

## **Regulatory Committee**

**6th January 2005**

### **Planning Services List of Applications for Consideration**

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Full Planning Permission for : Retrospective permission for erection of 0.3 metre diameter dish aerial for telecommunications use  
Marlborough Telephone Exchange, Blowhorn Street, MARLBOROUGH

RECOMMENDATION: Grant Full Planning Permission

2 K/51342/F (page 12)

Full Planning Permission for : Demolition of existing builders premises and erection of two new dwellings  
59 North Street, PEWSEY

RECOMMENDATION: Grant Full Planning Permission

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Kennet DC Reg 3 application for : Construction of public car park and associated footpaths.  
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RECOMMENDATION: Grant Full Planning Permission

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RECOMMENDATION: Grant Full Planning Permission

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RECOMMENDATION: Grant Full Planning Permission

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RECOMMENDATION: Grant Full Planning Permission

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RECOMMENDATION: Grant Full Planning Permission

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RECOMMENDATION: Grant Full Planning Permission

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Full Planning Permission for : Erection of post and wire fence, new access from Rusty Lane and re-arrange existing access including gates, fence, surfacing, hedges and planting  
Land north of The Lye, SEEND

RECOMMENDATION: Grant Full Planning Permission

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Item 1:

APPLICATION:	K/51346/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission Retrospective permission for erection of 0.3 metre diameter dish aerial for telecommunications use Marlborough Telephone Exchange, Blowhorn Street, Marlborough
GRID REF:	18984 69433
APPLICANT:	Mr S J Hirst B T
DATE REGISTERED:	1st December 2004
CASE OFFICER:	Mr P Smith

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#### SITE & LOCATION

The site is the BT Telephone Exchange building located at the end of Lower Prospect off Blowhorn Street in Marlborough. To reach the site travel from The Green in Marlborough by turning right onto St Martins and take the first left into Blowhorn Street. Take the first left again and turn into Lower Prospect. The site is at the far end of the close on the right hand side just before the residential garage court and parking area.

The BT Telephone Exchange is a modern building with a functional and somewhat utilitarian appearance, being clad in concrete panels and with areas of flat roof. The building has a rectangular shape, which increases in height from 5.7m to 6.9m at its western end.

The site is situated just outside the Marlborough Conservation Area, which bounds the site along its north-west and south-eastern boundaries. The site itself is level but is situated on rising land and as such the land to the north and east is higher than the application site. A number of mature trees are situated around the boundaries of the application site, mainly within the grounds of neighbouring gardens.

The surrounding area is predominantly residential in character with the closest dwellings situated on Herd Street to the south-west and Lower Prospect and Alexandra Terrace to the east.

#### DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the erection of a 0.3 metre diameter dish aerial for telecommunications use.

An unauthorised dish is currently mounted on the roof of the building on a temporary tripod and has been in place since April this year. The current application involves removing the temporary tripod and repositioning the dish onto the side of a small water tank cabin located on the roof of the building.

#### SITE HISTORY

Planning permission was granted in November 1992 to erect a 5 metre pole with a standard aerial attached (K/19494).

In December 2002 the Planning Committee refused planning permission for the installation of three antenna on the roof of the building on the grounds of the adverse impact of the equipment on the appearance of the area and the adjacent conservation area and that the Committee were not convinced that the proposed equipment would not result in an adverse impact on the health of local residents (K/043968).

In December 2004 the Regulatory Committee refused planning permission for the installation of two antenna mounts on the roof disguised as flagpoles on the grounds that the proposed development would have an adverse impact on the appearance of the Conservation Area, the setting of nearby listed buildings and the AONB. In addition the application was refused on the basis of the perceived health risk to nearby residents.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been made to the submitted application.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has provided a supporting statement which addresses the need for the installation, health considerations and the appearance of the aerial. A copy of the report is available on the case file for inspection. However, the key points are summarised below:

Dishes provide a means of connecting radio signals into the normal telephone network. This is sometimes achieved by providing underground cables to carry the signals between the base stations and the telephone exchange network. Whilst this is the preferred method, the cost of laying cables to the Forest Hill Site is prohibitively expensive and the service provider is unwilling to meet this cost. This leaves radio as the only alternative medium.

The dish is proposed to be coloured brown to match the colour of the tank room against which it will be positioned.

The proposed installation would be thousands of times lower than the safety (ICNIRP) guidelines. The greater the height above ground level the greater the safety margin.

#### TOWN COUNCIL COMMENTS

Object on the following grounds:

- a) The environmental and future impact on the Conservation Area.
- b) The Town Council feels that this site is unsuitable for development of this type now and in the future and believe that this construction might contravene the original purpose of the exchange .

#### CONSULTATIONS

None received.

#### REPRESENTATIONS

26 letters of objection have been received from local residents in opposition to the current application. These objections are summarised as follows:

- a) Object to the proposal on environmental grounds;
- b) The dish has been in place for 8 months without planning permission in a

- blatant transgression of the planning rules. Its presence has diminished the existing sense of pleasure and view;
- c) Retrospective permission should not be granted. If allowed it would lead to a proliferation of masts on the building;
  - d) Impact on the AONB, nearby listed buildings and the conservation area;
  - e) Loss of view from residential properties;
  - f) The proposal is an eyesore and would adversely affect the amenity of this residential area;
  - g) Concerns regarding the impact on health. Surveys of other places have shown illnesses occurring. This site is situated among lots of houses, many occupied by children;
  - h) Noise and extra traffic will result;
  - i) There must be more suitable places for this sort of development;
  - j) Planning permission for telecoms antenna has recently been refused and the Committee should be firm and consistent;

#### POLICY CONSIDERATIONS

The site is within the AONB and is adjacent to the Marlborough Conservation Area. Kennet Local Plan (2004) policies PD1 (Development & Design), HH5 (Development in Conservation Areas), HH8 (Development Affecting Listed Buildings), NR8 (AONB) and HC44 (Telecommunications) are material to the determination of the application.

In addition Government guidance contained within planning policy guidance notes PPS7 -Sustainable Development in Rural Areas, PPG8 - Telecommunications (2001) and PPG15 – Planning and the Historic Environment are also relevant material considerations.

#### PLANNING OFFICERS COMMENTS

The main issues associated with this proposal are the concerns about the perceived risk to health associated with telecommunications equipment and the visual impact of the development on the site and the surrounding area, including the historic environment. The operational need for the development and the consideration of alternative sites are also relevant issues.

The Governments approach to telecommunications development is set out in PPG8 (2001) and aims to facilitate the growth of new and existing telecommunications systems whilst minimising their environmental impact. Local Planning Authorities are encouraged through PPG8 to respond positively to telecommunications developments.

#### Operational Need

Local Planning Authorities should have regard to any technical considerations regarding the location of the development. The Council has sought the advice of a telecommunications consultant who has examined the application and commented on a number of aspects including the operational need for the installation of this equipment.

He has advised that microwave dishes are aerials used to transmit and receive microwave radio signals. These signals are usually used to provide high capacity radio links between discrete points. Dish aerials are highly directional and concentrate the radio signals into a narrow "beam". This beam is carefully aligned to point at a corresponding dish at the other end of the link, some distance away. In this case the distant end is at Forest Hill Reservoir.

Coverage plots are not relevant for this type of installation as the objective is to transmit a beam of radio signals from one point to another point. The key factor is that the path between the dishes (where the beam intensity is strongest) must be completely free of any obstruction as obstructions will reduce the performance of the radio link.

The microwave dish forms part of a larger system as it routes mobile phone signals received from a mast at Forest Hill into the normal telephone network at the Exchange. As such, resiting, other than on other locations at the Exchange, is not a practical proposition. As such it is considered that the dish is justified for this purpose and alternative sites are not a viable option in this case.

#### Health Considerations

The information that accompanies the application shows that the proposal will be compliant with the relevant health (ICNIRP) guidelines. The contribution to the background level of radio signals close to an installation such as this will be very low indeed and will probably not be measurable with the sort of equipment generally used to confirm ICNIRP Compliance. The Council's telecoms advisor has indicated that in measuring emissions levels at other sites for similar dishes, they have never found a site to be non-compliant with the relevant guidelines.

Whilst the health concerns of residents are acknowledged, it is not considered that they are of such weight that they can override the advice from the Council's telecoms consultant and the self certified declaration provided by the applicant that the proposed equipment meets the necessary safety guidelines.

PPG8 advises that where the base station meets the safety guidelines it should not be necessary for the local authority to consider further the health aspects and concerns about them. As such, it is not considered that the health concerns are an overriding material consideration in this case.

#### Visual/Environmental Impact

The telecommunications industry is encouraged by PPG8 to develop innovative design solutions to find the best solution for any one particular site and to use sympathetic design and camouflage to minimise the impact of development on the environment surrounding the site. In this case the applicants have proposed to move the dish from its present intrusive pole mounted position to a more discrete site on the side of the water tank room to avoid breaking the skyline and have offered to colour the dish to match the background colour.

Objections have been raised against the impact of the antenna on the adjacent conservation area and the Area of Outstanding Natural Beauty (AONB) with concerns expressed that they would spoil the skyline and harm the appearance of the area. However, the dish, which has a diameter of 30 cm would be sited discretely below the skyline and as such it is not considered that it would appear incongruous, visually intrusive or harmful to the setting of the adjacent conservation area, nearby listed buildings or the wider landscape (AONB) to the extent that planning permission should be refused.

To ensure that the existing temporary dish is removed and the proposed dish is installed conditions have been drafted reducing the timescale for the implementation of the proposal from 5 years to one year and for the existing temporary dish

mounted on the tripod to be removed within 3 months of planning permission being approved.

#### **Access**

Several objectors have identified the potential increase in traffic along Lower Prospect as problematic given the traffic already associated with the existing BT site and on-street residents parking causing difficulties at the present time.

It is not considered that provision of a single dish will materially increase the amount of traffic required to access this site.

#### **Precedent**

Concerns have also been raised that the proposal will set a precedent that would open the way for further masts and equipment which would result in an unsightly visual appearance to the detriment of the area.

This concern is acknowledged, however, each application must be considered on its individual merits. As such, it would not be appropriate to refuse the current scheme, which is considered to be acceptable visually; on the basis that it would set a precedent for future unsightly telecommunications development.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - The colour of the dish and supporting bracket shall be coloured brown to match the background colour of the wall on which it is attached and shall be so maintained unless variations are otherwise first agreed in writing by the local planning authority.

#### **REASON:**

In the interests of the appearance of the development and the surrounding area.

3 - The existing unauthorised dish and tripod mounted on the roof of the Telephone Exchange shall be removed within 3 months of the date of this permission.

#### **REASON:**

To ensure the removal of the unauthorised dish and tripod mount.

#### **4 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HH5, HH8, NR8 and HC44.

Item 2:

APPLICATION:	K/51342/F
PARISH:	PEWSEY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing builders premises and erection of two new dwellings
SITE:	59 North Street, Pewsey, SN9 5ES
GRID REF:	16287 60236
APPLICANT:	M2M Developments Ltd
AGENT:	Michael Fowler Architects
DATE REGISTERED:	30th November 2004
CASE OFFICER:	Mr A Guest

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#### SITE & LOCATION

The application site comprises an approximately 0.04 ha area of 'backland' located to the south-west of North Street. It presently supports a number of single storey buildings occupied as a builder's yard and associated offices. The site is surrounded by established residential development fronting Wilcot Road, Goddards Drive and the entrance drive to the builder's yard itself. The entrance drive from North Street rises away from the highway and serves unsurfaced parking areas used by the builder's yard and the adjoining residential properties. The site itself slopes gently from its west to east sides. The entrance to the site can be found on the west side of North St, south of Wilcot Road.

The site lies within the Pewsey Limits of Development but just outside the Conservation Area.

#### SITE HISTORY

K/046898 – Demolition of existing builders premises and erection of three new dwellings – refused 23 February 2004.

This application was refused planning permission because it was considered that the proposal would be detrimental to residential amenity, introducing adverse overlooking of the houses to the north in Wilcot Road and having an overbearing impact on the houses to the west in Goddards Drive.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a pair of semi-detached houses with driveways served from the existing access from North Street. The houses would be positioned centrally on the plot with minimum 2.5m wide margins retained to each side and 7.5-11.5m long rear gardens.

This application differs from the previously refused scheme in that the number of units has been reduced by one and the 'footprint' of the buildings moved further to the south.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

At the request of the local highway authority the layout drawing has been amended to show a shared parking and turning area in front of the building.

#### PARISH COUNCIL COMMENTS

Pewsey Parish Council: Support application. The existing path which accesses footpath 58 should be preserved. The access drive should be brought up to



minimum standard. Visibility should be improved at junction with North Street. An amenity light should be provided beside the path.

#### CONSULTATIONS

County Highways (Mr Wiltshire) – no objection, subject to the turning area being provided and retained and conditions relating to the access and surfacing.

Wessex Water - there are water mains and foul and surface water sewers in the vicinity of the site. Connection points will need to be agreed. There may be a sewer crossing the site, and a survey will therefore be required. If a sewer is located then easements will be expected. A condition or informative is recommended requiring the developer to protect the integrity of the Wessex Water infrastructure.

KDC Environmental Health Housing and Pollution Section - recommends conditions to safeguard amenity.

#### REPRESENTATIONS

Three objection letters have been received from 1 (x2), 3 & 7 (one letter), and 11 Wilcot Road summarised as follows:

- Due to rising ground level between Wilcot Road and site, houses would be highly visible and overlook and overshadow neighbouring residential properties;
- Loss of another employment site to housing – where will all the new residents work?
- Additional traffic would be unneighbourly; difficult and dangerous access for construction vehicles;
- Adjoining houses have limited privacy at front and side and so highly value their existing private rear gardens – this privacy would reduce as a consequence of proposals;
- Loss of view/outlook;
- Screen planting may soften impact but may also damage outbuildings in adjacent gardens;
- Amendments since previous refusal do not address objections;
- Potential noise disturbance from vehicles using driveways;
- Obscure glazing of windows would not prevent overlooking when windows are open;
- Site notice was removed by parties unknown immediately after its display, this preventing wider understanding of (and potential objection to) the proposal;
- If allowed development will set precedent for similar schemes on small parcels of land.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, HC3, HC7, HC21, & ED7 are relevant to this proposal.

#### PLANNING OFFICERS COMMENTS

The main issues in this case are the principle of residential development on the site, and if this is established, the impact of the specific scheme on visual amenity, residential amenity and highway safety.

Policy ED7 of the Kennet Local Plan states that applications to redevelop employment sites which are not defined as of strategic importance will be considered on their individual merits taking into consideration the general policies of the Plan, the

contribution the existing site makes to the range and diversity of employment sites in the settlement, and the demand for the type of employment site the subject of the application. Policy HC21 states that within the Limits of Development new housing on previously developed land not defined for other purposes will be permitted provided the proposal is in scale and character with its surroundings and accords with Policy PD1; the proposal does not conflict with other policies (in this case, Policy ED7), the site is well-related to services, and there is easy access to public transport networks. Policy HC3 states that priority will be given to housing development which re-uses previously developed land provided this does not conflict with other objectives of the Plan.

Regarding the principle of residential development on this site, this would result in the loss of an employment use, namely the builders' yard. However, this is no longer considered to be an appropriate location for such a use having regard to the close relationship with residential properties (and the potential conflict between the uses), and the tortuous access which is unsuited to heavy and/or large commercial vehicles. Re-development of the site for residential purposes is, as a matter of principle, considered to be acceptable in this case, and in accordance with Policies ED7 and HC3.

The specific scheme is for a pair of semi-detached houses sited more or less centrally on the plot of land. The proposal differs from the previously refused scheme in that the number of units has been reduced and the siting changed so that the units are now slightly further to the south (that is, away from the boundary with properties in Wilcot Road). This revised siting has ensured a satisfactory relationship with all neighbouring properties, specifically the 'back to back' distance with the properties fronting Wilcot Road is increased to a minimum of 19m, and the side elevation is more closely aligned with no. 54 Goddard Road. Under these circumstances it is not considered that the proposed houses would be overbearing, nor would they introduce adverse overlooking. With particular regard to the issue of overlooking, it is inevitable that some overlooking of neighbouring gardens would be possible from first floor windows as is usual in higher density residential areas such as this. However, the relationships and distances between the proposed and existing houses are such that it is not considered that residential amenity would be adversely affected.

By moving the footprint of the buildings further to the south, this has brought them closer to the boundary with no. 55 Goddard Road. The rear elevation of no. 55 is positioned at an almost right angle to the front elevation of the proposed dwelling with a 'corner to corner' gap of 6.5m. Although this is a close relationship, it is considered acceptable having regard to the high density of Goddard Road and the similar relationships that already exist on this estate. To avoid overlooking the application proposes obscured glass in all but one of the first floor front elevation windows (the layout of the houses incorporating bathrooms in these rooms to take account of the relationship). With this safeguard it is not considered that the proposal would adversely impact on no. 55.

A satisfactory relationship is also achieved with the adjoining houses to the east in view of the orientation of the proposed houses and the wide margin retained at the side.

In terms of design, the proposal is traditional with an 8.5m high ridge height and brick and tile construction. To reduce the bulk the roof includes half-hips. The overall appearance of the proposed houses is considered to be in-keeping with the surrounding established development and, as such, acceptable in terms of visual

amenity. Third party concerns over loss of distant views over the site would not amount to a sustainable reason for refusing planning permission.

The development would inevitable generate traffic although this is not considered to be an issue having regard to likely traffic generation associated with continued use for business purposes. The local highway authority recommends conditions dealing with improvements to the access drive.

The removal of the application site notice by parties unknown is unfortunate but does not amount to a reason for delaying the decision. Further notices have been displayed and additional neighbourhood consultations carried out to address third party concerns over publicity.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plan no.010110-04B received on the 21 December 2004.

### **REASON:**

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

3 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) 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.

4 - All soft landscaping comprised in the submitted landscaping scheme hereby approved 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 5 years, die, are removed, or become seriously damaged or diseased shall be replaced 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 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or 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 of the area.

6 - The windows at first floor level shown on the approved plans on the front (south-facing) elevation and serving the en-suite bathroom and bathroom of unit 1 and the bathroom of unit 2 shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

7 - 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 side (east and west facing) elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

8 - Within three months of the date when either of the new dwellings hereby approved are first occupied, the existing buildings on the site shall be demolished and the resulting materials removed from the site.

REASON:

The retention of both the new and existing buildings on the site would not be in the interests of the proper planning of the area.

9 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority.

REASON:

In the interests of visual amenity.

10 - During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 8:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturdays, nor at any time on Sundays, Bank or other public holidays.

REASON:

To protect the amenity of local residents.

11 - No materials or substances shall be incinerated within the application site during the construction phase.

REASON:

To safeguard residential amenity and prevent pollution.

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

REASON:

In the interests of highway safety.

13 - Before the development hereby approved commences, full details of measures to prevent discharge of surface water from the site on to the public highway (North Street) shall be submitted to the local planning authority for approval in writing. The measures shall be implemented as approved prior to the occupation of either of the dwellings. Before any part of the development is occupied, the existing dropped kerb at the access to the site from North Street shall be increased in width to the full width of the access drive. Furthermore, the first 7m of the access drive from the edge of the drive with North Street shall be surfaced in a well-bound, consolidated material to be agreed in writing with the local planning authority.

REASON:

In the interests of highway safety.

14 - INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the attached letter from Wessex Water. In particular, the applicant's attention is drawn to the reference in this letter to a sewer which may cross part of the site. The applicant is recommended to consult Wessex Water prior to commencement of development to ensure the integrity of the sewer system is safeguarded.

15 - INFORMATIVE TO APPLICANT:

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

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

Item 3:

APPLICATION:	K/50635/R3
PARISH:	Devizes
APPLICATION TYPE:	Kennet DC Reg 3
PROPOSAL:	Construction of public car park and associated footpaths.
SITE:	Northgate, New Park Street, Devizes
GRID REF:	00325 61641
APPLICANT:	Kennet District Council
DATE REGISTERED:	5th August 2004
CASE OFFICER:	Mr R C Cosker

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#### SITE & LOCATION

The application site lies on the southern side of New Park Street in Devizes on the site known as Northgate. The application site, together with the wider Northgate site, is owned by Kennet District Council.

#### SITE HISTORY

The site was formally occupied by the Devizes Motor Company and much of the planning history on the site related to that use. A previous application, made by Kennet District Council for Conservation Area Consent (K/50677/CAC) was granted early this year by the Secretary of State for the demolition of a modern block wall to enable the proposed car park to be implemented.

#### DESCRIPTION OF DEVELOPMENT

The application is for the construction of a 37 space public car park and associated footpaths with vehicular access onto New Park Street. Members will probably be aware that the Council has prepared a development brief for the Northgate site with the original intention being that they sold the whole of the site to allow it to be developed in a comprehensive manner. The Council now however intends to facilitate the development of the site by constructing the new vehicular access, the public car park and associated footpaths and is in the process of marketing the four individual parcels of land for development. Development of each of those parcels of land will of course be subject to the need for further planning permission.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout of the parking area has been amended by the applicant following comments received by Wiltshire County Council as the highway authority.

#### TOWN COUNCIL COMMENTS

Devizes Town Council – No objection

#### CONSULTATIONS

County Highways (Mr Wiltshire) – Whilst a number of issues were raised concerning the original submission no objections are raised to the amended proposals provided a negative condition is used requiring four on-street parking bays being removed to ensure adequate visibility at the access.

#### REPRESENTATIONS

Two letters of objection have been received from the occupiers of Parnella House, which is a commercial building which bounds the site. The main matter of concern is that their request to allow them to gain vehicular access from the proposed car park to the rear of their building, in order for them to provide their own car parking, was

turned down by the Council. In the letters they also raise a number of other points which can be summarised as below;

1. Kennet District Council is both the applicant and the Local Planning Authority which is a conflict of interest.
2. They were not informed of the submission of the application.
3. This is the second time the applicant has acted off hand with regard to the car parking needs of Parnella House when they failed to stop the removal of on-street parking and the new modern bus stop outside Parnella House.
4. There would be overall town parking benefits of allowing rear access to Parnella House which would release 15-20 car spaces in town car parks.
5. Consider that a Section 106 Legal Agreement should be used to enforce a requirement to provide access to Parnella House.
6. The highway authority were not advised of the possibility of access being granted to Parnella House and have therefore been unable to comment.

### POLICY CONSIDERATIONS

Policies PD1, HC10, ED21, AT5, HH5 and HH8 of the Kennet Local Plan 2011 are considered relevant to the consideration of this application.

### PLANNING OFFICERS COMMENTS

As stated above it is intended that the proposed access, car park and associated footpaths would be constructed by Kennet District Council leaving the individual parcels of land remaining to be developed by other persons. However, only the acceptability of the access, car park and footpaths are for consideration at this stage. It is considered that the main issues raised concern highway safety, the acceptability of the scheme in terms of impact on the conservation area and adjacent listed buildings, compatibility with the development brief and impact on car parking in the town centre.

With regard to the first issue, the highway authority have raised no objections to the proposed vehicular access but have requested that in order for adequate visibility to be achieved to the east of the access, the four adjacent on-street parking spaces need to be removed. A negatively worded 'Grampian' condition would be used to secure their removal prior to the first use of the car park. Whilst Policy AT5 seeks to protect against the loss of public parking in Devizes the policy does allow this to occur where it is necessary to improve road safety or remove obstructions to accesses, which is the case in this instance. It is also of note that the removal of 4 on-street spaces will in fact enable a car park with 37 spaces to be created.

Whilst the parking area is slightly contrived the visual impact on the wider area will be minimal, particularly when the parcel of land between the proposed car park and New Park Street is redeveloped by new buildings. The pedestrian walkways proposed will enable pedestrians to permeate into and through the area, with the Northgate to Snuff Street footpath following the elliptical shape of the former outer bailey ditch which will consolidate the grain of the town centre. The choice of materials and lighting will also match the pattern established in the nearby West Central car park. It is also considered that the car park and footpaths will form a positive framework against which the adjacent parcels of land may be redeveloped. It is therefore considered that the proposal will not harm the character or appearance of the conservation area and will preserve the setting of the listed Salem Chapel.

In terms of the Development Brief the proposed layout and pedestrian routes accord with the requirements of the brief. The proposal provides the access and central servicing route and the requirement to provide 30-40 short stay public parking spaces is also met.

With regard to the final issue, whilst the brief requires the access needs of properties currently served by the road into the site to be addressed there is no requirement to provide accesses to other properties that are adjacent to the site which do not currently have vehicular access. Clearly, even with the loss of the 4 on-street parking spaces, the provision of a 37 space car park will have a positive effect on town centre car parking. The issue raised by the occupier of Parnella House however is that providing car parking in the rear of Parnella House will alleviate the need for users of the building to park elsewhere in the town. Whilst as landowners the Council may wish to agree to grant a right of access, although to date the decision has been not to, as the Local Planning Authority it is necessary to decide whether it is acceptable in planning terms to require a right of access to be given. In particular it is necessary to consider whether the suggested section 106 agreement could be used. Circular 1/97 (Planning Obligations), sets out the Government guidance concerning where and when such agreements are appropriate and the five tests which must be met. It is considered that, having regard to those tests, requiring the council to provide and maintain a right of way across their land for a third party would not be reasonable, necessary or directly related to the proposed development. Taking each of these tests in turn:

1. It is considered unreasonable to force a landowner to provide private rights across their land to a third party as this would adversely affect their future control of the land.
2. The circular makes it clear that legal agreements should only be used where they are necessary to make a proposal acceptable in land-use planning terms. In this instance the proposal is considered to accord with the development brief for the site and as such it could not be said that a private access needs to be given to Parnella House to make the proposal acceptable.
3. It is considered that the legal agreement proposed is not required to counter a problem that occurs because of the proposed development, and as such it would not be directly related to the development.

Having regard to the above considerations it is concluded that the development is acceptable as it stands and can be approved as proposed.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 20-91-34/005 Rev B received on the 22 October 2004.

### **REASON:**

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



3 - No development shall take place until there has been submitted to and approved 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.

**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 first use of the public car park 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 public car park being brought into use 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 - Before any work commences on site details of the proposed levels of the car park and walkways shall be agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

**REASON:**

In the interests of the setting of Salem Chapel and the visual amenity of the area.

6 - The public car park hereby approved shall not be brought into use until the four on-street car parking bays sited on New Park Street to the east of the proposed access have been permanently removed.

**REASON:**

In the interests of highway safety.

**7 - INFORMATIVE:**

The removal of the on-street car parking bays will require a traffic order to be completed and implemented for which the applicant will be responsible for the costs.

**8 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HC10, ED21, AT5, HH5 and HH8.

Item 4:

APPLICATION:	K/51171/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of one dwelling (resubmission)
SITE:	Littlecroft, London Road, Devizes, SN10 1LU
GRID REF:	01163 61603
APPLICANT:	Hannick Homes And Developments Ltd
AGENT:	DPDS
DATE REGISTERED:	3rd November 2004
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

The application site lies on the east side of London Road, between its junction with Brickley Lane and the bridge over the Kennet and Avon Canal. The site comprises part of an 85 metre long front garden to the dwelling known as Littlecroft. It is presently laid to grass with a substantial belt of trees and hedging along the London Road frontage. Several of the trees on the site are protected by Tree Preservation Orders.

#### SITE HISTORY

K/50142/F – Erection of one dwelling, refused planning permission on the 12<sup>th</sup> July 2004 for the following reason:

“Increased use of the existing unsplayed, poorly surfaced access would be detrimental to the safety and convenience of road users on the class I road fronting the site. Furthermore, the alterations necessary to provide vehicular access to the standard required by the Highway Authority would be detrimental to the visual amenity of the attractively landscaped site frontage and the health of a mature beech tree protected by a Tree Preservation Order. The proposal is therefore contrary to Policy PD1 of the adopted Kennet Local Plan 2011.”

K/12351/O - Erection of single storey dwelling and garage, refused planning permission in August 1988 for the following reasons:

1. The site forms part of a large garden attached to an adjoining property. The proposed development by reason of its positioning on the site would be a visually incongruous feature and would create a precedent for further similar undesirable proposals.
2. The proposal represents an unsatisfactory form of development which will result in an adverse effect on the privacy and amenity for the proposed dwelling and reduced levels of amenity and privacy for the existing development on the site.
3. The proposal would necessitate the removal of several mature trees within the site which contribute to the character of the well-maintained landscaped garden which forms part of the character of the dwelling and the locality.
4. In order to provide an adequate vehicular access to the site, to the satisfaction of the County Highway Authority, substantial alterations will

be required to the landscaped frontage which would be detrimental to the amenity of the attractive site and its setting.

#### DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a single detached dwelling.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended to resolve concerns expressed by the Council's Landscape and Countryside Officer regarding the impact of development upon the trees and hedging along the site frontage.

#### TOWN COUNCIL COMMENTS

No objections.

#### CONSULTATIONS

Wiltshire County Highways (Mr Galpin) – No objections subject to appropriate conditions.

#### REPRESENTATIONS

Six letters of objection have been received raising the following objections:

- a) The proposed dwelling would overlook neighbouring properties;
- b) The dwelling would be visually obtrusive and detrimental to the appearance of the area. The site is presently an attractive green space at the heart of the town;
- c) The entrance onto the public highway is awkward due to its proximity to a bus stop, restricted visibility due to parked cars and a narrowing of London Road at this point;
- d) The development will generate additional traffic which, on top of the traffic generated by the forthcoming Quaker's Walk and Spitalcroft allotments developments, will only add to congestion;
- e) The Council should take account of the fact that the site lies within the Devizes Conservation Area. The proposals would result in the removal of vegetation on the site, including a lime tree at the entrance. A healthy tree has already been felled on the site. One objector requests that the lime tree be protected by a Tree Preservation Order;
- f) Development would have an adverse impact upon three trees protected by Tree Preservation Orders;
- g) The site is inappropriate for a dwelling, dark under the canopy of large trees and noisy from traffic. The site is also too narrow to accommodate a dwelling;
- h) The site is an important habitat for wildlife;
- i) The proposals would reduce the value of neighbouring properties;
- j) One objector has previously been refused planning permission for a dwelling on the site (reference K/12351/O) and questions how planning permission can now be granted.

## POLICY CONSIDERATIONS

The site lies within the Limits of Development of Devizes and outside, but directly adjacent to, the Conservation Area boundary. Policies HC3, HC21, PD1 and HH5 of the adopted Kennet Local Plan 2011 are relevant to the consideration of this application.

## PLANNING OFFICERS COMMENTS

The site lies within the Limits of Development of Devizes in a location where Policies HC3 and HC21 of the newly adopted Kennet Local Plan would, in principle, permit residential development. The Government's emphasis on the re-use of previously developed land, set out in PPG3 on Housing, is reflected in the local plan's policies and this is one of the main changes in the policy context since the Council's refusal of planning permission for a single storey dwelling on the site in 1988.

In light of these changes in policy background officers consider that the principle of a dwelling on the site is acceptable. The main issues are (i) the impact of development upon the site's attractively landscaped frontage which incorporates trees protected by Tree Preservation Orders; and (ii) the need for a safe and convenient vehicular access onto London Road. These issues resulted in the refusal of planning permission for a similar proposal on the site less than six months ago (reference K/50142/F).

The application has been amended during the course of its consideration to address concerns expressed by the Council's Landscape and Countryside Officer in respect of the development's likely impact upon the protected beech tree at the front of the site. These amendments, combined with those already made to the scheme following the refusal of K/50142, mean that development would not adversely impact upon the trees and hedging at the front of the site. The latter would play a significant role in mitigating the visual impact of the proposals. The Highway Authority is satisfied that the proposals for the access would meet its requirements for safe vehicular access to the site.

Objectors raise a variety of issues to which officers can respond as follows:

- a) It is not considered that the proposed dwelling would overlook neighbouring properties. The proposed dwelling is a minimum of 25 metres from the objectors' properties and the distances to, and relationships with; other surrounding properties are equally acceptable.
- b) It is not considered that the proposals would be detrimental to the appearance of the area. The trees and hedging at the front of the site will play a significant role in lessening the visual impact of the dwelling when viewed from London Road.
- c) The Highway Authority raises no objections to the proposals and its requirements in respect of the access have been met.
- d) The level of traffic generated by a single dwelling would not warrant refusal of the planning application, particularly in view of the other significant developments proposed along London Road in the adopted Kennet Local Plan 2011 (e.g. Quaker's Walk, Le Marchant Barracks, Surecast) which cumulatively will amount to in excess of 300 dwellings.
- e) The site does not lie within the Conservation Area, although it does lie immediately adjacent to the boundary. The only protected trees on the site are those protected by Tree Preservation Orders and therefore the felling of the tree

referred to by the objector did not require consent. The Council may have regard to the impact of development upon the setting of the Conservation Area (Policy HH5 and PPG15 refer) but it is not considered that the setting of the Conservation Area will be adversely affected in this instance.

- f) Amendments to the proposals have been sought to ensure that the proposals would not have an adverse impact upon the trees protected by a Tree Preservation Order. The Council's Landscape and Countryside Officer is now satisfied with the proposals.
- g) The site is of an appropriate size to accommodate a dwelling and it is not considered that the existence of the trees on the site or passing traffic would impact significantly upon the residential amenities of those persons occupying the proposed dwelling. It is worth noting that the dwelling would be further from London Road than other dwellings in the immediate vicinity.
- h) There is no evidence that development would have an adverse impact upon wildlife and no information has been put forward to suggest that any legally protected species would be affected.
- i) The impact of the proposals upon local house prices is not a material planning consideration.
- j) As explained above, the policy background has changed since 1988 and the Government's emphasis is now upon making best use of previously developed land. Refusal reason nos. 1, 2 & 3 on K/12351/O are no longer considered to be relevant grounds of objection.

#### **RECOMMENDATION**

Approve with Conditions:

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

#### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans (Drawing nos. E1778/02, C8240/04/01/F & C8240/04/04) received on the 14th December 2004.

#### **REASON:**

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

3 - No development shall take place until details of the materials to be used for the external walls and roofs of the dwelling (including samples if requested) 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.

4 - Before the dwelling hereby permitted is first occupied the access shall be completed in accordance with the approved plans (Drawing no. E1178/02 received on the 14th December 2004).

REASON:

In the interests of highway safety.

5 - No development shall take place until there has been submitted to and approved by the local planning authority in writing a scheme of landscaping for the site which shall include details of species, planting heights and planting densities.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - Prior to development commencing the protective fencing shown on the approved plans (Drawing no.C8240/04/04 received on the 14th December 2004) shall be erected and its position on site agreed with the Council. The fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

8 - Full details of any tree works required in order to construct the dwelling hereby approved shall be approved in writing prior to the works being carried out. The approved tree works shall be carried out prior to any construction or groundworks commencing.

REASON:

To enable the local planning authority to control works to trees on the site, in the interests of visual amenity.

9 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the dwelling hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the dwelling in the interests of visual amenity and the protection of existing trees on the site.

10 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure (apart from those shown on the approved plans) shall be erected or placed on the site.

**REASON:**

To enable the local planning authority to retain control over additional structures on the site, in the interests of visual amenity and the protection of existing trees on the site.

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 windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the south elevation of the dwelling hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

12 - The window at first floor level shown on the approved plans as serving the bathroom on the south elevation shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

**13 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the adopted Kennet Local Plan 2011 namely: Policies PD1, HC3, HC21 & HH5.

Item 5:

APPLICATION:	K/51159/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of steel framed building containing offices, workshops and showroom for furniture manufacturing company - revised design to approved scheme K/37656
SITE:	Clackersbrook Farm, The Common, Bromham
GRID REF:	95708 64862
APPLICANT:	Mark Wilkinson Furniture Ltd
AGENT:	Peter Kent Architects
DATE REGISTERED:	1st November 2004
CASE OFFICER:	Mr MS Wilmott

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### SITE & LOCATION

The main workshop buildings of Mark Wilkinson Furniture Ltd are situated on the north side of the minor road from Bromham village to Sandridge, approximately one third of a mile west of the village of Bromham. They are centred on former farm buildings that have been converted, adapted and extended. There are also a few dwellings nearby, at Common Farm and Elm Farm, the latter to the rear of the site.

The land on which this workshop would be built is on a field on the valley floor to the north of clackers Brook and west of the existing workshops. Part of the site is currently occupied by a car park. A new access would be constructed from the minor road, across the brook to serve the new complex, including both existing buildings and the new structure. Work on the construction of this access (authorised under the previous permission – see below – has already commenced and can be seen from the roadside.

### SITE HISTORY

Planning permission for the change of use of redundant farm buildings to research and development purposes, workshop and timber storage was granted in 1988 (K/12188). Various other permissions have since been granted for developments on this site, the most relevant of which was the permission granted in 1999 for the erection of a workshop with new vehicular access (K/36756). As noted above, work on this permission has commenced, with the commencement of the construction of the new access road. This has kept the planning permission alive.

### DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a steel framed building containing offices, workshops and a showroom for the furniture manufacturing company. The proposal is a revision to the scheme approved in 1999. The size of the building is very similar to that approved in 1999, with the length (57 metres) and width (34 metres) the same and the ridge height only marginally different (7.7 metres compared to 7.5 metres approved in 1999).

The main difference lies in the eaves height and external appearance. Compared to the original permission, the eaves height of this proposal is 2.2 metres higher, resulting in a much shallower roof and thereby creating enough internal space to allow for a first floor office, showroom and additional storage/workshop space. This means that there are more windows and in some places, full length glazing, breaking up the appearance of the external elevations. The walls and roof of the building



would be clad in green profiled steel cladding, whilst the windows would be treated softwood.

The building would be accessed from a new route from the public highway and a new crossing of the brook. As noted above, the work on this has commenced under the terms of the original planning permission.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicants consider that the revised plans would look more attractive than the original factory building. Creating room for a complete first floor would assist in helping the business remain viable by bringing many of the activities onto one site. The manufacturing in the Jockey Lane premises will move to the site, leaving Jockey Lane for storage and goods inwards. This will stop the majority of movements between Jockey Lane and the farm premises and because most of the staff will be working at the farm premises many of the spaces in the village car park will be vacated.

They point out that they will also be able to move the company head office and showroom area from 27, High Street to the farm site, bringing all of the administration and clients to the premises, again reducing traffic movements between sites. They estimate that the move could save up to 300 vehicular movements through the village in any one day. The premises at 27 High Street will be vacated, as parking is becoming an increasing problem as the parking area originally leased from the Crown agents is now the vehicular access to the rural housing scheme at the rear of High Street.

#### PARISH COUNCIL COMMENTS

No objection

#### CONSULTATIONS

County Highways – No objection, subject to conditions requiring the access to be built and visibility splays, parking and turning facilities provided before the building is brought into use. In addition, a signing scheme to discourage non-domestic traffic from using the original access should be required, together with a Travel Plan.

Environment Agency – No objection.

#### REPRESENTATIONS

Objections have been received from three local residents and one person with an interest in nearby land. The objections raise the following points:

- The development will result in increased traffic, as a result of the relocation from the village centre. A 40 mph limit should be introduced on the road.
- Any gate across the existing access should be beyond the entrance of the neighbouring property and not damage their wall;
- Concern about the height of the two storey building;
- The development will increase the stress on a neighbouring resident;
- The development blights the nearby farmhouse and will make access to it totally unacceptable;
- Further development should not take place at Bromham but should be relocated to an industrial estate.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011- relevant policies are PD1; PD2; NR9; NR6 & NR7.

## **PLANNING OFFICERS COMMENTS**

The first issue to examine, in accordance with policy PD2 (renewal of planning permission), is whether there have been any material changes in planning circumstances since the grant of the last permission.

Although there have been some changes in both government guidance (PPG7 replaced by PPS7) and the development plan (Kennet Local Plan adopted in 2004), the thrust of both of these documents has not materially altered. Both encourage the diversification of the rural economy, whilst seeking protection of the local landscape character.

In terms of the local economy, policy NR6 restricts new development to the limits of existing villages unless the development can be demonstrated to benefit the rural economy in the locality. In this case, the site is outside of the existing village. However, as with the previous application, it has to be recognised that this firm is a major employer in the local economy, firmly identified with Bromham. As set out in the additional information supplied by the applicant, the proposal will help safeguard an important source of local employment and should help reduce the number of traffic movements between the different sites in the village. For these reasons, it is considered that the proposal complies with policy NR6.

In terms of landscape impact, the overall footprint of the building has not changed, nor has its height. Although the walls will be taller, the introduction of more glazing to the building will improve its external appearance. It is located in the valley bottom and will not have an adverse impact on the scenic quality of the Special Landscape Area, which is primarily designated to protect the woodland around Spye Park. As it is in a valley, on the valley floor, distant views are constrained by the valley sides and it will also be seen against the backdrop of the existing commercial and farming buildings adjacent.

The nearest dwelling would be 45 metres from the new building. Inevitably, this will suffer some disturbance from the operation, but the workshop itself will be further away than the existing workshop buildings east of the house and it is not considered that the impact would justify refusal of the application.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - No development shall take place until details of the materials to be used for the external walls, windows and roofs (including samples if requested) 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 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.

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 - The access shall be constructed and the visibility splays provided in accordance with the details shown on the approved plans before the new building is brought into use.

REASON:

In the interests of road safety.

6 - The parking and turning areas shown on the approved plans shall be provided in accordance with the details shown on the plans before the new building is brought into use and shall thereafter be retained for these purposes.

REASON:

In the interests of road safety.

7 - The signing scheme shown on the approved plans shall be implemented before the new building is brought into use and shall remain in place for at least the period shown on the approved plans.

REASON:

In the interests of road safety and the amenity of residents of nearby properties.

8 - The bridge crossing the brook shall be built in accordance with the approved plans before the building is brought into use.

REASON:

To protect the appearance of the area and to protect the integrity of the stream.

9 - No extractor flues shall be installed unless details of their size, height, position and materials have been submitted to and agreed in writing by the local planning authority prior to their installation.

REASON:

To protect the amenity of nearby residential properties.

10 - The development hereby permitted shall not be exercised in addition to or in combination with the timber drying and storage shed permitted by the permission granted under reference K/033954, dated 3/4/99.

**REASON:**

To avoid the overdevelopment of the site.

11 - The building shall not be brought into use until such time as a Travel Plan has been submitted to and approved in writing by the local planning authority.

**REASON:**

In the interests of road and pedestrian safety and to promote sustainable travel patterns.

12 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority.

**REASON:**

In the interests of visual amenity.

13 - No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the site, except within the building(s).

**REASON:**

To safeguard the amenities and character of the area.

14 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building hereby approved shall be erected.

**REASON:**

To enable the local planning authority to retain control over the enlargement of the building to protect the amenity of nearby properties.

15 - Before development commences, details of the number, location and size of any proposed rooflights shall be submitted to and approved in writing by the local planning authority. These plans shall minimise the number to be inserted in the south-east roofslope. Development shall be carried out in accordance with the approved plans.

**REASON:**

To protect the appearance of the area and to reduce the intrusion from light spill.

**16 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1; PD2; NR6; NR7; NR9.

Item 6:

APPLICATION:	K/51095/F
PARISH:	URCHFONT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of flat roofed side extension. Erection of new detached dwelling. Erection of new detached garage building with studio over
SITE:	Sarum House, High Street, Urchfont
GRID REF:	04003 56977
APPLICANT:	The Salisbury Diocese
AGENT:	Peter Kent Architect
DATE REGISTERED:	22nd October 2004
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

Sarum House lies at the southern end of the village of Urchfont and is directly accessed off the B3098 road, which links the village with Market Lavington. The property is a large detached house, set well back from the road. It is presently occupied by The Salisbury Diocese.

#### SITE HISTORY

There is no relevant planning history. The site has been used as the dwelling of the archdeacon for Wiltshire and as the area office for the Bishop of Ramsbury. However, both of these functions are in the process of being relocated to Devizes.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing flat-roofed side extension to Sarum House and construct a detached dwelling (6.5 metres in height) adjacent to and set back from the existing house. It would be constructed of timber boarding and brick, with a slate roof.

A detached garage with studio above would be constructed to the front of Sarum House and tucked into the corner of the site. It would have a ridge height of 6 metres.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

In response to an initial objection from the local highway authority, the sight line has been improved by re-positioning the retaining wall so that it is set back 2.4 metres from the carriageway edge. The applicant's agent has also pointed out that the existing house, when used as the archdeacon's residence and office, generated far more traffic than the additional dwelling would.

#### PARISH COUNCIL COMMENTS

Urchfont Parish Council objects to the application on the ground that it is contrary to Policy HH5 in the Kennet Local Plan, as the scale and construction materials would adversely affect the setting of the conservation area.

#### CONSULTATIONS

County highways (Mark Wiltshire) – no objection is raised to the amended plans, subject to the repositioning of the front retaining wall in accordance with the revised drawings.

Wessex Water – no objection in principle.

Wiltshire Fire Brigade – access to the site should be adequate for the purposes of firefighting. Residential sprinklers are recommended.

## REPRESENTATIONS

Four letters of objection have been received, which raise the following key concerns:

1. The proposed development will exacerbate existing traffic problems on this dangerous road.
2. 'Infilling' should not be allowed in a conservation area.
3. Urchfont cannot support any more houses.
4. The proposal would be detrimental to the character and appearance of the area, as the dwelling would appear as if it has been shoe-horned into the site.
5. The privacy and tranquillity of the neighbouring property would be disrupted eg. as a result of passing vehicles.
6. The design of the dwelling is inappropriate.

## POLICY CONSIDERATIONS

The site lies within the defined Limits of Development for Urchfont and within the designated conservation area. Policies PD1, HC22 and HH5 in the Kennet Local Plan 2011 are relevant to the consideration of the application.

## PLANNING OFFICERS COMMENTS

The site lies within the Limits of Development for Urchfont and consequently, the principle of residential development is in accordance with Policy HC22 of the adopted Kennet Local Plan.

The key issues to consider are therefore whether the dwelling is acceptable in visual terms and whether there would be any highway safety and/or neighbour implications.

The proposal is to demolish the existing flat-roofed garage extension and construct a detached house adjacent to and set back from Sarum House, along with a detached garage in the south-western corner of the site. The dwelling is not excessively large and would appear subservient to the existing house and the proposed materials are appropriate to the site's location in a conservation area. Furthermore, although the site lies in a conservation area, the proposed dwelling and garage would not be visible from public vantage points. It is also noted that there is a varied mix of modern and traditional housing styles in the area. For these reasons, it would be difficult to argue that the proposal would have a detrimental impact on the character and appearance of the conservation area.

Concerns have been raised about the highway safety implications of the proposal. However, the number of vehicle movements is unlikely to be any greater than at present and consequently, it is not considered that the proposal would have a detrimental impact on highway safety. The local highway authority has raised no objections to the proposal, subject to the repositioning of the wall to enable an adequate visibility splay to be formed.

It is not considered that the proposal would give rise to any significant neighbour implications. Overlooking problems can be avoided by the imposition of an appropriate condition removing permitted development rights for the insertion of windows above ground floor level in the side elevations of the dwelling. Furthermore, it is not considered that the proposal would give rise to any significant noise disturbance to the occupants of neighbouring dwellings as a result of vehicle movements, particularly as these are unlikely to be any greater than at present.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 1000-Site 1 Rev A received on the 30th November 2004.

### **REASON:**

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

3 - Prior to the first occupation of the dwelling hereby permitted the retaining wall on the south west side of the access shall be altered to accord with the details shown on the amended site plan (1000-Site 1 Rev A) received on 30 November 2004 with the portion of wall which returns perpendicular to the highway being no higher than 600mm above carriageway level. The area of improved visibility shall maintained in that form and be kept free of all obstructions to sight above 600mm above the carriageway level thereafter.

### **REASON:**

In the interests of highway safety.

4 - No development shall take place until samples of the bricks, slates and tiles to be used in the construction of the dwelling and garage and details of any stain to be used to treat the timber boarding have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **REASON:**

To secure harmonious architectural treatment.

5 - Before development commences, details (including species, planting sizes and densities) of the landscaping shown on the approved drawings shall be submitted to and approved in writing by the local planning authority.

### **REASON:**

To ensure a satisfactory landscape setting for the development.

6 - 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 buildings 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.

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

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

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

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

REASON:

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

8 - 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 above ground floor in the east and west elevations of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

9 - The garage/studio hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Sarum House as such and for no other purpose.

REASON:

To protect the amenities of this primarily residential area.

10 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from Wessex Water dated 28 October 2004 and Wiltshire Fire Brigade dated 4 November 2004.



## 11 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC22 and HH5.

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### Item 7:

APPLICATION:	K/51340/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of three bed detached two storey dwelling
SITE:	Adjacent to Mill View, Mill Road, Netheravon
GRID REF:	14651 49113
APPLICANT:	H Fitchett
AGENT:	Mr C Sault
DATE REGISTERED:	30th November 2004
CASE OFFICER:	Miss V Longdon

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### SITE & LOCATION

This application relates to part of the garden land of Mill View in Netheravon. Mill View is located on Mill Road which runs along the northern boundary of the village. It can be accessed by taking a right hand turning off of the A345 Salisbury Road when heading in the Salisbury direction. Mill View is situated virtually opposite the brewery.

The application site is the northern element of the garden and is easily denoted as it has recently been cleared to reduce the height of the land. The site is bounded on its northern, southern and western boundaries by residential properties and their garden land. To the east is Mill Road. Due to the local topography, the site holds an elevated position on Mill Road and can be viewed from the roadside.

### SITE HISTORY

K/45287/O – outline planning permission was granted in May 2003 for a dwelling on the site. Condition number 09 of this permission stated that the dwelling permitted on the site should be of a single-storey design only. This was because of the site's elevated position.

K/50326 – full planning permission for a two-storey dwelling was refused in July 2004. The refusal reasons being:

(a) "The proposed dwelling, by virtue of its scale, bulk, siting and design will be unduly prominent in the streetscene and detrimental to the setting of the adjacent Conservation Area. Furthermore, the proposed dwelling is of a poor standard of design which would detract from the visual amenities of the area. The proposed development is therefore contrary to policies PD1 and HH5 of the adopted Kennet Local Plan 2011".

(b) "Insufficient information has been submitted in relation to the levels of adjacent gardens to enable a proper assessment to be made of the impact of the proposals

upon the residential amenities of the occupants of neighbouring dwellings. However, on the basis of the information submitted, it is considered that the proposed dwelling would be overbearing and dominant for the occupants of the neighbouring property to the south-west and would result in an unreasonable perception of being overlooked, to the detriment of their reasonable living conditions. The proposed development is therefore contrary to policy PD1 of the adopted Kennet Local Plan 2011.”

#### DESCRIPTION OF DEVELOPMENT

This application again proposes a detached two-storey dwelling but of a different size, scale, design and with a lower slab level than that previously refused. The main differences in terms of size are:

	K/50326 (previous refusal)	K/51340 (application now under consideration)
Ridge height	7.3m	7.15m
Eaves height	4.9m	4.25m
Length of dwelling	11.4m	10.2m
Span of dwelling	6.6m	5.5m
Roof pitch	33°	44°
Slab level	1.4 metres above the road	0.83 metres above the road

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement in support of the application.

#### PARISH COUNCIL COMMENTS

The Parish Council object to the scheme on the grounds that it would still be unduly prominent in the streetscene and Conservation Area. The proposed dwelling is still the same height as the previous application although the design has changed. The over development of the site would dominate and overlook the small bungalows in nearby Whitmarsh Close. It is still the considered opinion of the Parish Council that a bungalow would be a more suitable dwelling for the site.

#### CONSULTATIONS

Environment Agency - No objection but notes that the finished floor levels of the new dwelling should be set at or above 100.59 metres to the local datum shown on drawing number 1328.4.

County Highways - No objection subject to a condition requiring any entrance gates to be hung to open away from the highway and set back a minimum distance of 4.5 metres from the carriageway edge.

#### REPRESENTATIONS

No representations have been received at the time of writing this report. Any which are subsequently received shall be reported verbally to the Committee.

#### POLICY CONSIDERATIONS

The application site lies within the Limits of Development defined for Netheravon and adjacent to the designated Conservation Area. Policies HC22, HH5, NR11 and PD1 are relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

The site is an infill plot within the Netheravon Limits of Development and outline planning consent has been granted for one dwelling. The principle of residential

development has therefore been accepted. It is considered that the key issues in the determination of this application are (a) the design of the scheme and its appearance within the streetscene; (b) the impact of the new dwelling upon the amenity of the occupiers of the neighbouring properties and (c) the previous condition on the outline approval stating that the dwelling should be single-storey. The key issues are discussed below:

### Design

The application site holds an elevated position within the streetscene and lies next to a traditional vernacular detached property and circa 1970 bungalows. Although there is no overriding style within this element of Netheravon, properties are all unassuming in terms of both their design and appearance within the streetscene. The front elevation of the dwelling is now improved and the dwelling will appear as a simple dormer style property. If quality materials are secured, the design is considered acceptable.

With the reduction in the ridge height, span and length of the dwelling, it now sits more comfortably within the site and will not be unduly prominent. Because of the overall reduction in the size of the dwelling and the improved appearance, it is considered that the dwelling will “nestle” well into its site and will not have an adverse impact upon the setting of the adjacent Conservation Area. The finished floor levels are considered acceptable to help reduce the visual impact of the dwelling.

### Neighbour amenity

It is considered that there is sufficient distance between the proposed dwelling and the neighbouring properties and, as a result, there will be no adverse overbearing/dominant impact or loss of privacy. The key issue in terms of amenity is the relationship between the proposed dwelling and the bungalow to the rear, no.5 Whitmarsh Close. The rear gable with a first floor window will project towards this dwelling but boundary fencing will ensure that there is no adverse level of direct overlooking. As no.5 is elevated above the application site and the proposed dwelling will be 3 metres away from the boundary, it is not considered that the proposed scheme will have an adverse impact upon amenity. The cross-section provided by the applicant helps to demonstrate this relationship. Furthermore, the two smaller side elevation windows can be conditioned so that they are obscurely glazed.

### Previous condition on the outline planning approval K/45287/O

The outline approval for a dwelling on the site was granted subject to a condition (no.09) which stated that the dwelling permitted should be of a single-storey design only. As the site is elevated and at this stage there were no details of how much the ground level was to be reduced by, it was considered necessary to add such a condition. However, the applicant has demonstrated in a fresh application that a two-storey dwelling can be accommodated on the site, particularly as this latest scheme proposes to significantly reduce the height of the land.

It is considered that the applicant has addressed all of the previous refusal reasons and achieved an acceptable scheme and that, if conditions securing obscure glazing, materials, highways and landscaping issues are added to any permission, the new dwelling will be acceptable.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

### **REASON:**

To secure harmonious architectural treatment.

3 - The finished floor level of the dwelling hereby approved shall be set at 100.59m to the local datum shown on drawing number 1328.4 dated the 29th November 2004.

### **REASON:**

To avoid flooding because the site adjoins the flood plain of the Avon.

4 - No development shall take place until there has been submitted to and approved 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.

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

5 - 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 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.

6 - The windows at first floor level shown on the approved plans on the south-east and north-west elevations shall be glazed with obscured glass and shall be so maintained.

### **REASON:**

In the interests of the privacy of neighbouring properties

7 - Before the first occupation of any dwelling hereby permitted a screen fence shall be erected along the south west boundary in accordance with details that have first been submitted to and approved by the local planning authority, and once erected, these shall be retained.

**REASON:**

To prevent overlooking in the interests of preserving the reasonable amenities of adjoining residential properties.

8 - 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 above ground floor level in the south-west, south-east and north-west elevations of the dwelling hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

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

**REASON:**

In the interests of highway safety.

10 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or 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 of the area.

**11 - INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency and dated the 6th December 2004.

12 - Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:**

In the interests of highway safety.

**13 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC22, HH5 and NR11.

Item 8:

APPLICATION:	K/51121/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey extension to existing village hall to form doctors surgery, together with adaptations to the existing hall
SITE:	Phoenix Hall, High Street, Netheravon
GRID REF:	14659 48704
APPLICANT:	Sarsen Housing Association
AGENT:	The Quorum Partnership
DATE REGISTERED:	26th October 2004
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to the Phoenix Hall which lies adjacent to the primary school in Netheravon. The site is accessed from the High Street, towards its southern end.

#### SITE HISTORY

K/85/1165 – Village hall, access and car parking, granted planning permission in April 1986.

K/86/0766 – Amendment to condition relating to access for proposed village hall, granted planning permission in September 1986.

#### DESCRIPTION OF DEVELOPMENT

The proposal is for a single storey extension to the existing village hall to form a doctor's surgery. The extension would be built of brick, cedar boarding on the gables and a pitched tiled roof. The extension would be at the rear of the existing building and would approximately double the floorspace of the existing building.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been submitted to meet the requirements of the local highway authority.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted an additional supporting statement which is attached to this agenda.

#### PARISH COUNCIL COMMENTS

1. A new footpath may be required from the school gate entrance to the new surgery on the north side of the school car park. This would be on school land and would need to be discussed with the school authorities.
2. Light pollution on the rear elevation may be a concern to close neighbours.

#### CONSULTATIONS

Wiltshire County Highways – no objections.

Wiltshire Fire Brigade – no objections.

#### REPRESENTATIONS

One letter has been received raising the following concerns:

1. Frosted glass is required for windows on the north elevation of the extension to protect the privacy of both the objector (whose property lies in Berry Close) and patients using the surgery;
2. The area to the north of the extension should not be excessively lit to avoid light pollution and the congregation of youths; and
3. The local planning authority should ensure that access to the facility is restricted to the main access from the High Street and not via Old Post Office Lane.

#### POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Netheravon in the adopted Kennet Local Plan 2011 and within the designated Conservation Area. A 10 metre wide strip along the western boundary of the site lies within an area of protected sport and recreation space under Policy TR17 of the local plan. Policies PD1 and HH5 are also relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The proposals are considered to be acceptable in planning terms. There are no policy objections to the siting of the proposed surgery adjacent to the village hall and primary school, both existing community uses. Although the site overlaps onto an area of land protected for sport and recreation it does not prejudice the use of this land for those purposes. The proposed design mirrors the existing village hall and it is not considered that the development would adversely affect the amenities of the occupants of neighbouring dwellings.

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

1. The development is single storey and is separated from properties in Berry Close by a hedge and public highway, totalling a distance of approximately 12 metres. Given this relationship, it is not considered that a condition requiring the windows to be obscurely glazed would be either necessary or reasonable.
2. Officers acknowledge the objector's concerns regarding the impact of external lighting and have therefore proposed a condition requiring any external lighting to be approved in writing by the local planning authority prior to its erection.
3. Access is not proposed via Old Post Office Lane. However, planning permission would not be required to construct an access in the future. There was a condition attached to the original planning permission for the village hall (reference K/85/1165) requiring the permanent closure of an existing access onto Old Post Office Lane. The reason given for the condition was as follows:

"Post Office Lane is of inadequate width and has a sub-standard junction with High Street to serve as an access to the proposed village hall."

The condition was subsequently amended (under reference K/86/0766) to enable the access to be used for the maintenance of the school playing field (the gate to be padlocked shut at all other times).

In view of this planning history it is reasonable to attach a condition to any permission for the doctor's surgery preventing the creation of a vehicular access onto Old Post Office Lane. It is also reasonable to prevent pedestrian access to ensure that patients do not park in Old Post Office Lane.

The Parish Council raises an additional point regarding the need for a footpath between the school entrance gate and the proposed surgery. However, this has not been requested by the Highway Authority and therefore it is not considered to be a reasonable requirement of the planning permission.

## **RECOMMENDATION**

Approve with Conditions:

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

### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans \*\*\*\*\* received on the \*\*\*\*\*.

### **REASON:**

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

3 - Notwithstanding the details shown on the submitted plans and forms, no development shall take place until details of the materials to be used for the external walls and roofs (including samples if requested) 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, in the interests of preserving the character and appearance of the Conservation Area.

4 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall make provision for the retention and gapping up of the existing hedge along the northern boundary of the site and the planting of a few small trees, planted as standards, along the same boundary. The submitted details 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. The submitted details shall also include species, planting heights and planting densities.

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

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

### **REASON:**



To ensure a satisfactory landscaped setting for the development.

6 - The existing hedge on the northern boundary of the site shall, before any work commences, be enclosed at the outer edge of the overhang of its branches, by a chestnut paling fence. Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

**REASON:**

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

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no pedestrian or vehicular access shall be created from the site onto Old Post Office Lane.

**REASON:**

Old Post Office Lane is of inadequate width and has a sub-standard junction with High Street to serve as an access to the proposed doctor's surgery.

8 - No permanent external lighting shall be erected on the site unless full details of its design, location and orientation and power have first been agreed in writing with the local planning authority.

**REASON:**

In the interests of visual amenity and to minimise unnecessary light spillage above and outside the development site.

**9 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the adopted Kennet Local Plan 2011 namely: Policies PD1, HH5 & TR17.

**10 - INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire Brigade and dated the 8th November 2004.

Item 9:

APPLICATION:	K/51332/F
PARISH:	SEEND
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of post and wire fence, new access from Rusty Lane and re-arrange existing access including gates, fence, surfacing, hedges and planting
SITE:	Land north of The Lye, Seend
GRID REF:	94477 61441
APPLICANT:	Mr J A MacDonald
DATE REGISTERED:	29th November 2004
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The application site forms part of two fields covering approximately 4.8 ha positioned in open countryside immediately to the north of the Seend Limits of Development and to the east of Rusty Lane. A public footpath (no. 6) passes across the fields.

For its length adjacent to the application site, Rusty Lane is a track providing access for farm vehicles to the application site and surrounding fields. The lane becomes a metalled road to the immediate south of the application site providing access from the High Street to local community buildings, sports pitches and houses adjacent to the site.

#### SITE HISTORY

The application site is subject to an Article 4 Direction which removes 'permitted development' rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

K/50900 – an application for two new vehicular accesses to the site and the construction of a fence across part of the field was withdrawn in November 2004.

#### DESCRIPTION OF DEVELOPMENT

This application is a re-submission of the scheme that was previously withdrawn (ref. K/50900). The proposal is to provide two new vehicular accesses to the site (replacing a single existing vehicular access which would be permanently closed), and to erect a fence across part of the field to form two smaller fields.

The new vehicular accesses would be positioned at each end of the frontage to Rusty Lane providing access to the two smaller fields formed by the fence. The access closest to the metalled part of Rusty Lane (the south access) would be 4m wide at the set back gate, this widening to 11m at the edge of Rusty Lane. The access furthest from the metalled part of Rusty Lane (the north access) would be 3.2m wide. The sides of the accesses would be fenced and planted with native hedge species.

The only change to the withdrawn scheme is the positioning of the new fence. This would now run east-west across the field, linking with the existing stile at Rusty Lane.

#### ADDITIONAL STATEMENT BY THE APPLICANT

In support the applicant states the following:

“As discussed, my proposal would not block off footpaths, would plant more hedges, including hawthorn, and would transfer the power lines away from the tennis court, subject to easements.”

#### PARISH COUNCIL COMMENTS

Seend Parish Council state that the development cannot be readily understood, the plans are inaccurate both in presentation and by significant omission. They reject the application for 5 reasons that are summarised below;

1. The re-alignment of the overhead lines away from the tennis courts appear to be a rationale for a new entrance to be created. The tennis courts have been there for some 20 years and the lines have never presented a problem. There is also space for them to be moved and still allow the pole to remain in Lye Field.
2. The plans are not properly scaled and might lead to false conclusions they also fail to show a normal sound farm gate access in the south eastern corner of the field which would provide more than adequate access.
3. The height differential between Rusty Lane and the field in question will lead to a 45 degree access.
4. The access is far from ideal for the cattle lorries and combine equipment stated and the entrance incline would be too steep for cattle.
5. Rusty Lane is unsuitable for the large vehicles proposed.

#### CONSULTATIONS

Wiltshire County Council (Rights of Way) – no objection as footpath 6 would not be obstructed.

Wiltshire County Highways (L Tilling)– no objection.

#### REPRESENTATIONS

One letter has been received from a local resident, which raises no objection, but states that the route of the public footpath should be detailed on the plans.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, AT22, NR6, NR7 are relevant to the determination of this proposal.

#### PLANNING OFFICERS COMMENTS

The main issues in this case are the impact of the proposal on the amenities of the countryside and highway safety (including use of the footpath).

Policy NR6 of the Local Plan generally resists development in the countryside unless, in particular, it is demonstrated to be of benefit to the rural economy or to the well-being of the rural community. Policy NR7 resists development which would have a significant adverse effect upon the landscape, in particular, distinctive features, views and visual amenity. Policy AT22 resists development which would affect a right of way unless the proposal allows for its maintenance or diversion.

The proposal in this case is in two parts – firstly to sub-divide a field by erecting a fence, and secondly to form new accesses from Rusty Lane to the newly created fields. The intended use of the newly created fields is horse grazing or agriculture, and this, as a matter of principle, is appropriate in the countryside and in accordance with Policy NR6.

The fences (post and wire and post and rail) and accesses themselves are typical in design and appearance to many others in the locality. The south access is larger in size than the existing access to be closed, but would not appear alien or out of place within the established rural scene. Fencing and new hedge planting would be provided to enable the accesses to blend in with the existing hedges in the vicinity of the sites, and the existing access to the field would be similarly blocked-up.

Regarding the public footpath, the County Council has confirmed that this would not be obstructed as a result of the proposal. With regard to the highway implications, it is considered that the number of vehicles likely to be generated by the proposal would be insignificant having regard to existing usage of the lane and fields. The highway authority has therefore raised no objections to the proposal.

The applicant's stated intended use of the fields is agriculture, equine, horse grazing and stabling. The equine and stabling uses are likely to require a separate planning permission, and these would be considered on their merits at such time as when applications are made.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 - Before any other operations are commenced, the approved vehicular accesses from the site to Rusty Lane and the associated fencing and surfacing shall be constructed in accordance with a specification to be first agreed in writing with the local planning authority, and the vehicular accesses shall thereafter be maintained as approved.

#### **REASON:**

In the interests of amenity and highway safety.

3 - Within 1 month of the date of the first use of either of the approved vehicular accesses or the completion of either of the approved vehicular accesses, whichever is the sooner, the existing gated access shall be permanently closed in accordance with the details set out in the application particulars.

#### **REASON:**

To accord with the terms of the application and maintain highway safety.

4 - All soft landscaping comprised in the details of landscaping set out in the application particulars shall be carried out in the first planting and seeding season following the first use of either of the approved vehicular accesses or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

#### **REASON:**

To ensure a satisfactory landscaped setting for the development.

5 - The gates to be erected at the new vehicular accesses hereby approved shall be designed to open inwards (that is, away from Rusty Lane) only.

**REASON:**

In the interests of highway safety.

**6 - INFORMATIVE TO APPLICANT:**

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way should not be blocked either during the construction phase or after completion of the development. To this end the applicant is required to complete the fence, and the means of passing through the fence on the footpath, as quickly as possible.

The specification for the means of passing through the fence on the footpath should be agreed with Wiltshire County Council Rights of Way Section (tel: 01225 713000) prior to discharge of condition no. 4.

**7 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, NR6, NR7 & AT22.



