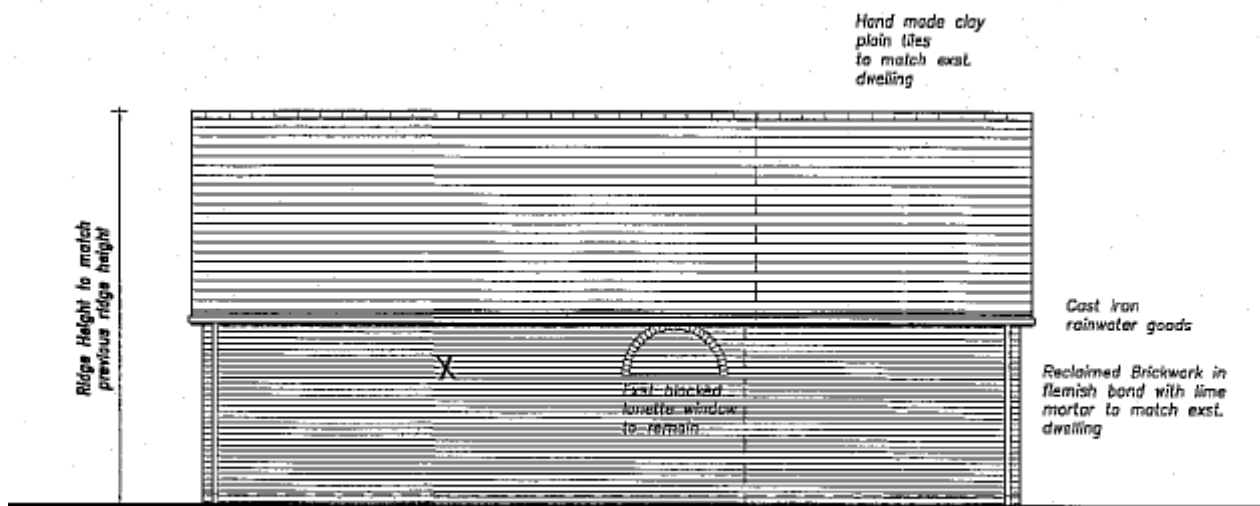
Demolition of existing glazed extension and erection of new extension

K/57747/LBC & K/57746/F - Approve with Conditions 04/01/2008

Demolition of existing glazed extension and erection of new extension.

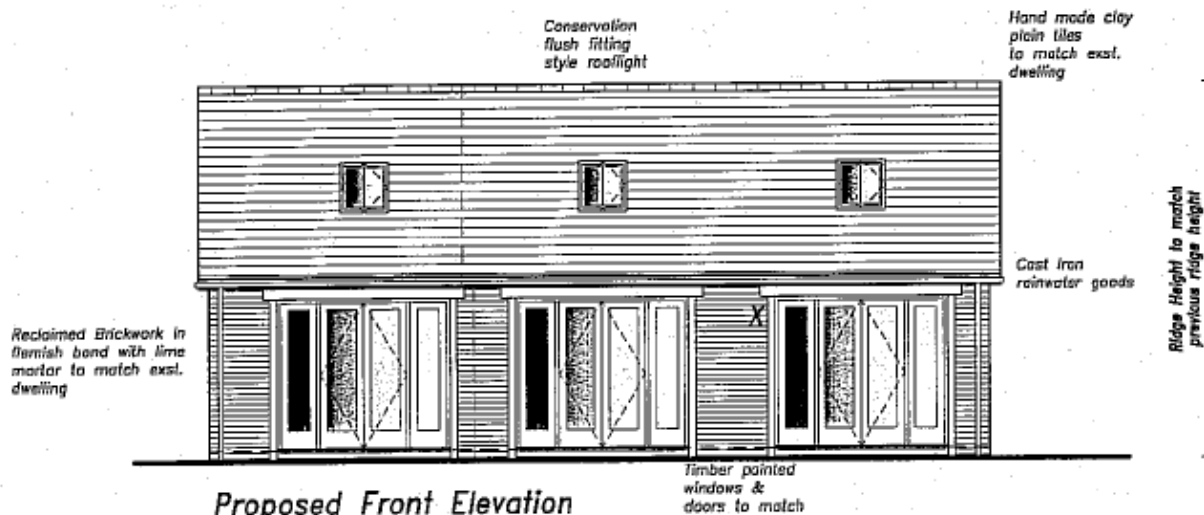
5. The Proposal

The application proposes the extension and conversion of the existing outbuilding to the north (roadside) of the plot to provide a residential annexe. The roof of this outbuilding has already been removed following concerns about its safety. However the walls remain in existence. The application also proposes the construction of a detached double garage building towards the southeast corner of the site.



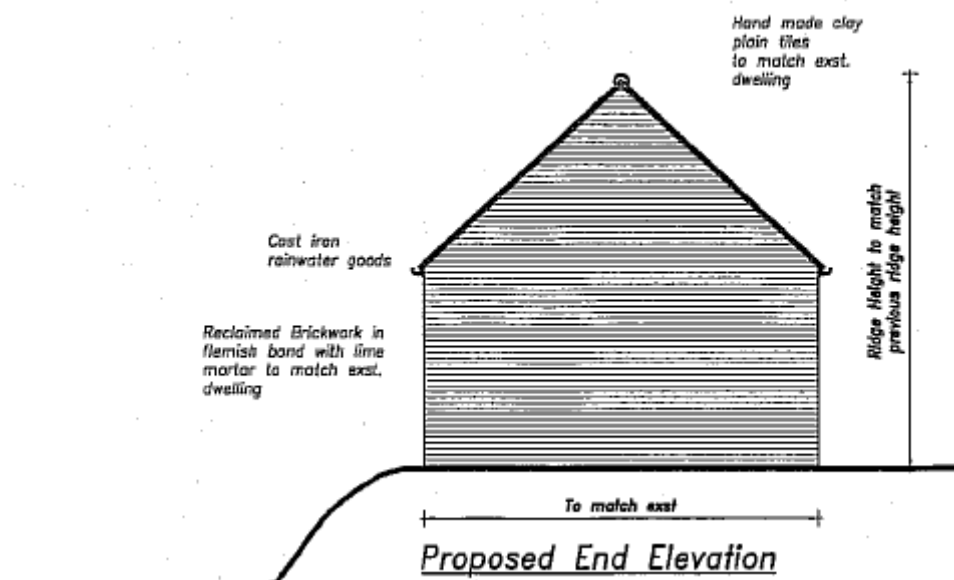
Proposed Rear Elevation

Extent of Existing Outbuilding Proposed



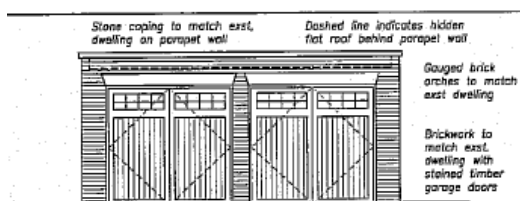
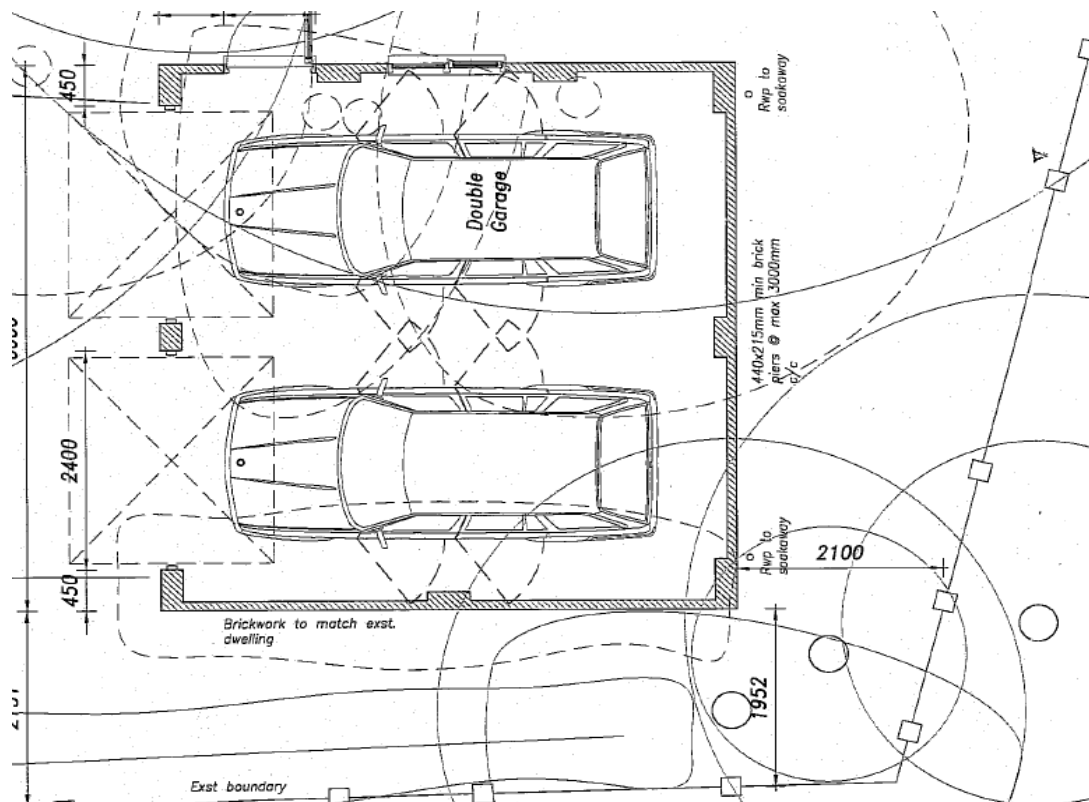
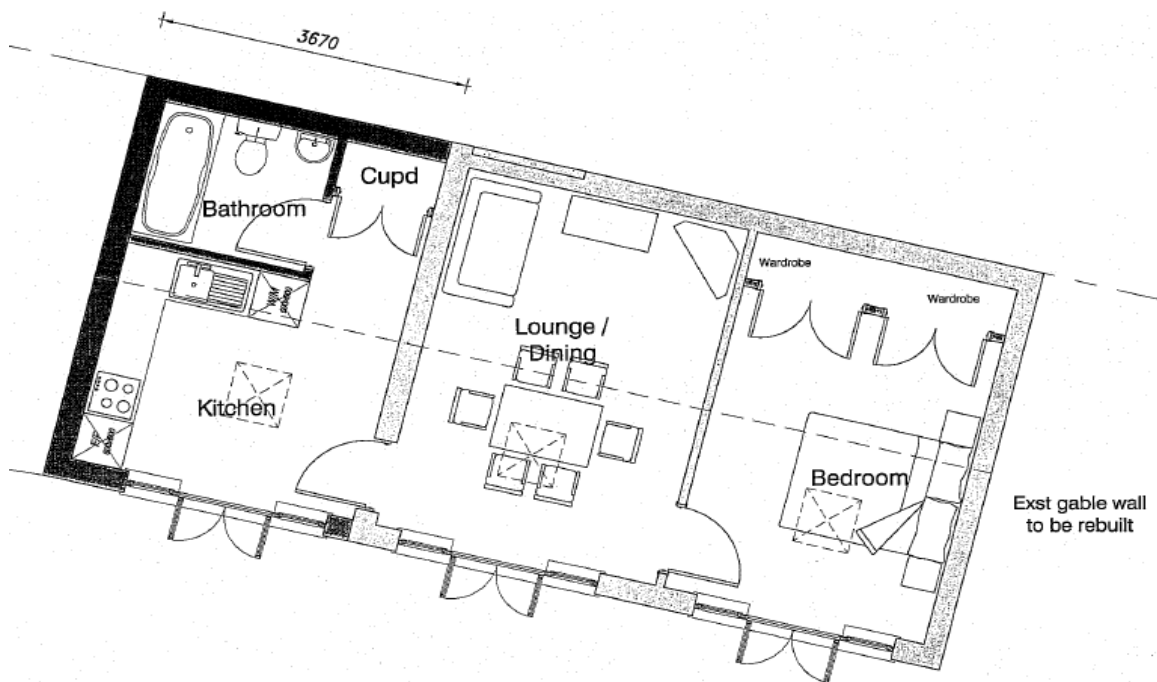
Proposed Front Elevation

Proposed Extent of Existing Outbuilding

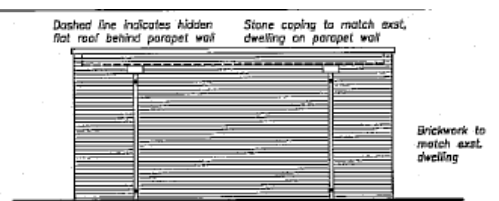


Proposed End Elevation

Proposed elevations of the outbuilding



Front Elevation



Rear Elevation

Floorplans of outbuilding and garage. Elevations of proposed garage

6. Planning Policy

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

The site lies within Charlton-St-Peter Conservation Area and The Old Vicarage is a grade II listed building. Planning Policy Guidance Note 15: Planning and the Historic Environment is the relevant policy document for these issues.

The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty where national guidance contained within Planning Policy Guidance Note 7: Sustainable Development in Rural Areas would be applicable.

7. Consultations

Charlton-St-Peter Parish Council – Strongly objects to the application and is supportive of the full list of concerns raised by residents. The Environmental Impact on trees, vegetation and wildlife has not been properly assessed and the drawings remain very misleading.

The Parish Council along with residents, have provided extensive comments which are available for viewing on the public file.

Landscape & Countryside Officer – No concerns regarding the annexe extension. The arboricultural survey and accompanying plans and proposals, including appropriate positioning and tree protection are sufficient to ensure that no trees or hedges of significance will be adversely affected by the proposals.

English Heritage – English Heritage are not normally consulted on proposals which affect a grade II listed building (unless consisting of demolition). However, a letter has been received from them following their receipt of a neighbour letter which confirms they do not wish to make any comments and that it is a matter for the local authority to determine.

Wiltshire Council Archaeologist – Considers that it is possible the site may contain archaeological remains but has no objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted and approved by the local planning authority.

Wiltshire Council Conservation Officer – Considers that the Schedule of Repairs and amended plans provide sufficient details and that the proposal will preserve and enhance the character and appearance of the conservation area and will not adversely affect the setting of the grade II listed building, subject to conditions to cover samples of materials, joinery details and finishes and verge details.

8. Publicity

Numerous letters of objection have been received from five neighbouring residences. Many of these representations are very comprehensive and are available for viewing in full on the public file. Their concerns can be summarised as follows:

- The new garage building is shown on neighbouring land and would result in an obtrusive position opposite the access with a straight unattractive driveway which would adversely affect the beautiful vistas of the conservation area
(NB - plans subsequently updated to take account of neighbouring land)
- Garage would adversely affect views of facades of grade II listed host dwelling
- The new garage would significantly impact on the trees, foliage and wildlife which has not been properly taken into account.
- The plans are full of inconsistencies and inaccuracies which makes it difficult to assess impact of the garage and annexe proposals
(NB - plans have been subsequently updated two further times)

- Concerns proposed annexe building is misdescribed – has never been previously inhabited.
- Arboricultural report details tree removal and remodelling which will have a significant adverse impact on the conservation area and the Area of Outstanding Natural Beauty.
- No dimensions have been provided
- The building should be demolished on safety grounds
- Extension of 35% of Gig House is too large. This would have a significant impact on neighbour amenity in terms of overbearing impact and loss of light – especially on the occupiers of Lavender Cottage. Concerns over loss of privacy if first floor were to be used.
- The double garage would seriously impact on the amenity of neighbours at The Paddock and Flagstones, especially due to the 1 metre difference in levels which will make the structure tower above The Paddock
- The applicants have failed to consult anyone prior to the application
- The annexe is considerably higher wider and much longer than the original structure.
- The design is bland and uninteresting with no attempt to replicate character of original building (the design details have subsequently been updated)
- The design of the patio doors and rooflights are not appropriate for use in this historic context.
- The plans do not show what historic fabric will be lost
- The proposed development is poorly designed, ugly and out of keeping with this substantial country property and is more in keeping with an urban sink estate.
- The garage would drain onto neighbouring land which is not acceptable.
- The new garage is not necessary nor practical and there are better alternatives – the existing outbuilding should be repaired to provide a double garage.
- Statements concerning vegetation cover are inaccurate/ misleading.
- Re-siting of oil tank elsewhere may create a further eye-sore.

9. Planning Considerations

The key issues in respect of this application are the impact of the proposals on the character and appearance of the conservation area, the setting of the listed building, trees and hedges and the wider landscape and the Area of Outstanding Natural Beauty, visual and neighbour amenity.

Impact on trees and hedges, the wider landscape and the Area of Outstanding Natural Beauty & wildlife.

The site benefits from a significant amount of tree and vegetation cover. The applicants have submitted an Arboricultural Report which details the trees and hedges in the vicinity of the proposed new garage building. The Council's Landscape & Countryside Officer considers that the proposals will not impact on hedges and trees of any significant importance. As those that will be affected are not of especially high amenity value and are not especially prominent from public viewpoints, the loss of the trees/ vegetation specified will not adversely affect visual amenity, the character or appearance of the conservation area or the wider landscape designation of the Area of Outstanding Natural Beauty. Adequate wildlife protection is afforded in this instance by other legislation.

Impact on the conservation area and the setting of the grade II listed host building and visual amenity.

The proposed new garage building would not be viewed in the context of the listed building except from neighbouring properties. In any case, the structure is relatively modest in scale, and is appropriately detailed with features to reflect the architectural detailing on the host building. Whilst some neighbours consider the flat roof design

inappropriate, the parapet wall and flat roof concept is considered suitable in the context of the style and age of this building. This element of the proposals is therefore considered to have a broadly neutral impact on the character and appearance of the conservation area and the setting of the listed building. New double garages in the gardens of listed buildings have been accepted elsewhere in the area, even where the Council has sought to protect existing trees of greater merit (the High Street in Seend is an example)

The proposed extension and conversion proposals will allow for the retention of the roadside outbuilding in this location on the site, with features and architectural detailing to replicate the existing structure on the roadside elevation. The conservation officer considers this is of merit and will assist in preserving the setting of the listed building and the character and appearance of the conservation area. The 'alterations' proposed to this building, including the addition of French doors and conservation rooflights, whilst more consistent with residential accommodation rather than the existing use of the building as a store/stable, are considered appropriate in their detailing and do not occupy a publicly prominent position on the building. The proposed extension to this building of 3.67 metres is considered appropriate in terms of scale and form, which matches the existing profile of the building albeit inclusive of the reinstatement of the roof. Whilst these parts of the proposals will be visible on the roadside elevation, they are relatively modest in their nature and would have no adverse impact on the conservation area. As a whole, the proposed extension and conversion works are not considered to be harmful to the setting of the listed building or the character or appearance of the conservation area, the proposals provide for limited historic fabric to be retained as far as possible and are not considered to result in any significant harm to visual amenity.

Impact on neighbour amenity

Regarding the new garage building, its proposed height is 2.85 metres, it has a width of 6 metres and a depth of 6 metres. Although fairly close to neighbouring boundaries, the structure would benefit from some vegetation and fencing cover, even in view of the c. 1 metre differences in property levels. The 14 + metres from the neighbouring dwelling at The Paddock would be sufficient to ensure the proposal would not result in any significant harm to the amenities of this neighbour, the most affected neighbour by the garage proposal. Flagstones is approximately 21 metres away and would similarly not be significantly affected.

In terms of the proposed extension and conversion, whilst some parts of the building would be visible from The Lindens, the east elevation and the impact of the outbuilding will not be significantly different from the existing building prior to the roof being removed. The proposals will not result in any significant harm to the occupiers of The Lindens.

In terms of the impact on the amenities of the occupiers of Lavender Cottage, the property is on the opposite side of the road to the north of the application site, whilst there may be some marginal loss of sunlight to the front of this property, the reinstatement of the roof and repair of the existing wall will not have any significant adverse impact and certainly would not amount to a justifiable reason for refusing the proposal.

10. Conclusion

The development is considered to be acceptable in terms of its impact on the conservation area, the setting of the grade II listed building, trees and hedges, and the amenity of nearby properties. Accordingly, the approval of planning permission is recommended.

RECOMMENDATION

Approve with Conditions -

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

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

- 2 No development shall take place until details of the materials to be used for the external walls and copings (including samples) for the new garage building and any new bricks and tiles required for the annexe building, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 3 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 of the new garage building, be enclosed in accordance with the details set out in the Arboricultural Report received on the 10th June 2009. 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.

- 4 The works in relation to the construction of the new double garage building hereby approved, shall be carried out in accordance with the 'No-Dig Construction' methodology set out in the Arboricultural Report received on the 10th June 2009.

REASON: To ensure adequate protection of adjacent trees.

- 5 Notwithstanding the details shown on the submitted plans, no development shall take place until full joinery details for all windows and doors and details of any finishes have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To secure harmonious architectural treatment.

- 6 Notwithstanding the submitted details, the verges shall be plain mortared verges.
REASON: To secure harmonious architectural treatment.
- 7 No development or preliminary groundworks of any kind shall take place until the applicant 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 by the local planning authority. Works shall be carried out in accordance with the approved details.
REASON: In the interests of ensuring the satisfactory preservation of any important archaeological remains.
- 8 The annexe hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.
REASON: To protect the amenities of this primarily residential area.
- 8 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.
Plan Ref: Bowen-garage-02 Rev C received on the 9th July 2009, Bowen-Outbuilding Rev C received on the 8th September 2009 and the additional details contained in the Schedule of Works and the Arboricultural Report and accompanying documents received on the 10th June 2009.

Reasons for the decision:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. 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, including the impact on the amenity of neighbouring properties; the impact on the character and appearance of the conservation area; the impact on trees and the wider appearance of the area; and the impact on the listed building at the Old Vicarage, including its settings and having regard to national guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1. .

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning and listed building files referred to in the report.

REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	15/10/2009
Application Number	E/09/0483/LBC
Site Address	The Old Vicarage Charlton St Peter Wiltshire SN9 6EU
Proposal	Proposed extension and conversion of outbuilding.
Applicant	Mr G Bowen
Town/Parish Council	CHARLTON ST PETER
Grid Ref	411768 156036
Type of application	Listed Building Consent
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

The application has been brought to the Committee by the Division Member.

1. Purpose of Report

This application accompanies the planning application described in the report on E/09/0482/FUL above. The purpose of this report is to consider solely the alterations that require listed building consent – in this case, the alterations to the outbuilding – and their impact on the architectural/historic interest of the property.

2. Report Summary

The sole issue to be considered is the impact of the alterations proposed in the conversion works to the annexe on the architectural/historic interest of The Old Vicarage.

3. Site Description

A description of the site has been provided in the report on E/09/0482/FUL above

4. Planning History

Details of the relevant listed building applications have been set out in the report on E/09/0482/FUL above

5. The Proposal

Details of the alterations to the outbuilding, including the plans showing the proposed changes, are set out in the report on E/09.0482/FUL above.

6. Planning Policy

Government advice in PPG 15 sets out the relevant policy on alterations to listed buildings.

7. Consultations

Charlton-St-Peter Parish Council – Strongly objects to the application and is supportive of the full list of concerns raised by residents. Strongly request that a site visit is arranged to enable the parish councillors along with the Division Member to meet the planners on site before the application is heard.

English Heritage – English Heritage are not normally consulted on proposals to alter a grade II listed building (there are over 300,000 nationally). However, a letter has been received from them following their receipt of a neighbour letter which confirms they do not wish to make any comments and that it is a matter for the local authority to determine.

Wiltshire Council Conservation Officer – Considers that the Schedule of Repairs and amended plans provide sufficient details and that the proposal will preserve and enhance the character and appearance of the conservation area and will not adversely affect the setting of the grade II listed building, subject to conditions to cover samples of materials, joinery details and finishes and verge details.

8. Publicity

The proposal has been advertised with press and site notices and neighbouring properties have been notified. Details of the objections received are set out in the publicity section of the report on the accompanying planning application E/09/0482/FUL above.

Only those points relating to the impact of the alterations on the listed building are relevant to this application.

9. Planning Considerations

The outbuilding is in a relatively poor condition, with the roof removed in the interests of safety. The external appearance of the building from the public view (roadside) would be little changed, other than the side extension, from the original appearance when the roof was in place. The main changes are to the front elevation, but these consist of vertical doors and windows where the original openings were and a total of 3 rooflights. The proposal will secure the future of the outbuilding, preserving its relationship to the main house. The minor nature of the alterations means that there will be no adverse impact on the overall appearance of the listed building at the Old Vicarage. The Council's Conservation Officer has no objections to the proposals.

In these circumstances, there are no grounds for refusing listed building consent.

10. Conclusion

The proposal is in accordance with national advice, as it would not adversely affect the architectural or historic interest of the listed building. Accordingly, consent is recommended.

RECOMMENDATION

Approve with Conditions

- 1 The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No works shall take place until details of the materials to be used for the external walls and copings (including samples) for the new garage building and any new bricks and tiles required for the annexe building, have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 3 Notwithstanding the details shown on the submitted plans, no works shall take place until full joinery details for all windows and doors and details of any finishes have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Works shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To secure harmonious architectural treatment.

- 4 Notwithstanding the submitted details, the verges shall be plain mortared verges.

REASON: To secure harmonious architectural treatment.

5. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: Bowen-Outbuilding Rev C received on the 8th September 2009 and the additional details contained in the Schedule of Works and accompanying documents received on the 10th June 2009.

Reasons for the decision:

The Council is required to give a summary of the reasons for this decision and its conditions. These are set out below:

The proposed alterations to the outbuilding will not be detrimental to the appearance or architectural/historic interest of the listed building at The Old Vicarage.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning and listed building files referred to in the report.

Date of Meeting	15 October 2009
Application Number	E/09/0873/FUL
Site Address	Kennet Rise, Axford, Ramsbury, Wilts, SN8 2HA
Proposal	Proposed erection of five 2 storey terraced two and three bedroom houses together with 25 parking spaces and associated site works following demolition of existing dilapidated garage block
Applicant	Sarsen Housing Association
Town/Parish Council	RAMSBURY
Grid Ref	423949 170131
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by the Committee

This application is before the Planning committee at the request of the local division member, Cllr Humphries.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are –

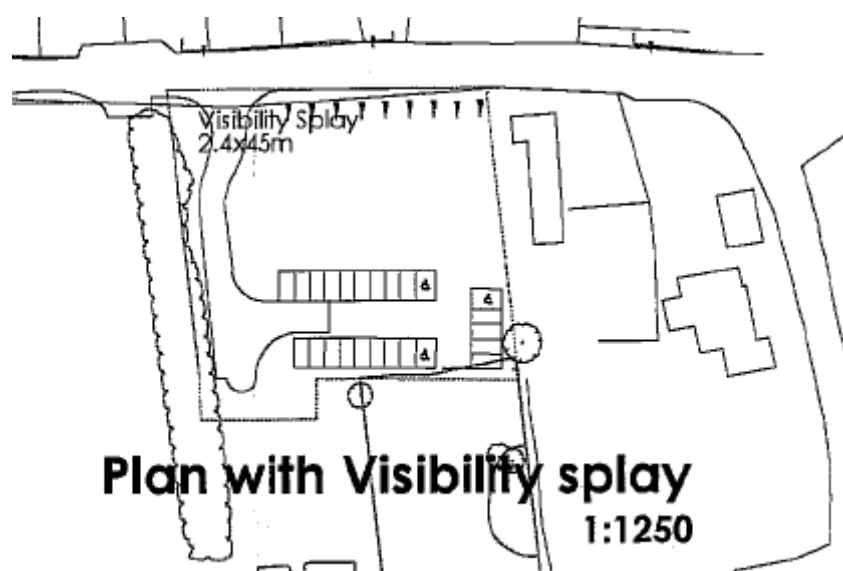
- The principle of residential development on this site;
- The impact of the proposal on the character and appearance of the area;
- The impact on highway safety, including 'loss' of the existing car park/garage block;
- The impact on residential amenity (including the amenities of the eventual occupiers of the houses in view of the proximity to a nearby sewerage treatment works).

3. Site Description

The application site of approximately 0.3ha lies within Axford, on the south side of the main road passing through the village. It has an existing vehicular access from the road that serves a car park and a garage block (the latter no longer used) positioned centrally on the site. The site has an open frontage with the main road, and consequently the car park and garage block are highly visible in the 'street scene'. Ground levels fall away from the main road.

Surrounding the site on three sides is established residential development – nos. 1-3 Quality Court to the east; Riverside House to the west; and nos. 9-13 Kennet Rise to the north (on the opposite side of the main road). To the south side of the site is a sewerage treatment works (accessed through the site).

In planning policy terms Axford is defined as a 'Village with Limited Facilities' (policy HC24). The entire village and its surroundings lie within the North Wessex Downs Area of Outstanding Natural Beauty.



Site Location – not to scale

4. Relevant Planning History

K/77/0053 – Erection of four bungalows by Kennet District Council on the parking area adjacent to Kennet Rise – approved 24/02/77; not implemented and expired.

5. Proposal

This application seeks permission to clear the site and construct a terrace block of five houses, a car park for 25 vehicles, a sewerage treatment works, and a revised vehicular access.

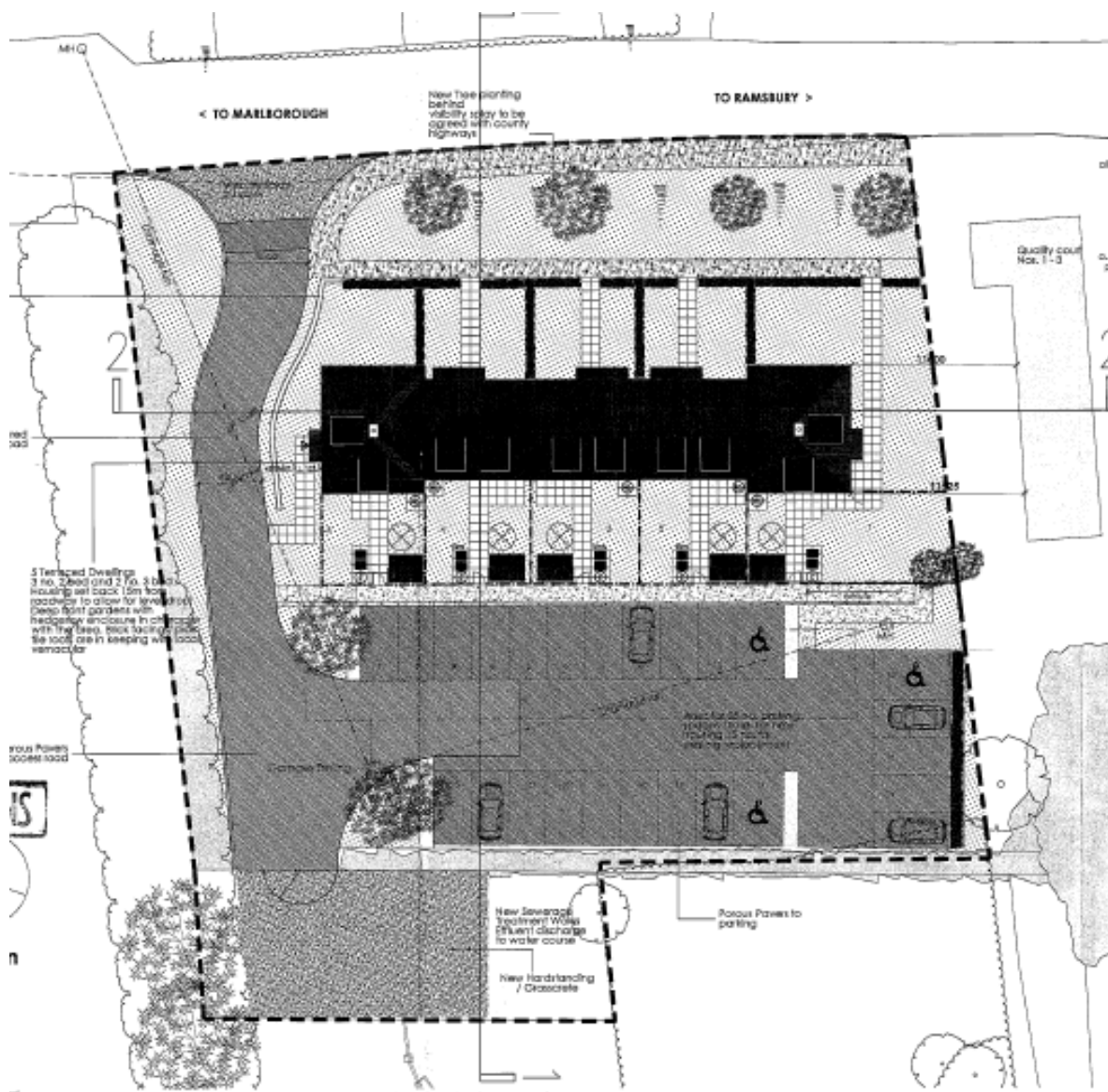
The houses would be sited on the existing car park. The single terrace block would be set back some 14m from the road and at a lower level (following the lie of the land). The end unit (no. 1) would be sited 5m from the common boundary with Quality Court, this giving a side-to-front separation of 11m minimum. The applicant is Sarsen Housing Association and the houses would be constructed as affordable dwellings on behalf of Sarsen.

The new car park would be sited to the rear of the proposed houses (partly on the site of the existing garage block). It would provide 25 parking spaces – 10 spaces for the new houses and 15 spaces for use by others.

The new sewerage treatment works would be sited alongside the existing works. It would serve the five new houses only.

The new access would be close to the position of the existing, but re-designed to satisfy latest standards. A 1.8m wide pavement is proposed along the site frontage.

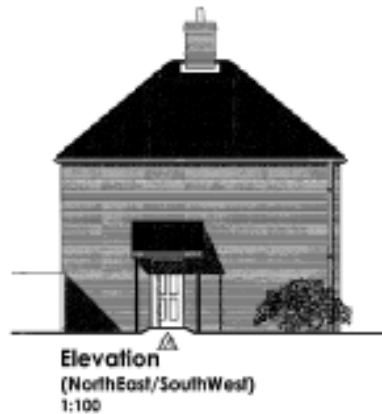
The application is supported by a Design and Access Statement, Ecology Report, Car Parking and Access Statement, and Odour Impact Assessment. These are all available to read on the application file and on the Council's web site.



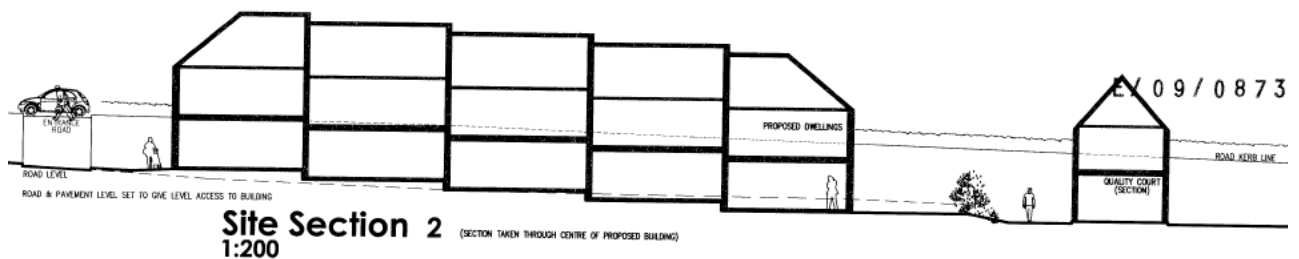
Site Layout – not to scale



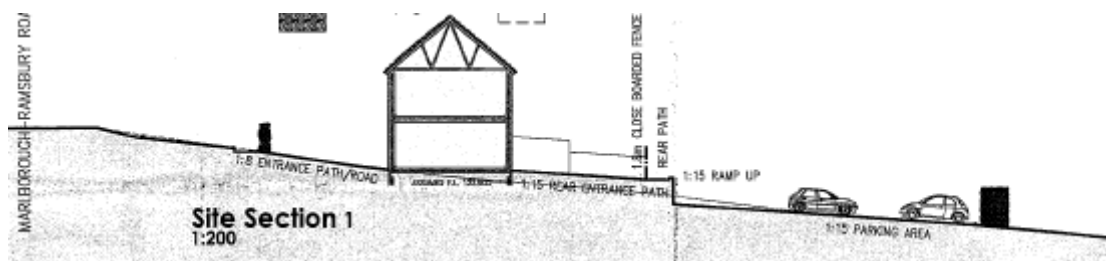
Front Elevation facing the road– not to scale



Side Elevation – not to scale



Site Section (East-West) showing relative levels of proposed houses, Quality Court & road



Site Section (North-South) showing relative levels of proposed houses, road & car park

6. Planning Policy

Kennet Local Plan 2011 – Policies PD1, HC24, HC32 & NR7 are relevant to this application.

PPS1, PPS3, PPS7 and PPG13 are relevant to this application.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty, which covers the whole of the village and this part of Eastern Wiltshire

7. Consultations

Ramsbury & Axford Parish Council: Object. The loss of 15 existing off road parking spaces (currently 30) will exacerbate an already dangerous situation with extensive on-road parking in a busy road with no footpath means that the proposed development as it stands would create a danger to pedestrians. The PC would be prepared to re-consider the proposal if an additional minimum of 15 off-road spaces could be provided elsewhere in the village. Any future works that may restrict the existing car parking capacity should be subject of a method statement requiring temporary off road parking.

Wiltshire Highways Officer: no objection subject to conditions/obligation.

With regard to the parking area currently provided at the site, the highway authority has taken the following view. Legally the land is private and if the landowner wanted to prevent the public from parking on this land they are probably within their rights to do so. This would have a knock-on impact on the public highway. With reference to the car parking surveys this illustrates parking accumulation of 14-19 (maximum) at various times. Therefore the highway authority considers that the 15 car parking spaces to be used for community parking to be a very reasonable approach. There is only likely to be a small displacement of vehicles. The highway authority considers that if an objection was lodged on the parking basis, this would not succeed at a planning appeal. The highway authority considers that 10 spaces for the five dwellings and 15 spaces for the existing parking to be a reasonable approach. It is considered that either a planning condition or unilateral agreement should be secured to ensure that the car parking is made available to the public prior to occupation and maintained for this purpose in the future.

With regard to the visibility splay at the access, the highway authority believes that the verge adjacent to the carriageway is in fact public highway, confirmed by further investigation into the highway records and the presence of the footway, post box and verge. It is important to note that while the deeds of land ownership may indicate private land ownership, highway rights can exist on top of the ownership. It may well be the case that the verge has been maintained privately for many years. Therefore the highway authority considers that the visibility splay should be achievable. A visibility condition could be used even though the visibility splay is within the highway. A key point is that the highway authority has to consider that this access point already caters for parking movements.

Wiltshire Environmental Health Officer (contamination): no objection to the Ground Investigation Report and its conclusions/recommendations. To summarise, slight poly aromatic hydrocarbon contamination is noted in the existing hardstanding/made-up ground - an area that will sit under the footprint of the proposed properties. It is proposed to either encapsulate this area or to carry out further investigation to establish if removal of the contaminated material is an option.

Wiltshire Environmental Health Officer (noise/smells): no objection.

Wiltshire Ecologist: no objection. The proposals would not impact upon the River Kennet. The ecology report includes protective measures for ecology within the site during construction work and a number of enhancements in line with PPS9 and the Wiltshire BAP. (Biodiversity Action Plan)

Wiltshire Landscape & Countryside Officer: No objection. Regarding the concern relating to the proximity of the proposed development to the row of holly trees on the neighbouring land, although forming a useful screen they are, in fact, no more than an overgrown hedge and are generally in a moderate to poor condition, with considerable dieback in the upper crowns in a number of the trees. Although unable to accurately measure the main trunks of the individual plants, most were obviously less than 20cm in diameter. Therefore, the root protection areas are only about 2.4m in radius, which is less than the canopy spread. Therefore, subject to suitable protective fencing, the proposed access road would not have an adverse impact on the boundary holly trees.

As regards visibility, the boundary hedge of the adjacent property to the west is within 1m of the road edge. It appears that some of the hedge stems would have to be removed to create the splay. No trees or hedging of any importance would be affected though.

Wiltshire Fire & Rescue Service: Advisory comments.

8. Publicity

The application has been advertised by a site notice. Neighbour notification has also been carried out. As a consequence objections have been received from 23 third parties and the Ramsbury Amenity Group summarised as follows –

- Principle – site is within the countryside. The Local Plan does not support development of this type/scale in this location, (it only supports infilling for one unit on appropriate sites within the built-up area of the village). This is an unsustainable location for development at this scale;
- Impact on character of area – overdevelopment. Loss of boundary hedging; insufficient detail with application to assess impact on hedging/trees and wider AONB. Loss of views towards countryside/river. Loss of important green space in village.
- Sewerage treatment works - unless the existing sewage system for the village is upgraded, the houses will be overwhelmed by the odour. Already there is presently an acknowledged odour – does the existing works satisfy regulations/guidelines for such facilities in close proximity to residential properties? The proposed houses are even closer to the works than the existing. Insufficient capacity at the existing works to accommodate waste from further development;
- Highway safety (parking and pedestrian safety) - unless extra parking spaces are provided to replace those lost (sometimes up to 30 cars park here), displaced cars would park in the road and this would make it even more hazardous and difficult to negotiate than now (particularly for farm vehicles, emergency vehicles, etc.). How would the 15 open parking spaces on the site be allocated? Provision of footways should be re-examined – pedestrians presently walk in the road, this problem/danger exacerbated by on-road parked vehicles which pedestrians have to weave between. *Contrary view* – the proposed pavement would appear alien in the otherwise rural street scene where there are no other pavements. There is no need for more houses; there is a need for parking/garaging;
- Highway safety (visibility) - The required visibility splay in the westerly direction cannot be achieved on land either in the applicant's ownership or within the highway. Parked vehicles on the main road mean that approaching vehicles can be on either side of the road, this adding to the danger (as does the sloping nature of the junction, the proximity to the access at Riverside House;

- Residential amenity (new houses) – odour from sewerage treatment works would cause nuisance to new residents. The end unit would be disturbed by passing traffic. Inadequate gardens, contrary to SPG;
- Residential amenity (surrounding development) – end unit would have an overbearing impact on Quality Court. There would be loss of light from the west towards Quality Court. Quality Court would be overlooked by the new houses. Inadequate surveillance of car park (unlike existing car park);
- School capacity – inadequate spaces for out-of-catchment pupils;
- Affordable housing – the need for affordable housing is established, but what type? Small bungalows may be more appropriate. *Contrary view from another objector* – Contrary to policy HC33, no case has been made that these affordable houses would meet a specific identified local need. There is no proven need for an exceptions site in Axford. Facilities are totally lacking in the village – Ramsbury would be a better location for this scale of development;
- Recycling bins – these are presently on the site – where would they go?
- Building works – disruption/disturbance during building programme;
- Covenant – it is understood that there is a covenant restricting the use of the site to the parking of cars. The proposal would contravene this;
- Encroachment – visibility splay would be on third party land outside of applicant's control.

The application has also generated a petition from 28 persons objecting for the following reasons –

- Ramsbury School is full to capacity and any further increase in class sizes would have an adverse effect on our children's education;
- The number of parking spaces allocated in the plans are inadequate which will result in more cars being parked in the road, making trips to the school bus stop a higher risk to our children's safety.

9. Planning Considerations

The main issues in this case are, firstly, the principle of residential development, and then (assuming the principle is established) the impact of the specific scheme on the character and appearance of the area, highway safety and residential amenity, and the suitability of the site for residential use having regard to the proximity of a sewerage treatment works.

Principle of residential development

The site lies within Axford, a 'Village with Limited Facilities' as defined in the Local Plan. Policy HC24 of the Plan states that new housing development in the villages will be restricted to "... infilling, the replacement of existing dwellings or the re-use of existing dwellings or the re-development of existing buildings ..." provided that the new development is "... within the existing built up area of the village...", "... does not consolidate an existing sporadic, loose knit area of development ...", and "... is in harmony with the village in terms of its scale and character".

In this case the proposal is for the "... re-development of existing buildings ...", and this satisfies the first part of the policy. In relation to the second part, the site is within the existing built-up part of the village (being surrounded on three sides by established residential development), and it would not consolidate an existing sporadic, loose knit area of development (the design following the regular, 'linear' form of Kennet Rise in particular). The proposal is also in harmony with the village in term of its scale and character, considered further below. The proposal, therefore, complies with Policy HC24 which allows new residential development in villages such as Axford, and so is acceptable as a matter of principle. In national terms, it is a brownfield site.

An objector has referred to non-compatibility with Policy HC33. This is the 'Rural Exceptions Policy' which permits in villages such as Axford small groups of affordable houses on sites that would not otherwise be allocated for housing provided that, in particular, a specific local need has been identified. However, because this site is acceptable for housing in any event under policy HC24, the importance of the exceptions 'tests' (and, in particular, the requirement to demonstrate local need) is diminished. Housing as a matter of principle is acceptable on this site regardless of policy HC33.

Notwithstanding this, policy HC32 requires the equivalent provision of general market and affordable homes on all proposed housing sites in the villages subject to evidence of local housing need supporting this level of provision and individual site characteristics. It follows in this case that under normal circumstances policy HC32 would generate a requirement for at least two of the five houses to be affordable. However, because the applicant is a registered social landlord, the proposal is for all five units to be affordable in any event, meeting and exceeding the requirements of the policy.

Impact on character of area

With particular regard to the impact issue, the area surrounding the site is primarily characterised by residential development with Quality Court and Kennet Rise being noticeably comparable to the proposal. These neighbouring properties comprise conventional two storey houses in semi-detached or terrace 'blocks'. The proposal is also for a two storey terrace of five houses and so is in keeping with the established pattern of development.

The private gardens serving the proposed houses are relatively small. However, the general open and spacious nature of the entire site, which includes landscaped margins beyond the gardens, is comparable with the openness of Quality Court and Kennet Rise. Overall the scale and form of the proposal is, therefore, considered to be in harmony with the surroundings. This is in accordance with Policy HC24.

Regarding the AONB, within its residential context the proposal would not have a detrimental impact on this designation. The site is in a built-up area and the garage court and open parking area have long been a blot on the landscape. By constructing a terrace of five houses and creating a street frontage, with the car parking area then largely screened from the road, the appearance of the area will be positively enhanced.

Specific concerns about the impact on an adjacent boundary hedge are unfounded, subject to suitable protection measures being applied. This can be managed by condition.

Highway Safety (parking)

A large proportion of the objections relate to the loss of car parking on the site and the consequences of this. The site presently provides informal open-air parking for up to approximately 30 vehicles. In the past further parking was also possible in the garage block, but this is now fenced-off. The proposal includes the provision of a replacement car park which would provide spaces for 25 vehicles – 10 for use by occupiers of the proposed houses and 15 for use by others.

It is understood that the site has been used for car parking for many years (indeed, the 1977 planning permission for residential development refers to the site as a "parking area"). However, it is not a public car park, and any alleged third party rights or other formal arrangements for parking here are not relevant to the planning application. What is relevant is that the site is private, and so access to it could be restricted, or even prevented, at any time (as has happened with the garage block).

This potential fallback position is a material consideration in the determination of the current planning application.

Notwithstanding the fallback position, the application does in any event propose a replacement 'public' parking area for use by others. This area would give 15 car parking spaces in addition to the 10 spaces to be provided for the new houses. As there is no obligation on the part of the applicant to provide any public parking on the site, this proposal is considered to be a significant planning gain, and although 15 spaces is somewhat short of the present approx. 30 spaces, these are considered sufficient to accommodate 'reasonable' levels of usage with minimal displacement, and hence minimal impact on the public highway.

To assist in understanding reasonable levels of usage, the applicant has undertaken a car parking survey. This involved monitoring and measuring the usage of the car park on two random days (a Sunday and a Tuesday) for a 12 hour period (07.00-19.00hrs). The full report can be viewed on the Council's web site or on the application file. Its conclusions are as follows –

“The results of the parking accumulation analysis show that the maximum demand for parking spaces required at the site on any one day is 19 spaces. On the basis that 15 replacement spaces will be provided on the developed site it appears that up to a maximum of 5 vehicles at any one time may seek (displacement) parking elsewhere within the vicinity of Axford.

Parking will continue along the road through Axford whether or not the site is developed. On-site observations suggest that the presence of parked cars serves to moderate vehicle speeds through the village.”.

Evidently on a day of maximum usage of the proposed 15 space car park up to five vehicles would be displaced, and these could park on the main road through the village. Five additional vehicles parked on the road would not, however, cause danger or inconvenience to other users of the highway to any measurable degree, particularly having regard to existing levels of on-road parking and the road conditions in general. It cannot be assumed that bad parking, or inconsiderate driving by other motorists passing through the village, would increase as a consequence of the proposal (indeed, the report concludes that the presence of parked cars can serve to moderate vehicle speeds). These conclusions are endorsed by the local highways officer.

The location of the car park is further from Kennet Rise than at present, but any additional inconvenience this would cause is insufficient to warrant an objection for this reason.

Overall, the applicant has demonstrated that the proposal provides adequate parking, and that displaced vehicles would be limited in numbers. The alternative fallback position could be no car parking at all which would have a far greater impact on safety. This planning application provides an opportunity to impose conditions to ensure the provision of the proposed car park in perpetuity, something which is not possible with the existing car park.

Highway Safety (access)

The local highways officer has raised no objection to the proposed access, this notwithstanding third party concerns that it would be used more intensively than the existing and that it would be too close to another access.

The 'no objection' is subject to adequate visibility splays being provided, to be 43m in each direction. This requirement has generated a detailed third party objection on the grounds that visibility in the trailing direction can only be achieved by utilising land outside of the applicant's control and not forming part of the highway. The ownership

and/or highway status of the land is unresolved, although there are potentially highway rights regardless of ownership. In view of this a condition can be imposed to require the splay to be provided.

Residential Amenity (adjoining residents)

The majority of neighbouring properties are sufficiently distanced from the site to ensure no adverse relationships – most notably, the properties in Kennet Rise, Clearwaters and Riverside House. Nos. 1-3 Quality Court are much closer to the site of the proposed houses and part of the car park, and consequently would be directly affected.

Concern has been raised by third parties that the proposed houses would have an overbearing impact on Quality Court, that there would be loss of light to Quality Court, and that there would be overlooking of Quality Court. Quality Court comprises a terrace row of modest two storey cottages positioned end-on to the highway. The rear elevations, therefore, face the application site. Unit no. 1 of the proposed houses would have its side elevation facing Quality Court. However, the intervening 'gap' between the buildings of 11m minimum; the limited depth of unit no. 1 and the two storey pitched roof design would ensure no adverse overbearing impact or loss of light sufficient to warrant an objection. Likewise, the avoidance of openings in the end elevation of unit no. 1 (other than the 'front' door) would ensure no un-neighbourly overlooking.

The boundary between the site and Quality Court is presently defined by a low chain-link fence and gappy hedge. This would need to be improved to avoid overlooking between gardens and the car park, and a condition is recommended accordingly.

Residential Amenity (occupiers of the development)

To the rear of the application site is an existing sewerage treatment works. A number of third parties have expressed concern that occasional odours from this works would be an annoyance to the occupiers of the new houses. In response the applicant has commissioned an Odour Impact Assessment which can be viewed in full on the council's web site or on the application file. The key findings of the assessment are as follows –

- "1. The odour measurement survey conducted at the sewerage treatment works indicates that the potential for generation of odour emissions is low.*
- 2. The odour exposure levels that are predicted to occur at the proposed development are well below (i.e. less than 35%) of the levels at which adverse odour impact would be expected to occur using the most stringent odour impact criterion applied in the UK.*
- 3. The risk of adverse odour impact at the proposed development is therefore considered to be very low".*

The Wiltshire Council Environmental Health Officer raises no objection to the assessment results. Concern about potential annoyance from odours to residents of the new development would not, therefore, amount to a sustainable reason for refusing planning permission.

The proposal includes provision of a new sewerage treatment plant to serve the five houses, to be sited alongside the existing. It would be preferable to have a single comprehensive treatment works for Axford as a whole, particularly as plans are afoot to replace the existing works. However, as there is no firm commitment or timeframe for providing the new works it would be unreasonable to delay determination of the current application for this reason. The actual works proposed are acceptable to both the Councils' Drainage Engineer and Environmental Health Officer.

Regarding private amenity space for the proposed houses, relatively small rear gardens are proposed. However, as these are comparable with those at Quality Court, no objection is seen notwithstanding the minor infringement of the related SPG. There are also front gardens proposed and none of the garden spaces need to be taken up with parking areas.

Other Matters

The capacity of local schools has been raised as an issue. The proposed development is below the threshold for requiring contributions towards improving schools and the additional numbers generated are insignificant.

Disruption/disturbance caused by building works is a potential short term problem for the duration of the works only. Under certain circumstances immediate disturbance can be controlled under environmental health legislation.

Conclusion

This proposal is for a well-designed and neighbourly development of affordable houses which would be in-keeping with the character of this part of Axford, in accordance with the Development Plan. The proposal includes the formation of a permanent car park for both the proposed houses and the majority of existing users of the informal car park on the site, and this is considered to be of significant benefit to the area at large. The few displaced vehicles would not have a detrimental impact on highway safety. The proposal would improve the appearance of the area.

RECOMMENDATION - Approve subject to conditions.

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

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

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

REASON: To secure harmonious architectural treatment.

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

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

- 4 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

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

- 5 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, including trees on land adjoining the site; 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) Trees 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 and adjoining the site in the interests of visual amenity.

- 6 Prior to the commencement of the development hereby approved details of the treatment of the boundaries shall be submitted to the local planning authority for approval in writing. The boundaries shall be completed in accordance with the approved details prior to the first occupation of the houses.

REASON: To ensure a satisfactory setting for the development.

- 7 Before any part of the development hereby permitted is first occupied the access, turning area and 25 parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes. Ten of the parking spaces shall be reserved exclusively for the approved development; the remaining 15 spaces shall be made available to residents of Axford, and use for this purpose and access thereto shall be made available at all times.

REASON: In the interests of highway safety and the proper planning of the site.

- 8 Before any part of the development hereby permitted is first brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the east and 43 metres to the west from the centre of the access.

REASON: In the interests of highway safety.

- 9 The gradient of the new access road shall not exceed 1 in 12 for the first 5 metres back from the edge of the public highway.
- REASON: In the interests of highway safety and to provide a safe and usable means of access to the development.
- 10 A 2m wide footway shall be provided in accordance with a specification to be first approved in writing by the local planning authority across the whole site frontage prior to the development being occupied. The footway shall be dedicated as public highway via a dedication agreement and this shall form part of the specification.
- REASON: In the interests of highway safety.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.
- REASON: To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.
- 12 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 east facing elevation of the building hereby permitted.
- REASON: In the interests of the privacy of the neighbouring properties.
- 13 Prior to commencement of development details of the treatment of the common boundary between the site and nos. 1-3 Quality Court shall be submitted to the local planning authority for approval in writing. The development shall not be occupied until the boundary treatment is implemented in accordance with the approved details.
- REASON: In the interests of safeguarding the privacy of the occupiers of nos 1-3 Quality Court.
- 14 (a) The dwellings hereby approved shall be 'affordable houses' only at their first and all subsequent occupations, managed at all times by an affordable housing provider. The term affordable housing shall mean affordable housing as defined in Annex B of PPS3 or any future guidance that replaces it.
- (b) The development shall not commence until a scheme for the management of the affordable housing has been submitted to and approved in writing by the local planning authority. The scheme shall specify the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. The future management of the affordable housing shall be in accordance with the approved scheme.
- REASON: To accord with the terms of the application and to comply with the principles embodied in Policy HC32 of the Kennet Local Plan 2011.
- 15 No dwelling shall be occupied until the sewerage treatment works have been completed in accordance with the submitted plans.
- REASON: To ensure satisfactory foul water drainage.

- 16 Details of the means of disposal of surface water from roads, paved areas, the car park and roofs shall be submitted to and approved by the local planning authority before work commences on site. Development shall be carried out in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage.

- 17 No works connected with the construction of the houses shall commence until the measures for de-contamination set out in the "Leadbitter Axford Marlborough Desk Study and Interpretative Site Investigation Report" by T & P Regeneration Ltd dated June 2009 have been implemented, and the completed de-contamination works have been agreed in writing by the local planning authority.

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

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

REASON: In the interests of visual amenity.

- 19 **INFORMATIVE TO APPLICANT:**
This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan no. 3166/002 Rev F dated 29/04/09 (received by lpa 08/09/09);
Plan no. 3166/003 Rev B dated 08/09 (received by lpa 08/09/09).

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

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

- 21 **INFORMATIVE TO APPLICANT:**
In relation to condition no. 16 (de-contamination works) the applicant is advised to consult the Council's Environmental Health Officer, Peter Nobes, to discuss the options set out in the Investigation Report (tel. 01380 734892).

- 22 **INFORMATIVE TO APPLICANT:**
In relation to the access road, the applicant is advised that the Highway Authority is not required to adopt a road of this type which essentially provides access to a private car park and sewerage treatment works. In any event, the access road would appear on face value to have a gradient in excess of what would be acceptable to the Highway Authority to adopt.

- 23 **INFORMATIVE TO APPLICANT:**
The applicant's attention is drawn to the attached response to the application from the Wiltshire Fire & Rescue Service.

Reasons for this decision:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. 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 (particularly, visual amenity, highway safety and residential amenity) and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC24, NR7 & HC32; and Central Government planning guidance in PPS1, PPS3, PPS7 & PPG13.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application files, as referred to in the report

Date of Meeting	15 th October 2009
Application Number	E/09/1050/FUL
Site Address	4 Broadleas Close Devizes SN10 5DJ
Proposal	Provision of rooflights to proposed loft conversion
Applicant	Mr & Mrs Warren
Town/Parish Council	DEVIZES
Grid Ref	400372 160613
Type of application	Full Planning
Case Officer	Alison Grogan

Reason for the application being considered by Committee

This application has been called to Committee by Councillor Ody to consider the degree of overlooking and the impact on the appearance of Broadleas Close.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main planning issues to consider are:-

- The impact on the appearance of the area;
- The impact on residential amenity, including overlooking.

3. Site Description

The property is a bungalow located within a cul-de-sac of bungalows overlooking a green area to the front. The properties within the close are all very similar in terms of style and size with the gable ends facing towards the road and constructed of brick and render. The application property is attached to No. 3 by their respective garages and set further forward than the neighbour to the other side (No. 5).





Location of property in Broadleas Close

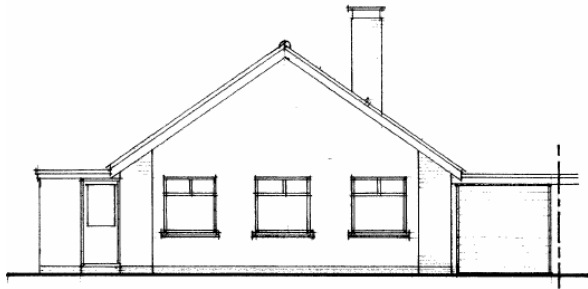
4. Planning History

There have been no previous relevant applications on this property.

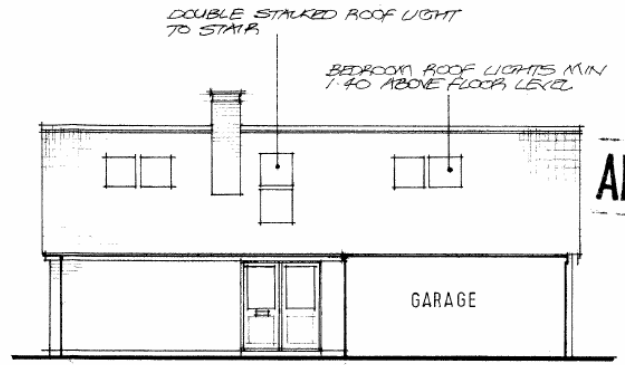
5. The Proposal

The application proposes the insertion of six rooflights on the south-east elevation and one rooflight on the north-west elevation. The original application also included a gable window on the front and rear elevations (which did not require planning permission), Following negotiations, these have now been removed from the scheme. The plans also show that the store to the side of the property will be converted to a porch. However, this would not require planning permission and has therefore not been included on the description.

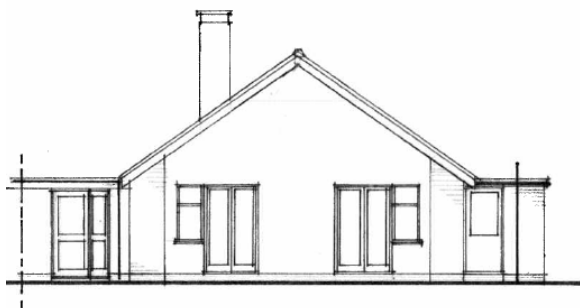
The proposed rooflights are to provide natural light for a loft conversion which will create two additional bedrooms and an en-suite bathroom in the roof space. On the south-east elevation, the existing perspex rooflight to the hall will be replaced by two new 'velux' style windows and the two new bedrooms will each have two rooflights with a cill height of approximately 1.4 metres above floor level. The additional rooflight on the north-west elevation is for the en-suite and will be obscure glazed.



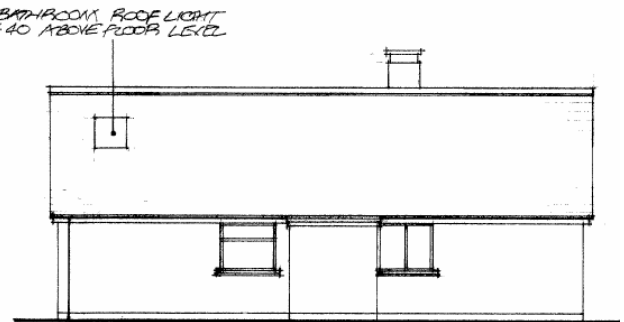
SW Elevation



SE Elevation

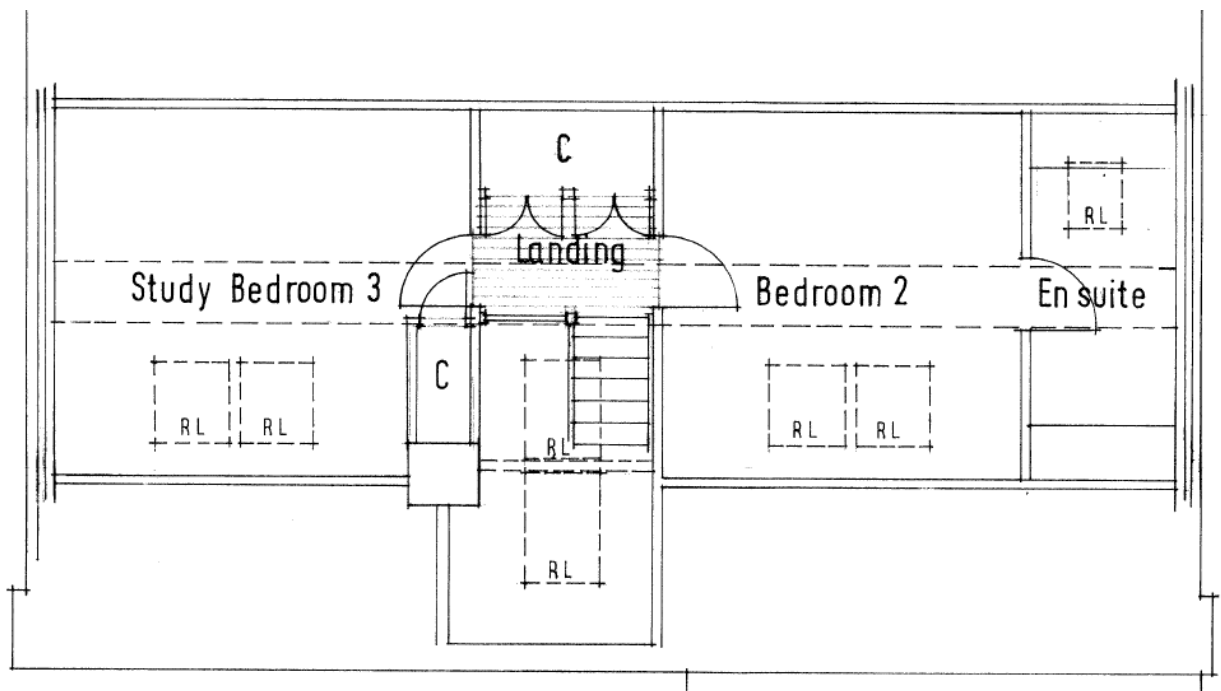


NE Elevation



NW Elevation

Proposed Elevations



Proposed Floor Plan of Loft— roof lights marked

6. Planning Policy

Kennet Local plan – policy PD1.

7. Consultations

Devizes Town Council – (on original plans) Object to the application on the grounds that there is a lack of detail. Comments on amended plans awaited.

8. Publicity

The application was publicised by neighbour notification to the two properties either side of the site and by a site notice.

Ten letters of representation have been received from local residents objecting to the application. These objections can be viewed in full on the planning file and on the website. The key issues raised are summarised below:

- The description is misleading as it does not include the front and rear gable windows. These windows alter the outlook of the building and causes detriment to the overall appearance. (*NB – these have since been removed from the plans*)
- The Close is suitable for retired persons and this proposal will alter the bungalow to a house, making it more suitable for a family. This may lead to more cars and problems if the occupants park on the road. A younger element will destroy our existing peace, noise being a further objection.
- There are few bungalows suitable for retired people being built in the area.
- Overlooking issues from the first floor windows and the rooflights to neighbouring gardens and windows.
- Believe that there is a covenant forbidding any alteration to the front elevation.
- Violates the development plan policy for the Close.
- The gable windows are not fire escape windows.
- Proposal will completely alter the character of the Close.
- Proposal would set a precedent for future development at the Close.
- In the local press it was reported that a similar proposal in Marlborough was refused and dismissed at appeal

9. Planning Considerations

The main issues in respect of this application are; (1) the impact on the appearance of the Close; and (2) the impact on the amenity of neighbouring residents.

The original application included first floor windows in the gables on the front and rear elevations. These were not included on the application description as they did not require planning permission. However, following a number of objections specifically relating to the proposed gable windows, negotiations have led to amended plans being received showing them removed from the scheme.

Appearance and Design

The bungalows within the Close are all very similar in terms of style and design and none currently have rooflights, although there is some perspex panelling on part of the roof of this bungalow. The roof will not be raised to facilitate the loft conversion and the only alteration which needs planning permission is the rooflights which due to

the design of the property being gable fronted will be on the side elevations of the roofslope. As the alterations are on the side, the impact on the public appearance of the building will be minimal and certainly not significant enough to warrant refusal. Accordingly, it is considered that the addition of the rooflights will not have a significant impact on the overall appearance of the property nor a detrimental impact on the streetscene.

Residential Amenity

There is one window proposed on the NW elevation facing towards No. 5, which will be to an en-suite bathroom. The cill height is 1.4m above floor level and given the position of the bungalows there will be some impact on this neighbour. However, it is to an en-suite rather than a habitable room and can be conditioned to be obscure glazed. Therefore, it is considered that this rooflight would not have an unacceptable impact on the neighbour in terms of overlooking.

With regard to the windows on the SE elevation, there will be two rooflights to each of the additional bedrooms created by the loft conversion and two lights over the stairwell. This elevation faces towards the roofslope of the attached neighbour at No 3 and the flat roofed garages. The neighbour has raised concerns regarding overlooking. The proposed rooflights to the bedroom at the front of the bungalow and the hall/stairwell will look over the driveway and front garden of the attached neighbour, which is not a private amenity space. The proposed rooflights to the new bedroom to the rear will have some impact in terms of overlooking of the private rear garden of the adjoining neighbour, however, given that they are rooflights and as views will be partly obscured by the garages, it is considered that there will not be any significant and overriding detrimental impact on the amenity of this neighbour in terms of overlooking.

Other Issues

Objections have been received to the conversion of this bungalow to a 'house' as it would change the ethos of the Close and set a precedent for further development. However, it should be noted that planning permission is not required for the loft conversion and it could be converted using gable windows and/or fixed/high level rooflights without the need for an application. Whilst it is acknowledged from the objection letters that the bungalows are mainly occupied by retired persons, there is no planning reason why the property could not be occupied by a family or younger couple as there are no occupancy conditions restricting the age range of occupants.

Neighbour objections have referred to an application for a loft conversion to a building in Coldharbour Lane, Marlborough having been refused and later dismissed at appeal. Whilst this was the case for a loft conversion at Ellisten, Cold Harbour Lane, Marlborough (K/59914/F), that application involved raising the roof and side elevations of the existing property and the addition of a pitched roof dormer window to the front elevation. This application is only considering the insertion of rooflights and does not involve any other external alterations to the building. It is not considered that the application at Marlborough is comparable.

A concern was also raised regarding a possible covenant restricting alterations to the property. This would be a legal matter and any grant of planning permission would not override any legal or third party obligations.

10. Conclusion

Whilst the concern of local residents about changes to the property is recognised, the Council cannot enforce a status-quo. The limited changes proposed are considered to be acceptable in terms of design and appearance, and there will be no overriding detrimental impact on the amenity of neighbours. The proposal is considered to be in

accord with Policy PD1 and therefore, the approval of planning permission is recommended subject to the conditions set out below.

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) The rooflight shown on the approved plans on the north-west elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

3) This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: Site Location Plan, Block Plan, Photographs and Drawing Nos 01, 02, 04, 05 and 06 dated July 2009 and Amended Drawing Nos. 03A dated July 2009 and 07A dated August 2009.

Reasons for this decision:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. 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, in this case, the appearance of the area and the amenity of nearby residents, having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application files, as referred to in the report

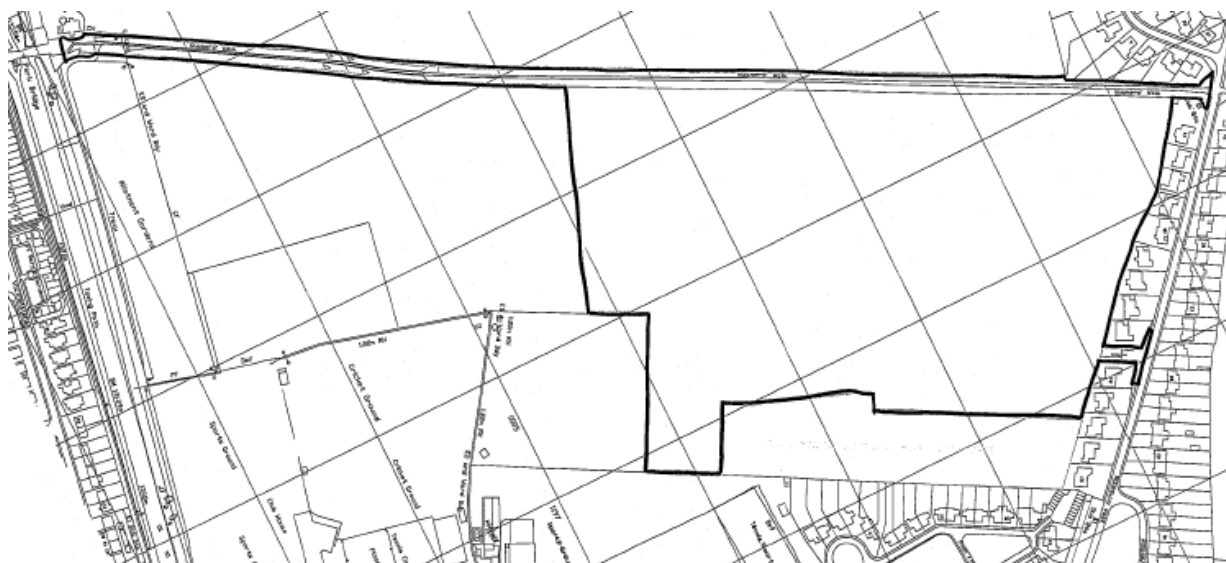
Date of Meeting	15th October 2009
Application Number	K/52761/O & K/59899/VAR
Town/Parish Council	DEVIZES ROUNDWAY
Type of application Proposal	Reserved Matters & Variation of Condition Erection of 244 no. dwellings, access road, play areas and other associated infrastructure
Site address	Land off Quakers Walk London Road Devizes Wiltshire
Grid Reference	400985 162282
Applicant	Taylor Wimpey UK Ltd & Persimmon Homes (Wessex)
Case Officer	Richard Cosker

PURPOSE OF THE REPORT

To consider whether the developers of the Quakers Walk housing site should install electrical cables/service runs along Quakers Walk to allow for the potential for lights to be installed in the future.

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.



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.

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. The applicant subsequently submitted an application (K/59899/VAR to vary condition 15 of the outline planning

permission so that the requirement to light Quakers Walk was removed. The developer would therefore only be required to carry out the surface improvement works.

When the 'variation' application was presented to committee on 23rd March 2009 members agreed (against the advice of officers) to remove the requirement. However, members raised concerns that there may be future requirements to install lighting on Quakers Walk. If this occurred then not only would the new surface need to be dug up, but it would be the council paying for all of the work, rather than the developer. It was therefore suggested that the developer be required to install electrical cables/services runs when the new path surface is being constructed and the rising main is laid along the walk. The following condition was therefore imposed;

"Prior to the commencement of development full details of a scheme to improve Quakers Walk from Park Bridge to the footpath/cycleway exiting the southern end of the landscape buffer shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the surface treatment of Quakers Walk and the installation of electrical cables/service runs to allow the potential for lights to be installed at a future date together with a method statement for these works including details of the method of construction and installation. The improvements approved, including the installation of the cable/service runs shall be carried out in accordance with the approved details and approved method statement prior to the occupation of the 50th dwelling on the site approved under application K/52761/O and E/09/0003/REM.

REASON:

To ensure a convenient pedestrian and cycle route is created into the town centre, to ensure the rural character of Quakers Walk is maintained and to protect the health of the adjacent trees."

PROCEDURAL MATTERS

The additional requirement to install electrical cables/services runs was one added by members when the applicant was solely asking to remove the requirement to light the walk. It was therefore considered that it would have been unreasonable to require the applicant to put a further application in to vary the condition again. Instead the purpose of this report is to allow members to reconsider, having regard to the considerations set out below, whether the applicant should be required to install the electrical cables/service runs.

If members agree that the electrical cables/service runs should not be installed then this will allow officers discharge condition 1 of K/59899/VAR without the requirement to install the electrical cable/services runs. That condition will therefore solely relate to the improvements to the surface of Quakers Walk.

CONSIDERATIONS FOR THE COUNCIL

Following the approval of the 'variation' application detailed discussions took place between the developers and Mouchel (the council's retained highway consultants) about how the installation of the electrical cables/service runs would be achieved. The scheme would need to include at least one main duct and cross ducts off that duct at approximately 30 metre intervals where the individual lights would be located. The intention being that lights could then be installed in those positions if required in the future without needing to dig up the pathway.

A number of technical concerns have been raised by both Mouchel and Scottish and Southern Energy (who would be the likely adoption agency of the service cable and ducts). These include concerns that any scheme designed now is less likely to be suitable for installation in the future, particularly having regard to changes with regards to energy efficiency and lighting technology. In addition, service cables

would not be installed now and as such the use of 'draw cords' were considered to allow future installation of cables. However such 'draw cords' would be extremely difficult to use as they would be over a very long length and there would need to be a number of 'draw cords' from the start point to every cross duct.

Having regard to the above, even if a central duct was provided now, excavation of the footpath would still be required to install the necessary cables in the future or accessible duct chambers would be needed for every cross duct. Further options are to provide an accessible duct along one side of the new footpath surface, together with the relevant cross ducts, or accessible ducts along both sides of the new footpath surface. The use of accessible ducts raises two main issues; the first is the visual appearance of these ducts along Quakers Walk and the second is the impact of the ducts on the health of the trees along Quakers Walk.

With regard to the first issue, it is not fully clear what visual impact of the accessible ducts would be but they would certainly have to have inspection covers. They would also have to be at regular intervals along the walk to allow cables to be easily installed in the future. The inspection covers would be of a composite material, rather than metal, and it may be possible to have them in a material and/or colour to match the surface of the pathway. The ability to do this is not however certain. Clearly the intention of the improvement works along Quakers Walk is to ensure a better quality surface is provided for walkers and cyclists to use in all weathers, whilst ensuring that the works are sympathetic to the character and appearance of the walk. It is not clear whether use of numerous inspection covers would achieve this. Turning to the second issue, officers have previously advised that test excavations have shown that the installation of services along the centre of Quakers Walk can be undertaken with minimal root disturbance. However, installation of ducting outside of the margins of the proposed new footpath surface, which will be 3 metres wide, would move the excavations significantly further out from the centre of the walk and nearer to the trees. The excavations would be outside of the locations previously agreed by the applicant's arboriculturist and the council's landscape and countryside officer. It has therefore been concluded that excavation further away from the centre of the walk could have an adverse impact on the health of the trees.

CONCLUSION AND RECOMMENDATION

Clearly the suggested amendment to the condition by members was a good option to pursue as it could, if ever required, allow easier installation of lights in the future. It would also reduce the cost to the council if that was to occur. However, in practice, an acceptable solution of how to provide the electrical cable/services runs to provide for this eventuality has not been achievable.

It is therefore recommended that members agree that officers can discharge condition 1 of K/59899/VAR without the requirement to install the electrical cable/service runs. That condition will therefore solely relate to the improvements to the surface of Quakers Walk.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application files, as referred to in the report