

Wiltshire Council
East Area Planning Committee
November 26th 2009
List of Applications for Consideration

1. E/09/0873/FUL (page 2)

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

2. E/09/1267/FUL (page 17)

Full planning application for: Erection of replacement dwelling (Amendment to previously approved application K/57794/F)

At: Chalk Hill House, Post Office Lane, BROAD HINTON SN4 9PB

RECOMMENDATION: Grant planning permission

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REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	26 November 2009
Application Number	E/09/0873/FUL
Site Address	Kennet Rise, Axford, Marlborough, Wilts, SN8 2HA
Proposal	Proposed erection of 5 no. 2 storey terraced 2 and 3 bedroom houses together with 25 parking spaces and associated siteworks 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 was considered at the meeting of the Planning Committee held on 15 October 2009. Following a discussion, Members resolved to defer consideration of the application and requested Officers to seek the re-design of the parking court to accommodate further vehicles, thereby reducing the need for on-street parking by vehicles displaced from the existing parking area.

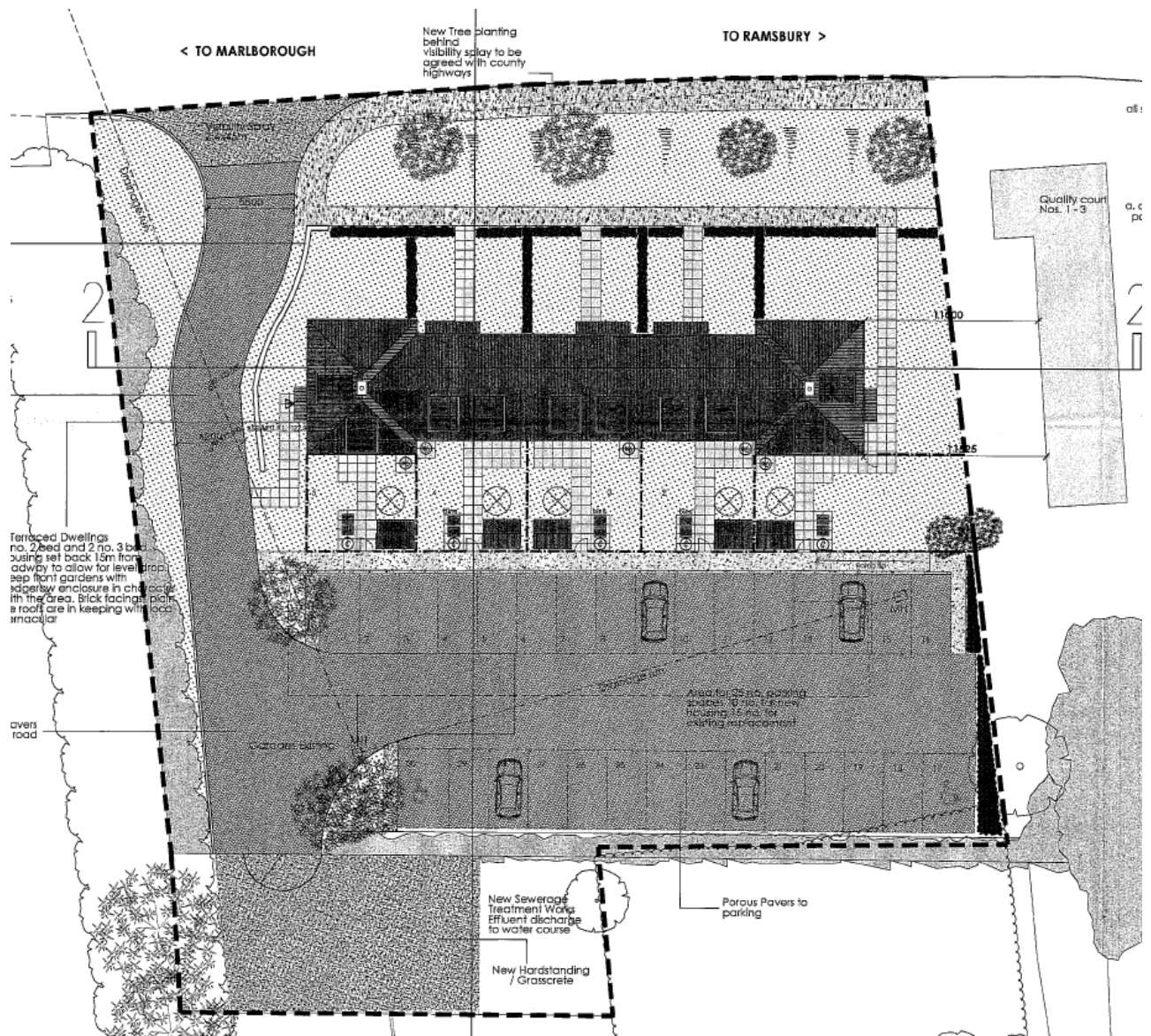
Officers have approached the applicants and have negotiated a re-design of the parking area so that the proposed layout now provides a total of 30 spaces. This is an increase of 5 over the 25 spaces originally proposed. Ten of the spaces would remain for the new houses; the remaining 20 spaces would be for general use by local residents.

Consultations have taken place on the amended layout plan, including notifying those who sent letters on the earlier application, the parish council and the highways officer.

The highways officer has confirmed that there are no objections to the revised proposal on highway grounds. Comments from the parish council are awaited. One further representation from an agent acting for a neighbour has been received. However, this addresses the issue of whether the application is in accordance with planning policy, with particular reference to policy HC24. This matter was addressed in some detail in the original planning officer's report and your officers can reiterate that they are satisfied that the development is in accordance with national and local planning policies, including policy HC24 of the Kennet Local Plan.

The increase in the number of spaces is considered to address the need identified by the Committee to reduce the amount of potential displacement of parking from the existing car park as a result of the development. (The fallback position remains that the existing car park could be closed at any time). Having regard to these changes, planning permission is recommended for the revised plans.

An additional change at the request of the applicant is to replace the condition requiring affordable housing with a Section 106 agreement that will deal with the matter in more detail. Either route is considered acceptable by Officers.



Site plan with revised parking court

The full report previously presented to the Committee follows -

Purpose of Report

To consider the recommendation that the application be approved.

Report Summary

The main issues to consider are -

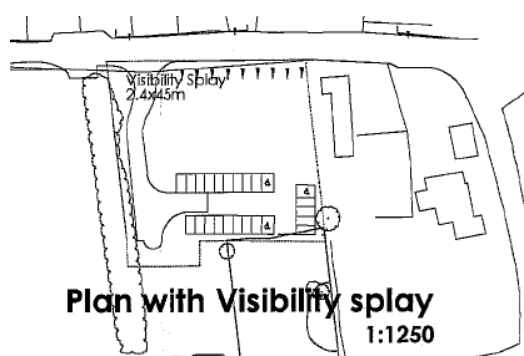
- The principle of residential development on this site;
- The impact of the proposal on the character and appearance of the area;
- The impact on highway safety, including 'loss' of the existing car park/garage block;
- The impact on residential amenity (including the amenities of the eventual occupiers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

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 Plan – not to scale

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.

Proposal

This application seeks permission to clear the site and construct a terrace block of five houses, a car park for 25 vehicles **[now increased to 30]**, a sewerage treatment works, and a revised vehicular access.

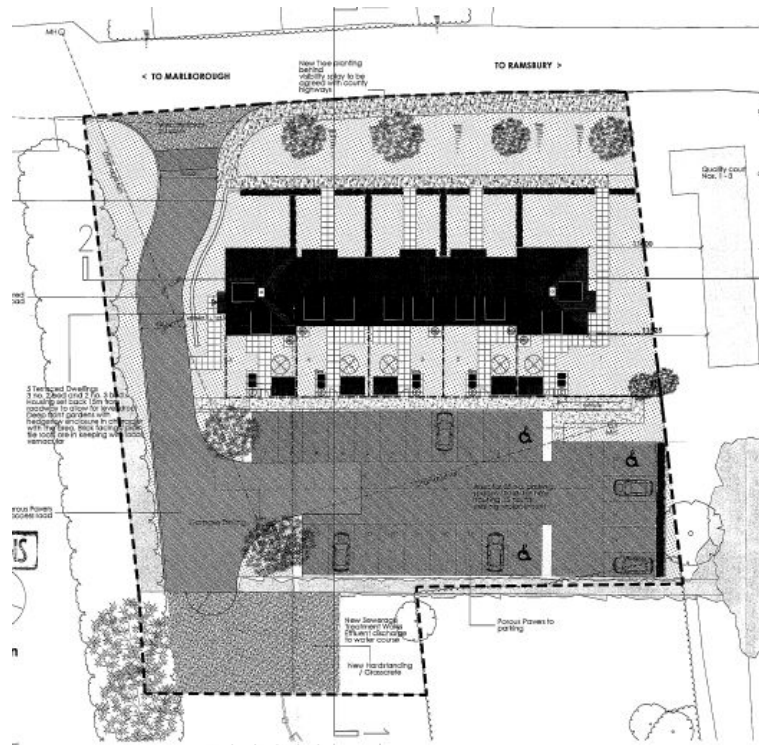
The houses would be sited on the existing car park. The single terrace block would be set back some 14m from the road and at a lower level (following the lie of the land). The end unit (no. 1) would be sited 5m from the common boundary with Quality Court, this giving a side-to-front separation of 11m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



Original Site Layout – **[now superseded]**



Front Elevation facing the road– not to scale



Side Elevation – not to scale

dwelling 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.

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.

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) – (note that the revised proposal now provides for 30 spaces)

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

Subject to the applicant entering into a Section 106 agreement to ensure provision of affordable housing on the site, approve with conditions.

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

REASON: To secure harmonious architectural treatment.

- 3 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) 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

and adjoining the site in the interests of visual amenity.

- 6 Prior to commencement of the development hereby approved details of the treatment of the boundaries of the houses 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 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.

- 9 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.

- 10 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.

- 11 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.

- 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 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.

- 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 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.

- 15 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.

- 16 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.

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

REASON: In the interests of visual amenity.

- 18 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 G dated 29/04/09 (received by lpa **22/10/09**);

Plan no. 3166/003 Rev B dated 08/09 (received by lpa 08/09/09).

- 19 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.

- 20 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).

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

Appendices: None.

Background Documents Used in the Preparation of this Report: Application files, as referred to in the report.

Date of Meeting	26 November 2009
Application Number	E/09/1267/FUL
Site Address	Chalk Hill House, Post Office Lane, Broad Hinton, Wiltshire, SN4 9PB
Proposal	Erection of replacement dwelling (Amendment to previously approved application K/57794/F).
Applicant	Mr Julian Thomas
Town/Parish Council	BROAD HINTON
Grid Ref	410778 176454
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

This application is before the Committee at the request of the local division member, Cllr Mrs Jemima Milton.

Purpose of Report

To consider the recommendation that the application be approved.

Report Summary

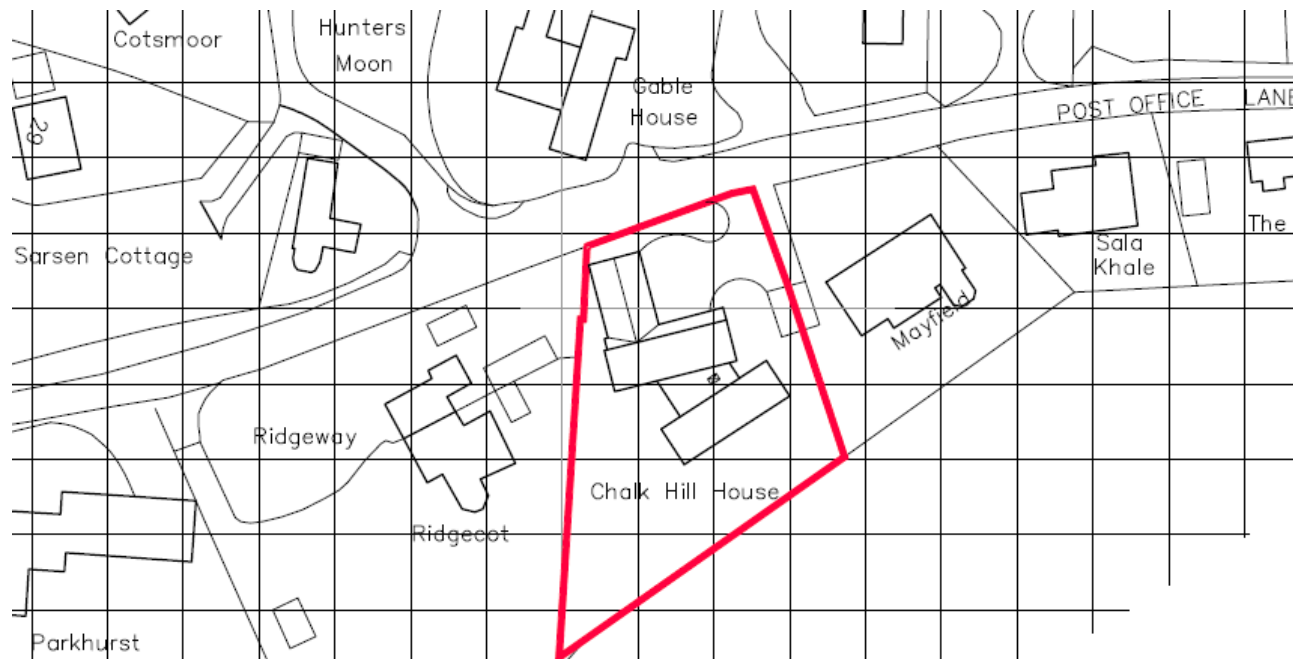
The main issues in this case are –

- The impact of the proposal on the character and appearance of the area;
- The impact on residential amenity;
- The impact on highway safety; and
- The impact on the AONB.

Site Description

The application site lies within the Limits of Development of Broad Hinton on the south side of Post Office Lane. Post Office Lane is a residential road characterised by a variety of house styles and types. A particular feature of the lane is the 'green' road side banks, punctuated by access drives/roads serving the houses.

In February 2008 planning permission was granted for a replacement dwelling on the application site. This has been built although with some changes to the approved drawings. Some of the changes have been approved as 'minor amendments'; others are now the subject of this further planning application.



Location of site in Post Office Lane

Planning History

K/51847/F – Refused 28/04/2005; Appeal dismissed 16/09/2005
Demolition of existing dwelling and erection of two houses and associated garages.

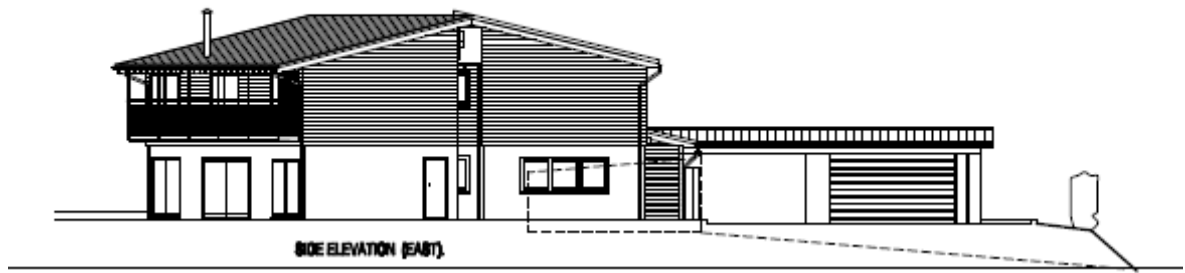
K/56840/F - Withdrawn 01/08/2007
Demolition of existing bungalow and replacement with a new private 2 storey dwelling.

K/57794/F - Approve with Conditions 28/02/2008
Replacement of 1960 bungalow with a new two storey house.

The Proposal

The changes to the approved development covered by this application are as follows –

- Amended carport/garage design at front of house – the approved drawings show a curved carport/garage with a low mono-pitch, sedum roof. The proposal is for a more conventional, square carport/garage with a low tiled roof;
- Widened vehicular access – the approved drawings show a bell-mouth access 5.5m in width adjacent to the carriageway of Post Office Lane. The proposal is for a wider bell-mouth access which would be 8.0m adjacent to the lane. (The access has already been widened to allow entry for construction traffic). The driveway would be surfaced in porous tarmac;
- Ground levels – existing levels (which have been slightly raised in places) would be retained;
- Laundry room window – the approved drawings show a landscape format first floor window in the side elevation (facing Mayfield). It is proposed to retain an obscurely-glazed portrait window in its place;
- Satellite dish – a second satellite dish is proposed to be erected below ridge level in the space between the north and south blocks.
- A further change to the approved drawings is a balcony serving “Oli’s Room”



Side elevation – east, showing first floor obscure glazed laundry window

Planning Policy

Kennet Local Plan 2011 – policy PD1 is relevant.

Consultations

Broad Hinton Parish Council: - objection to widening of access – this should remain as originally agreed at 5m.

Publicity

The application has been advertised by site notice. Neighbour notification has also been carried out.

Objections from six local residents summarised as follows -

- Carport/garage – already overbearing design of house would be increased in view of forward siting, height and design of carport/garage. Request that original design (with sedum roof) is re-instated;
- Widened vehicular access – loss of part of the bank is detrimental to character of Post Office Lane. Its loss would be inconsistent with other decisions in the road. New house is much more prominent. Widened access unbalances the shared arrangement with Mayfield, this exaggerating the prominence of the new house. No highway safety benefit from widened access. Widened access originally only ‘approved’ on temporary basis for construction traffic, and subject to re-instatement upon completion of works. Contrary to Broad Hinton character appraisal;
- Laundry room window – loss of privacy as overlooks windows and garden of adjoining house. Obscured glass is ineffective because window can be opened.

Support from one local resident summarised as follows –

- The new house positively contributes to the character of Post Office Lane. No objection to amendments.

Planning Considerations

The application proposes various changes to the approved development – some are new proposals whereas as others are retrospective. Each is considered in turn.

The amendment to the design of the front carport/garage is considered acceptable having regard to the approved design (which showed a structure in a similar position) and the garages which formed part of the original dwelling on the site (also in a similar position). The modern design of the carport/garage reflects that of the new house, and there is sufficient space to ensure no cramped or overcrowded appearance (indeed, the proposed garages are set further back from Post Office

Lane than in the approved design). The prominence of the forward siting of the carport/garage is mitigated by its low overall height (3.5 metres) and the retained planting along the frontage. There would, therefore, be no adverse impact on the street scene.

The widened vehicular access has opened up the site to a degree. However, the actual width increase is limited (2.5m), and consequently the roadside banks continue to dominate. The overall character of Post Office Lane is, therefore, safeguarded. The resulting additional views of the new house do not detract from the street scene, and there is no imbalance relative to neighbouring properties (there being mixed plot and access sizes within the street in any event). No highway safety objection was raised to the original narrow access; there can, therefore, be no objection on road safety grounds to a wider access now which can only improve visibility.

The previous application for two dwellings (K/51847/F) is of little relevance to this proposal. In this earlier case two houses were refused and dismissed at appeal, the single concern being the inadequate visibility at the original access to accommodate more intensive use. The inspector did not consider visual amenity.

The changes to levels across the site are modest and have no discernable impact outside of the site. Issues relating to the height of the boundary fence have been addressed following separate investigation.

The first floor portrait format window facing 'Mayfield' is obscurely glazed and bottom hung with limited opening. It is positioned some 10m from the common boundary with Mayfield. Because the window is obscurely glazed with limited opening there can be no overlooking of Mayfield from it. Perceived overlooking is difficult to measure. However, at a distance of 10+m from the boundary, minimum privacy standards are satisfied in any event. There would be no adverse impact on Mayfield as a consequence of retaining this window.

No objection is raised to a second satellite dish subject to the final position being agreed (this not being clear from the application particulars).

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 materials to be used on the external surfaces of the garage and driveway shall be in accordance with the details shown on the submitted application particulars.

REASONS: To ensure that the new works harmonise with the existing building.

- 3 The dwarf retaining walls hereby permitted shall not be commenced until details of the external facing materials have been submitted to and approved by the local planning authority in writing. The development shall then be completed using the approved materials.

REASON: To secure harmonious architectural treatment.

- 4 The window at first floor level in the east-facing side elevation (serving the laundry room) shall be glazed with obscured glass only and fixed with a ventilation stay

restricting its opening and shall be permanently maintained as such at all times.

REASON: In the interests of residential amenity and privacy.

- 5 Prior to installation details of the specific location and design of the second satellite dish shall be submitted to the local planning authority for approval in writing. The second satellite dish shall then be installed in accordance with the approved details.

REASON: The application contains insufficient information to assess this detail at this stage.

- 6 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 Refs 09/23/01 & 09/23/03 dated Aug 09 and received by the lpa on 01 Oct 09.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and associated history files.