

## **Regulatory Committee**

**19th May 2005**

### **Planning Services**

#### **List of Applications for Consideration**

**1 K/50771/F (page 8)**

Full Planning Permission for : Creation of golf resort hotel at Tottenham House; including the conversion of Tottenham House and stable block; the construction of additional suites in the kitchen garden and the formation of an 18 hole golf course to the south east of Tottenham House.

Tottenham House, Savernake, GREAT BEDWYN

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant Full Planning Permission, subject to prior completion of a legal agreement.

**2 K/50777/LBC (page 33)**

Listed Building Consent for : Creation of Golf Resort Hotel, including the conversion of Tottenham House and stable block.

Tottenham House, Savernake, GREAT BEDWYN

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant Listed Building Consent.

**3 K/52004/F (page 38)**

Full Planning Permission for : Demolition of existing garage building and forecourt and erection of seven dwellings

The Garage, High Street, UPAVON

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant Full Planning Permission.

**4 K/51650/CAC (page 49)**

Conservation Area Consent for : Demolition of existing garage

The Garage, High Street, UPAVON

RECOMMENDATION: Grant Conservation Area Consent

**5 K/51795/F (page 51)**

Full Planning Permission for : 38 sheltered apartments for the elderly (Cat II), House Managers accommodation, communal facilities, landscaping and car parking.

78 New Park Street, DEVIZES

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant Full Planning Permission

**6 K/51880/F (page 58)**

Full Planning Permission for : Erection of two detached villa style houses

Land adjacent to Hillworth Park, DEVIZES

RECOMMENDATION: Grant Full Planning Permission

**7 K/51574/F (page 64)**

Full Planning Permission for : Erection of three dwellings (amendment to previously consented scheme of development under K/46886)

Land to the rear of 10 White Street, MARKET LAVINGTON

RECOMMENDATION: Grant Full Planning Permission

8 K/51484/F (page 71)

Full Planning Permission for : Fifteen new dwellings and two B1 (office/light industrial) buildings

Bourne Works, High Street, COLLINGBOURNE DUCIS

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant Full Planning Permission

9 K/51807/F (page 83)

Full Planning Permission for : Use of existing stables as poultry vicerating area and cold store. Use of existing parking shed as commercial kitchen. Erection of polytunnel and chicken shed

Moonraker Farm, Bottlesford, NORTH NEWNTON

RECOMMENDATION: Grant Full Planning Permission

10 K/51688/F (page 87)

Full Planning Permission for : Two mobile chicken housing arks to house 4000 organic free range Columbian Blacktail chickens (soil association registered) to produce organic eggs

Land approx. 400m south of Lawn Farm, MILTON LILBOURNE

RECOMMENDATION: Grant Full Planning Permission

11 K/51885/F (page 93)

Full Planning Permission for : Erection of a detached dwelling

1 Norney Bridge, Mill Road, MARSTON

RECOMMENDATION: Grant Full Planning Permission

12 K/51936/F (page 97)

Full Planning Permission for : New dwelling and garage

Land to the rear of 95 Church Street, GREAT BEDWYN

RECOMMENDATION: Grant Full Planning Permission

13 K/51848/F (page 101)

Full Planning Permission for : Alterations to existing ground floor flat. Sub-division of first and second floor to form additional flat.

13 Tidworth Road, LUDGERSHALL

RECOMMENDATION: Grant Full Planning Permission

14 K/51993/F (page 103)

Full Planning Permission for : Two storey rear extension

46 Avon Road, DEVIZES

RECOMMENDATION: Grant Full Planning Permission

15 K/51785/F (page 106)

Full Planning Permission for : Part demolition and rebuilding of single storey extension to vicarage into new double garage. Conversion of existing stables into two bedroom dwelling.

The Old Vicarage, BISHOP'S CANNINGS

RECOMMENDATION: Grant Full Planning Permission

16 K/51863/F (page 115)

Full Planning Permission for : Two storey side extension

10 Raffin Lane, PEWSEY

RECOMMENDATION: Grant Full Planning Permission

17 K/51839/F (page 118)

Full Planning Permission for : Change of use from ancillary accommodation to self contained dwelling

The Annexe, Fernbank, Honeystreet, ALTON

RECOMMENDATION: Grant Full Planning Permission

18 K/51761/F (page 121)

Full Planning Permission for : Retention of alterations to outbuilding and use as residential annex.

11 Ball Road, PEWSEY

RECOMMENDATION: Grant Full Planning Permission

19 K/51890/F (page 124)

Full Planning Permission for : Proposed re-opening of old access

The Swallows, Trowbridge Road, SEEND

RECOMMENDATION: Grant Full Planning Permission

20 K/51861/F (page 126)

Full Planning Permission for : Single storey side extension; side porch canopy. Felling of conifer tree and reduction in height of Leylandii hedge. Re-surfacing of driveway/access

Moles End, WOOTON RIVERS

RECOMMENDATION: Grant Full Planning Permission

21 K/51646/F (page 129)

Full Planning Permission for : Retention of extension to outbuildings

128, St Ediths Marsh, BROMHAM

RECOMMENDATION: Grant Retrospective Planning Permission

22 K/51949/F (page 132)

Full Planning Permission for : Change of use of land from agriculture to domestic curtilage; retention of buildings, swimming pool and BBQ area for domestic use

Bolstridge Farm, Hilldrop Lane, RAMSBURY

RECOMMENDATION: Grant Retrospective Planning Permission

23 K/51975/F (page 135)

Full Planning Permission for : Retrospective consent for erection of steel framed, fabric covered awning to protect existing external sales area to rear yard of hardware and garden retail premises

Roses, The Green, DEVIZES

RECOMMENDATION: Grant Temporary Planning Permission

24 K/51999/R4 (page 138)

Kennet DC Reg 4 for : The erection of a single detached dwelling

Land at Kelham Gardens, MARLBOROUGH

RECOMMENDATION: Grant Full Planning Permission

25 K/51850/F (page 141)

Full Planning Permission for : 4 bedroom, 3-storey house

Land adjacent 88 Hillworth Road, DEVIZES

RECOMMENDATION: Grant Full Planning Permission

## Item 1

APPLICATION:	K/50771/F
PARISH:	GREAT BEDWYN
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Creation of golf resort hotel at Tottenham House; including the conversion of Tottenham House and stable block; the construction of additional suites in the kitchen garden and the formation of an 18 hole golf course to the south east of Tottenham House.
SITE:	Tottenham House, Savernake
GRID REF:	25032 63937
APPLICANT:	Golf Club Investment Holdings Plc
DATE REGISTERED:	31st August 2004
CASE OFFICER:	Mrs C Coombs

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### SITE & LOCATION

Tottenham House is a Grade 1 listed former stately mansion located within the Savernake Forest. The house and its associated Grade II\* listed former stable block are set within a Grade II\* registered park and garden. Both the house and stable block are on English Heritage's 'Buildings at Risk' Register.

Records indicate that there have been a number of private residences on the site of Tottenham. The current house evolved from the brick built Burlington House, which was completed in 1739. Work began during the 1820's to enlarge the Burlington House and to re-clad the existing brick façade with stone. The enlargement was completed in 1873.

Much of the parkland of the estate was formed during the 15<sup>th</sup> – 17<sup>th</sup> centuries. From the 1660's onwards many of the rides such as Column Ride and London Ride were formed. In 1763 Capability Brown was called upon to work on the parkland and pleasy grounds. He restructured and finalised the parkland setting of the house, moved the kitchen garden to its current location and created a number of vistas.

During the 20<sup>th</sup> Century the use of Tottenham House has resulted in a series of major changes that have had a dramatic impact on its state of preservation, namely:

- The formal gardens which were laid out in the 19<sup>th</sup> Century were removed;
- The House was taken over by the armed forces during the Second World War and much of the surrounding parkland was converted to arable use;
- The use of the house as a private residence ceased and was used as a public school from the mid 20<sup>th</sup> Century until the 1990s and more recently as a residential institution for disadvantaged young people;
- The condition of the house and stable block has significantly deteriorated. The glass within the conservatory that was blown out during the war was not replaced. The conservatory has fallen into dereliction.
- The kitchen garden became disused for its former use and all vestiges of its planting regime have been lost.

The main house, stable building and parkland are now in a very poor condition and for the first time in many years, face being unoccupied.

## PLANNING HISTORY

The following applications are of relevance:

- K/32411: Renewal of planning permission for the conversion of the stable block to 10 dwellings. Planning permission granted 20 February 1996.
- K/16841: Conversion of stable block into 10 dwellings. Planning permission granted 9 October 1990

## DESCRIPTION OF DEVELOPMENT

The application proposes the re-use of Tottenham House and its immediate surroundings as an international standard five star golf resort hotel. The hotel will provide a total of 148 guest suites (276 double bedrooms). The development briefly comprises of:

### Main House

The main house will accommodate the general reception facilities, a grand restaurant, guest lounges and bars. 18 suites will be created within the upper storeys. The house will also accommodate many of the back of house administration and service facilities.

The derelict cast iron conservatory together with the orangery and winter garden will be renovated and converted to use into function rooms and golfers 'spike' bar. The lower ground storey will accommodate a golf club suite with changing, welfare and golf pro facilities.

### Stable Block

It is proposed to convert this building to a health and beauty suite. Any surplus floorspace will be used for multipurpose activity in connection with scheduled events at the hotel.

### Conference Facility

It is proposed to infill the former service yard to create a conference facility. The roof over this yard area will be kept below the height of the existing screen face wall façade. The conference facility will be linked to the pleasury garden via a new terrace by a conservatory like function room. A hotel service yard is proposed to the rear of the conference suite and linked to the lower ground floor storey of the main building by service tunnels.

### Kitchen Garden

The kitchen garden extends to an area of approximately 1.9 hectares and is enclosed by a brick wall. This area will be intensively re-developed to provide 128 guest suites housed in a series of 7 three storey buildings. Each of these buildings will have a pitched roof and the ridge height of these buildings will sit at least 2 metres below the ridge height of the stable block. The buildings will in part be dug into the site and therefore generally only 2 storeys of the building will be seen above the existing ground level where it abuts the boundary wall. The blocks are arranged around a central plaza with an indoor swimming pool. The development sits entirely within the confines of the boundary wall.

It should be noted that the plans submitted for the kitchen garden buildings are intended only to provide details of the general form and mass of the buildings proposed rather than the detailed external appearance of the buildings. The overriding design principle is that the buildings will not be visible outside the woodland in which the kitchen garden is located.

Guests will have the use of self drive or chauffeur driven enclosed 'buggies' to take them from the kitchen garden to the various facilities of the hotel.

#### Additional accommodation

A further 2 units of accommodation will be provided between the stable block and the kitchen garden, replacing an existing derelict lean-to.

#### Golf Course

It is proposed to create an 18 hole irrigated golf course of PGA International Standard on 79 hectares of parkland located in the south eastern part of the development area. This land has been used for arable crops for a considerable time and therefore only fragments of the former parkland planting remain. The golf course is effectively divided into 2 parts due to a ridge running half way along the course. The first half is particularly visible from the main house and golf features in this area will be less intensive and lower key. Over the ridge, new features such as a lake are proposed.

Overhead power lines that cross the golf course area are to be diverted or re-routed underground.

#### Re-use of agricultural buildings as green keeper's complex

This site is located over the ridge, centrally within the golf course. It is proposed to utilise this existing area for the green keeper's complex. The current barn, which provides 566 square metres of floorspace, will be used for a green keepers office, staff changing and welfare facilities as well as storage and equipment maintenance facilities. A limited area of hardstanding will be provided around the building to park limited vehicles and equipment. The complex will be accessed via the existing track to the south east. Only the top of the roof can be seen from the main house.

#### Golf Pavilion

It is proposed to erect a single storey log cabin within the south woodland close to the car park for use as a golf pavilion. The building is 186 square metres in area mounted on a timber deck and houses a changing area, starters office, classroom, lavatories and a bar/ lounge.

#### Creation of 3 car parks

It is proposed to create 3 car parks providing approximately 379 spaces that will be integrated into existing areas of woodland. Car park 1 is located to the west of the kitchen garden, Car Park 2 to the south of the main house and Car Park 3 to the south east of the main house. The car parks will be laid out to minimise tree loss and they will be surfaced in gravel like dressing to allow the permeation of rainwater into the ground.

#### Landscaping

The development provides for significant restoration and landscaping works over the site including the restoration of the pleasury, Italian garden and menagerie.

#### Alterations to entrances

All guests that arrive or depart by road will use the existing main driveway. The entrance off the Savernake Road will be widened and a low stone wall will be constructed in a semi circle, set back from the road, centred on the entrance. A discreet illuminated name board will be affixed to the face of this wall.

It is proposed to widen the main driveway by 1 metre to allow for the passing of cars. The existing black tarmac surfacing will be resurfaced with an aggregate topping. No lighting will be installed along the length of the driveway.

Service vehicles and staff arriving or departing by road will use a second existing access. This access is known as the Little Avenue and has been chosen because it is better located relative to the junction of the Grand Avenue and Savernake Road and has less historical associations. Except where it is close to the junction with Savernake Road, it will be a single driveway of approximately 3.5 metres in width suitable for use by commercial vehicles. A new gated entrance into the service drive will be formed set back from the road with an illuminated signboard at the entrance.

#### Service Plant area

It is proposed to locate a service plant area in a glade in the woodland to the north of the boundary wall of the former kitchen garden. This yard will comprise a waste water treatment plant, a compound for oil and fuel storage tanks, a compound for air cooled condensers and any other additional equipment.

#### Off site highway works

Junction improvements are proposed at the following off site locations:

- Burbage Wharf  
The road improvements provide for a slight widening of the road junction.
- Savernake Forest Hotel.  
The road improvements involve the widening of the junction just to the south of the hotel, new road markings and signage and the cutting back of vegetation.
- Savernake Road/ Great Bedwyn Road  
The road improvements provide for the cutting back of vegetation to improve visibility.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has provided considerable background information in support of the application. This is available for inspection on the file. Supporting documentation includes:

- Environmental statement
- Bat survey
- Historical landscape survey
- Tree survey of car park areas
- Project design report for archaeological evaluation
- Transport assessment & technical note
- Project description for the golf course
- Listed building statement
- A statement covering the condition of the existing buildings
- Photographic analysis
- A documentary history of the house and stable block

#### AMENDED PLANS

The application has been subject to a number of amendments since it was originally lodged. These amendments have covered matters of detail such as changes to the internal layout of the main house and stable block. Other changes include amendments to the car parks and golf pavilion, the omission of the conservatory from stable block and changes to the elevation of the conference facility pre function room.

## PARISH COUNCIL COMMENTS

The site lies within Great Bedwyn parish. Given the potential cross boundary impacts of this scheme, Marlborough Town Council, Savernake Parish Council, Burbage Parish Council, Little Bedwyn Parish Council and Grafton Parish Council have all been consulted.

### Great Bedwyn Parish Council

The parish council comment that they have given the application considerable attention as it amounts to the biggest project in the area for several decades. They welcome the refurbishment of the house itself but see little benefit arising to the local community. The parish council would prefer to see the house restored and used as a private dwelling. The question remains as to whether the current owner has considered the sale of the property for such a purpose.

In particular, Great Bedwyn Parish Council expresses the following concerns:

- Traffic

The council is concerned about increased traffic during construction and thereafter on the narrow roads around and leading to the site. They comment that almost all of these roads are narrow and twisting. In particular, the road from Gt. Bedwyn to Marlborough via the A4 is dangerous at the Gt. Bedwyn end, from the turn to Bewley Farm to the forestry cottages. The proposed access to the site from the A4 to St Katherine's is narrow with poor sight lines.

The parish comment that in respect of the proposed off site highway works they are concerned that adequate road markings should be in place to indicate a definite halt so that lorries do not emerge onto the narrow Bedwyn – Marlborough Road at speed.

The parish request that the designated route for construction vehicles avoids Durley and Great Bedwyn and that any road improvements required by WCC are carried out prior to work starting. Following construction, the designated route for supply vehicles should also avoid these areas.

The parish comment that the staffing strategy is based on collecting staff from various pick up points, including Bedwyn Station. The Parish are concerned that this will result in additional traffic to and from the station and further car parking in the village. The existing parking is already problematic.

- Water supply

Until a written assurance has been provided from the designated water supplier, the parish council continue to have strong concerns over this issue. The council seek assurance that the resort will not affect the water supply to Great Bedwyn and adjacent areas. They request that a condition be imposed to restrict the drawing of water from the Great Bedwyn supply.

- Reservoir

The site for the proposed reservoir remains unclear. The parish council request that this information be provided before any permission is granted.

- Staff strategy

It is understood that this is the concern of the developer but where it affects the local community it should be an issue examined by the local planning authority. The parish are concerned that the ratio of staff to guests is low compared to other similar



quality establishments. The lack of accommodation for staff on site appears unrealistic and the staffing strategy appears defective. It is unlikely that more than a few employees will be found from within the local area and it is likely that migrant staff will have to be transported in to the site from outside the area. The application does not specify where staff will be sourced from or where they will be housed. The parish request that this information be provided and a formal undertaking be included to prevent the submission of a subsequent application for staff accommodation.

- Special Events

The parish are concerned that large scale events such as a PGA tournament may be carried out with consequent mass disruption to the area. It is requested that restrictions be put in place to exclude such events.

- Ownership

The parish request that conditions be imposed to ensure that any part or sub investors will be bound by the principal agreement and will not have any separate rights in the event that the scheme fails.

- Public access

The parish would like confirmation that existing public access into the site in general and including Haw Wood and Langfield Copse will remain.

- Environment

The parish comment that they are concerned about the impact of the development upon the natural environment of the AONB. The proposal may cause a creeping threat to the character of a major masterpiece of C18th landscape design and to local wildlife.

#### Savernake Parish Council

The parish council are pleased that this proposal will renovate the house and stable block. They comment that they have no objection to the creation of a golf resort hotel and welcome Tottenham House as new hotel accommodation with leisure and sporting facilities.

It is essential that the resort can generate sufficient money in time to pay back the cost of renovating the listed buildings. This will require far more accommodation that can be provided in the existing buildings. The parish are delighted that the proposal is to build the additional accommodation within the kitchen garden where they will be screened by the high walls and surrounding trees and not by extending the main house.

The parish council comment that they are pleased that the potential problem of water supply can be overcome and that the suggested off site road improvement works should cater with the increase in traffic. They agree with the revised technical notes produced by Mott MacDonald.

The proposed 196 staff could address the need for employment for part time work particularly for women as identified in the Marlborough Area Community Plan. Redundant agricultural workers could be trained to work on the golf course. The pick up service envisaged by the developers will be helpful to young people wanting employment and they appreciate that staff will have to be bussed in from Swindon and surrounding towns.

The one remaining concern of Savernake Parish Council is that the green travel plan should be implemented in such a way that it is not detrimental to the needs of the people living in our villages and scattered rural locations who wish to work at the hotel.

#### Grafton Parish Council

The parish council are concerned about the proposal for the following reasons:

- Water availability and extraction concerns during periods of drought;
- Increased traffic on local roads during construction and completion;
- Inadequacy of roads leading to the site;
- Possible further development of staff accommodation;
- The effect of any large golf tournaments with considerable numbers of visitors on the environment.

#### Burbage Parish Council

No objections

#### Marlborough Town Council

No objections. The council continues to welcome the application as it provides the opportunity to renovate both the exterior and interior of this magnificent Grade I listed building, which is on the 'at risk' register. The Council welcomes the job and economical benefits that it will bring to the local area.

#### CONSULTATIONS

A number of very detailed submissions have been made from the various consultees and some of the responses relate to the details contained within the application for listed building consent and some responses overlap both applications. These are available on the file for inspection. The following summarises all the current standing of the various parties.

#### English Heritage – Historic Buildings Inspector

English Heritage considers that there are a number of significant concerns, which have not been adequately addressed. They comment that the application is lacking in detail and falls short of the level of information that is required by government guidance.

English Heritage identify the following areas of concern:

- The removal of the flue stack in the room beneath the central stair hall. This together with the adjacent cellar with its stone shelves should be retained in situ. They are in a good state of repair and sit in a part of the basement that has no natural daylight.
- Concerns raised over the access ramp from the basement to the garden level. The proposed ramp extends further to the south than the main façade of the house and will compromise its symmetry. It is suggested that this ramp be omitted from the drawings and it may then be dealt with by condition.
- Further details will be required for the new floor slab in the conservatory and winter garden. This can be conditioned.

- Concerned that the roof of the conference centre will truncate the pediment of the gateway. It is suggested that a more satisfactory solution should be sought.
- Concerns over the roof of the loading bay and this could be rather dominant.
- The proposal involves moving historic walls to create new walk in wardrobes. This is not acceptable and free standing wardrobes could be less intrusively installed. A number of rooms appear to be losing their fireplaces. These are significant internal features and should be retained in situ. It may be possible to carefully and reversibly cover them if they are in inconvenient locations.
- The infilling of the light wells to house the lifts with solid floors will create unsympathetic spaces devoid of any natural light. This will do little to enhance the character of the listed building and will deprive the Burlington Room, the only high status Burlington interior extant in the house of any natural light.
- The applicant's have agreed to look at the repair of windows on a like for like basis. However, the installation of sealed unit double glazing is unacceptable. Secondary double glazing may be acceptable in some locations subject to the appearance, impact upon internal window linings, shutters etc.
- No justification has been provided for the removal of the stable block floor.

#### English Heritage – Historic Gardens Panel

English Heritage support the restoration and re-use of the buildings at the site, which will provide a viable future for them. However they comment that there are aspects to this proposal over which they remain concerned and these are outlined below:

- Business plan

This needs to be independently assessed to ensure that the proposals do not represent an over development of the site.

- Restoration of the park

While English Heritage welcome the use of historic map overlays to guide the replanting of parkland trees, the scale of the maps seen to date is insufficient to position the trees accurately. It is recommended that the maps are used with a scale of at least 1:1000 supplemented by field observation – such as the spacing of surviving avenue trees. Archaeological Field Evaluation could be attempted to try to identify the location of tree pits. It is recommended that further detail be supplied and this is a condition of any consent.

- Removal of the swimming pool

This should be made a condition of planning permission.

- Service Plant

It is recognised that an area for service plant will be necessary. EH do not agree that it should be located on the axis of the Grand Avenue. Reference to the 1786 estate plan shows that the site straddles the Grand Avenue. The Grand Avenue is reputedly the longest avenue in the UK and is a major component of the landscape. Even though its southern end has been foreshortened, the line of the avenue continues

across the park as a vista. This important feature should not be compromised by building a service plant area over it.

- Landscape Management Plan

EH has a continuing concern over the lack of detail about the proposals. We have not seen a detailed planting plan for Capability Brown's pleasury. A 10 year management plan should be required as a condition of consent. It is suggested that the council's landscape officer evaluate this plan.

#### Garden History Society

The Garden History Society object to the proposed development for the following reasons:

- Golf course

Although the site of the proposed golf course to the east of Tottenham House is currently in agricultural use and much of the original planting has been lost, it still maintains the essential feeling of being part of a designed landscape. There should be a presumption against golf courses within historic settings particularly those as important as Tottenham. Golf courses have a completely different visual character to C18th parkland landscapes. The society has concerns about the proposal for the large lake and the historic accuracy of the proposed replanting scheme. The golf course is an unsympathetic use, inappropriate to the landscape and will result in serious damage to the historic and visual character of the parkland. It is suggested that the Council negotiate a revised location for the golf course outside the registered area.

- Kitchen Garden

The kitchen garden is considered as an important part of the historic landscape as the pleasury or the park. The society considers that the proposal to build 148 suites and the swimming pool in this area is detrimental to the appearance of the historic landscape. Consideration should be given to the density and design of development in this area.

- The service / plant units

Concerned about the proposal to build the service/ plant units across the grand avenue north of the menagerie wood. This will alter the designed landscape to an unacceptable extent. This element should be reconsidered.

- The club house

Concerned about the effect of the proposed club house upon the designed landscape and should be reconsidered.

- The car parks

Concerned that the proposed car parks will dominate the landscape. Car parks of this size cannot be assimilated into the historic landscape and they will seriously erode its character and appearance. If the Council is minded to approve the application, further consideration should be given to the number of spaces required and the design of these areas.

- The drive

The proposal to widen the axial driveway to the main house by 1 metre will result in an unacceptable change to the scale of the drive, harming the historic and visual character of the approach to Tottenham House. Consideration should be given to a 1 way system so that the drive can be maintained at its current width.

The society comments that this development is contrary to planning policy. The only possible justification for it is that it enables the heritage asset to be retained. The amount of development proposed should be demonstrated to be the minimum necessary to secure the future of Tottenham House and the conservation benefits. The society has not seen the financial calculations nor does it have the resources to comment on such information. The local planning authority should scrutinise such calculations carefully to establish the justification for the proposal.

The developer should be required to enter into a section 106 legal agreement to implement the conservation gains (which should be clearly set out in a schedule) linked to the stages of development within a specified time scale. It is suggested that these works are substantially completed before the hotel is first brought into use.

#### The Georgian Group

The Georgian Group welcomes the various revisions that have been made to the application. These revisions have overcome the majority of their original concerns relating to the conversion of the stable block and adaptation of the main house. The Group still has outstanding concerns, which are primarily related to the removal and upgrading of historic fabric. The proposals must be supported with further information up front or as a condition of planning consent.

The areas of outstanding concern are:

- Stable Block – object to the proposed planting beds in the stable courtyard.
- Kitchen Garden – consider that the level of development proposed is detrimental to the historic landscape and character as a whole;
- Park – the group are concerned about the visibility of the golf course within the landscape, the widening of the drive and the impact of the proposed club house.
- Main House – concerned about the proposals for the ramps and stairs to access the basement.
- Main House – concerned about the insertion of suspended ceilings within corridors accessing the main rooms of the ground and first floors.
- A detailed repair schedule and method statements for the treatment of the interiors should be made available at this stage.
- Any grant of consent should be tied by a S106 agreement to ensure a strict timetable for the restoration and conservation works and ensure that a limit is set on further development.

#### Ancient Monuments Society

Share the reservations outlined by the Georgian Group and Garden History Society. AMS express particular concern with regards to the amount of development proposed within the kitchen garden. It is recommended that the local planning authority seek to secure the improvements suggested by the Georgian Group and the Garden History Society.

#### Wiltshire Historic Buildings Trust

No comment.

#### The Countryside Agency

The agency is disappointed with the information that has been provided by the applicant and its potential impact on the AONB. In order to protect and enhance the AONB, the following factors should be addressed:

- The views of the North Wessex Downs AONB team should be sought;
- The Landscape Character Assessment of the AONB should be used to inform any development within the AONB. Reference should be made to the relevant character area.
- The agency welcomes the production of a Travel plan and considers that this plan should be strictly enforced. The practicality of a staff coach needs to be examined. Any increase in traffic on rural roads could prove detrimental to the key aims of the AONB designation.
- Rural roads are a key part of the rural landscape and tend to be simple in character. This character can easily be eroded by 'urbanisation'. The council should ensure that any road improvements, entrances and signage be consistent with the character of the area.
- The traffic assessment refers to pedestrians and cyclists being unaffected by the proposals. No mention is made of equestrians and further information should be sought on the potential effects.
- The agency has concerns over the frequency of use of the proposed helipad. This is anticipated to be one or two movements per week. This will have an effect on the tranquillity of the AONB. Should the golf course host a tournament or event in the future, helipad use could increase having an impact upon properties in the area and the AONB. Further clarification should be sought.
- Wherever possible, the Agency looks for opportunity to increase public access to and enjoyment of the countryside. Such opportunities should be pursued with the applicant.

#### Wiltshire County Council Highways Authority

The county council recommend that the application be refused for the following reason:

Byway 15 is crossed by hole 4 and is close to hole 7. The proposed golf course would therefore lead to danger to users of the byway.

The highway authority comment that if the Council is minded to grant planning permission, then the following highway requirements should be taken into account:

#### Section 106 Agreement

A section 106 Agreement will be required to cover the following:

- A travel plan for the construction phase
- A travel plan for the post construction phase
- A construction lorry traffic routeing plan with agreed routes made binding upon contractors and sub contractors
- Measures to prevent mud and soil being carried onto the public highway
- Highway condition surveys pre and post construction with the full repair of any damage to the highway routes leading to the site caused by construction traffic
- The off site highway improvement works

#### Conditions

Highway conditions will be required to cover the following:

- The widening of the drive
- The provision of visibility splays at each of the two entrances
- The construction of the service drive

- The closure of the entrance opposite the Grand Avenue
- All gates at the accesses to be inward opening
- The provision of the vehicle parking and turning areas prior to the first use of the development
- The provision of cycling facilities

#### Wiltshire County Council - Archaeology

The development area is of high archaeological interest and the environmental statement has detailed the known archaeological features and finds. There is a high likelihood that there are hitherto unrecorded archaeological remains existing on the site.

The proposal will have a detrimental archaeological impact. In addition to the fairways, bunkers, tees and greens being created, the entire site will be stripped of topsoil prior to construction. This work will destroy any fragile archaeological deposits and disturb upper layers of any deeper features.

In order for the impact of the development to be determined, it will be necessary for the applicant to undertake an archaeological field evaluation prior to the application being determined. This evaluation will involve the excavation of 158 trial trenches in various locations around the site.

#### Wiltshire County Council (Planning)

No objections to the principle of the development proposed subject to the necessary levels of information regarding ecological, landscape, arboricultural assessment and mitigation being in place.

#### Thames Water

Thames Water has carried out a modelling exercise, which has shown that there is insufficient capacity within the locality to supply the development. Thames has identified a robust and sustainable water solution for the development. This will not affect their ability to supply existing customers and to maintain capacity for future growth in the area.

The solution identified will involve extending the main distribution system at the cost of the developer, to enable the transfer of water from the Newbury area. Thames is also investigating other supply options that may offer improved cost effectiveness without detriment to the environment or existing customers.

The Newbury solution and any other solution that we may consider viable will have no adverse affect on the Kennet catchment as all abstraction will be within the limitation of their current abstraction licences.

#### English Nature

In general English Nature welcome the habitat creation aspects of this development such as new ponds, wetlands and herb rich rough grasslands. These have the potential to implemented sympathetically into the landscape and will further targets of the Wiltshire Biodiversity Action Plan. It is important that the creation of these habitats is made a condition of the planning permission.

It is encouraging that protected species have been considered as part of the scheme. However, further detail will be required before planning permission can be issued.

- Bats

Several roosts of bats will be destroyed by the proposed development. It will be necessary to provide details for an alternative undisturbed bat building prior to the grant of planning permission. Should this information be submitted and considered acceptable, conditions will have to be imposed to require the alternative bat building to be constructed prior to work commencing on the stable block. Work on the stable block shall be carried out between November and February, during the hibernation season.

- Badgers

A licence is required for any major works within 30m of a badger sett and for the closure of any outlying setts.

- Great Crested Newts

The proposals will not adversely affect any resident newt population. The creation of the golf course with new ponds, areas of rough grassland and scrub will suit newts. English Nature would encourage work to remove the heavy shading especially on the southern aspect of these ponds and to sort out the foul water problems.

- Barn Owls

Well used roosts and a possible breeding site will be destroyed in the stable block and clock tower. Details should be provided to show the location and design of at least 3 nesting boxes at suitable locations for each roost that is to be destroyed. These boxes shall be installed before the work on the stable block commences and timed to avoid potential nesting activity (Mar-August).

#### Environment Agency

The Environment Agency is generally satisfied with the detail provided but has one remaining concern relating to Car Park 1. The agency is concerned about the closeness of this car park to a pond due to its potential to accommodate Great Crested Newts and request that 5 car parking spaces are removed which are directly south of the pond and closest to it. They also request that the track and parking areas are kept between 8 –10 metres from the pond.

If this can be addressed then the agency recommend that various conditions be attached, these will cover the need to submit further details in respect of foul and surface water drainage, a construction working plan and details of any oil storage areas prior to the commencement of work.

#### Wiltshire Fire Brigade

No objections – comment that the scale of the project and the complex approach to fire safety will necessitate the need for joint consultation with the building regulations authority, the applicant and the fire authority.

#### Wiltshire Archaeological and Natural History Society

Tottenham House and Park have been run down for a considerable time and they would be pleased to see their restoration even if some compromises have to be made in order to achieve this goal. They welcome the renovation of the main house but understand that English Heritage has asked for further consideration of detail. WANHS support English Heritage in its efforts to reach a satisfactory agreement.

WANHS regret the amount of new build that is proposed in the kitchen garden but note that this will not be visible from the main house. They support English Heritage



in their attempt to achieve the best possible outcome here and in the stable block. It is hoped that the reduction in tree cover during the winter will be taken into account in considering the height of the new buildings. Extensive areas of glass could be visually intrusive in long and short views.

There are concerns about the golf course. It is understood that any bunkers will be faced away from the building so that the effect, in views from the house, is of grassland. Any new planting should be designed to restore original features rather than to create new ones that are alien to the intentions of Capability Brown and the other early landscape designers at Tottenham.

There are concerns about the potential for unknown archaeological remains across the parkland. The council should ensure that the concerns of the county archaeological officer are met before determining the application.

## REPRESENTATIONS

A number of very detailed representations have been made, particularly from CPRE. These are available on the file for inspection. The representations received to date are summarised for the purposes of this report.

### CPRE

Object to the proposed development and consider it conflicts with both national and local planning policies. They consider that the development will impact unacceptably on the Marlborough Community Area and on Kennet in general. Though the restoration of the house is welcomed, it is considered that the development will have an adverse impact upon this tranquil part of the AONB and will place an unsustainable burden on the local environment. CPRE raise the following concerns to the scheme:

- Kitchen Garden

The design of the proposed kitchen garden units and the arrangement of these is concerning. It is questionable whether the design put forward would attract guests expecting 5 star accommodation. Concerned that this will affect the viability of the hotel.

Question the use of buggies to provide transport from the kitchen garden to the hotel facilities.

No detail is given on energy efficiency proposals for this part of the development.

- Landscape Impact

CPRE comment that the golf course will change the landscape character of the area but the negative impact will not be significant.

- Water

Exact details are needed at this stage on the proposals for water supply. Details are required of the supplier, the source, the new infrastructure proposed (including pipelines, pumping stations and route), quantities and arrangements for emergency supplies during drought periods. Unless this information is made available, the local planning authority should not determine the application or refuse it.

The local planning authority will need this information to assess what the impact of the water proposal will be in the Kennet area and beyond. The cost of creating this infrastructure should fall to the developer rather than existing customers.

The proposal to create a reservoir near to the site is material to this planning application and should be considered at the same time as the main application. For a reservoir application to be held back until after the main application was approved would be tantamount to giving approval of the reservoir by default.

- Staffing and housing

Concerned that the development is not sustainable because no provision is made for staff accommodation. It is unlikely that jobs will be filled from within the Marlborough Community Area. Concerns are raised over the potential pressure that an influx of staff/ construction workers will have on the local housing market/ availability of affordable homes.

The scale of the impact upon the local housing market will depend on the amount of staff employed at the site. The staffing figures quoted by the applicant are below industry standards. Further explanation should be obtained into these calculations. Details should be gained on how construction staff are to be housed.

- Transport

No travel plan has been submitted with the application and this is a serious omission as it is a material consideration to take into account when determining the proposal.

The proposals for staff transportation are implausible. To stop staff using their own vehicles will be impossible. Parking of those cars will exacerbate congestion at sites such as Great Bedwyn Station.

Costs of travel for staff coming from further a field will be prohibitive to staff on hotel wages. The business plan should be examined carefully to seek evidence for funding for long distance travel and the feasibility of this approach.

- Roads and traffic

The development will create a substantial increase in traffic on the roads around the site. This increase will be a hazard because of the narrowness of the roads and the poor visibility at some junctions. The increase in traffic will adversely affect the tranquil character of the AONB.

- Impact on the AONB

As a signatory to the AONB Management Plan, the Local Planning Authority should uphold the objectives of the Plan, which relate to tranquillity, sense of remoteness and reduction of traffic.

- Economic benefits

The development will bring little economic benefit to the area. The jobs are unlikely to be filled locally. There may be some indirect economic benefit but this will not be significant.

- Securing any benefits

If this application is approved, it is essential that the historic benefits of the scheme be delivered before the commercial element is implemented or used. Conditions or obligations should be used and the scheme should be regulated by phasing conditions to ensure the scheme is carried out to a certain standard and detail.

### Action for the River Kennet (ARK)

Object to the proposal due to the lack of detail provided regarding the water supply. ARK seeks an unequivocal assurance from the water supplier that the development will not come from within the Kennet catchment. Information should also be provided as to the intended method of transporting any water to the site.

ARK is concerned that the River Kennet is already over extracted and the proposal intends to use substantial quantities of water which would otherwise enter the Kennet catchment area via aquifers.

### Devizes & Marlborough Friends of the Earth

FoE object to the development proposed and make the following comments:

- Water supply

The golf course and hotel will require substantial volumes of water. The proposals to bring in water from outside the area simply to serve a leisure facility are unacceptable. Unless a development has sufficient positive beneficial side effects for the community, it should not be allowed.

- Kitchen garden

The restoration of the fabric of Tottenham House is welcomed. Any development should be limited to that within the main buildings and outbuildings. Such excessive new build cannot be seen as complementary to the existing property and the new development will compete with the existing building and spoil its setting and surrounding area.

Visitors may be disappointed with the accommodation available in the kitchen garden and this could threaten the success of the scheme.

- Traffic

No travel plan is provided with the application. The development will increase traffic in the area and the local roads are not of a standard to accommodate such an increase. Bussing in visitors is unlikely to be acceptable. The FoE has strong concerns over the use of golf buggy transport between the kitchen garden and the main house.

- Staffing & housing

The projected figures for staffing are low compared to other similar establishments. Staff will have to be brought in from outside the area and this would require providing transportation over very long distances. This is impracticable and unacceptable.

- Impact on the local economy

Golf visitors are not noted for their use of local shops or visits to sites of interest. A large foreign conglomerate is unlikely to source provisions locally. The development will bring little money and benefit to the local economy.

The need for golf provision in the Kennet Local Plan 2011 is for pay and play and not further elitist facilities.

### Local residents

Representations have been received from 8 households and their representatives. Again, many of the submissions made are very detailed and are available on the file for inspection. Their concerns are summarised below:

- Water

The issue of water supply remains to be resolved and is a critical issue before the determination of the planning application. Provision needs to be made for the disposal of grey and waste water.

- Sustainability

Concerns raised that the project is unsustainable and has little chance of success. It is unlikely that staff will be found within the locality and concerns are raised over where these staff will be housed. This will have an impact upon the local housing market and the availability of affordable homes. The application should be refused and considered by a public enquiry. Any application that fails to make provision for staff accommodation on a site in the middle of the countryside is unsustainable and any appeal would uphold this position.

Queries raised over the numbers of staff proposed and whether this is sufficient to serve a five star hotel.

Finances for the proposal are unlikely to stack up. The council needs more financial and marketing information in order to reach a decision.

Plans should provide for the use of solar or photovoltaic panels to provide renewable energy for the project.

- Kitchen Garden

Comments made that the development in the kitchen garden is excessive. The kitchen garden buildings are crammed into the space and the lower ground floor rooms have views of the garden wall and the upstairs rooms of either the woodland or internal courtyard. This and the internal layout of the rooms will not meet the expectations of 5 star paying guests.

The rooms in the kitchen garden are some distance from the hotel reception. This is not practical.

- Traffic

Concerns are raised that the development will significantly increase traffic in the area and the local roads are not adequate to cope with this increase.

The road to the south past the old railway hotel to the Burbage bypass is not wide enough in all places to allow for two HGV vehicles to pass.

The route through Durley is narrow and dangerous.

It is anticipated that most traffic will take the northern route to and from the hotel. This joins the Great Bedwyn Road to the A4. The junction opposite the Park Farm road is on a blind corner and dangerous. The Great Bedwyn road dips steeply just before the A4 and can be dangerous to unfamiliar drivers.

Westerly traffic will take the slip road towards Marlborough. This is difficult to turn into the A4 being on an angle and on a fast moving road. It is not adequate for the increased volumes of traffic. Knowle Hill is steep, narrow and dangerous.

The main access to the site has traditionally been the Grand Avenue. This should be used as the access to the site with a roundabout installed where this road meets the Savernake road.

Staffing levels and membership of the golf club should be controlled in order to restrict likely travel movements. A figure of 300 members is suggested.

Tournaments should be either restricted or limited in number by condition.

Questions raised over the anticipated traffic movement figures given in the transport assessment.

The off site highway works will affect the rural character of the area.

The proposed road improvements will not address the problems encountered due to the bottleneck in Durley Village and at the redundant railway bridge.

Routing of all traffic should be controlled. Traffic should be directed to the 'northern route' and avoid the need to pass through Durley. This requirement should be built into a section 106 agreement. Such an agreement would better guarantee the enforceability of these routing arrangements.

A green travel plan and a contractors operative travel plan are required. The travel plan should require individual staff contracts of employment and any contract with staff bus companies to include the northern access routing agreement. This should be contained in a Section 106 agreement.

Concerns have been raised over the lack of proposals to introduce traffic speed restrictions through Durley and the surrounding road network.

Suggested that the Savernake Forest leisure area should have a blanket 40mph speed restriction through it with 30mph imposed through the villages and hamlets.

- Light pollution

Concerns about impact of any external lighting on dark night skies.

- Noise and disruption for local residents resulting from increased traffic movements, helicopter movements and tournaments.
- Scale of the development

Concerns have been raised over the scale of the project and its impact upon the locality. Comments received that the car Parks require too much space and that the Golf course is detrimental to the landscape and setting of the house.

- Future development

If the development was in danger of failing, it is likely that further applications would be submitted for staff housing. Membership numbers may also be increased and new facilities such as a driving range may be sought.

An application for a casino could be forthcoming for the stable block.

- Alternatives

Any public enquiry would wish to consider the alternatives for this site. The use of the house for other more appropriate housing solutions in some form, exist.

## POLICY CONSIDERATIONS

The relevant development plan policies are:

### Wiltshire Structure Plan

Policy RLT9. This policy provides for the conversion of existing buildings in the countryside to hotel and conference facilities. The policy allows for the erection of additional development if it is considered to be in scale, character and style to the existing buildings.

Policy C8. This policy relates to development within the AONB. The overriding aim of this policy is to protect, conserve and enhance the AONB while ensuring that regard is given to the social and economic well being of the area.

### Kennet Local Plan 2011

NR7. This policy relates to the protection of the landscape.

NR8. This policy relates to development within the AONB and is in line with Wiltshire Structure Plan Policy C8 in that the aim of the policy is to protect, conserve and enhance the AONB while ensuring that regard is given to the social and economic well being of the area.

TR15. This permits the conversion of existing buildings in the countryside to tourism accommodation.

HH8 which relates to development affecting a listed building.

PD1 which concerns general development principles.

### Other planning guidance

Advice contained within PPS1: Delivering Sustainable Development and PPS7: Sustainable development in rural areas is relevant. So too is advice in PPG15. Supplementary Planning Guidance in the Kennet Landscape Conservation Strategy is also pertinent to the consideration of this proposal.

## PLANNING OFFICERS COMMENTS

This is a complex application and there are a considerable number of issues that need to be examined before reaching a view as to its acceptability. Much of the information presented is outline in form and will require further submissions before work commences. To some extent some lack of detail is to be expected at this stage because of the complexity and scope and cost of the work involved. It is therefore stressed that whilst the principle issues have been addressed, some of the details still need resolving at the time of writing this report and these are outlined below.

In general terms, all parties are in general agreement that Tottenham House is in a very poor condition and that the restoration of the property is welcomed. It is clear that the property has suffered from a lack of investment for many years. The house and stable block are now in such poor condition that they are on the English Heritage 'at risk' register.

Without an alternative use, it is considered that the future of the house is uncertain and the condition of the property will undoubtedly go into further decline. The level of

investment required together with the size of the property lends itself to a commercial development such as that proposed.

In general terms, planning policies are positive with regards to the conversion of existing buildings in the countryside for tourism uses. Such uses can make an important contribution to supporting the local economy. It is therefore considered that the development does not constitute a departure from the development plan and it is the detail of the development that requires particular attention. The underlying need to restore and retain such an important heritage asset for the future must be balanced against the impacts of the development upon the wider community. There may well be some sacrifices made in securing the long term retention of the building. It is however important to ensure that the sacrifices do not outweigh the benefits to be gained.

The local community has highlighted 3 key over-riding areas of concern with regards to the proposal, namely those of the sustainability of the project, traffic issues and matters concerning water supply. These are addressed first followed by the remaining issues that relate to the more detailed aspects of the scheme.

#### Sustainability

Wide concern has been raised over the practicalities of the scheme presented and whether it will be sustainable in the long term. The concerns raised focus on the lack of an available local workforce and the absence of housing on site to accommodate staff. Without such accommodation, it is suggested that the scheme will not prove successful. Queries have also been raised over staffing numbers and whether they are sufficient to serve a 5 star hotel.

In response, the applicant has stipulated that there will be no accommodation provided on site for staff other than utilising the existing gardener's cottage at the site for the general manager. There will also be accommodation above the kitchen, which will house staff on an as needed but not permanent basis. All other employees that are not from the local area and need to be housed will be found leased accommodation in places such as Newbury or Reading and bussed to the resort. Any workers that live locally will also be bussed to the resort. Staffing levels will be set by the hotel.

It is acknowledged that the issue of the long term sustainability of this project does raise some concerns. However the applicant has identified a solution for staffing and their accommodation. It is ultimately a matter for the operators of the hotel to decide the precise numbers of staff required for the development and how they will be sourced and accommodated. In the absence of any independent compelling evidence to show the proposed staffing strategy is not feasible, it is difficult to challenge this information.

It should be borne in mind that planning applications have to be considered at their face value and on their own merits. It is not possible to refuse an application on the fear of what may happen should something not prove workable. If the applicant decides that they do require further housing on site, they will need to make a further application for it and this will be subject to careful scrutiny.

#### Water Supply

It is expected that the irrigation of the proposed golf course will use in the region of 16 million gallons of water per year. The local community is concerned about the amount of water that will be required for the development proposed and the potential impact of that this will have upon existing customers and the environment.

Thames Water has confirmed that they can supply the water to the site and has carried out a modelling exercise into the capacity of the existing network. This modelling exercise has shown that there is insufficient capacity within the locality to supply the development. The water will be provided from outside the locality and as such it will not affect their ability to supply existing customers and maintain capacity for future growth in the area.

The precise detail of how this water will be transported to the site has not been provided and is subject to commercial negotiations. Thames has stipulated that they can provide the water for the development and it will not affect the ability to supply existing customers. Thames will have to work within the terms of their abstraction licences in order to achieve this.

Thames Water is the statutory consultee for this development with regards to water supply. They have not raised any objections to the proposal and there is a clear indication that a supply solution can be found. Ultimately, it is the responsibility of the water supplier to ensure that the development will not adversely affect existing customers or the River Kennet catchment area. It is considered that sufficient information has been provided by Thames Water to overcome planning concerns. The council cannot substantiate any argument against the project on water supply grounds in these circumstances.

In the event that the provision of water to the site to serve the golf course becomes problematic, the applicant may then have to opt for a lesser standard of irrigation on the golf course. This would not give rise to any planning issues and indeed a lesser standard of irrigation would be similar to many other golf courses in the country.

There has been some concern raised over the need for an off site reservoir and the lack of information put forward for this suggested component of the water strategy. For clarification purposes, the creation of an off site reservoir to assist in the irrigation of the proposed golf course does not form part of this application. When the planning application was originally lodged with the council the supporting documentation referred to the need to provide such a facility to ensure that a constant water supply was available at all times. As a result of discussions between the applicant and the potential water supplier, this facility has now not been deemed essential and as such no application for a reservoir is currently before officers or committee. Thames Water have suggested that they can provide the water for the golf course 365 days a year both off and on peak. An off site reservoir will only be required should there be an extreme drought situation. The applicant may choose to submit an application for the reservoir at some later date and this will of course be considered on its own merits.

#### Traffic and Transport

Concerns have been raised about the ability of the local highway network to accommodate the increase in traffic proposed. Wiltshire County Council has considered the information submitted and has raised no objections to the development in relation to this issue. They have recommended that a Section 106 agreement is entered into to secure various matters including a pre and post construction travel plan. It is therefore considered that concerns raised with regards to the general increase in traffic cannot be substantiated.

The local community has suggested that controls should be put in place to prevent or limit tournaments or events at the site and that club membership should also be limited in number. No such recommendation has been put forward by the County



Council who have considered the traffic flows from the proposed development. It is considered that it would be difficult to set an arbitrary figure on what would be acceptable levels of membership or restrict possible events at the site. Any large scale events may of course need a licence from the Council.

The local highway authority have raised a single objection to the development on the grounds that Byway 15 is crossed by hole 4 and is close to hole 7. In their view, this could cause danger to users of the Byway. The byway in question is located towards the south east edge of the site and consists of a track running up to the proposed greenkeepers complex. The Byway terminates at the forecourt of this complex. The fairway for hole 4 crosses over the Byway but golfers will have a clear view of any users in the area from the tee. The applicant comments that there are many golf courses in the country that are crossed by public rights of way. This particular right of way is a dead end and little used. In this situation, it is considered that this reason for refusal could not be supported at appeal. It is suggested that details are provided for appropriate signage for users of the byway and the golf course to alert them to the potential hazard.

#### Noise and disturbance

Concerns have been raised about the impact of the development upon the tranquillity of this area. Particular areas of concern relate to the impact of helicopter noise and disturbance from large events.

The Council's Environmental Health Officer has been consulted and has raised no concerns. Should noise and disturbance become an issue, separate powers are available under statutory nuisance legislation. Any large scale events will require a licence from the Council.

#### Conversion of main house and stable block

The proposed use of the main house and stable block for hotel use is considered acceptable. The house has not been used as a solely residential property for decades and has been in institutional use for most of the time since the end of the war. A hotel use is seen as appropriate in this context and given the scale of the building. The stable block did have a consent for conversion to an alternative use (residential) and although this has since lapsed, the deteriorating condition of the building means that it is essential that a viable new use is found for it. It is considered that the use envisaged in this proposal is acceptable. The details of the proposed conversion works are the subject of the counterpart application for Listed Building Consent.

#### Conference facility and service yard

The proposed conference facility sits within the former service yard and will provide 447 square metres of conference floor space. The roof of the conference facility will be lower than the screen wall that fronts onto the front drive area. The service yard will extend out to the east. The plans provide only very limited information as to the external appearance of this facility. In general terms, there are no objections to the siting of this facility in this location. Further detail needs to be provided in terms of materials and means of attaching the new internal roof structure to the existing buildings. It is considered that this level of information can be dealt with by condition.

#### Kitchen Garden

The proposed development in the kitchen garden clearly seeks to maximise the use of this space. The applicant seeks to justify the level of accommodation in this area as being the amount necessary to ensure financial viability for the project.

The plans submitted for the kitchen garden show 7 blocks of three storey units set around a central courtyard containing an indoor swimming pool. The blocks sit clear of the kitchen garden wall and are at least 2 metres below the height of the nearby stable block. Whilst the layout and scale of the proposed units is considered acceptable, further work is required on the details of the external appearance. The agent has confirmed that at this stage only the approval of the general form and layout of the building is sought. It is suggested that the detailed design of the external appearance of the buildings should be made a condition of any planning permission. Because the building is set within the confines of the kitchen garden, which itself is set within a wooded area, it is considered that there will not be a significant wider visual impact from this element of the scheme and that the works will have no impact on the setting of the house itself.

#### Golf course

The proposed golf course is located within the confines of a Grade II\* registered park and garden and as such it is critical to ensure that the layout and planting for the scheme is appropriate. The removal of this land from arable farming and the restoration of the historic landscape has the potential to be of benefit to the landscape and create an improvement to the setting of the house. There are however, a number of issues that remain outstanding and require further attention. These relate to the details of the proposed lake, the layout of some of the holes, the general landscaping of the area, the positioning of the replacement trees and other detailed matters relating to the remodelling of the land. It is suggested that the overall layout of the course is resolved prior to the grant of planning permission and during the suggested defer and delegate period.

#### Golf pavilion

Amended plans have been received which reduce the amount of decking around the golf pavilion and ensures that all existing veteran broadleaf trees are avoided. The position of the pavilion is considered acceptable in landscape terms subject to conditions requiring details of access, service runs, retained tree protection and landscaping of this area.

#### Car Parks

In principle, the positioning of the car parks is considered acceptable. Further detail is required in respect of Car Park 3 which is located near to the pavilion area. In this car park, two large and over mature conifers need to be removed but the parking needs to be kept clear of a cedar. Detailed changes are required to the layout of this car park to accommodate these changes and the car park will have to be constructed using a no dig method. It is suggested that this information should be provided prior to the grant of planning permission and during the defer and delegate period.

The remaining two car parks are generally considered acceptable in landscape terms but the detailed layout, mitigating landscape design and woodland pond restoration details have not been provided. The second car park in particular, has potential impacts upon the wider parkland and house. The landscape principles of this area are required prior to the grant of planning permission and it is suggested that this is sought during the defer and delegate period.

The Environment Agency has raised concerns with regards to the proximity of car parking to the pond in car park 1A because the pond may provide a valuable habitat for newts. English Nature have not raised any similar concern with regards to this issue and are of the opinion that any resident newt population will not be affected. The developer has commented that the pond referred to contains very little water at present and is choked with decaying tree vegetation. The proposal involves enlarging

this pond and it is considered that the location of the parking spaces will not cause any problems to any newt population.

#### Nature Conservation

Provision has to be made for a replacement bat building in the park and the location of this building and its design is required before planning permission can be granted. The principle of its provision has been agreed and it is suggested that the details be agreed during the defer and delegate period.

Details of the location and design of the proposed barn owl boxes are also required before planning permission is granted. Again it is suggested that this information be obtained to satisfaction during the defer and delegate period.

#### Archaeology

The county archaeologist requires the completion of an extensive archaeological field evaluation prior to the grant of planning permission. The applicants have agreed to carry this out before any planning permission is granted and it could be carried out during the suggested defer and delegate period.

#### Service Plant

The proposed service plant area is located off the second access drive and is on the line of the Grand Avenue. Concerns have been raised by English Heritage and the Council's Countryside and Landscape Officer with regards to its location. No elevations have been provided to date. While it is acknowledged that the plant area will be necessary, it is considered that the suggested location may not be acceptable. In the absence of any detailed plans for this part of the development, it is suggested that the location and the design of the compound is made a condition of the grant of planning permission.

#### Alterations to drive

Concern has been raised over the proposals to widen the main drive by 1 metre. However it is not considered that the alteration will be materially harmful. The applicant has suggested that the drive may well have been wider in the past to allow for carriages to pass and that there is some historical evidence to support this claim.

#### Landscaping

The scheme lacks a suitable landscape master plan or management plan for the site. The principles of the landscape design for the whole site needs to be incorporated into a master plan and this needs to include restoration principles. Longer term work such as the restoration of the pleasury can be dealt by condition through the submission of a 10 year management plan. It is suggested that the principles of restoration and planting are obtained prior to the grant of planning permission and during the defer and delegate period.

#### **SUMMARY**

It is considered that the areas of key concern which were raised by the local community have been addressed. On a project of this complexity it is inevitable that there will be some areas that need further assessment and amendment. Much work has already been undertaken to date and it is considered that the proposal is now at an advanced stage and is moving towards a workable and acceptable scheme. Not surprisingly, the applicants are unable to undertake the further costly work needed to provide the working details until the council's position on the planning merits of the project is known.

Officers consider that the development is acceptable in principle, although there is much more work to be done to bring the scheme to final fruition. It is recommended to the committee that the granting of planning permission for this proposal should be deferred and delegated to the Planning Services Manager, subject to the prior completion of a legal agreement covering the matters required by the local highway authority and subject to the PSM being satisfied on the material submitted to comply with the recommendation below.

**RECOMMENDATION:**

Defer and delegate to the Planning Services Manager to grant planning permission, subject to the prior completion of a legal agreement covering the matters requested by the local highway authority and subject to the satisfactory submission of details concerning the following matters:

- The completion of the archaeological field evaluation.
- The layout of the golf course
- Landscaping principles for the car parks
- A landscape master plan containing the principles for the restoration of the landscape
- The required bat and owl information

Provided that satisfactory information is received in respect of these areas, the application shall be determined by the Planning Services Manager who will attach appropriate conditions covering these matters, those set out below and any other relevant planning matter concerning the application and necessary to the granting of the permission:

- A detailed specification for the phasing of the development. This will ensure that the work proceeds in an agreed order so that the conservation benefits of the scheme can be delivered before the site is operational.
- A detailed specification for the long term management of the landscape and the restoration proposals.
- Further details to be submitted and agreed in respect of the appearance of the kitchen garden buildings and the conference centre.
- Further details to be submitted and agreed in respect of the service yard area
- Details of any external lighting to be submitted and agreed.
- Details of the surfacing works to the drive and forecourt area
- Details of the proposed entrance walls and gates at the accesses together with any signage proposed
- Conditions requiring the removal of the old swimming pool
- Specifications for the timing of the works to the stable block to ensure minimal disturbance to owls/ bats
- Conditions to require the siting of the replacement bat building and nesting boxes and their long term management
- The submission of a travel plan
- Conditions restricting the routing of construction traffic and service vehicles
- Full schedule of materials
- Drainage details
- Details of all surfacing proposed.

Item 2:

APPLICATION:	K/50777/LBC
PARISH:	GREAT BEDWYN
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Creation of Golf Resort Hotel, including the conversion of Tottenham House and stable block.
SITE:	Tottenham House, Savernake.
GRID REF:	25032 63937
APPLICANT:	Golf Club Investment Holdings
DATE REGISTERED:	1st September 2004
CASE OFFICER:	Mrs C Coombs

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#### BACKGROUND

This is the counterpart application for listed building consent for the proposed redevelopment of Tottenham House. This application primarily covers the proposed works to the house and stable block. The description of the application site is the same as for the planning application albeit the listed building consent only relates to the changes to the main house, stable block and the additional accommodation where it abuts listed structures.

All details relating to site history, amendments and statements by the applicant are as previous.

#### PARISH COUNCIL COMMENTS

The site lies within Great Bedwyn Parish and they comment that they have no objections to the proposed application for listed building consent.

The comments received from the neighbouring parish/ town councils are as follows:

Marlborough Town Council – no objections.

Grafton Parish Council raises no objections on listed building grounds.

Burbage Parish Council raises no objections.

Savernake Parish Council raises no objections.

#### CONSULTATIONS

##### English Heritage – Historic Buildings Inspector

English Heritage considers that there are a number of significant concerns, which have not been adequately addressed. They comment that the application is lacking in detail and falls short of the level of information that is required by government guidance.

English Heritage identifies the following areas of concern:

- The removal of the flue stack in the room beneath the central stair hall. This together with the adjacent cellar with its stone shelves should be retained in situ. They are in a good state of repair and sit in a part of the basement that has no natural daylight.

- Concerns raised over the access ramp from the basement to the garden level. The proposed ramp extends further to the south than the main façade of the house and will compromise its symmetry. It is suggested that this ramp be omitted from the drawings and it may then be dealt with by condition.
- Further details will be required for the new floor slab in the conservatory and winter garden. This can be conditioned.
- Concerned that the roof of the conference centre will truncate the pediment of the gateway. It is suggested that a more satisfactory solution should be sought.
- Concerns over the roof of the loading bay and this could be rather dominant.
- The proposal involves moving historic walls to create new walk in wardrobes. This is not acceptable and free standing wardrobes could be less intrusively installed. A number of rooms appear to be losing their fireplaces. These are significant internal features and should be retained in situ. It may be possible to carefully and reversibly cover them if they are in inconvenient locations.
- The infilling of the light wells to house the lifts with solid floors will create unsympathetic spaces devoid of any natural light. This will do little to enhance the character of the listed building and will deprive the Burlington Room, the only high status Burlington interior extant in the house of any natural light.
- The applicants have agreed to look at the repair of windows on a like for like basis. However, the installation of sealed unit double glazing is unacceptable. Secondary double glazing may be acceptable in some locations subject to the appearance, impact upon internal window linings, shutters etc.
- No justification has been provided for the removal of the stable block floor.

#### The Georgian Group

The Georgian Group welcome the various revisions that have been made to the application. These revisions have overcome the majority of their original concerns relating to the conversion of the stable block and adaptation of the main house. The Group still have outstanding concerns, which are primarily related to the removal and upgrading of historic fabric. The proposals must be supported with further information up front or as a condition of planning consent.

The areas of outstanding concern are:

- Stable Block – object to the proposed planting beds in the stable courtyard.
- Kitchen Garden – consider that the level of development proposed is detrimental to the historic landscape and character as a whole;
- Park – the group are concerned about the visibility of the golf course within the landscape, the widening of the drive and the impact of the proposed club house.
- Main House – concerned about the proposals for the ramps and stairs to access the basement.
- Main House – concerned about the insertion of suspended ceilings within corridors accessing the main rooms of the ground and first floors.

- A detailed repair schedule and method statements for the treatment of the interiors should be made available at this stage.
- Any grant of consent should be tied by a S106 agreement to ensure a strict timetable for the restoration and conservation works and ensure that a limit is set on further development.

#### Ancient Monuments Society

It shares the reservations outlined by the Georgian Group and Garden History Society. AMS express particular concern with regards to the amount of development proposed within the kitchen garden. It is recommended that the local planning authority seek to secure the improvements suggested by the Georgian Group and the Garden History Society.

If this application is approved, it is essential that the historic benefits of the scheme be delivered before the commercial element is implemented or used. Conditions or obligations should be used and the scheme should be regulated by phasing conditions to ensure the scheme is carried out to a certain standard and detail.

#### POLICY CONSIDERATIONS

Advice contained within PPG15 is relevant to this application.

#### PLANNING OFFICERS COMMENTS

It is clear that the application for listed building consent is lacking in some details at this stage, although a great deal has been provided. Whilst the principles of the works required have been shown, some of the information is more limited. The various consultees have all expressed concern in their responses at the perceived lack of detail shown at this stage.

It is however appreciated that due to the scale of this project, much of the information will only become available once the development team are on site, have access to investigate the fabric and can carry out detailed investigation of the house/stable.

Discussions are still taking place in respect of some of the outstanding matters raised by English Heritage and the Council's conservation officer. As with the planning permission, a recommendation of defer and delegate is considered to be the best way forward to enable the conclusion of these discussions and to enable officers to draw up relevant conditions for the development. It is likely that much of the detailed information required will be dealt with as a condition.

It is however, encouraging to note that a considerable amount of amended information has already been submitted which has enabled some of the original concerns of the heritage bodies to be addressed. The following issues are the key outstanding unresolved matters, which will require further attention.

#### Main House

English Heritage has raised concerns over the removal of the flue stack beneath the central stair hall. This along with the adjacent cellars should be retained. This has been put forward to the development team and a response is awaited.

It is likely that a full schedule of the works to the lower ground floor be submitted as a condition of any listed building consent that will include provisions for the retention and preservation of historic fabric such as the Burlington rustications (an architectural feature remaining in the basement dating from the original house on the site) and other features of note.

English Heritage has expressed concerns with regards to the proposals to move historic walls to create new walk in wardrobes. This may not be acceptable in all cases, as free standing wardrobes could be less intrusively installed. However, it appears that the number of alterations now proposed in regard to this aspect are much more limited in scope and agreement should hopefully be possible. A number of rooms appear to be losing their fireplaces. These are significant internal features and should wherever possible be retained in situ. It may be possible to carefully and reversibly cover them if they are in inconvenient locations. The development team has since the comments of EH significantly reduced the number of fireplaces that may be removed.

Concerns have been raised over the proposals to infill the light wells to house the lifts with solid floors. The development team have commented that the two existing light wells are the only locations in the house where the necessary front of house stairs and lifts can be installed without impacting upon the existing grand rooms and stairs. The development team consider that it is impracticable to use glazing to fill in the lift lobby floors as they would not be adequately safe for guests in primary circulation areas, they would give rise to fire separation problems and glazed floors would not be acceptable on modesty grounds.

It is considered that the light wells are the most sympathetic location for the lifts, which are inevitably required for a development of this nature. It is difficult to support English Heritage on this point.

Concerns have been raised over the design of the access ramp from the basement to the garden level. The proposed ramp extends further to the south than the main façade of the house and it is suggested that it will compromise its symmetry. It may be possible to resolve this by simply omitting it altogether. Certainly, access can be a matter for suitable worded conditions.

#### Conference centre

The proposed conference centre roof is designed to sit below the existing screen wall and the pediment of the gateway so that it cannot be seen from the front of the house. This results in the roof truncating the pediment of the gateway to enable this to be achieved. The concerns of English Heritage have been put forward to the development team and further comment is awaited. It is considered that while the truncation of the pediment may not be ideal it may be a more satisfactory alternative to having the roof rise over the pediment and therefore become visible from the front of the house.

Concerns have also been expressed over the design of the roof over the adjacent loading bay and where it will be rather dominant. The development team comment that the continuation of the proposed mansard roof around the perimeter of the service yard is necessary in order to integrate the yard with the abutting conference suite.

#### Stable block

No structural survey has been provided to the proposals to replace the first floor of the stable block. This lack of justification is contrary to advice contained within PPG15. However, the poor condition of the existing floor is evident from site inspections.



Further information is needed in respect of the treatment of the ground floor. It is considered that it may be possible to resolve these issues through the conditions requiring the submission of further details.

In sum, much progress has been achieved to date in terms of addressing many of the original concerns raised by the heritage bodies in respect of the development proposed. There is still a lack of detail in some areas which will need to be provided before work can commence.

If the Council is minded to grant consent, the application must be referred to the Secretary of State to enable him to decide whether he should intervene. This is because the works affect Grade 1 and Grade II\* listed buildings.

**RECOMMENDATION :**

Defer and Delegate to Planning Services Manager to grant consent.

It is recommended that this application be deferred and delegated to officers to enable matters to be drawn to a conclusion in respect of the areas identified above. Subject to a satisfactory resolution of these matters, then the application will then be recommended for listed building consent and referred to the Secretary of State for consideration. Provided that the Secretary of State does not decide to call the application in, listed building consent will then be issued subject to appropriate conditions. These will include

- A detailed schedule of works on a room by room basis inside the main house
- A detailed schedule of all works to be carried out externally on the main house including the roof
- A full schedule of work for the conservatory and winter garden
- Details of the ramps to be submitted and agreed
- A full schedule of window repairs on a window by window basis
- Full details of all service runs
- Details of all repairs and alterations to garden walling and balustrading
- A specification for all materials to be used
- A structural statement in respect of the stable block floor
- Details of the planting beds in the stable yard. These should be irreversible.
- Details of phasing

This list is not exhaustive and further conditions will be added as necessary and following further advice from English Heritage.

Item 3:

APPLICATION:	K/52004/F
PARISH:	UPAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing garage building and forecourt and erection of seven dwellings
SITE:	The Garage, High Street, Upavon
GRID REF:	13493 55024
APPLICANT:	Messrs M & G Reeder
AGENT:	Michael Fowler Architects
DATE REGISTERED:	7th April 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The site lies in the centre of the village of Upavon, opposite the junction of the A345 and the A342. It is a 0.088 hectare roughly triangular parcel of land, which is presently occupied by Reeder's Garage. The site contains a single storey flat-roofed building and a petrol forecourt and has residential development to the rear.

#### SITE HISTORY

K/50347 – an application for 8 dwellings on the site was refused in August 2004.

K/43173 – an application for 7 dwellings on the site was refused in July 2003 and was dismissed on appeal in April 2004. A copy of the appeal decision is attached to the rear of the agenda.

K/41666 – an application for the construction of 9 dwellings on the site was withdrawn in December 2001.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing buildings on the site and construct 7 dwellings, two of which would be affordable units (units 5 and 6 on the submitted drawings). The number of dwellings proposed remains the same as the scheme that was dismissed on appeal, however, changes to the layout have been incorporated largely in response to the comments made by the Inspector in the appeal decision on application K/43173 and the refusal reasons cited for application K/50347. The key changes are summarised as follows:

1. Gaps have been introduced between the dwellings. This differs from the previous schemes which proposed a continuous frontage. Unit 1 would be a detached unit which provides an end-stop to the development. The gap between units 2 and 3 would be delineated by the garden to unit 1, which would be screened by a wall. There would be another gap between units 3 and 4, which would essentially form a link between High Street and the parking area associated with the development. Units 4, 5 and 6 would turn the corner, with the garden to unit 6 providing another gap. Unit 7 would be a detached unit fronting the A342.
2. The scheme would feature a central parking area served by one access, with a total of 9 parking spaces (one less than the scheme that was dismissed on appeal under reference K/43173).

3. Each dwelling would have its own private garden, whereas previously all open space was communal.
4. There would be no ancillary buildings eg. bike store at the rear of the site.
5. The rear of the site would be enclosed by a 1.8 metre high wall.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been submitted which incorporate the following changes:

1. Unit 7 has been repositioned so that it fronts the road.
2. A bay window has been incorporated at ground-floor level in the east elevation of unit 7.
3. Details of the wall to the rear of the site have been submitted. This will be 1.8 metres in height for the majority of its length, dropping to 0.6 metres either side of the access to the development. The eastern boundary wall of unit 7 would be 0.6 metres in height, with railings above, taking its overall height to 1.2 metres.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The agent has submitted a design statement in support of the application, which is available for viewing on the application file.

#### PARISH COUNCIL COMMENTS

Upavon Parish Council objects to the application for the following reasons:

1. The Upavon Conservation Area Statement emphasises that the preferred policy of conservation is preservation of the status quo in the village. The view of almost all residents, whilst accepting that the garage may no longer be commercially viable, is that the open nature of the former market square should be retained and any residential development confined to the southern boundary, in line with the previous appeal decision.
2. Policy HH5 of the Kennet Local Plan only permits development in conservation areas which would preserve or enhance their character or appearance. Furthermore, the summary of the conservation area statement states,  
*'that there should be a more positive recognition of the market square in the High Street' and that 'intensification of development by infilling....would detract seriously from the real character of these parts of the village.'*
3. The basic preference of the majority of the village is that the status quo should be preserved.
4. The proposal does not address the concerns raised by the appeal inspector in his decision on the previous proposal, where he concludes that,

*'Whilst the removal of the garage with its attendant paraphernalia would be of benefit to the character and appearance of the area and the frontage buildings would reinstate lost enclosure to the market place, the lack of proper or significant enclosure to the rear south corner would result in an isolated form of development that would not preserve or enhance the character or appearance of the Upavon Conservation Area. The development of the site should be balanced with the need for affordable housing and two affordable units would satisfy this balance, but this does not outweigh the harm that would be caused to the area. The proposals would therefore fail the statutory test in the 1990 Act and would not satisfy the requirements of the policies identified.'*

5. Whilst an improvement on the previous proposal, the current scheme would again appear to be overdevelopment of the site and still fails to meet the criteria noted by the Inspector as:
  - a) The buildings are not of the highest quality. Whilst considerably more care has been given to the design of the houses, 3 stock designs for 3 different types of house appear to have been used, whereas a more tailored approach is surely justified for the site.
  - b) No standard or quality of materials has been specified.
  - c) In contrast to the more detailed input to the design of the houses themselves, little or no design input or thought appears to have been given to the eastern elevation, the boundary wall or the car parking, all of which again fail to meet the Inspector's criteria.
  - d) In paragraph 9 of the appeal decision, the Inspector states when discussing the area to the west of Butchers Alley, *'Although it is my opinion that the parking area would open-up the setting of listed buildings and others along this lane, I consider that the wide open spaces of the parking area would detract from the character and appearance of the area' and later '...the openness of the present forecourt, which I find unattractive, has been replaced with an openness at the rear which I find to cause harm also.'*  
The plans do nothing to address this concern, indeed the openness at the rear is less imaginative than the 2002 plans as it shows there will be a 'blob' of car parking not unlike a supermarket car park, whereas the spaces could have been more sympathetically integrated into the rear of the development.
  - e) The proposed access down Butchers Alley to the car parking spaces shown in the plans is totally unacceptable. In this respect, the ground floor plan is dangerously misleading in failing to shown in the 1:100 scale version the full extent of the small garden frontage to Michaelmas Cottage, thus giving the impression that the alley is wider than it is. The plans show vehicular access down a busy pathway into the car parking area; Butchers Alley has been a pedestrian right of way for decades so this cannot be considered to be a safe or realistic option.
  - f) The treatment of the rear of the houses, the gardens and boundary wall are unspecified and a cheap treatment will not enhance the eastern side of the conservation area or the market square.
- 6) The proposed development of the south-west corner of the site, with the 2 affordable houses positioned exactly on the corner of this busy junction cannot be accepted as anything other than a degradation of road safety.
- 7) The standard and quality of all key materials should be specified and detailed beforehand (particularly bricks, roof tiles, rainwater goods and window treatments) as a condition of any planning permission granted.
- 8) There is massive concern within the village community about the future of this site. There has been no support whatsoever for these or any of the previous plans submitted for the development of this site at any of the public meetings that have taken place to discuss them.

## CONSULTATIONS

Urban Design Consultant – advises that it is pleasing to see that the applicant has reduced the number of vehicular entrances to the site to one, has reduced parking areas and has also omitted subsidiary buildings in favour of increased rear garden space. However, the relationship of units 5 and 6 is very uncomfortable. The blank end gables of units 2 and 7 are also made more oppressive by their proximity to the adjacent dwelling. The footpath between units 3 and 4 and the linked route through to the parking area are too far south. It would be preferable for the number of units to be reduced to 6, with the 2 central ones being affordable units. There appears to be significant opportunities to improve the enlarged pedestrian areas, rationalise and reduce traffic signage and remove several telegraph poles in and around the site. Other concerns about the current drawings include the lack of a full east elevation from the access lane, which would clarify the intended height of some of the boundary treatments.

County highways (Jacquie Trajan) – recommend refusal on the following highway grounds: a) the proposed development would likely encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and prejudice the safety of road users at this point; and b) the site cannot accommodate the adequate turning facilities to enable all vehicles to enter and leave the highway in forward gear, which is essential to highway safety. With regard to suggested refusal reason a), the highway authority have advised that they would not wish to see parking standards reduced to anything less than 1.5 spaces per dwelling, so there is a shortfall of 2 spaces. With regard to refusal reason b), they comment that their concerns relate to Parking Area 1, which runs parallel with the existing access lane. They comment that the lane is approximately 3.5 metres in width, with properties onto it along its length. They further state that cars parking within this space will need to manoeuvre such that they are forward facing when leaving the access lane and that this manoeuvre will be extremely difficult within the confines of the access lane and will access only encourage reversing movements out onto the High Street.

County archaeologist – recommend that a condition is attached to any planning permission granted requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved by the local planning authority prior to the commencement of development.

Environment Agency – recommends that a condition is imposed requiring an investigation to be carried out into the extent of contamination on the site. If contamination of the site is confirmed, the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests. A condition requiring the submission of surface water drainage details is also requested.

## REPRESENTATIONS

Twenty-six letters of objection have been received from local residents, which raise the following key concerns:

- 1) The site is the focal point of the village and the proposed modern, cramped housing will dominate the surrounding cottages and clock views through to the church, to the detriment of the character and appearance of the conservation area.
- 2) The front line of the houses will be significantly closer to The Antelope than is to the front of the garage at present, thus reducing the feeling of open space.

- 3) The materials have not been specified, which means there is a risk that they would not be of the highest quality.
- 4) Details of the wall to be constructed to the rear of the site have not been specified. Notwithstanding this, it would look out of keeping and block light to the properties at the rear.
- 5) There is not enough room to manoeuvre cars from the access lane into their parking spaces. It will inevitably mean that vehicles will be left around the village centre.
- 6) The proposal will create a traffic hazard, as the site is situated on a dangerous road junction and visibility is poor. The front doors of the affordable units will open onto the road, which will create a further traffic hazard.
- 7) Insufficient parking is proposed as part of the scheme, which will encourage vehicles to park in the village.
- 8) The plans are inaccurate eg. the proposed access is understood to be a public/bridlepath, yet the plans state that a public right of way would not be altered.
- 9) The proposal will result in the loss of a garage, which is a well-used facility.
- 10) The dwellings would have no gardens; if children live in the houses, there will be nowhere for them to play.
- 11) The proposal will increase the risk of flooding in the area.  
It is debatable whether the full and proper decontamination of the site would make the development costly. Furthermore, no details have been provided of how the site will be properly decontaminated.
- 12) The level of affordable housing proposed is inadequate; it should be 50%.
- 13) The railings which will front onto the High Street need to be narrowly spaced so that children cannot squeeze through them in order to attempt to cross the High Street.

#### POLICY CONSIDERATIONS

The site lies within the Upavon Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty. Policies PD1, HC22, HC32, ED12, AT9 and HH5 in the adopted Kennet Local Plan, the Upavon Conservation Area Statement (which has been adopted as supplementary planning guidance) and the advice contained in PPG 15 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The application raises a number of key issues, each of which will be considered in turn. Reference will be made, not only to the relevant policies in the Kennet Local Plan, but also to the appeal decision for application K/43173 (which involved the same number of units) since this is a key material consideration.

#### Principle of Residential Development

The site lies within the Limits of Development of Upavon, which is identified in the Kennet Local Plan as a village with a range of facilities. The principle of residential development on the site accords with policy HC22 of the Kennet Local Plan, which permits small groups of houses in such villages, since small housing sites are identified in the glossary to the Kennet Local Plan as “less than about 10 dwellings”.

Another consideration regarding the principle of residential development on the site concerns the loss of the existing employment use ie. an operational garage with an ancillary store, selling vehicles, fuel and general provisions. Policy ED12 of the Kennet Local Plan seeks to protect buildings and land within their curtilage greater than 0.1 hectares in size currently in use, or last used for employment (B class) purposes. As the site falls below the 0.1 hectare threshold (being 0.088 hectares in

size) and is classed as a sui generis rather than a B class use, this policy would not be applicable. Consequently, there is no policy justification for retaining the existing employment use.

The appeal decision on application K/43173 is also a material consideration in relation to this issue. In his decision, the Inspector raises no objection to the loss of the existing employment use.

For the above reasons, a refusal on the ground that the existing employment use would be lost would not be justified.

#### Impact on Conservation Area

The site lies within the Upavon Conservation Area and consequently, policy HH5 of the Kennet Local Plan is relevant. This policy states that developments should preserve or enhance the character and appearance of the conservation area.

The site is presently occupied by a single-storey flat-roofed building and petrol forecourt. It is located in the market square, which is an attractive area of considerable historic character. The existing building and associated garage paraphernalia therefore appear as an incongruous feature, which detract from the character and appearance of the conservation area. This view is supported by the Upavon Conservation Area Statement, which states that, 'the design and materials of the showrooms detract from the historic buildings immediately adjacent' and the appeal decision for K/43173, in which the Inspector states '...the present physical appearance of the site detracts from the layout and sense of enclosure of the market place, and appears incongruous on the approach to this important site from the west.'

It is considered that the proposed development would enhance the character and appearance of the conservation area, being an improvement on the existing situation. The design of the buildings is considered to be high-quality, taking its cue from the surrounding built form and houses that were on the site 50 years ago. This is reflected by the incorporation of varying ridge heights, chimneys and a variety of materials (including brick, render, clay tiles and natural slate), all of which are typically found in the conservation area. The design of the scheme is very similar to the one that was dismissed on appeal, the design of which the Inspector praised, stating that,

'the appeal proposals show a range of materials and detailing which I consider could introduce a harmonious medley of styles that would sit well within the existing mix.'

Other positive elements of the scheme, which are an improvement on the previously refused proposals, include the reduction in the size of the parking area, the incorporation of private gardens instead of communal open space and the omission of buildings at the rear of the site.

It is also considered that the scheme overcomes the concerns raised by the Inspector in the appeal decision for K/43173. These key concerns are considered below:

#### 1. Isolation of development

The Inspector considered that the proposed development was too single-dimensional for its setting and appeared as an isolated strip. He also noted that the scheme particularly lacked enclosure in the rear south corner. The current proposal addresses this concern since the development would turn the corner, thereby linking with the buildings beyond. Not only does the development relate better to the

surrounding built form, it also is an improvement on the current situation which lacks enclosure.

## 2. Lack of enclosure to rear

With regard to the dismissed scheme, the Inspector considered that,

*'the wide open spaces of the parking area would detract from the character and appearance of the area'.*

The current scheme overcomes these concerns, through an amendment to the parking arrangement, such that the total area dedicated to parking has been considerably reduced, enabling a reduction in the number of vehicular entrances to the site to one. Enclosure at the rear has also been achieved through the proposed construction of a 1.8 metre high wall along the boundary with the access road.

## 3. Lack of glimpses through to buildings beyond

The Inspector considered that the appeal proposal failed to take its cue from surrounding development, *'where buildings take various lines, with small gaps between, giving glimpses of land or buildings beyond.'* The current proposal breaks up the continuous frontage previously proposed, with the introduction of gaps between buildings which enable views through to the thatched buildings and church beyond.

## Access, turning and parking

The access to the site would be off the lane to the rear of the existing garage. The development itself would be served by one access, with the parking area designed to form one block. There would also be one parking space parallel to the access lane, which would serve unit 1.

Concerns have been raised about the number of vehicles generated by the proposal, which would use an already dangerous junction, and the lack of parking associated with the development, which would potentially cause cars to park elsewhere in the village. The local highway authority has also raised an objection, as it considers that a) there is insufficient parking for the development; and b) the parking space for unit 1 would encourage vehicles to reverse out onto the highway.

With regard to the parking issue, 9 spaces are proposed for 7 houses ie. 1 space per dwelling, plus 2 visitor spaces. The highway authority has requested 11 spaces, on the basis of 1.5 spaces per dwelling. The appeal proposal was for the same number of dwellings ie. 7, with 10 parking spaces proposed. The Inspector raised no concerns about this number of parking spaces and consequently, it would be unreasonable to require 11 spaces in accordance with the highway authority's recommendation. The question is therefore whether the reduction of the number of spaces by 1 (to 9) would justify the refusal of planning permission. PPG 13 emphasises the need to adhere to maximum parking standards. In other words, there should be no minimum standards that a developer must accord with. This is reflected in policy AT9 of the Kennet Local Plan which stipulates a maximum standard of 2 spaces per dwelling. In view of this advice, it is considered unreasonable to insist on a minimum parking requirement. It should also be borne in mind that the site lies in the centre of the village where there is other off-site parking available.

With regard to the second issue of concern raised by the local highway authority, it is not considered that the siting of a parking space in the proposed location would present a significant threat to highway safety. The probability is that vehicles using



this parking space would not reverse out onto the highway and instead would drive down the access lane and turn in the access to the development, so that they would park facing out onto the High Street.

Concerns have been raised in the representations received about the number of vehicles generated by the proposal, which would present a road safety hazard. It is not considered that a refusal on this ground could be substantiated as the site is set back from the junction in question. Furthermore, the highway authority has not objected to the proposal for this reason.

#### Affordable Housing

Policy HC32 in the Kennet Local Plan requires the local planning authority to negotiate the equivalent provision of open market and affordable homes on all proposed housing sites in the villages subject to evidence of local housing need. The applicant is proposing 2 out of 7 affordable units which falls below this threshold, however, in this instance, the views of the Inspector in the appeal decision for the same number of houses (application K/43173) are a material consideration. The Inspector took the view that it would be unviable to accommodate three affordable houses on the site, due to costs such as those associated with remediation measures for the land. He therefore concluded that the provision of 2 affordable units out of a total of 7 dwellings would be acceptable. As the same number of dwellings is proposed for the current scheme and the applicants have offered two affordable units, in light of the Inspector's conclusions, a refusal on the ground of inadequate affordable housing provision would not be justified.

#### Impact on Residential Amenity

Whilst it is acknowledged that the proposed dwellings would be in fairly close proximity to the houses at the rear of the site and there would be a degree of overlooking, the outlook of these dwellings would be greatly improved by the removal of the existing rather oppressive single-storey dwelling abutting the lane at the rear of the site. Furthermore, in respect of the previous appeal decision, the Inspector raised no concerns about the proposal from a residential amenity point of view.

The only change to the scheme that was dismissed on appeal that may have residential amenity implications is the proposed construction of a wall to the rear of the site, abutting the lane. This would be lower in height than the existing wall on the site boundary and consequently, it is considered that a refusal on this ground would not be justified.

#### Archaeology

Wiltshire County Council has raised no objection to the proposal subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved by the local planning authority prior to the commencement of development.

#### Flood Risk

Concerns have been raised about the risk of flooding as a result of the development. However, the Environment Agency has raised no objection to the proposal on this ground. Furthermore, in respect of the previous appeal decision, the Inspector raised no concerns about flooding.

#### Contamination

As the site is presently used as a petrol station, there is a risk that it may be contaminated. For this reason, the Environment Agency recommends that a condition is attached to any permission granted requiring a site investigation to be

carried out to assess the nature and extent of contamination, prior to the commencement of development.

In summary, the scheme is considered to be acceptable and consequently, the approval of planning permission is recommended subject to the prior completion of a Section 106 legal agreement securing the provision of 2 affordable housing units on the site.

### **RECOMMENDATION**

Grant Full Planning Permission, subject to the prior completion of a Section 106 legal agreement to secure the affordable housing units and subject to the conditions set out below;

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 - INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the \*\*\*\*\*.

3 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 001008-25A, 26A and 27B received on 6 May 2005.

#### **REASON:**

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

4 - No development shall take place until details of the materials to be used for the external walls (including the boundary wall to be constructed to the rear of the site) 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.

5 - Prior to the commencement of development, details of all eaves, verges, windows (including joinery, head, sill and window reveal details), doors, rainwater goods, chimneys and railings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### **REASON:**

To secure harmonious architectural treatment.

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

REASON:

To safeguard the site of archaeological interest.

7 - 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.

8 - 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.

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 - Prior to the first occupation of the dwellings hereby permitted, the access, parking and turning areas shall be provided in accordance with the approved plans and shall thereafter be maintained for that purpose.

REASON:

To ensure the adequate provision of parking spaces, access and turning in the interests of highway safety and the amenity of future occupants.

11 - 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 buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

12 - 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 shall be erected or placed on any part of the application site.

REASON:

To protect the character and appearance of the conservation area.

13 - No external construction work shall be carried out before 0800 or after 1800 on Monday to Friday or before 0800 and after 1300 on Saturdays and there shall be no external working at any times on Sundays or Bank Holidays.

REASON:

In the interests of residential amenity.

14 - Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be completed before any dwellings are occupied, unless otherwise agreed in writing by the local planning authority.

REASON:

To enable the local planning authority to assess the extent of contamination in the interests of the safety of future occupants of the site.

15 - Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site.

REASON:

To ensure satisfactory surface water drainage.

16 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 25 April 2005.

17 - 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, HC32, ED12, AT9 and HH5.

Item 4:

APPLICATION:	K/51650/CAC
PARISH:	UPAVON
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of existing garage
SITE:	The Garage, High Street, Upavon
GRID REF:	13493 55024
APPLICANT:	Messrs M & G Reeder
AGENT:	Michael Fowler Architects
DATE REGISTERED:	14th February 2005
CASE OFFICER:	Miss K Whittington

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#### BACKGROUND

This is the counterpart conservation area consent application for demolition of the buildings on the site of planning application K/52004, reported above. The site description and planning history are as previously reported.

#### DESCRIPTION OF DEVELOPMENT

The application is to demolish the existing single-storey garage buildings on the site.

#### PARISH COUNCIL COMMENTS

Upavon Parish Council objects to the proposed demolition of the garage pending sight of the planning application for new buildings on the site, on the basis that the existing commercial activity should be preserved if possible.

(NB - the parish council received these plans for the demolition of the buildings before the application for the redevelopment on the site had been registered)

#### REPRESENTATIONS

One letter of representation has been received, which queries whether the granting of conservation area consent for the demolition of a building is dependent on a planning application for redevelopment of the site having been received.

#### POLICY CONSIDERATIONS

The advice contained in PPG 15 is relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

As this application is for conservation area consent, the only issue that can be considered is whether the loss of the building as a consequence of demolition would have a detrimental impact on the character and appearance of the conservation area. Whilst the parish council has objected to the application on the ground that the existing commercial use should be preserved, this is not an issue that can be taken into account in the determination of this application.

It is not considered that the existing buildings on the site make a positive contribution to the character or appearance of the conservation area, being of utilitarian appearance and out of character with surrounding historic development. Consequently, no objection is raised to their demolition. PPG 15 advises that, in cases where the principle of demolition is considered acceptable, consent should not be given "unless there are acceptable and detailed plans for any redevelopment." The decision on this application will therefore need to take account of the decision on the scheme for the redevelopment of the site proposed under application K/52004. If

members disagree with the recommendation to grant permission for the redevelopment scheme and refuse planning permission, there will be no acceptable plans for redevelopment and this application will similarly need to be refused. If permission is granted, as recommended, for the redevelopment scheme, the demolition can be approved, with a condition attached to ensure that the demolition does not take place unless a contract has been let for the redevelopment scheme.

### **RECOMMENDATION**

Approve with Conditions

1 - The buildings shall not be demolished before a contract for the carrying out of works for the redevelopment of the site has been made, with the relevant dates notified in writing to the local planning authority, and planning permission has been granted for the redevelopment for which the contract provides.

### **REASON:**

In the interests of the visual amenity of the locality, which is within a designated conservation area.

### **2 - INFORMATIVE TO APPLICANT:**

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

The demolition of the buildings would not be detrimental to the character and appearance of the conservation area.

Item 5:

APPLICATION:	K/51795/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	38 sheltered apartments for the elderly (Cat II), House Managers accommodation, communal facilities, landscaping and car parking.
SITE:	78 New Park Street, Devizes, SN10 1DX
GRID REF:	00371 61649
APPLICANT:	McCarthy & Stone (Devs) Ltd
AGENT:	Planning Bureau
DATE REGISTERED:	11th March 2005
CASE OFFICER:	Mr R C Cosker

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#### SITE & LOCATION

The application site is located at the western end of New Park Street between Nags Head Court and Salem Chapel, the site is currently occupied by a three storey building last used as a café and a large modern commercial building last occupied by Henry Aldridge Auction Rooms. The site extends some 47 metre back from New Park Street.

The site lies with the Devizes Conservation Area and both the Nags Head Court and Salem Chapel are listed buildings.

#### SITE HISTORY

K/51760/CAC – This application was for Conservation Area Consent to demolish the modern commercial building and older three storey building. Consent was granted on 5 May 2005

K/50677/CAC – Conservation Area consent was granted on 5 October 2004 for the demolition of a modern boundary wall to the rear of the former auction rooms.

K/50635/R3 – This council application for the construction of a public car park and associated footpaths on land to the west and south of this site was approved on 6 January 2005.

#### DESCRIPTION OF DEVELOPMENT

This application proposes the erection of a 3 storey sheltered housing development consisting of 28 one bedroom and 11 two bedroom self contained apartments. The building would be laid out with a 't-shaped' plan with frontage development along New Park Street. The building would be constructed using mainly brick elevations with reconstructed stone details under a natural slate roof. Vehicular access to the site would be formed at the point of an existing access off New Park Street on the eastern boundary of the site, car parking for 13 cars would be provided.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with officers the applicant has made amendments to the design of the proposed building, including changes to the windows, materials and other detail design matters.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant submitted a supporting letter with the application and has since submitted a further letter to set out the applicant's case with regard to the need for financial contributions as set out in the Devizes Strategic Brief. Both letters are available for inspection on the planning file.

#### TOWN COUNCIL COMMENTS

Devizes Town Council – No objection

#### CONSULTATIONS

Highway Authority (Mr Wiltshire) – Given the location and nature of the development the proposed parking provision is acceptable. Recommend no highway objection subject to conditions concerning the laying out of access, parking, turning areas and the alterations to pavement and the parking bays on New Park Street.

KDC Environmental Health – Whilst there have been no complaints concerning noise from The Crown PH since the beginning of 2004 they consider it may be prudent to carry out a night time noise assessment to ascertain the level of noise that the residents of the proposed flats will be subject to. (The findings of that survey are awaited and will be reported to members verbally).

English Heritage – Do not wish to make any representations.

CABE – Feel the scheme is of average quality and should be better, raise points concerning accuracy of the submitted plans and concerns that the flat plans have encroached on the corridor space at the expense of providing natural light.

#### REPRESENTATIONS

Trust For Devizes – Wish to object to the grant of planning permission in its present form. Existing buildings in New Park Street are predominantly Georgian of two storey either faced in a consistent bright red brick or rendered in white stucco, where third floors exist they are usually within mansard roofs, with few exceptions this leaves a consistent parapet/roof line. We feel visual appearance and bulk of the proposed building is insufficiently sensitive to the original form of New Park Street in its surface articulation i.e. it would benefit from breaking down into smaller apparent visual elements.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC3, HC10, HC30, HC34, HH5 and HH8 are considered relevant to the determination of this application.

#### PLANNING OFFICERS COMMENTS

Policy HC10 of the local plan allocates the wider Northgate site (together with the Wharf and Devizes Hospital) for mixed developments which includes housing. As members will be aware the Northgate site is made up of land assembled by Kennet District Council and it was on that basis that a Development Brief was adopted in September 2002 to guide a mixed development on the site. Subsequent attempts to achieve a comprehensive redevelopment of the site have not succeeded and as such the council has opted to divide and sell the land in four separate parcels, the site subject of this application is parcel 1. In order to 'tie' the four parcels together the council has already got the necessary consents to build the central car park and associated footpaths. It is considered that, having regard to policy HC10 and the development brief, the principle of residential development on this site is acceptable; it is particularly considered that this site is suitable for sheltered housing having regard to the sites close proximity to the main town centre facilities.



Turning to the acceptability of the proposed sheltered housing scheme, it is clear that the main issue concerns whether, what is clearly a large development in a prominent location, will preserve or enhance the character or appearance of the conservation area. The street edge location of the building and its vertical differentiation is respectful of the historic development pattern and townscape character of the conservation area and its form is generally traditional with brick elevations, slate roofs and with fenestration giving a style of classical regularity. Whilst an expected emphasis of the design is on the appearance of the New Park Street frontage the building will be very prominent in views from all sides, this will increase when the public car park and footpaths are constructed to the south and west of the site, the buildings mass and roofline has therefore been broken up at the rear to ensure visual interest from all these public views.

With regard to the scale of the building, your officers consider that, whilst the adjacent listed buildings are only two storey, the three storey building proposed will not be out of scale with the variety of buildings in New Park Street, or the wider character of Devizes Conservation Area, it is also of note that the development brief for the site supports the use of three storey buildings. The Trust For Devizes has suggested the use of a mansard roof to break up the mass of the building, whilst this would clearly be of benefit, officers consider that the level of articulation in the planes and roofscape of the individual elements of the building is sufficient to break up the mass of the building and create variety and interest. In terms of the impact on those adjacent listed buildings it is considered that sufficient separation distances are achieved to minimise the impact on their setting with the setting back of the block adjacent to Salem Chapel also helping to preserve the setting of that building.

Whilst the form of the building was considered generally acceptable officers were concerned that it was too understated, 'a bit bland' and needing some detailed design improvements. The amendments submitted include; the use of timber sash windows (instead of the previously proposed UPVC casement windows), an improved central feature to the setback element of the building, the introduction of some more interesting fenestration on the western gable of that setback element and the use of render to one of the New Park Frontage elements instead of using contrasting bricks. The applicants have not proposed to include any chimneys on the building stating that they consider the building to be 'of its time' and that the inclusion of 'false' chimneys would be inappropriate. Whilst chimneys are clearly an important characteristic of the conservation area it is considered that, in this instance having regard to the type of building proposed, their omission would not harm the character or appearance of the conservation area.

It is therefore concluded that the building is of a sufficient quality to be considered to preserve the character and appearance of the conservation area. It is further considered that the redevelopment of this large prominent derelict 'brownfield' site can assist in the wider regeneration, and thus the enhancement, of the northern part of the conservation area.

A further issue raised by this application is how the proposal addresses the issue of planning contributions as required by the Devizes Strategic Brief (DSB) which sets out the contribution needs of all the allocated sites in Devizes. As a housing proposal for persons beyond 55 years of age it is exempt from many contribution requirements, including education and recreation relating to younger persons. The DSB does however not provide any automatic exemption for contributions towards adult recreation and sustainable transport improvements.

The payment of £15,190.50 towards adult recreation will be as required by the DSB with it likely that the money will be used toward facilities such as Devizes Leisure Centre and Hillworth Park. As stated whilst the DSB does not set out any exceptions for payments toward sustainable transport contributions it is still necessary to consider whether any contributions proposed are directly related to the proposed development, it is also of note that in the DSB it states that the other material considerations will need to be taken into account when negotiating with individual applicants. In this instance the particular sustainable transport proposals in the DSB have been examined and it is concluded that they cannot be considered to be directly related to this proposal due to the location of the proposals and the reason why they are considered necessary. For instance many of the reasons for the proposal are to create sustainable transport links to schools, places of employment or other towns. In this instance therefore no sustainable transport contributions are required.

With regard to affordable housing, policy HC10 and the Northgate Development Brief require 50% affordable housing to be achieved across the wider site. The DSB however again exempts age restricted housing from needing to provide subsidised affordable housing but it does require the provision of low cost market housing to be negotiated. In this instance officers can advise none will be required on this application site as parcel 2 (the land to the west of Salem Chapel) is to be transferred to a Registered Social Landlord, who will provide 100% affordable housing on that site, thus the council will be able to ensure an acceptable balance of open market and affordable housing will be achieved across the wider site.

The impact on adjacent residential properties is limited to those in Nags Head Court, however it is considered that the separation distance between windows are sufficient to ensure there will be no detrimental loss of privacy. Where windows are closer at the front of the site the use of obscure glazing is proposed.

Having regard to the above it is recommended that planning permission be granted subject to the completion of an appropriate legal agreement.

## **RECOMMENDATION**

Defer and delegate to the Planning Services Manager to grant planning permission, subject to the conditions set out below and subject to the prior completion of a legal agreement to provide the contribution required toward adult recreation facilities, as set out in the Devizes Strategic Brief.

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 - INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the \*\*\*\*\*.

3 - 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.

4 - Notwithstanding the details shown on the submitted plans no development shall take place until details of the materials to be used for the external walls and roofs (including samples and/or samples panels 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.

5 - The development hereby permitted shall not be commenced until full details of eaves, verges, parapets, decorative banding, cornice, plinths canopies, porches, balcony railings, rainwater goods and window heads, sills and surrounds have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details.

REASON:

To secure a harmonious architectural treatment in the interest of the character and appearance of the conservation area.

6 - Notwithstanding the details submitted, prior to their installation full details of the proposed external windows and doors, including sectional drawings of not less than 1:20 scale, details of surface finishes and reveal depths, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

To secure a harmonious architectural treatment in the interests of the character and appearance of the conservation area.

7 - Before the construction of any boundary walls, fences, railings or other means of enclosure is commenced details of the height, position, design and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. The details shall include the bond in which the brick walls are to be laid in. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

8 - 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 for the site. The hard landscaping details submitted shall include the car parking area and the hardsurfacing and kerbing for the widen access.

REASON:

To ensure a satisfactory landscaped setting for the development.

9 - All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the first planting and seeding season following the first occupation of the building 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.

10 - Notwithstanding the details shown on the approved plans, before any work commences on site the ground floor slab levels 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 visual amenity.

11 - The building hereby permitted shall not be occupied until the current on-street parking bay which would obstruct the proposed widened new access has been permanently removed and the existing length of double yellow lines covering the existing central access to the site has been replaced by on-street parking bays.

REASON:

In the interests of highway safety and convenience.

12 - INFORMATIVE:

The removal and replacement 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.

13 - Before any part of the development hereby permitted is first occupied the widened access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans and the approved hard landscaping scheme approved under condition 8, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

14 - Before any part of the development hereby permitted is first occupied the existing lowered kerbs in front of the site (not including those at the proposed access position) shall be replaced with full height kerbs, and the frontage footway is to be reconstructed in accordance with the details to be first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety and convenience.

15 - Before any part of the development hereby permitted is first occupied the new public footpath (as shown on the approved drawing A01-1337-04 received on 23 February 2005) shall be constructed alongside Salem Chapel in accordance with the details first submitted to and approved in writing by the local planning authority.

**REASON:**

To ensure pedestrian permeability is achieved through the Northgate site.

16 - None of the dwelling units hereby permitted, with the sole exception of the Warden's dwelling, shall be occupied by any person who is less than 60 years of age, except in the case of two persons sharing an apartment, one occupant shall not be less than 60 years of age and the other not less than 55 years of age.

**REASON:**

The application has been considered on the basis of occupation by elderly persons and the local planning authority wishes to consider any future changes to occupation of the building.

17 - The windows at first and second floor level shown on the approved plans at the northern end of the south east elevation (3 living room windows and 1 bathroom window shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

**18 - 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, HC3, HC10, HC30, HC34, HH5 and HH8.

Item 6:

APPLICATION:	K/51880/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of two detached villa style houses
SITE:	Land adjacent to Hillworth Park, Devizes
GRID REF:	00465 60973
APPLICANT:	Devizes Town Council
AGENT:	Digby Rowsell Associates
DATE REGISTERED:	18th March 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The site is an overgrown parcel of land to the south-east of Hillworth House and adjacent to Hillworth Park in Devizes. It is separated from Hillworth Park by a screen of large trees and a dilapidated Tufa stone wall. The southern boundary of the site adjoins the Quaker burial ground. The site is accessed via a drive that runs between Hillworth House and a terrace of houses fronting Hillworth Road.

#### SITE HISTORY

K/50045 – an application for a pair of semi-detached houses on the site was withdrawn in June 2004.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to construct two detached houses on the site, which would be accessed off the existing drive adjacent to Hillworth House. The dwellings would be of limestone, render and natural slate construction and would have integral garages. All existing vegetation along the boundaries of the site would be retained and reinforced where necessary. In addition, a beech hedge would be planted along the front site boundary.

The north-south wing of each dwelling is two-storey in height and contains the main accommodation, whilst the east-west wing is of a lower scale and contains the garaging. At the junction of the two wings is an entrance tower structure, which is square in plan and projects higher than the adjoining roofs, thus forming a focal point.

The access drive, parking and turning areas would be constructed in compacted gravel, with a porous surface, to prevent damage to any tree roots.

A letter from Chalkhill Environmental Consultants has been submitted with the application, which confirms that bats are not present on the site and consequently, would not be affected if the existing trees on the site are removed.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted an additional statement in support of the application, which states the following:

- The proposed dwellings have been positioned within the site to ensure that all the mature trees and hedging will remain unaffected by the development.

- The well-established landscaping to the site's boundaries will screen the proposals and only allow small glimpses of the dwellings. The disposition and form of the new development has been designed to utilise these partial glimpse views and to positively add to the park's picturesque qualities.
- The access drive, parking and turning areas will be constructed in compacted gravel, with a porous surface, to prevent damage to any tree roots.
- The existing site boundary treatments are to be utilised and reinforced where appropriate, as follows: a) the existing Tufa wall to the west of the site adjoining Hillworth Park will be repaired and heightened to approximately 900 mm above the higher ground level, to form a natural progression to the existing site boundary.

#### TOWN COUNCIL COMMENTS

Devizes Town Council is unable to comment as it is the applicant.

#### CONSULTATIONS

County highways (M Wiltshire) – no objection.

Environment Agency – no objection, but wishes to note that the proposed development is within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site.

Wessex Water – no objection in principle.

#### REPRESENTATIONS

Thirteen letters of objection have been received in respect of the proposal, which raise the following key concerns:

1. The proposal would have an adverse impact on the setting of Hillworth House. An intrinsic character of period parks and gardens is the sub-division into distinct 'character areas'. The wooded area forms one such area and would be lost if planning permission were to be granted.
2. The proposal would be detrimental to the character of the area as trees on the site would be lost.
3. The area is important in its own right, as it contrasts with the formal gardens. The development would adversely impact on the setting of the Quaker burial ground.
4. The proposal does not specify building materials, colour and detailing and therefore cannot be considered to sustain distinctive local character.
5. The proposed would lead to more traffic and the access is inadequate, which would present a road safety hazard. Access to existing properties would be made more difficult as a result of the proposal.
6. The proposal would result in the damage of an archaeological site.
7. The proposed development would overlook the bedrooms of numbers 5-11 Hillworth House.
8. The noise levels will increase dramatically as a result of increased traffic movements.
9. The proposed works to the Tufa wall would be detrimental to its character and appearance.
10. It is understood that the capital receipts of the sale of this land are intended to help finance other council projects unrelated to Hillworth Park. If planning

- permission is granted, the money should only be used for the upgrade and maintenance of the landscape elements of Hillworth Park.
11. There now appears to be an over-supply of housing sites in the Kennet area, without bringing more sites into the equation.

#### POLICY CONSIDERATIONS

Kennet local Plan 2011 - the site lies within the Limits of Development for Devises. Policies PD1, HC21 and HH8 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The application raises a number of key issues, each of which will be considered in turn.

##### Principle of Development

The site lies within the Limits of Development for Devises and consequently the principle of constructing two dwellings on the site would accord with policy HC21 in the Kennet Local Plan.

##### Impact on Character and Appearance of the Area and the Setting of the Listed Building

Whilst it is acknowledged that the character of the site itself would be transformed as a consequence of the removal of numerous trees, its well-wooded appearance when viewed from Hillworth Park and other public vantage points would be maintained. This would be achieved by the following:- the positioning of the dwellings such that they would not impinge on the boundary trees and hedging; the construction of the access, parking and turning areas in a compacted gravel with a porous surface to prevent root damage; and the utilisation and reinforcement of the existing site boundaries. As a consequence of retaining and reinforcing the well-established landscape boundaries, the development would be fairly well-screened, and consequently, would not detract from the character and appearance of the surrounding area.

The site does not lie within the curtilage of the listed Hillworth House, however, it could be argued that it is within the setting of this building, as it appears to have an historical connection with the main house. The question is therefore whether the setting of the listed building would be adversely affected as a result of the proposal. The design of the dwellings respects the formal Regency style of Hillworth House and park and because of the level of screening afforded and the fact that the site is set back from the this building and does not lie immediately adjacent to it, the setting of the listed building would not be compromised. For this same reason, the setting of the Quaker Burial Ground would not be adversely affected.

Concerns have been raised about the proposed alterations to the existing Tufa wall on the boundary with Hillworth House. However, as this structure is not listed, an objection to these proposals would not be justified. Furthermore, it is not considered that an increase in the height of the wall be 900 millimetres would be detrimental to the character and appearance of the area, particularly as the detailing can be controlled by way of condition.

##### Impact on Highway Safety

The level of traffic generated as a result of the proposal is not considered sufficient to warrant a refusal on highway safety grounds. Furthermore, the local highway authority has raised no objections to the proposal.



### Impact on Residential Amenity

The site is considered to be a satisfactory distance from the neighbouring properties and consequently, it is not considered that direct overlooking problems would arise.

It is not considered that the increased use of the existing drive as a result of the development would give rise to such a significant increase in vehicle movements as to adversely affect the nearby residents' reasonable living conditions by reason of noise disturbance.

### Impact on Protected Species

Concerns have been expressed that the proposal may impact on protected species such as bats, due to the removal of numerous trees on the site. The applicant commissioned the undertaking of a bat survey, which was carried out by Chalkhill Environmental Consultants. The resulting report confirms that no evidence of potential roost sites was found and that all trees were found to have a very low potential for roosting bats. For this reason, an evening emergence survey was not considered necessary and it was concluded that bats would not be a material consideration in respect of the proposed development.

### Other Issues Raised

The site is not designated as a Site of Higher Archaeological Potential and consequently, a refusal on the ground of adverse impact on buried archaeology could not be substantiated.

How the monies raised from the sale of the land would be spent is not a material planning consideration.

There is no requirement for the development to provide 50% affordable housing, since this policy applies to villages only. Within Devizes, affordable housing only needs to be provided on those sites that involve 25 or more dwellings or 1 hectare of land.

As the proposal is acceptable in principle since it accords with policy HC21 in the Kennet Local Plan, the question of whether there is an over-supply of housing sites is not a material consideration.

In summary, the proposal is considered to be acceptable and consequently, the approval of planning permission is recommended.

### **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 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 - Prior to the first use of the dwellings hereby permitted the parking and turning areas shall be provided in accordance with the approved plans and shall thereafter be retained for the parking and turning of vehicles.

REASON:

To ensure the adequate provision of parking and turning space in the interests of highway safety.

4 - 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 buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

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) no buildings, or structure, or wall, fence, or other means of enclosure (other than those approved as part of the landscaping scheme) shall be erected or placed on the application site.

REASON:

To protect the character and appearance of the area.

6 - 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 full details of boundary treatments (including the repair and increase in height of the Tufa wall) and surfacing and 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.

7 - 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.

8 - 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.

**9 - INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letters from Wessex Water dated 31 March 2005 and the Environment Agency dated 5 April 2005.

**10 - 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, HC21 and HH8.

Item 7:

APPLICATION:	K/51574/F
PARISH:	MARKET LAVINGTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of three dwellings (amendment to previously consented scheme of development under K/46886)
SITE:	Land to the rear of 10 White Street, Market Lavington
GRID REF:	01539 54077
APPLICANT:	Causeway Developments
AGENT:	Four Square Design Ltd
DATE REGISTERED:	28th January 2005
CASE OFFICER:	Mr R C Cosker

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#### SITE & LOCATION

The site can be accessed by turning right off Church Street into White Street as you enter the village from the direction of West Lavington on the B3098. Vehicular access to the site is approximately 40 metres along White Street next to the hardware store.

The three proposed dwellings are located through an archway on land to the rear of a number of two storey buildings. The area consists of open scrub land and extends across to 'The Muddle' footpath to the west.

#### SITE HISTORY

K/45935 – Conversion of existing buildings to two dwellings and construction of three new dwellings. This application was refused on 5 September 2003 under delegated powers for the following reasons;

1. The junction of White Street with the B3098 is inadequate and unsuitable by reason of its very restricted visibility in the easterly direction to safely and conveniently cater for the additional traffic movement generated by the proposed development.
2. Lack of information on any archaeology in the area.
3. The three new buildings would, by reason of their position and elevational treatment, be overdominant and detrimental features in the Conservation Areas.
4. The proposed unit A would, by reason of its height and position close to the boundary, have an unacceptably dominant and overbearing effect on the occupiers of the adjacent properties.
5. Windows and the balcony in units D and E would have an adverse impact on the occupiers of the adjacent properties. The ground floor windows of unit E would result in an unacceptable relationship between that property and the adjacent property.

K/46886 – This application was a resubmission of the above application with further information and amendments to overcome the previous reasons for refusal. The application was approved by the Regulatory Committee on 22 March 2004 following a committee site visit.

## DESCRIPTION OF DEVELOPMENT

Whilst the previous applications included conversion of the existing buildings to two dwellings and the three new build dwellings this application is only an amendment to the three new build dwellings on the rear part of the site.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant submitted amended plans reducing the levels, heights and design of the new dwellings. A second set of amended plans was submitted further reducing the ridge height of the dwelling on plot 1.

## PARISH COUNCIL COMMENTS

Market Lavington Parish Council made the following comments concerning the receipt of the first set of plans;

1. The Council notes condition 17 of K/46886 concerning the slab level of plot 3 and wishes to have it confirmed that this condition will apply to this variation.
2. If the above condition applies then steps should not be shown leading down from plot 3 to the footpath.
3. All three houses should have the same level of roof ridge.
4. The amended plans show higher roof ridges than those of the previous application, this is detrimental to adjacent properties.
5. Council remains very concerned about the disposal of foul and surface water. There have been further flooding incidents on adjacent properties.

Following receipt of the first amended plans the following comments have been made;

“The Parish Council is pleased to note that, since the January plans, the ground level of plots 2 and 3 have been lowered noticeably and the ground level of plot 1 has also been reduced slightly and some windows have been reduced in size. The Council suggests that the developer should consider how the present lean to forge could be incorporated into covered parking. Retaining the present roof would protect the privacy of the residents at 7 and 9 Church Street. The ground level of plot 1 could be further reduced if underpinning was applied to the adjacent wall. The Parish Council suggests the upper window of plot 2, north elevation, could also be reduced”.

## CONSULTATIONS

County highways (Mr Wiltshire) – No objection subject to conditions concerning access and parking.

County Archaeologist – In light of a previous archaeological evaluation no further work is necessary on the site.

Environment Agency - No objections

Wessex Water – No objection and confirm there is enough capacity in the foul sewer to accommodate three new dwellings.

## REPRESENTATIONS

A total of 10 letters of observation were received following the receipt of the first set of plans where the following points were raised;

1. Houses are taller than any surrounding buildings and will dominate surrounding historic properties and fail to respect the Muddle cottages.
2. The houses are also being built at higher ground levels than approved.
3. The houses will all overlook our garden. This loss of privacy is exaggerated as our garden slopes to a lower level.

4. What will be done to increase the capacity of the current drainage system which repeatedly floods after heavy rain?
5. There have been two further flooding incidents since the last application but Kennet District Council and Wessex do not see this as a problem.
6. Where will the new residents park as there is limited parking in the area?
7. The proposal will also create additional traffic and parking in White Street which has already increased since the last application.
8. Ten parking spaces seems high bearing in mind the mounting traffic congestion problems in the village.
9. This is a conservation area and brash modern buildings and new bricks would be inappropriate.
10. We will lose our privacy in our back gardens with the removal of the forge building, what will replace this building? The removal of the building would also result in an increase in noise from the parking area proposed.
11. Boundary walls should be maintained.
12. Any approval should also retain the willows on the western boundary.

Since the receipt of amended plans 7 further letters of observation have been received which raise similar points as raised before together with the following additional points;

1. Although plots 2 and 3 have been lowered plot 1 is still 1 metre higher.
2. Still consider proposed houses are too high.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC3, HC21, HC28 and HH5 are considered relevant to this application.

#### PLANNING OFFICERS COMMENTS

The site lies within the limits of development of Market Lavington and as such policy HC21 of the Local Plan accepts the principle of residential development subject to a number of criteria. The previous approval for the site has also accepted the principle of the three new dwellings on the site. Having regard to the previous approval, and the 'fallback' situation created, the issues relating to the principle of residential development on the site; the highway matters or the adequacy of the drainage system are not matters for consideration with this application. The main consideration for this application therefore is whether any amendments made to the design and appearance of the three dwellings are acceptable particularly having regard to the impact those changes will have on the character and appearance of the conservation area and on the amenity of the occupiers of adjacent dwellings.

One of the main issues raised at the time of the previous applications was the slab levels and heights of the proposed buildings. When granting consent for K/46886 members required that the condition requiring slab levels to be agreed was amended to require the slab level of the unit closest to The Muddle to not exceed the level of the adjacent footpath. The current applicant has now carried out a full land survey of the site and has also used the approved drawing as a benchmark to try and calculate what slab levels they were illustrating for the other plots, these exercises have shown that the previous submitted plans did not accurately represent the situation on site and to achieve the levels shown it would require a large amount of excavation across the whole site which could undermine the surrounding walls. Following negotiations with officers the current application has been amended twice to address these concerns and the levels have now been reduced on all 3 plots.

Plot 3, which is nearest The Muddle would now have a slab level 10 centimetres above the level of the footpath. Whilst this does not comply with the precise

requirement of the amended slab level condition the requirement for the slab level to be at the same height as the reduced external ground level next to the footpath is not practical as the slab of a building would normally need to be 10-15 centimetres above ground level. The overall height of the building on that plot would be 6.85m above the footpath compared with 6.6m of the approved scheme. The previously refused scheme was 8.1m. On plot 2 the slab level has been reduced by 70 centimetres but the ridge height would be 45 centimetres higher than approved. Whilst this will increase the difference in the ridge between plots 3 and 2 from 110 to 135 centimetres, it is not considered that this will be materially harmful to the character or appearance of the conservation area, indeed the amended roof design will appear less contrived. On plot 1 the slab level has been reduced by 30 centimetres. Although this is still 80 centimetres above that illustrated on the approved plans it is not unreasonable as the slab level is well related to the existing ground level in that part of the site. It is also noted that following receipt of further amended plans the ridge height of plot 1 has been further reduced to ensure it is no higher than that of the existing adjacent barn and only 20 centimetres above that of the approved dwelling.

The changes to the design of the buildings are minor and arguably add more interest to the details of the building. As such it is considered that, following the negotiated changes, the proposal is now acceptable and will preserve the character and appearance of the conservation area.

Turning to the issue of the impact on the amenity of occupiers of adjoining dwellings, the relative heights of the proposed dwellings have been discussed above and as such the impact of the buildings, in terms of dominance, will not be materially different from those buildings already approved. It is also worth noting at this point that the applicant has managed to move the dwelling on plot 3 a further one metre away from the wall at Broadwell House. Again in terms of loss of privacy, there are no material changes to the position of windows on the proposed dwellings to those already approved.

In conclusion it is therefore considered that the principle of three dwellings on this site has been agreed and that the changes now proposed are 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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 4011.2A, 4011.3B, 4011.4B, 4011.6B and 4011.7B received on 22 March 2005 and 4011.5C and section A-A drawing of plot 1 received on 29 April 2005.

### **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 - Prior to the commencement of development full details of all eaves, verges, windows (including head sill and reveal details), doors, porch canopies, rainwater goods, dormer windows and chimneys shall be submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with those approved details.

REASON:

To secure a harmonious architectural treatment.

5 - Notwithstanding the details on the approved plans prior to the commencement of development details of all boundary walls (including retaining structures) and fences, including details of the height position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

6 - INFORMATIVE

The applicant should note that, having regard to the boundary treatment details that need to be submitted to comply with condition 5, the local planning authority does not consider that the use of close boarded fencing will be acceptable along the boundary with The Muddle of where the fence would be visible from public vantage points within the Conservation Area.

7 - 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.

8 - 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.

9 - 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.

10 - 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.

11 - 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 buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

12 - 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 no fences, gates, walls, or other means of enclosure shall be erected or placed on this site.

REASON:

In the interests of visual amenity.

13 - 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 south east elevation of plot 1 and the south west elevation (including the roof slope) of plot 3 hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

14 - The bathroom window on the south west elevation of plot 3 shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

15 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site.

**REASON:**

To ensure satisfactory foul water drainage.

16 - No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

**REASON:**

To ensure satisfactory surface water drainage.

17 - The development shall be carried out in accordance with the Finished Floor Level details and ground level details shown on the approved plan 4011.2A received on 22 March 2005.

**REASON:**

In the interests of visual amenity.

**18 - 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 8:

APPLICATION:	K/51484/F
PARISH:	COLLINGBOURNE DUCIS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Fifteen new dwellings and two B1 (office/light industrial) buildings
SITE:	Bourne Works, High Street, Collingbourne Ducis
GRID REF:	24429 53966
APPLICANT:	Mr N Hyde & Mrs M Bayfield
AGENT:	Michael Fowler Architects
DATE REGISTERED:	14th January 2005
CASE OFFICER:	Mr R C Cosker

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### BACKGROUND

This application was reported to the last regulatory committee and was subsequently subject to a committee site visit on 3 May 2005.

At the site visit, members resolved to support the recommendation but requested that officers seek to achieve a pedestrian footpath link from the proposed dwellings directly onto the High Street as this would be more convenient for future occupiers who would otherwise have to use the footpath being provided along Station Approach, the first part of which is up a slope. Officers have pursued this matter with the applicants' agent and with the local highway authority.

The access would run alongside plot 8 where a number of steps would be required. The footpath would then need to pass through the industrial area, where a segregated footpath would need to be constructed, before connecting up to the pavement on the High Street. The highway authority have advised that they would not support a footway through Bourne Works given the ill-defined vehicular areas through the site and the conflicts that could arise with turning and reversing vehicles. Your officers can advise that there is insufficient width on this route to achieve a suitable footpath width of 2 metres without impinging significantly on the access for commercial vehicles. Having regard to this situation, and the need for steps, the highway authority have advised that they would be unlikely to adopt the path and so it would need to be privately maintained or adopted by Kennet District Council. The highway authority also raises concerns that the width of the footpath on the High Street is insufficient for increased pedestrian flows. Again your officers can confirm that this footpath is less than 1 metre in width. Members should note that, whilst the link along Station Approach is not level it is only some 10 metres further from the centre of the site to the post office/shop than the requested route via the High Street, it is however a much safer and a more pleasant route.

In sum, officers have explored the suggested route with the local highway authority and having studied it in detail, have concluded that it would be less suitable and less safe than the route proposed in the application. In these circumstances, it is not considered that a condition requiring this route to be provided could reasonably be imposed. The application is therefore recommended for approval with the pedestrian route being as proposed in the submitted plans, along Station Approach.

The report set out below is the one presented to the committee at the previous meeting.

## SITE & LOCATION

The site is approximately 0.58 hectares in size and is located on the eastern side of the A338, which is also known as the High Street, just to the south of the Cadley Road crossroads. The site forms part of a larger employment area which extends from the High Street up to the embankment of the old railway line. Vehicular access to the site is currently through a one-way system off the High Street.

The site rises from the High Street up to the embankment which forms the western boundary of the site. The old Station House is situated at the top of the embankment. To the north lies Saunders Meadow, a modern estate of 18 houses whilst residential gardens lie to the south of the site. Further industrial units and one residential property lie between the High Street and the main development area of the site.

The site lies within the Collingbourne Ducis Conservation Area and in the North Wessex Downs Area of Outstanding Natural Beauty.

## SITE HISTORY

K/50890/F – This application was for the demolition of the fertilizer plant and an adjacent industrial unit with 30 new dwellings and 2 new industrial units proposed. The application was withdrawn on 15 November 2004.

## DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the fertilizer works, (whilst retaining the existing adjoining light industrial building) and the construction of 15 dwellings together with 2 new light industrial buildings. Vehicular access to the remaining and new industrial units would continue from the High Street whilst vehicular access for the residential units would be from a new access onto Station Approach. The access would slope down into the site with the dwellings laid out in short terraces. The dwellings are of 'traditional' design but with a variety of details to provide interest. A commuted sum is proposed in lieu of equipped play space which is not provided on site. As part of the application Station Approach will be upgraded and highway improvements to improve pedestrian movements will be made at the junction of the High Street and Cadley Road and on Chicks Lane.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant has submitted amended plans showing changes to the site access and relating to the positioning, height, design and slab levels of some of the dwellings, in particular plots 1 and 2 (which are the highest units adjacent to Station House) have been lowered, plots 3 and 4 have been re-orientated and plots 5 to 8 have been amended and lowered. One of the industrial units has also been lowered.

## ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design Statement with the application which sets out the background and reasoning behind the proposal. A copy is available on the planning file.

## PARISH COUNCIL COMMENTS

Original plans - the parish council objects to the application on the following grounds;

1. The proposed highway improvements do not address the problem of increased volume of traffic using Cadley Road. There are already three other roads leading to Cadley Road within 60m of Station Approach. The Council is also opposed to some of the off site works. Much work has previously been done by County and TRL, these current proposals are inferior to the previous design put forward, and the widening of the pavement to the north of the

Cadley Road junction will encourage pedestrians to congregate on the corner further decreasing visibility for traffic. Vehicles turning into Cadley Road from the north will also encounter a tighter turn. Furthermore there is little point improving a small footway on the corner of Chicks Lane when pedestrians then will have to cross Chicks Lane to access the footway up to Bourne Rise and the school. We consider the changes could further the accident risks at this junction.

2. A review of the Wiltshire Structure Plan has suggested that no further housing allocations are required in Kennet, this development, although greatly reduced, is still significant at 15 dwellings.

Amended plans – Nothing to add to previous comments, other than to say that the access to the development and the extra traffic it will engender on Cadley Road and the junction with the A338 presents a major risk to the community.

## CONSULTATIONS

County highways (Mr Wiltshire) – Initially recommended refusal as the proposals to upgrade Station Approach were inadequate and/or lacking information. Further objections were raised concerning the technical issues with the internal layout. These matters have now been resolved to their satisfaction.

County Archaeologist – No objections subject to the imposition of a planning condition requiring archaeology investigations to take place.

Environment Agency – No objection but recommends conditions concerning contaminated land and surface water drainage.

Wessex Water – no objections.

KDC Environmental Health – Revised plans reduce noise exposure levels for residents by moving them further away from existing noise sources. Concerned about future use of the large retained unit and require southern boundary to be of brick construction and 2m high to minimise noise nuisance.

KDC Housing Development Manager – Satisfied with the provision of 5 affordable housing units. This number is justified in this instance by the abnormal development costs associated with this scheme.

## REPRESENTATIONS

Eight letters of objection and nine letters of support have been received concerning this application. The points raised in the letters of objection can be summarised as follows;

1. There are too many houses crammed into the site and three storey dwellings will be very noticeable and out of keeping with village style.
2. The use of Station Approach as access will be a disaster with Cadley Road already being very busy, including lorries and even tractors, daily traffic flowing down Station Approach into Cadley Road will make this worse. Safety will be a problem particularly with the new school. This is also the location of the village shop.
3. Station Approach is inadequate for cars to pass safely and the proposed pinch points demonstrate this.
4. The alterations to the Cadley Road junction and on Chicks Lane appear only cosmetic, we cannot believe this will make a difference to the congestion.
5. A previous application for a dwelling on station yard was refused because it would impose on the skyline.

6. Plot 5 will block out daylight and sun to the rear of my property, that property is also much higher than mine.
7. The design of plots 5, 6, 7 and 8 are not in keeping with the surrounding houses.
8. The plan submitted shows that part of the development is on my land.
9. The proposed development would reduce local business opportunities.
10. Why build new employment buildings when there are others already empty.
11. The banks around my property will suffer landslides when building work takes place and large vehicles start using the road.
12. Would the access road be safe for vehicles on top of the high bank, no access barriers are proposed. Any accident would have a high probability of killing or seriously hurting anyone present in our garden or house.
13. Privacy of my property will be impeded by the road which is level with my bedrooms, the access road will cause noise and air pollution.
14. Street lighting on Station Approach could be a problem.
15. There is no fencing around my property due to restrictions so how can I make the garden safe for my three year old.
16. Our boundary fence is only there to stop our children getting out of the garden; it is not designed to stop vehicles or stop people getting into the garden, nor is it designed for privacy or noise reduction. If this proposal goes ahead why should we be forced into renewing our boundary fencing. We would require a barrier for safety reasons and to reduce noise and light pollution.
17. A more direct pedestrian route to the village is needed to reduce additional problems of pedestrians on Station Approach.
18. Teenagers already use the road and throw litter into gardens, this will only get worse together with other anti social behaviour such as skateboarding and football games in the road.
19. Although not a planning matter there are concerns about the adequacy of the services in the village including electricity and sewage.
20. How will construction traffic access this site

The points raised in the letters of support can be summarised as follows;

1. The well designed small houses are preferable to an unsightly fertilizer plant which is inappropriate in the centre of the village.
2. Residential development is preferable as there are currently problems with large lorries passing within 1 metre of our house wall.
3. Low cost housing is welcomed.
4. Increased resident population will enhance viability of shop and school etc.
5. Office/light industrial buildings would provide continued employment opportunities.
6. Only reservation is impact of traffic congestion at the junction of Cadley Road and possible impact on the water table.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - Policies PD1, HC6, HC22, HC32, HC34, AT10, NR8, ED12 and HH5 are considered most relevant to the determination of this application.

#### PLANNING OFFICERS COMMENTS

This application raises a number of key issues. These include the principle of residential use on this site (including the issue of residential development on employment land), the impact on the conservation area; the impact on highway safety and the impact on the residential amenity of occupiers of neighbouring properties.

#### The principle of residential development on the site

The application site lies within the limits of development (LOD) of Collingbourne Ducis. In the Kennet Local Plan, this is identified as a village with a range of facilities. The relevant policy to consider in addressing the issue of the principle of development is therefore HC22. This policy states that within the LOD the redevelopment of existing buildings or small groups of houses will be acceptable provided the development is in harmony with the village in terms of its scale and character and conforms with other policies of the plan. Within the glossary of the local plan small housing sites are defined as “less than about 10 dwellings”. Whilst this proposal is for 15 dwellings it is for the redevelopment of existing buildings where it is considered that a proposal for less houses would not be the most efficient use of previously developed land as required by other policies within the local plan (eg policy HC6) and government guidance in PPG3. It is further considered that, notwithstanding the comments of the highway authority concerning the unsustainability of the proposal, 15 dwellings are not excessive for a village with this level of facilities.

The second element in considering the principle of the residential use of the site concerns the loss of employment land. Policy ED12 seeks to protect employment sites within villages and sets out three criteria where other uses will be permitted. In this instance it is considered that criteria c) is relevant. This states that alternative uses will be permitted where, “the redevelopment for an alternative use will remove a use which is demonstrably incompatible with neighbouring property”. The fertilizer plant has existed on the site since 1987 and essentially raw material is brought to the site and processed to create the end product. The process gives off a noxious smell and can create dust where the raw materials are stored. The Council’s Environmental Manager has carried out a risk assessment of the site, under the Environmental Protection Act and Pollution Prevention and Control Act, and classified it as a high risk installation. The operation of the site also involves deliveries of the raw materials by large articulated vehicles, as well as smaller more numerous vehicles leaving the site with the finished product, using sub-standard accesses off the main High Street. Historically the Council’s Environmental Manager has received numerous complaints about the operation on this site and, although there have been none made in the last 18 months, your officers consider that the fertilizer plant is an incompatible use in the centre of this village close to residential properties. The removal of the use will also remove the large delivery vehicles accessing the site.

Policy ED 12 goes on to set out what alternative proposals would be acceptable where one of the criteria is met. These include mixed use proposals where the development provides for housing together with buildings for employment or tourism uses. Any housing element of a mixed use development should provide equal numbers of general market housing and affordable housing. This current proposal is amended from the previous scheme in that the number of dwellings has been reduced from 30 to 15 because, as well as building two new employment buildings, the applicant is also now retaining an existing employment building on the site. Your officers are therefore now satisfied that a sufficient element of employment use is retained on the site. With regards to affordable housing, whilst policy ED12 would require 7 out of the 15 dwellings to be affordable, the applicant has stated that 5 dwellings will be affordable dwellings transferred to a Registered Social Landlord. In justifying the reduced level of affordable housing the applicant has submitted details of the ‘out of the ordinary development costs’ for this site which include decontamination works and the costs of providing the access of Station Approach which is required as access of the High Street is unacceptable to the highway authority. Your officers consider that, in this instance, it is necessary to balance the shortfall in the affordable housing units with the positive benefits of the removal of the

incompatible employment use and conclude that the level of affordable housing is acceptable.

#### Impact on the Collingbourne Ducis Conservation Area

The site lies within the Collingbourne Ducis Conservation Area and there is therefore a statutory duty to pay special attention to the need to preserve or enhance the character or appearance of the conservation area. The historic settlement pattern is of development along the bottom of the valley with the wooded slopes of the valley and the old railway line forming a characteristic visual enclosure to the valley and settlement. Historically the old Station House was the only development on the valley side. The adjacent Saunders Meadow development has however created an area of 'in depth' development, albeit cut into the slope, and fertilizer plant itself is a visual feature on the valley side. The removal of the fertilizer plant could therefore also be seen as a benefit to the character and appearance of the conservation area. It is however acknowledged that the form of development proposed, which turns its back on the main High Street by reason of its layout and with a cul-de-sac access from the rear, is not the best approach to integrate the development with the remainder of the village. However the approach taken by the applicant has been restricted as access from the High Street is unacceptable for highway safety reasons and the wider mixed use redevelopment of the commercial area is ruled out due to multiple land ownership.

The original application proposed changes to formalise Station Approach, which would have led to the removal or damage to trees and hedgerows bounding the access. These were considered damaging to the conservation area. The current proposal however incorporates areas of restricted width, whilst still providing sufficient passing places, to ensure those important landscape features can be retained. The applicant has also submitted advice from a structural engineer, who is satisfied that no engineering works (such as possibly unsightly retaining walls) are required for the widening of Station Approach, and a highway engineer who has advised that metal safety barriers will not be required alongside the access track and that the use of a 'wooden birdlip fence' would be sufficient if a visual barrier was desirable. The highway authority has also advised that they have no requirement to install street lighting on Station Approach or the remainder of the site and would only do so if requested by the Parish Council. Your officers are therefore satisfied that the required improvements to station approach will preserve the character and appearance of that part of the conservation area.

The significant public views into the main part of the site are from the High Street and the western side of the valley. Following negotiations, the current application has been further amended to reduce the heights of some of the dwellings and the levels they are built at to reduce their visual impact and to also reduce the impact on adjoining dwellings in Saunders Meadow. Whilst some dwellings have a third storey in the roofspace these are still less than 9.6 metres high to the ridge and sited at on the lower levels of the site. It is considered that whilst the views into this site will be significantly changed the scheme now proposed will ensure the visual impact of the redevelopment of this site will be minimised and on balance, having regard to the wider benefits of removing the fertilizer plant, will preserve the character and appearance of the conservation area.

#### Impact on amenities of occupiers of adjacent properties

As previously stated the northern boundary of the main part of the site is formed by the dwellings in Saunders Meadow. These dwellings are set at a lower ground level than currently exists on the site and as such amendments have been negotiated to reduce the ground levels and heights of the proposed dwellings to minimise the



impact. The normal standard 'back to back' and 'back to flank' distances are achieved between plots 3, 4 and 5 and the adjacent dwellings although, even with the reduced floor levels proposed the new dwellings will still be higher than the existing adjacent properties. It is considered that the differences on those plots are acceptable and will cause no demonstrable harm, with regard to loss of privacy or over dominance, due to the limited differences in levels and/or the particular relationships between individual properties. With regard to the relationship between plot 1 and the adjacent property 9 Saunders Meadow, this has again been amended due to the significant difference in levels. The difference in floor levels is still 2.16 metres although the reduced height of the dwelling on plot 1 means the ridge level will be only 0.96 of a metre above that of 9 Saunders Meadow. Whilst plot 1 will still sit above the garden of 9 Saunders Meadow the dwelling has been designed to minimise any impact and windows have been positioned to prevent overlooking.

A further issue concerning amenity relates to the use of Station Approach as vehicular access to the site and the impact this will have on properties in Saunders Meadow and Bridge House that are adjacent to the road. The road has historically been used by commercial vehicles and still is the only access for a commercial premises further along the railway embankment. Whilst it is accepted that the use of the road to access 10 dwellings will impact on those adjacent dwellings it is not considered that the traffic generated would create disturbance at such levels to warrant the refusal of this application.

#### Highway issues

Whilst the use of Station Approach as the vehicular access for the site will increase the level of traffic entering onto Cadley Road near the junction with the A338 no objection is raised by the highway authority on this point. In fact, it was the highway authority who requested Station Approach to be used as they considered the existing access onto the High Street to be unsuitable. Whilst safety concerns have been raised about the use of Station Approach, particularly with regard to the adjacent drops in land levels into neighbouring gardens, the advice of specialist engineer is that no stabilising work is required and that the stability of the existing banks are not jeopardised. With regard to the use of safety fencing the consultant highway engineer has advised that, due to the low traffic speeds and the historical use of the track by vehicular traffic, major safety fencing is not required. Your officers have however recommended a planning condition requiring a visual barrier to be erected in accordance with the details first submitted to the local planning authority.

With regard to the off site highway works proposed, whilst the parish council has objected to them as they are inferior to previous proposals discussed with the highway authority, the off site works shown on the submitted plans have been included at the request of the highway authority to help improve pedestrian movements at the A338/Cadley Road junction and in Chicks Lane.

To conclude, it is considered that that the proposal as amended is acceptable and that planning permission should be granted, subject to the prior completion of a legal agreement to ensure the provision of 5 affordable housing units and to require the payment of £25,010 (index linked) in lieu of providing equipped play space on the site.

## **RECOMMENDATION**

Grant full planning permission, subject to the prior completion of a legal agreement and subject to the conditions set out below:

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 - INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the \*\*\*\*\*.

3 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 021105-105 Rev C, 021105-106 Rev B, 021105-101 Rev A , 021105-107, 021105-103 Rev A, 021105-104 Rev A, and 022105-18 Rev G received on the 30 March 2005.

### **REASON:**

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

4 - 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.

5 - Prior to the commencement of development details of all eaves, verges, windows (including joinery, head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies to be used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details.

### **REASON:**

To secure a harmonious architectural treatment.

6 - Prior to the first occupation of any dwelling hereby permitted the north elevation of the retained industrial unit shall be made good in accordance with the details first submitted to and approved in writing by the local planning authority.

### **REASON:**

In the interests of the visual amenity of the area.

7 - Before any work commences on site the ground floor slab levels for all buildings 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 visual amenity.

8 - No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform, together with details of any retaining walls or structures proposed. Development shall be carried out in accordance with the approved details.

**REASON:**

To ensure a satisfactory landscaped setting for the development and to ensure the retention of the trees on the site.

9 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

10 - 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.

11 - The trees or hedgerows on the site, or overhanging the site, (including Station Approach) which are shown as retained shall, before any work commences (including demolition of existing buildings) be enclosed by protective fencing in accordance with a scheme first submitted to and approved in writing by the local planning authority, the scheme shall include details of the type and exact position of the protective fencing. Once the protective fencing has been erected it shall be maintained for the duration of the works (unless previously agreed in writing by the local planning authority) and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it, nor shall the land levels within the protective fencing be changed unless agreed in writing with the local planning authority.

**REASON:**

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

12 - The construction of the highway improvements along Station Approach shall be carried out in accordance with a method statement first submitted to and approved in writing by the local planning authority. The method statement shall include details of the means of construction and details of the existing trees and hedgerows on or adjacent to the road will be protected during the course of the works to the road.

REASON:

To enable the local planning authority to ensure the retention of trees and hedgerows on the site in the interests of visual amenity and to ensure no construction works are carried out which could undermine the stability of the adjacent banks.

13 - No dwelling shall be occupied until the parking space(s) shown for it on the approved plans, together with the access thereto, have been provided. The access shall be constructed in accordance with the approved drawing 021105-18 Rev G.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

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

REASON

To secure harmonious architectural treatment.

15 - Prior to the first occupation of any dwelling hereby permitted wooden 'birdlip' fencing (or other fencing or barrier agreed by the local planning authority) shall be erected along the Station Approach in accordance with the details first approved in writing by the local planning authority. The fencing shall be retained in that form thereafter.

REASON:

In the interests of highway safety.

16 - Before the construction of any boundary wall, fence or other means of enclosure (including retaining structures) is commenced details of the height position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

17 - Notwithstanding the details shown on the approved plans, prior to the first occupation of the dwellings on plots 5-15 a 2 metre high brick wall shall be erected along their rear boundaries in accordance with the details first submitted to and approved in writing by the local planning authority. The wall shall be maintained in that form thereafter.

REASON:

To ensure sufficient mitigation measures are provided to future residents against the activity from the adjacent industrial buildings.

18 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site. The development shall be carried out in accordance with those approved details.

REASON:

To ensure satisfactory foul water drainage.

19 - No development approved by this permission shall be commenced until a scheme for the means of the disposal of surface water from roads, paved areas and roofs has been submitted to and approved in writing by the local planning authority. The scheme shall include surface water run-off limitation and pollution prevention measures. The development shall be carried out in accordance with the approved plans.

REASON:

To ensure satisfactory surface water drainage, prevent the increased risk of flooding and to prevent pollution of the water environment.

20 - No development approved by this permission shall be commenced until a site investigation to deal with possible contamination of the site has been submitted to and approved in writing by the local planning authority. This scheme shall include an investigation and assessment to identify historical use with relation to potential ground contamination followed by a soils investigation to identify the level of soil contamination on the site, the mobility of the contamination (using leachability tests) the remediation measures proposed and the validation of the remediation measures employed. The scheme shall also include a detailed water interests survey to identify all wells, boreholes, springs and watercourses within 100m of the site boundary. Development shall not be commenced until measures approved in the scheme have been implemented.

REASON:

To prevent pollution of surface and groundwaters.

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

REASON:

To safeguard the site of archaeological interest.

22 - 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 shall be inserted in the northern elevation of plots 1 and 5, the eastern elevation of plot 3 and the southern elevation of plot 8.

REASON:

In the interests of the privacy of the neighbouring properties.

23 - 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 dwellings hereby approved shall be erected, nor shall any building or structure be erected in the curtilage of any of the dwellings.

REASON:

To enable the local planning authority to retain control over the enlargement of the dwellings and incidental buildings in the curtilages of those dwellings in the interests of the proper planning and amenity of the area.

24 - The garages on plots 1, 2, 3, 4 and 8 (notwithstanding the details shown on the approved plans), shall not be fitted with doors and shall be maintained as open fronted car ports thereafter.

REASON:

In the interests of highway safety and convenience.

25 - No external construction work shall be carried out before 0800 or after 1800 on Monday to Friday or before 0800 and after 1300 on Saturdays and there shall be no external working at any times on Sunday or Bank Holidays.

REASON:

In the interests of residential amenity.

26 - Commercial building A and B shall be constructed to fitting out stage, and the associated access and parking provided, before any of the dwellings hereby permitted are first occupied.

REASON:

To ensure the provision of the employment element.

27 - The commercial buildings A and B shall be used solely for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class(es), having regard to the circumstances of the case.

28 - Prior to the first occupation of the dwellings hereby approved a scheme for improving the High Street/Cadley Road junction shall have been implemented in full. The scheme shall first be submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

29 - 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, HC22, HC34, ED12 , AT10, NR8 and HH5.

Item 9:

APPLICATION:	K/51807/F
PARISH:	NORTH NEWNTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Use of existing stables as poultry vicerating area and cold store. Use of existing parking shed as commercial kitchen. Erection of polytunnel and chicken shed
SITE:	Moonraker Farm, Bottlesford
GRID REF:	11261 59397
APPLICANT:	Mr and Mrs D A Phillips
DATE REGISTERED:	14th March 2005
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

Moonraker Farm is located just to the north of the road running through Bottlesford. The access into the site is located immediately adjacent to Field Cottage which lies on the northern side of the road. The application site is accessed via a private agricultural access and the buildings in question are located centrally on the land in a low lying area.

#### SITE HISTORY

K/38387: Erection of traditional farm building for the storage of crops, machinery and stock housing for production of organic vegetables – approved 10/02/00.

K/44751: The resiting of stables and store and erection of new greenhouse for propagation of organic vegetables – approved 10/02/03.

#### DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of an existing stable and store to a commercial kitchen facility and a poultry viscerating unit together with the erection of a polytunnel and chicken shed.

The proposed kitchen facility is located in an existing shed that is approximately 3.5 metres by 4.8 metres in size. The proposed viscerating unit is in an existing shed that is approximately 6.6 metres by 3.6 metres in size.

Two new buildings are proposed. The first is a chicken shed which comprises of a wooden shed measuring 7.3 metres by 2.3 metres set within a larger fenced off compound.

The polytunnel is located to the rear of the existing sheds and is approximately 18 metres long consisting of galvanised hooped frames with a clear covering.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has provided additional information which sets out the background to the application.

This organic farm runs a box scheme for the vegetables it produces. The scheme has proved very popular and further land has been acquired. There is considerable

demand for further products to be sold via the box scheme. The proposal will enable eggs, table birds and pre-prepared products to be sold through the existing scheme.

The chicken shed will provide accommodation for laying birds and currently 75 laying hens are kept at the site. The polytunnel will enable the farm to extend their growing season in Spring and Autumn.

Vehicle trips to and from the farm will increase by 1 person. The site functions as a farm with occasional seed and feed deliveries and these will not increase. Other 'mail' items arrive by carrier vans approximately once a fortnight.

The birds will be needed in batches of 59 collected as day old chicks on a fortnightly basis. It is proposed to slaughter 25 birds a week and these will leave the site via the box scheme. The small amount of waste produced by the birds will be sealed into a bucket and taken to the renderers or collected by the DEFRA fallen stock scheme in a van.

The applicant confirms that he would be willing to restrict the number of birds kept on site to 1000. This figure gives scope to increase output during peak periods such as Christmas. Generally the numbers on the farm will be below this number.

#### PARISH COUNCIL COMMENTS

The Parish Council comment that they are generally supportive of the scheme. They suggest that a limit be placed on the number of birds that can be kept on the site as local residents are concerned that an expansion in the numbers would lead to unpleasant smells and other nuisance. The number suggested is 875 birds.

#### CONSULTATIONS

County Highways (Mr Galpin) – No objections. The proposal will not lead to excessive extra use of the site access in comparison with existing uses. Recommend conditions restricting the nature of the use.

Environment Agency – no objections subject to conditions requiring the details of foul and surface water drainage to be submitted and agreed.

KDC Environmental Health - The actual rearing of the birds at the density shown will not produce any odour issues in this location. The unit will not produce more manure than can reasonably be used on site and be collected and spread by hand. The waste from the slaughter of the birds will be minimal and can easily be resolved with a contract with a suitable disposal company. Again, the volumes will be small.

#### REPRESENTATIONS

11 letters of objection have been received from local residents. Their reasons for concern are summarised below:

- Odour from the proposed development
- Agriculture does not include the killing of chickens
- Concerns over vermin
- Increased traffic and impact upon highway safety
- Applicant has removed roses and fences at the boundary of the site
- Inappropriate development in the AONB
- Concerned that the proposal will industrialise the site
- Noise - Poultry units are 24 hour operations



- Query over whether the sale of produce from the farm at the roadside requires consent
- Applicant has flouted planning regulations in the past and has had to apply retrospectively for unauthorised developments
- Concerns about possible further expansion of development at the site
- Site has been degraded by the development that has taken place to date
- Concerns about means of waste disposal

#### POLICY CONSIDERATIONS

Kennet Local Plan - Policies PD1 and NR8 are relevant to the application.

#### PLANNING OFFICERS COMMENTS

The application proposes the erection of 2 new buildings, namely a polytunnel and a chicken shed together with the change of use of 2 existing buildings to enable the processing of chickens which would be sold through an established organic box scheme.

It is important to note that the applicant can use all of the land at the farm for the keeping of animals whether they are chickens, cattle or pigs. The keeping of animals on the land at the farm does not require planning permission. Only permanent structures intended to house such animals are subject to planning control.

Concerns have been raised over the use of the existing buildings for poultry preparation and the erection of the chicken shed. The proposed chicken shed would provide a maximum of 52 square metres of accommodation. This figure includes the surrounding outside exercise compound. Clearly the number of birds that can be kept is limited by the size of the building, and this is further affected by the high 'space per bird' ratios imposed by the Soil Association to ensure organic status. 75 laying birds are kept at the site at present. With regard to the preparation of the birds, this in itself does not require planning permission being an activity ancillary to the overall use of the site for agricultural purposes.

The main issues to be considered are, therefore, the impacts of the actual proposed buildings and their use on residential amenity, highway safety and the landscape.

In terms of the landscape, the buildings are clustered centrally within a low lying part of the site. A large amount of planting has been carried out at the site to date which mitigates the impact of the development in the wider landscape. It is considered that the new buildings will not have a significant landscape impact and are well located in terms of existing buildings.

The proposed preparation units are located over 160 metres away from any boundary with a residential property. There is an intervening barn located between these buildings and the neighbouring properties. It is considered that the development will not significantly affect the existing residential properties in the area in terms of odour. The Council's Environmental Health Officer has been consulted and has raised no concerns in view of the small scale of the enterprise.

The applicant intends to sell his produce to existing customers via the established organic box scheme. In view of this and the small scale of the enterprise it is considered that traffic generation would be insignificant.

In conclusion it is considered that this proposal amounts to the expansion of a rural enterprise which in view of its limited scale would not adversely impact on amenity or highway safety, in accordance with local plan policy.

## **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 - Within one month of the date of this permission, details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented within 3 months of the date of the details being agreed.

### **REASON:**

To ensure satisfactory foul water drainage.

3 - Within one month of the date of this permission, plans of the means of the disposal of surface water from the development area, shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented within 3 months of the date of the details being agreed.

### **REASON:**

To ensure satisfactory surface water drainage.

4 – Before the poultry processing is commenced, details of how the waste generated from the slaughter of the chickens will be dealt with shall be submitted to and approved in writing by the local planning authority. The waste shall thereafter be dealt with in accordance with the agreed details and in accordance with any future variation from these that may be agreed by the local planning authority to comply with subsequent changes in legislation and /or best practice.

### **REASON:**

To prevent odour nuisance to neighbouring properties.

5 - The premises to which this permission relates shall be used for the purposes of agriculture and for the processing of produce kept or grown on the holding only and for no other purpose. The number of birds on the farm shall be restricted to no more than 1000 at any one time

### **REASON:**

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use or intensification having regard to the circumstances of the case and the implications for the amenity of nearby properties.

### **6 - 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, NR8.

Item 10:

APPLICATION:	K/51688/F
PARISH:	MILTON LILBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two mobile chicken housing arks to house 4000 organic free range Columbian Blacktail chickens (soil association registered) to produce organic eggs
SITE:	Land approx. 400m south of Lawn Farm, Milton Lilbourne.
GRID REF:	18674 59817
APPLICANT:	Mr G Osborne
AGENT:	DPDS Consulting Group
DATE REGISTERED:	18th February 2005
CASE OFFICER:	Mr P Smith

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#### SITE & LOCATION

The site is located in open countryside approximately 400m south west of the village of Milton Lilbourne. To reach the site from Pewsey travel east along the B3087. Approximately 1 mile from Pewsey and just before the Three Horseshoes public house turn right into the farm entrance which is marked by a sign for Lawn Farm. Follow the farm track in a southerly direction passing the former dairy buildings and crossing the bridleway known as Clay Lane. Follow the track around the bend. The site is situated in the fields on either side of the track.

The site comprises two fields in which it is proposed to site one chicken in each. The fields are gently sloping but become level in the direction of Clay Lane. They are partially screened by existing trees and hedges around their boundaries and are relatively low lying in the landscape.

#### SITE HISTORY

A planning application for a similar proposal to site two chicken sheds on the land was submitted in the autumn of 2004 (K/51203/F). This application was withdrawn in December 2004.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to site two chicken sheds at Lawn Farm. Each shed would house 2000 birds to produce organic free eggs.

Each building measures 30 metres by 12.3 metres and has a height of 4 metres to the ridge. In addition, a feed bin, small wind turbine and four solar panels are associated with each house in order to provide feed to the chickens and power to the buildings. Two hectares of free range ground is required outside the chicken houses to allow the chickens to roam freely.

The buildings are described as 'mobile' and are designed to rest on skids which enable them to be moved by being towed. It is intended that the buildings would be moved from one location in each field to a second position on a 58 week cycle. The two locations proposed for each building are identified on the submitted plans.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Additional landscaping details have been provided.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicants agent has supplied a supporting statement which available for inspection on the file. It addresses planning policy considerations concerning landscape, amenity, access and an outline of the proposed methods for handling manure, controlling flies, odours and rodents.

#### PARISH COUNCIL COMMENTS

Object to the proposal due to the proximity of the village. They would support this enterprise if it was moved further south where there is better screening and access would remain possible from the same access road:

The Parish Council is concerned that:

- The site is adjacent to the flood risk area;
- The village lies within a Nitrate Vulnerable Zone (NVZ) and that poultry manure should not be applied at certain time of the year;

If approved certain conditions should be imposed as follows:

- No delivery or collection vehicles to use the village street for access to the land but to use the existing private farm road only from the B3087.
- Conditions to be in place regarding the storage and spreading of manure. When stored it should be covered and spreading should be conducted at appropriate times of the year and immediately ploughed in at the time of spreading.

#### CONSULTATIONS

County highways (Mr. M. Wiltshire) - no highway objection.

County Archaeologist: Nothing of archaeological interest likely to be affected by this proposal.

Environment Agency: No objection.

KDC Agricultural Consultant: The Council's agricultural advisor has assessed the proposed development and concluded that the building is appropriately designed for its function and that covered accommodation is essential to provide laying poultry with shelter and security from predators in the interests of animal welfare and the efficient management of the enterprise. Stocking densities will be relatively low to qualify as 'free range' hens.

KDC Engineering Manager: Measures to prevent surface water contamination should be conditioned. This could comprise a shallow ditch or bank uphill of each site to deflect surface water.

KDC EHO: The design of the chicken houses seems unlikely to give rise to fly nuisance. The method of supplying water to the birds is unlikely to allow significant leakage and so will not cause excessive moisture levels in the manure which could lead to fly larvae infestation.

When the houses are moved at the end of the 58 week cycle the manure must either be removed and ploughed in within 24 hours or removed to a suitable storage facility.

There is unlikely to be any odour during the normal operation of the units. Odour will only occur be when the houses are moved and the manure is spread. The duration of this period is unlikely to be long enough to result in a statutory nuisance.

The planning officer and EHO have inspected an identical facility at a farm near Andover and found no evidence of the vermin infestation. The food storage systems are all above ground level and vermin proof.

## REPRESENTATIONS

Eleven letters of objection have been received from residents. The following objections have been raised:

1. Concern at the siting of the buildings which are closer to the village and more visible. Alternative locations further from the village should be considered;
2. The field is susceptible to poor drainage and flooding;
3. Impact of manure on local ecology and the environment;
4. Concerns regarding potential fly and vermin infestations;
5. Unacceptable odours resulting from chicken manure;
6. Noise levels from 4000 chickens;
7. Impact of the buildings on the AONB;
8. The existence of the chicken sheds and associated collections would cause serious disruption to the well-being of the village;
9. Havering Lane is unadopted with no carriage rights to the dairy. Access should be via the existing private farm track rather than through the village and Havering Lane.
10. The employment gain is small;
11. Concern that this may set a precedent for further chicken sheds as the proposal is for the minimum necessary to make the proposal viable;

Seven letters have been received in support of the application with the following comments:

1. The plans have been reviewed with the applicant and his staff and we believe there will be little impact on the environment of the village;
2. Our house is one of the closest to the site and I am content that there will not be problems with odour and waste products as feared by some members of the village;
3. This venture represents appropriate farm diversification during a challenging time for farming;
4. No objection to the proposals but would prefer the buildings to be located initially in the southern most location away from the village, to allow any planting time to screen the site before they are moved closer.
5. The village is within a farm location;
6. The operation will be properly managed and monitored. The method of production is successful and well established and approved by the highly respected potential company.
7. This development will provide important opportunities for local people and is entirely in keeping with normal farming practice. Given that this is an organic operation I believe this will have a positive effect on the environment.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 – the following policies are relevant:

- PD1 (Development and Design)
- NR6 (Sustainability and Protection of the Countryside)
- NR7 (Protection of the Landscape)
- NR8 (AONB)
- NR14 (Protection of Water Quality Sources)
- NR18 (Flooding from Surface Water Run-off)

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty. (AONB)

#### PLANNING OFFICERS COMMENTS

The key planning considerations are the impact of the buildings within the AONB; the potential impacts on the amenity of nearby villagers; environmental and flooding considerations; highway issues and precedent.

##### Landscape

The proposed sheds would be situated in a relatively low lying position within the landscape and are olive green in colour. They are considered unlikely to result in a significant landscape impact or substantive harm to the AONB and are an appropriate form of development given that they are required for the purposes of agriculture. Additional planting is proposed to enhance existing boundary vegetation and to introduce new planting to help integrate the development into its setting.

The buildings will be moved between two locations on a 58 week cycle and will remain close to the site boundaries to reduce any wider visual impacts.

##### Amenity

A number of amenity objections have been received from local residents concerned about the potential impacts resulting from this proposal. These include: odours, fly nuisances, vermin and noise from the birds.

The Environmental Health Officer considered these issues and visited an identical facility at Charity Down Farm, near Andover to assist with his assessment of these issues.

Odour will only occur when the houses are moved and the manure is spread or when it contains a high moisture content. The method of supplying water to the birds is unlikely to allow significant leakage and so will not cause excessive moisture levels in the manure which could lead to odours and fly larvae infestation. As such the design of the chicken houses seems unlikely to give rise to fly nuisance or smells.

There is unlikely to be any odour during the normal operation of the units. When the houses are moved at the end of the 58 week cycle the manure will be exposed and some odours may result during this time. However, the duration of this period is unlikely to be long enough to result in a statutory nuisance. A condition requiring a manure management plan to be submitted and agreed with the Council is proposed. This should ensure that the manure is managed in such a way so as to minimise potential impacts on amenity.

The food storage systems are all above ground level and vermin proof. The planning officer and EHO have inspected the facility at Charity Down Farm near Andover and found no evidence of the vermin infestation. This is not considered likely to be a significant amenity issue.

With regard to noise from the chickens, the nearest dwelling would be approximately 400m to the north and it is not considered that the proposals will result in an unacceptable level of noise or disturbance to the living conditions of nearby residents. Every two weeks the feed bins would be filled resulting in noise of levels of 80 decibels for a period of 20 minutes. Again, this would not be likely to cause significant impacts on amenity, given the distances to the nearest houses and the short duration of the noise.

### Environment and Flooding

North of the site beyond Clay Lane is an area identified as being liable to flood. This does not affect the application site directly, although some water logging of the field has been reported by residents. However, the applicant has advised that the provision of ditches has prevented this reoccurring. The Council's Engineering Manager has advised that measures will be required to prevent the contamination of surface water resulting from overland flow. This could comprise either ditches to intercept the water or banks to deflect the water around the proposed chicken houses. These measures are the subject of a suitably worded condition.

The Environment Agency note that the site is located with a Nitrate Vulnerable Zone (NVZ) but have no objections to the proposed buildings and are satisfied that there is no pollution risk regarding the storage or disposal of manure produced from the chickens. They will undertake their own inspection of the farm to check NVZ compliance.

### Highway Issues

No objections have been raised on highway grounds by the local highway authority, although some concerns have been expressed by some residents about the potential use of Havering Lane by farm traffic. The farm has a separate entrance and track off the B3087 and farm traffic should not need to travel through the village to reach the site. In addition, a condition was imposed on the planning permission for the dairy which was granted in 1988 (ref. K/12073/O). This required a gate to be erected across Havering Lane and for this to be used predominantly for staff access. The applicant has stated that HGV access would be via the farm entrance off the B3087 rather than through the village. Notwithstanding these factors, the proposed development would require three collection lorries per week and one feed lorry every two weeks. This level of traffic is considered to be very low and unlikely to generate significant highway difficulties or disruption to the village to justify withholding planning permission on highway grounds.

### Employment

Although some comments have been made regarding the employment generated by this proposal as being particularly low, the applicant advises that the facility will generate 3 additional jobs at the farm and as such it will make a contribution to local employment opportunities.

### Precedent

Objectors indicate that the development would set an undesirable precedent for further similar chicken houses and increase the impact of any associated problems. Whilst this concern is acknowledged, this not considered to be a valid reason for withholding planning permission in this case. Should further applications be received in the future for additional chicken houses these will be determined on the basis of the merits of the case.

## **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 additional plan C3623/05/04 (Landscaping Details) received on the 18/03/2005.

**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 - All soft landscaping comprised in the submitted landscaping details 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. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

4 - The feed bins shall be coloured green to match the buildings hereby approved 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 landscape.

5 - Prior to the commencement of the development hereby approved details of the means for the interception or deflection of surface water run off shall be first submitted to and approved in writing by the local planning authority. Thereafter the surface water management shall be implemented in accordance with these details unless variations are otherwise first agreed in writing by the local planning authority.

**REASON:**

To ensure satisfactory surface water drainage and prevent contamination .

6 - Prior to the commencement of the development hereby approved a manure management plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the manure resulting from this development shall be managed in accordance with these details unless variations are otherwise first agreed in writing by the local planning authority.

**REASON:**

In the interests of the amenities of neighbouring residents.

**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: policies PD1, NR6, NR7, NR8, NR14 and NR18.



Item 11:

APPLICATION:	K/51885/F
PARISH:	MARSTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of a detached dwelling
SITE:	1 Norney Bridge, Mill Road, Marston
GRID REF:	96313 57467
APPLICANT:	Mrs A Lowdon
AGENT:	Tim Weeding building Design Services
DATE REGISTERED:	21st March 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The site lies on the western side of the minor road that links Worton to Marston. When travelling west from Worton, turn left into Mill Road. After half a mile, the road turns sharply left. On the right hand side of the road after this bend is an access to three pairs of semi-detached houses on the right. The site is the garden of the house at the southern end of this group, closest to the road bridge.

#### SITE HISTORY

K/41969 – planning permission for an attached dwelling on the site was approved in October 2001.

K/41598 – an application for a detached dwelling on the site was withdrawn in September 2001.

#### DESCRIPTION OF DEVELOPMENT

This application is essentially an amendment to the scheme that was approved under K/41969. The main change is to the design of the dwelling, with a detached rather than an attached house now proposed. This would be sited approximately 2 metres to the south of the existing dwelling. The access and parking arrangement is as previously approved ie. a total of four parking spaces for the existing and proposed dwelling, accessed via a new private driveway crossing the existing grass verge.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Amended plans have been received which include the entrance drive within the application site. An amended Section 66 certificate has also been submitted, which confirms that notice has been served on Sarsen Housing Association.

#### PARISH COUNCIL COMMENTS

Marston Parish Council objects to the application on the following grounds:

- 1) Item 12 on the planning application form states that there is no footpath on the proposed site, yet there is one running along the front boundary hedge where the proposed access is shown.
- 2) Item 13 on the planning application form states that there are no trees to be felled, yet there is a sizeable oak tree in the garden where the parking is shown for the proposed dwelling.
- 3) The size of the proposed dwelling seems too large for the plot eg. the back section is not sympathetic with the line of the existing row of dwellings.

- 4) The vehicular access to the site crosses a grass area belonging to Sarsen Housing Association and also a footpath.
- 5) The parking area allotted to 1 Norney Bridge seems to be visually unsympathetic to the garden environment of existing dwellings and too close to the shared pedestrian access at 2 Norney Bridge.
- 6) There is concern amongst local residents that the existing sewage system is inadequate for extra dwellings to be added to it.

#### CONSULTATIONS

County highways (Paul Galpin) – no objection subject to conditions being attached requiring: a) the area allocated for parking to be kept free of obstruction and not to be used other than for parking in connection with the permitted development; and b) the driveway between the carriageway edge and the site entrance to be properly consolidated and surfaced.

#### REPRESENTATIONS

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

- 1) The status of the land outside the hedge to the east of the site, which appears to be part of the common land comprising the green, is questioned. If this is the case, what is the legality of the access road and the parking of vehicles on this land?
- 2) There is concern about the parking and access to the property as there is a public footpath across the front of the properties. It is understood that there is a law regarding footpaths.
- 3) The previous application was turned down.
- 4) The road running past the site is very fast and it would therefore be dangerous for vehicles to turn out onto it.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 and HC24 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The site lies within the limits of development defined for Worton in the Kennet Local Plan. There is also an extant planning permission for a new dwelling on the site. Consequently, the principle of residential development has been established. The key consideration is therefore whether the changes to the approved scheme, which in this case only relate to the design of the dwelling, are acceptable.

The application proposes the construction of a detached dwelling on the site. The extant proposal would have effectively turned the existing pair of semi-detached properties into a terrace of three, whereas the current proposal is for a detached dwelling sited approximately 2 metres south of the existing property. Although the proposed dwelling would be detached, it is not considered that it would appear out of keeping since it shares common design features with the existing properties, being both the same ridge height and incorporating a hipped roof. A rear gable would project approximately 3.5 metres beyond the rear wall of the neighbouring property, but it is not considered that this would be detrimental in visual terms, as it simply appears as a modest extension to the property. The site is well-screened on all sides which further mitigates the visual impact of the proposal.

With regard to the observations made by the parish council and local residents, the following comments are made:

#### Parking and Access

The parking and access arrangements are as previously approved and consequently, a refusal on the ground that these are unsatisfactory could not be justified. Notwithstanding this, the applicant would need to gain the permission of the owner of the grass verge ie. Sarsen Housing Association, to enable the development to take place.

#### Highway Safety

As there is an extant planning permission for a dwelling on the site, a refusal on highway safety grounds could not be justified. Furthermore, the local highway authority has raised no objections to the proposal.

#### Planning History

There is no history of planning refusals on the site.

The scheme is considered to be acceptable and consequently, the approval of planning permission is recommended.

### **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 2005-7/01 and the amended Section 66 certificate received on the 25th April 2005.

#### **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 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.

5 - The dwelling shall not be occupied until the access and parking facilities shown on the approved plan have been provided. These facilities shall thereafter be retained.

**REASON:**

In the interests of highway safety.

**6 - 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 HC22 and PD1.

Item 12:

APPLICATION:	K/51936/F
PARISH:	GREAT BEDWYN
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New dwelling and garage
SITE:	Land to the rear of 95 Church Street Great Bedwyn
GRID REF:	27751 64497
APPLICANT:	Brailcroft Building Co
AGENT:	Premier Design (Wiltshire) Ltd
DATE REGISTERED:	31st March 2005
CASE OFFICER:	Mr A Guest

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#### SITE & LOCATION

The approximately 0.7ha application site lies on the east side of Back Lane, within the defined Great Bedwyn village area and conservation area. To its rear and sides is established residential development. The site itself supports no buildings (although an outbuilding has recently been demolished), and contains two fine trees.

#### SITE HISTORY

K/11537 – Four bedroom detached house – refused; appeal dismissed 08/08/88

K/12945 – New dwelling and garage and road access to adjoining property – approved 27/10/88 and partially implemented, thus keeping the permission alive.

K/51298/F – Detached chalet style house with integral garage and access – withdrawn 10/01/05

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a detached five bedroom house with integral single garage and access from Back Lane. The dwelling would be positioned on the left hand side of the site when viewed from Back Lane with its garden (and the retained trees) to the right side. The design of the dwelling is traditional with half dormers in the front and side elevations.

#### PARISH COUNCIL COMMENTS

Object – house is too large and high for the location in this rural lane. The site could be better used for two smaller semi-style cottages or even social housing, built at right angles to the lane, parallel to York Cottage. The state of Back Lane is unacceptable and developer should play some part in the restoration of the surface.

#### CONSULTATIONS

County Highways (Mr Galpin) – No objection, subject to conditions concerning visibility from the access and surfacing of the first part of the driveway.

KDC Drainage Engineer: no comments.

#### REPRESENTATIONS

Two third party objection letters have been received from York Cottage, Back Lane and The Old White Hart, Church Street summarised as follows:

- proposed dwelling is too large and, therefore, out of keeping and scale with others in Back Lane and contrary to the Great Bedwyn Village Design Statement;

- The Old White Hart backs on to the site. Overlooking would be possible from the first floor windows in the rear elevation, in particular to a swimming pool immediately beyond the common boundary.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011: Policies PD1, HC6, HC7, HC22, HC32 & HH5 are relevant.

#### PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are, firstly, the principle of residential development on the site. If this is established then the material considerations include the impact of the specific proposal on the character and amenities of the area and conservation area; the impact on the residential amenities of adjoining properties; and highway safety.

The site benefits from a partially implemented planning permission dating back to 1988. The dwelling permitted by this earlier decision could be completed at any time. In policy terms the site lies within the defined Great Bedwyn village area where policy HC22 allows limited additional housing development including infilling, provided that the development is in harmony with the village in terms of its scale and character. In view of this policy and the extant planning permission it is considered that new infill development is, as a matter of principle, appropriate in this location.

With regard to the impact of the proposed dwelling on the character of the area it is considered that the dwelling, although fairly large, fits on the generous plot without appearing cramped or overcrowded. Adequate margins are retained to its sides and rear in a manner which reflects the layout of established development hereabouts. The building itself is not unusually tall having a ridge height of 7.6m which compares with other new houses in the lane. The design is traditional although with 'cottage' detailing to minimise any apparent bulk. For these reasons the size and design is considered to be in scale with established development and in accordance with Policies PD1 and HC7 of the Local Plan, and the Great Bedwyn Village Design Statement.

Regarding overlooking, the design of the house incorporates just two windows in the first floor rear elevation serving a single bedroom (other first floor windows being positioned in the side elevation overlooking the side garden). The rear elevation is approximately 11m from the common boundary with the Old White Hart to the rear (with a 'back to back' distance of some 40m). The rear garden of the Old White Hart is raised towards its end with an approximately 2m high fence atop an approximately 1m high retaining wall on the boundary with the application site itself. Having regard to these circumstances, and in particular the change in levels and long margins between the position of the proposed windows and the gardens of adjoining properties, it is not considered that any adverse impact would be caused to residential amenity as a consequence of overlooking.

With regard to the number of units proposed, Policy HC6 of the Local Plan states that permission will not be granted for development which is not efficient in its use of land and which does not reflect the character of the surrounding area. In this case just one dwelling is proposed on a relatively large site. However, the site is unable to accommodate more than one dwelling in view of two important amenity trees which are positioned centrally on the right hand side of the site. The loss of these trees would be inevitable in a 2+ housing scheme rendering such a scheme unacceptable. Affordable housing cannot be justified on a one unit development.

The existing condition of the surface of Back Lane is not the responsibility of the applicant and consequently it would be unreasonable to expect contributions towards its improvement.

In conclusion, the proposal represents an acceptable form of development which fits satisfactorily on the large plot and respects the scale and character of established surrounding development. The proposed siting and design of the dwelling would ensure no adverse impact on residential amenity in view of sufficient retained margins between windows and the boundaries of the site. In view of this the recommendation is to approve planning permission subject to conditions.

### **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 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 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 detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any trees proposed to be retained and of all pipes, drains, sewers, and public services, including gas, electricity, telephone, water. Once approved there shall be no departure from these positions without the prior approval

of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

**REASON:**

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

6 - 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 in the interests of the proper planning and amenity of the area.

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 east elevation of the building hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

8 - Before the dwelling hereby permitted is first occupied the area between the lines drawn from a point 2.0m back from the carriageway edge along the centre line of the access and points on the back edge of the Byway 38 to the southern end of the site shall be cleared of obstruction to visibility at and above a height of 0.9m above the nearside carriageway level and thereafter maintained free of obstructions at all times.

**REASON:**

In the interests of highway safety.

9 - Before the dwelling hereby approved is first occupied the first 2m of the driveway shall be properly consolidated and surfaced (not loose stone or gravel), the details of which shall have been submitted to and approved in writing by the local planning authority.

**REASON:**

In the interests of highway safety.

**10 - 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, HC6, HC7, HC22, HC32 and HH5.



Item 13:

APPLICATION:	K/51848/F
PARISH:	LUDGERSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Alterations to existing ground floor flat. Sub-division of first and second floor to form additional flat.
SITE:	13 Tidworth Road, Ludgershall
GRID REF:	26443 50765
APPLICANT:	Mr R Shelley
AGENT:	Paul Appleby
DATE REGISTERED:	16th March 2005
CASE OFFICER:	Miss R Yeomans

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#### SITE & LOCATION

The site is located in the centre of Ludgershall within the conservation area, adjacent to and above a parade of shops / offices (numbers 7/9 Tidworth Road) opposite the War Memorial. The property is accessed from the rear, via a lane which runs between numbers 11 and 17 Tidworth Road.

#### SITE HISTORY

K/11734 – Permission was granted in March 1988 at 9-11 Tidworth Road, for internal alterations to form three flats and an office from an office and a flat.

#### DESCRIPTION OF DEVELOPMENT

The application proposes the subdivision of the first and second floors of the property to form an additional flat together with alterations to the existing ground floor flat.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been sought in respect of the proposal itself. However the plan of the yard has been added to include bin storage provision and washing line space.

#### PARISH COUNCIL COMMENTS

No objection

#### CONSULTATIONS:

County Highways: (P L Tilley) - no objection

#### REPRESENTATIONS:

Three letters of objection have been received from neighbouring residents. These are summarised as:

1. The applicant has no vehicular right of access to the property to carry out building works.
2. The property is currently in a state of disrepair and is not well maintained.
3. There have been a number of issues with un-neighbourly tenants in the past and are concerned that increasing the number of residences may exacerbate the problem
4. Concern that insufficient sound proofing measures may increase noise disturbance.

## **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 – Policies PD1, HC21 & HH5 are relevant to the consideration of this application.

## **PLANNING OFFICER COMMENTS**

Concern has been raised regarding the condition of the property and the issues there have been with previous un-neighbourly tenants. However, these issues are not directly relevant to planning, and would be dealt with by Environmental Health. The proposed sub-division of the property should not result in any considerable increase in noise levels and should therefore not by itself have a detrimental effect on neighbour amenity.

The property is located in the village centre, on local bus routes, and across the road from a public car park. In view of this and no objection from county highways, a lack of parking provision is not considered to be a particular concern in this instance, particularly given the precedent that the majority of neighbouring properties are similarly divided flats, with no parking. The concern regarding no vehicular access to the property to carry out the works, is again not a relevant planning issue, as this is a private matter for the applicant to resolve.

The property is located in the conservation area. However the proposals are not considered to detrimentally affect its appearance or character, especially as the proposals should not have any impact on visual amenity.

## **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 only to the scheme of development shown on the revised plans 0502/02/A received on the 15th April 2005.

### **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 - 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 HH5 & PD1.

Item 14:

APPLICATION:	K/51993/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey rear extension
SITE:	46 Avon Road, Devizes
GRID REF:	99161 61338
APPLICANT:	Mr and Mrs A Boardman
AGENT:	Mr S Filipowicz
DATE REGISTERED:	6th April 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

46 Avon Road is located on the western edge of Devizes. It can be found by taking a left turning off of the Bath Road when heading westwards out of town into Avon Road (just after the canal bridge). The site can be found about 300 metres on the right hand side of the road.

No.46 is a red-brick semi-detached dwelling which has already been extended to the side. It is in a terrace of similar properties. To the north, the garden of no.46 abuts the garden of the Fernleigh on Salisbury Street and to the east of the site is no.44 Avon Road. To the west is the attached semi, no.48 Avon Road.

The site of the proposed extension is only readily visible from the rear garden of the property or its neighbours.

#### SITE HISTORY

85/1100 – a two-storey side extension was refused in January 1986 on design grounds.

86/0161 – a two-storey side extension incorporating a garage was approved in February 1986.

#### DESCRIPTION OF DEVELOPMENT

This application proposes to extend the property at the rear by adding a two-storey rear gable extension with a single storey lean-to. The extension incorporates a covered walkway at ground floor level adjacent to no.48. The extension projects 4.5m in total at first floor level and at ground floor level does not project beyond the end of the existing lean-to extension at the rear, although it is brought closer to the house on the western side.

All materials proposed are to match those of the existing dwelling.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended to reduce the overall depth of the extension from 5.8m to 4.5m (at first-floor height). Rather than projecting 2.15m beyond the end elevation of no.44 (to the west) and 3.1m beyond no.48 (the attached semi to the east), it now projects 0.8m and 1.25m (at first floor level only) respectively.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement.

#### TOWN COUNCIL COMMENTS

The Town Council objected to the original scheme on the grounds that it would restrict light to the neighbouring properties and is an overdevelopment of the site, out of keeping with neighbouring properties.

No comments have been received to the amended scheme at the time of writing this report. Any which are subsequently received will be reported verbally to the committee.

#### REPRESENTATIONS

One letter of objection has been received from the occupiers of no.44 Avon Road to the original scheme. The concerns raised are:

- (a) The extension would severely restrict daylight and block sunlight to both the kitchen and bedroom at the rear of no.44.
- (b) The extension would be out of keeping with the area as other extensions have been limited to ground floor extensions.

No comments have been received to the amended scheme, any which are subsequently received will be reported verbally at the committee.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 is the key policy consideration when determining this application.

#### PLANNING OFFICERS COMMENTS

It is considered that the two main issues when considering this application are the impact upon the neighbouring properties and the design of the scheme. Both of these issues are discussed below:

##### (a) Neighbour Amenity

In its revised form the scheme is considered acceptable in terms of its relationship with the neighbouring properties. The level of projection and orientation of the properties are such that there will be no adverse loss of light or overbearing/dominant impact. The level of projection beyond the end elevations of both neighbouring properties is, on the amended plans, relatively minor and, as a result, the scheme is considered acceptable.

The extension is proposed just over a metre away from a first-floor window on the rear elevation of the attached semi, no.48. According to the applicant this is a bathroom window and this appears to be so. No objection has been received from the occupier of this property and it is not considered that the projection of 1.25 metres will have an adverse impact on the amenity of this property.

There will be no adverse overlooking towards neighbouring properties. The window arrangement will be similar to existing and no worse than the present situation of mutual overlooking.

It is recommended that a condition removing permitted development rights for the insertion of first-floor side windows is added.

##### (b) Design

The Town Council have also objected on the grounds that the scheme is an overdevelopment of the site. It is your officer's view that in the revised scheme the proposed extension is in keeping with the scale and appearance of the house and a long rear garden will still remain. There is adequate space within the site to

accommodate this further extension. Furthermore, a number of properties along this row have already been extended at both single and two-storey level and the building line of properties has already been altered. In this context, the design and principle of extending the property further is considered 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 - This permission relates only to the scheme of development shown on the revised plans 0441 Issue 3 received on the 4th May 2005.

#### **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 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those used in the existing structure.

#### **REASON:**

To secure harmonious architectural treatment.

4 - 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 at first-floor level in the eastern and western side elevations of the extension hereby permitted.

#### **REASON:**

In the interests of the privacy of the neighbouring properties.

#### **5 - 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 15:

APPLICATION:	K/51785/F
PARISH:	BISHOPS CANNINGS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Part demolition and rebuilding of single storey extension to vicarage into new double garage. Conversion of existing stables into two bedroom dwelling.
SITE:	The Old Vicarage, Bishop's Cannings
GRID REF:	03754 64328
APPLICANT:	Mr D Ambrose
AGENT:	Hugh Cullum Architects
DATE REGISTERED:	10th March 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to the Old Vicarage in Bishops Cannings. When heading north through the village from the direction of Horton follow the road past 'The Crown' public house and turn right at the crossroads approximately 300 metres beyond the parish church. The site lies immediately on the right hand side, diagonally opposite the village hall and before Bishops Canning Primary School. Members are advised to use the village hall car park if they wish to visit the site.

#### SITE HISTORY

K/76/0088 - Renewal of outline planning permission for demolition of stables & erection of dwelling, granted March 1976.

K/76/0089 - Renewal of permission to convert the stable block into a dwelling, granted March 1976.

K/79/0126 - Renewal of outline planning permission for demolition of stables & erection of dwelling, granted March 1979.

K/79/0127 - Renewal of permission to convert the stable block into a dwelling, granted March 1979.

K/043333 – The erection of a conservatory extension and loft conversion to include dormer windows, granted planning permission in July 2002 [relates to Old Vicarage itself]

K/044628 – Erection of a conservatory, orangery & dormer window (amendment to K/043333), granted planning permission in January 2003 [relates to Old Vicarage itself]

K/50254/F & K/50251/CAC – Demolition of stable block & single storey extension and erection of single detached dwelling, applications withdrawn in July 2004.

#### DESCRIPTION OF DEVELOPMENT

The proposal has two elements:

- a) Conversion of existing stables into a two bedroom dwelling; and

- b) Part demolition and rebuilding of single storey extension to vicarage into new double garage.

#### PRINCIPAL AMENDMENTS SINCE SUBMISSION

The application has been amended since its original submission to address officer concerns regarding the design of the dwelling and the privacy of neighbouring occupiers to the east.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted a statement in support of this application.

#### PARISH COUNCIL COMMENTS

The Parish Council believes that the application is not consistent with Policies HH5 & HH10 of the Kennet Local Plan 2011 in relation to development in Conservation Areas and 'Areas of Minimum Change'. It comments that a development which is clearly in conflict with the Development Plan will need to demonstrate why the plan should not prevail.

Subsequent to these comments being received the Parish Council has requested that the following additional comments (reproduced verbatim) should be reported to Regulatory Committee:

"Policy HH5 states that 'development in conservation areas will only be permitted where it would preserve or enhance their character or appearance'. The Bishops Cannings Conservation Area Statement specifically identifies the stables at the Old Vicarage as 'a significant unlisted building' and as such, a key contributor to the architectural and historic character of the area. The radical redevelopment of the stables proposed in this application is not consistent with the objectives of this policy.

"Policy HH10 states that 'planning permission will not be granted for development which would materially damage the character of the area'. The character of this area of minimum change is partially defined by the following observations in the Conservation Area Statement:

- "The density of development and the spaces between buildings have a major influence on character."
- "The open space of the churchyard is a significant feature of the Conservation Area. This space has a quiet quality with little visual overlooking from neighbouring buildings."

"It is self-evident that the addition of a dwelling to the site will compromise the existing spatial context and thereby damage the quality of the setting. The proposal fundamentally changes the visual and aesthetic relationship between the stables and main house. Changing the historic layout of the property boundaries inevitably impacts on the area's character. The proximity of the proposed development to the churchyard will impinge on the character of the views particularly noted in the Conservation Area Statement.

"There is no demonstrable need for new housing of this kind in the parish. It is arguable that the adjacent area of 'The Street' already suffers from a degree of overdevelopment. This application represents the economic exploitation of an important area of tranquillity and would set a worrying precedent for further cumulative development.

“The Old Vicarage and its grounds have important local cultural value (having been immortalised in Ida Gandy’s book ‘A Wiltshire Childhood’ published in 1929). The assemblage of buildings and grounds make a pleasing whole and are representative of the built heritage and social history of the area. This application is an insensitive fragmentation of an archetypal mid-Victorian vicarage.

“It has been suggested that in its present derelict state, some form of development could only improve the environs of the site. This is a specious argument. The condition of the site would be better addressed through use of measures provided for in the Planning (Listed Buildings & Conservation Areas) Act 1990.”

#### CONSULTATIONS

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

Environment Agency – No comment.

Wiltshire & Swindon Biological Records Centre – Recommends that a bat survey be carried out.

#### REPRESENTATIONS

One letter of objection has been received raising the following points:

- a) The proposals do not address the main issue which is that the Old Vicarage has been the subject of much demolition and apparent unnecessary destructive work, which has resulted in removal of a considerable amount of original structure, including external and internal masonry together with chimneys, resulting in a decaying house, outbuildings and neglected grounds no longer fit for habitation.
- b) The proposals aim to develop part of the site only into a new residential property, with the obvious possible future intention to subdivide the existing property into development lots, resulting in the loss of what was a significant handsome, integrated and individual Victorian property, long associated with the history of the village.
- c) There is no mention of new highway access routes or consequent movement of trees that would be required within either element of the application.
- d) Given that there is a demand for stabling and riding of horses in Bishops Cannings, it is felt that the proposals are not in the best interests of the area.

#### POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Bishops Cannings in the adopted Kennet Local Plan 2011. It also lies within an ‘Area of Minimum Change’ defined in the local plan and within the designated Conservation Area. Policies HC3, HC22, HH5, HH10 and PD1 are relevant to the consideration of this application.

#### PLANNING OFFICER COMMENTS

Policy HC22 of the Kennet Local Plan would, in principle, permit the conversion of existing buildings within the Limits of Development to residential uses, provided that the development is in harmony with the village in terms of its scale and character. The main considerations in this instance are:



- a) Whether the proposals will preserve or enhance the character or appearance of the Conservation Area; and
- b) Whether the proposals will cause material damage to the character of the 'Area of Minimum Change'.

Officers consider that, although historically associated with the Old Vicarage, the stable block is capable of being converted and divided off from the principal building without detriment to the character of the area. The main physical changes to the building will be the construction of a modest single storey extension at its southern end, the addition of two gabled dormers to the east and west elevations, the demolition and reconstruction of a chimney on the east elevation and the insertion of new fenestration. Additionally, a new access will be created onto the highway and a garage constructed within the courtyard to the front of the new property. The garage would be attached to a new garage for the Old Vicarage. A full landscaping scheme has been submitted with the application.

None of these changes is considered to materially alter the character of the building and its relationship with the Old Vicarage. The resultant dwelling would still have the appearance of a former outbuilding to the Old Vicarage. By contrast, earlier schemes for the site (see withdrawn applications K/50254/F & K/50251/CAC) showed the total demolition of the stable block and its replacement with a much larger detached dwelling. Officers consider the latest proposals to be far more sympathetic and suitable for the site, preserving the character of the Conservation Area and causing no material damage to the character of the Area of Minimum Change.

Both the Parish Council and the objector have drawn attention to the condition of the Old Vicarage itself. Whilst this is a regrettable situation, the current planning application must be considered on its own merits without taking into account the applicant's motives, past actions and possible future proposals. Any future planning application to either convert the Old Vicarage or to redevelop it would have to be considered separately on its merits and it would be relevant at that stage to take account of the building's status as a significant unlisted building in the Conservation Area and the site's location within an Area of Minimum Change.

Turning now to specific comments made by the Parish Council and the objector:

- a) It is not considered that the proposals would impinge upon views from the churchyard. The application site is approximately 300 metres from the church and the proposed dwelling would retain its subservient appearance to the side of the imposing Old Vicarage building. It is even arguable as to whether the converted dwelling would actually be seen from the churchyard, given its position on the site.
- b) The Parish Council describes the proposals as radical yet the physical changes involved are not of such a scale as to warrant this description. Indeed, the Parish Council appears to be making a presumption against development in Conservation Areas and Areas of Minimum Change. It is worth noting that the local planning authority's statutory duty when considering proposals in Conservation Areas is to ensure that development either preserves or enhances the character or appearance of the area. With regard to development in Areas of Minimum Change, the previous Local Plan Inspector recommended that the policy wording be changed to prevent development which materially damages the character of the area. He also noted in relation to the far more extensive Manor Farm site in Urchfont that the designation would not prevent all redevelopment of

the site. It does not follow, therefore, that all development in a Conservation Area or Area of Minimum Change is unacceptable.

- c) It is not correct for the Parish Council to state that there is no demonstrable need for new housing of this kind in the parish. This is not a relevant planning consideration since Policy HC22 of the adopted local plan would permit, in principle, residential development in the village (including infilling, the redevelopment of existing buildings and small groups of houses on appropriate sites). Proposals need to be considered on their own individual merits against the relevant policies contained in the Development Plan.
- d) The Parish Council requests that the local planning authority seeks to make use of its powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to address the derelict condition of the site. However, these powers are only available in respect of listed buildings and therefore they are not appropriate in this instance, given that the Old Vicarage is not listed.
- e) The objector states that there is no mention of new highway access routes or consequent movement of trees that would be required within either element of the application. However, the new access is clearly shown on the plans and the submitted landscaping scheme shows all trees to be retained and those to be planted.
- f) The objector refers to the demand for stabling of horses in Bishops Cannings. However, this would not form a valid ground for refusal of the current application.

Finally, Members will note that the planning history section of this report includes reference to various applications, submitted in the 1970s, to renew an earlier planning permission to convert the stable block into a dwelling. It should be noted that the original permission pre-dates the designation of the Conservation Area in 1974 and the definition of 'Areas of Minimum Change' in subsequent local plans. This material change of policy background means that these decisions should be given limited weight when considering the current 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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans (Drawing no. 2323/2 rev A received on the 27th April 2005 and Drawing nos. BC003.P01.01A, BC003.P01.03A, BC003.P01.04A & BC003.P01.05A received on the 18th April 2005).

### **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, in the interests of preserving the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

4 - No development shall take place until details of the materials & finish proposed for the garage doors 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 and the character of the 'Area of Minimum Change'.

5 - The windows and doors in the development hereby permitted shall be constructed of timber and painted, and shall be retained as such thereafter. No development shall take place until details of all new window and door joinery (including elevations at a scale of not less than 1:10 and frame sections / glazing bars, etc. at not less than 1:2) 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 and the character of the 'Area of Minimum Change'.

6 - No development shall take place until details of the "stable pavements" shown on the approved plans for the parking and turning area to the front of the dwelling 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 and the character of the 'Area of Minimum Change'.

7 - 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 dwelling 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.

8 - Before the dwelling hereby permitted is first occupied the access, turning and parking area 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.

9 - No burning of materials shall take place on this site within 10 metres of any tree or tree group to be retained as part of the approved landscaping scheme on the site or of any trees on adjoining land.

REASON:

To ensure that trees on the site or adjoining land are not put at risk.

10 - Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 33m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility (excluding any existing trees within the defined area which must be retained) at and above the height of 0.6m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

11 - 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 protected with suitable protective fencing 2 metres outside of the crown spread, or half the radial height of conifers, or at a distance taken from the British Standard 5831: Trees in relation to Construction. 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.

12 - Prior to development commencing details of the new access onto the highway shall be submitted to and approved in writing by the local planning authority. The submitted details shall include provision for small (0.66m) radii, the surfacing of the first 4.5 metres of the access in a properly consolidated material (not loose stone or gravel), details of the drainage pipe under the access, details of the method of construction in relation to trees and full details of gradients and levels. The access shall be constructed in accordance with the approved details prior to the first occupation of the dwelling.

REASON:

In the interests of highway safety, to maintain the integrity of the ditch and to prevent flooding of the road.

13 - Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON:

In the interests of highway safety.

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 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 the proper planning and amenity of the area.

15 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the east facing roofslope of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

16 - The dormer window at first floor level shown on the approved plans on the east elevation shall be glazed with obscured glass and fixed shut and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

17 - 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 (other than those shown on the approved landscaping scheme) shall be erected or placed on the site.

REASON:

To enable the local planning authority to retain control over development on the site in the interests of the proper planning and amenity of the area.

18 - Prior to the dwelling hereby permitted being first occupied, plans of the means of the disposal of surface water from the access drive, paved areas and roofs, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.

**REASON:**

To ensure satisfactory surface water drainage, in the interests of preventing flooding of the highway.

**19 - 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 HC3, HC22, HH5, HH10 & PD1.

**20 - INFORMATIVE TO APPLICANT:**

The applicants are advised that at the new access the ditch will require a similar sized pipe as at the other two entrances to be implemented in the ditch. The applicant should contact the Area Highways Manager at Wiltshire County Council's Marlborough Depot to discuss the works required. The District Council's Engineering and Design Manager has suggested that the pipe be a minimum of 450mm in diameter and that no surface water be discharged to the ditch, in order to maintain the integrity of the ditch and prevent flooding of the road.

**21 - INFORMATIVE TO APPLICANT:**

**(i) Bird Nests**

The applicant should note that the ecologist carrying out the bat survey noted a number of old bird nests within the stable building. Swifts and pigeons were noted in the building. All bird nests are legally protected when active, therefore measures should be taken to prevent birds from nesting prior to works commencing or a check should be made for the presence of active nests prior to works commencing. If an active nest was found to be present it would be necessary to delay works until the chicks had fledged.

**(ii) Bats**

The ecologist noted that, although she did not identify the presence of roosting bats during her survey, the stable building has features that could be used by bats (e.g. a hole in the fascia board at the gable end, a loose ridge tile on the roof, the chimney and lead flashing around the chimney). As bats use a range of different roosting sites at different times of the year it is recommended that the precautionary principle is applied and that care is taken when doing works to structural features that could be used by bats.

Item 16:

APPLICATION:	K/51863/F
PARISH:	PEWSEY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey side extension
SITE:	10 Raffin Lane, Pewsey, SN9 5HJ
GRID REF:	16404 59581
APPLICANT:	Mr and Mrs J Helps
AGENT:	Mr A Tuttle
DATE REGISTERED:	17th March 2005
CASE OFFICER:	Miss R Yeomans

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#### SITE & LOCATION

The site is located towards the edge of Pewsey and can be reached by heading away from Pewsey centre on the A345 Salisbury Road. Proceed over the bridge and just before the road bends round to the right, take the first left turn into Raffin Lane. The property is set back from the road and can be accessed via a shared gravel driveway on the right hand side of the lane. It is a detached 'L shaped' property, slightly elevated from the level of the road.

#### SITE HISTORY

The only site history relates to the original permissions for the construction of the properties dating back to 1978 and 1979.

K/78/0852 – Outline planning permission granted for three detached dwellings.

K/79/0673 – Full planning permission granted for three detached dwellings.

#### DESCRIPTION OF DEVELOPMENT

The application proposes a two storey side extension and a single storey conservatory to the rear.

#### PRINCIPLE AMENDMENTS

No amendments have been sought in respect of the proposal itself. However the block plan has been amended to accurately show the relationship with the neighbouring properties.

#### PARISH COUNCIL COMMENTS

Pewsey Parish Council: Strongly object to this application due to the height, mass and loss of light to the neighbouring property. The block plan on the map does not reflect the relationship of the two properties (NB - this has since been amended).

#### CONSULTATIONS:

County Highways: (P L Tilley): No objection

#### REPRESENTATIONS:

One letter of objection has been received from neighbouring residents. This is summarised as:

1. The proposed extension will take light away from the lounge window and garden patio area.

2. Loss of privacy resulting if applicant chooses to put in a gable window at some point in the future.
3. Suggestion that a condition be placed on permission requiring driveway to be kept clear except for temporary delivery of materials, and to make good the driveway after the completion.
4. The applicant has no right of access to the neighbouring property to carry out any construction works, repairs or maintenance.

#### **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 – Policies PD1 & NR8 are relevant to the consideration of this application.

#### **PLANNING OFFICER COMMENTS**

The main issues in this case are the impact of the proposed extensions on the character of the area and the amenities of neighbouring properties.

No objections have been received in respect of the proposed single storey conservatory to the rear. As this is a single storey extension, and given that the boundary between the numbers 8 & 10 Raffin Lane consists of approximately 1.8 metre high close boarded fencing with mature hedging behind, no adverse impact would be caused to neighbour amenity.

Objection has been raised regarding the size of the proposed two-storey side extension, and the resulting loss of light to the neighbouring property. Whilst it is appreciated that the extension would be visible from the neighbouring property due to it being 0.6m from the common boundary, there would still be a distance of approximately 4 metres between the two houses. Furthermore, the extension would only project 3 - 4 metres to the rear of the neighbouring house. In view of these circumstances it is not considered that this aspect of the proposal would have an adverse impact on neighbour amenity.

Although the Parish Council expresses concern over the mass of the proposed extension, the design is considered to be in keeping with the property, and is not excessive given the size of the existing property and the overall size of the plot. For this reason, together with the reasons given above relating to the distance between the properties, it is not considered that the extension would have an overbearing impact or have an excessive mass, but in fact the design and scale is appropriate.

With regard to potential overlooking, a condition is recommended removing permitted development rights to insert windows in the flank wall. The third party concerns relating to congestion from contractor's vehicles, potential damage to property, and access to third party property for construction/maintenance purposes are private matters to be resolved by the parties concerned.

#### **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 - 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 north western elevation of the building hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

**3 - 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 NR8 & PD1.

**4 - INFORMATIVE TO APPLICANT**

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

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

Item 17:

APPLICATION:	K/51839/F
PARISH:	ALTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use from ancillary accommodation to self contained dwelling
SITE:	The Annexe, Fernbank, Honeystreet, Alton
GRID REF:	10276 61616
APPLICANT:	Mrs E V Niel Fernbank Annexe Trust
AGENT:	J Lawrence
DATE REGISTERED:	16th March 2005
CASE OFFICER:	Mr P Smith

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#### SITE & LOCATION

The site is located in the hamlet of Honeystreet overlooking the Kennet and Avon Canal. To reach the site from Devizes take the London Road to the Horton roundabout and take the exit signposted for Horton. Follow the road to the staggered junction at Alton Barnes and turn right. Follow the road to Honeystreet and turn right at the barn immediately before the canal bridge. Take the right hand lane. The Annex is situated approximately 220 metres from the road set back on the left hand side.

The building comprises a single storey flat roof and brick building of domestic scale and appearance. It is associated with the neighbouring bungalow known as Fernbank and is largely separated from the bungalow by a high stone and blockwork wall with the exception of the end section which overlooks a shared lawned area. The building has large horizontal windows and is situated immediately adjacent to a number of former industrial buildings.

#### SITE HISTORY

Planning permission was granted originally for an extension to form a 'sun lounge' in Fernbank (ref 74/0050).

The annex has been occupied independently from the bungalow and as such an application has now been submitted to regularise this situation.

#### DESCRIPTION OF DEVELOPMENT

The application proposes to change the use of the building from an ancillary annex to a self contained dwelling. No physical changes are proposed to the building.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

No amendments have been made.

#### PARISH COUNCIL COMMENTS

The Parish Council is concerned at the delay between highlighting the unauthorised occupation of the annex and the submission of this application and request for their comments and therefore objects to the application.

In addition, they are concerned that if granted it could allow for the present applicants to apply for a larger dwelling in the future and is concerned at the prospect of increasing the number and density of houses in this small hamlet in view of a

proposed development of 20 houses on the Honeystreet Mill site by Greatworth Properties.

#### CONSULTATIONS

County highways (P Galpin) – No objection. There should be an informative that off-road parking for two vehicles per dwelling be made available within the site for Fernbank and the annex.

#### REPRESENTATIONS

None received.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 (Development and Design), HC24 (Villages with Limited Facilities) and TR1 (Development Affecting the Kennet & Avon Canal) are relevant planning policy considerations.

#### PLANNING OFFICERS COMMENTS

The key issues associated with this development proposal are the principle of allowing a dwelling in this location and the impact of the development on the amenity of its occupiers and those in the surrounding area.

Honesystreet is a small settlement in the open countryside, with few facilities and remote from any major settlements. As such it is classified in the Kennet Local Plan as a village with limited facilities. Residential development in such locations is generally restricted and limited to the infilling of gaps in a built up frontage, or the replacement of existing dwellings or the re-use of existing buildings provided that the development:

- a) is within the built up area of the village;
- b) does not consolidate an existing sporadic, loose knit pattern of development; and
- c) the development is in harmony with the village in terms of its scale and character.

In light of these considerations it is considered that the existing annex building satisfies these criteria. It is located within the built up part of the settlement, it is an existing building and does not consolidate the pattern of development and is considered to be in harmony with the village in terms of scale and character, despite its somewhat functional modern appearance. As such it is considered that the occupation of the building for residential purposes accords with the adopted planning policy for this area.

The building is an existing structure and would not create any additional impacts on the appearance of the surrounding area. The majority of the outside space is situated to the north of the annex and comprises large stone slabs, which would provide the parking area. A small terrace separates the building from the canal below on its southern side and it is considered that the dwelling would have a reasonable degree of amenity space. Provided suitable screening measures are put in place, adequate privacy for both this property and the existing dwelling can be retained.

Any subsequent application for a larger development on the site in place of the existing would be considered on its own merits and is not prejudiced by the approval of this 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 there has been submitted to and approved by the local planning authority details of the boundary treatment between the annex and the adjoining properties. Once agreed these shall be implemented in accordance with the approved details and shall thereafter be retained, unless variations are otherwise first agreed in writing by the local planning authority.

### **REASON:**

To ensure a satisfactory amenity for the occupiers and neighbouring residents.

### **3 -INFORMATIVE TO APPLICANT:**

The applicant is advised that provision for two off-road parking spaces should be provided for both dwellings within the site for Fernbank and the Aanex respectively.

### **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: policies PD1 and HC24.

Item 18:

APPLICATION:	K/51761/F
PARISH:	PEWSEY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of alterations to outbuilding and use as residential annex.
SITE:	11 Ball Road, Pewsey, SN9 5BL
GRID REF:	16898 60112
APPLICANT:	Mr M Coveney
DATE REGISTERED:	8th March 2005
CASE OFFICER:	Miss G Salisbury

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#### SITE & LOCATION

The site lies on the eastern side of Pewsey within the Conservation Area. It is situated on the left-hand side as you head down the road towards Southcott. It is a recently extended bungalow with detached outbuilding (the subject of this application) set back approximately 30m from the road.

#### SITE HISTORY

K/40145 – Planning permission was granted in November 2000 to demolish the existing lean-to passage and rebuild to form an extension to the kitchen.

K/43396 – Planning permission was granted in August 2002 for a ground floor and first floor extension to the bungalow, a garage extension to form loggia and first floor studio/study and improvements to the access splay and new parking/turning area.

K/46054 – Planning permission was granted September 2003 to insert windows in the northern and southern elevations of a previously approved extension.

K/51175/F – Planning permission was refused in December 2004 to change the use of the outbuilding from a workshop/study into a house. This was on the grounds that the proposed dwelling would have a detrimental impact on the privacy of neighbouring properties, including no.11 Ball Road. It was also considered that a self-contained dwellinghouse in this location would lead to an increased use of an existing access with substandard visibility in both directions along Ball Road.

#### DESCRIPTION OF DEVELOPMENT

This is a retrospective application for the retention of alterations made to the outbuilding and for its proposed use as a detached residential annex. The outbuilding differs to the garage extension originally approved in 2002. It is 2.2m smaller in depth, 1m lower in height and 1.4m wider. A chimney has been added to the east elevation and small velux windows inserted in the east and west facing roof slopes. Two additional ground floor windows have been inserted in the west elevation and the windows on the east elevation at ground floor level have changed position. Two windows have also been inserted on the north elevation in place of the garage doors.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments to this application.

#### **ADDITIONAL STATEMENT BY THE APPLICANT**

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

#### **PARISH COUNCIL COMMENTS**

Pewsey Parish Council: strongly objects to this application on the grounds that it constitutes a gross overdevelopment of the site. If the two houses share the same access there will be no room on site for vehicles to turn which is in direct contravention of Condition 6 of K/43396.

#### **REPRESENTATIONS**

Four letters of objection have been received from neighbouring residents which raise the following concerns;

- This application is no different from the refused application K/51175/F. The annex would still be used as living accommodation;
- Concern that the outbuilding will become an additional residential property or rented out for holiday accommodation or commercial use. A restrictive covenant should be imposed on current and future owners;
- Impact of the development on road safety;
- This area of Ball Road is in the Conservation Area;
- It may set a precedent of allowing people to build further homes on plots in the Conservation Area.

#### **POLICY CONSIDERATIONS**

Kennet Local Plan 2011 – Policies PD1 (Development and Design) and HH5 (Development in Conservation Areas) are relevant to the consideration of this application.

#### **PLANNING OFFICERS COMMENTS**

The alterations made to the outbuilding are in scale and keeping with the building as a whole and are not visible from Ball Road. As such the development does not cause harm to the character and appearance of the conservation area

The main issue with this application relates to the use of the outbuilding as a residential annex. This application is fundamentally different to K/51775/F in that it is intended to use the building as an annex to 11, Ball Road and not as a separate dwellinghouse. Use of the building as a residential annex is possible without significant detriment to the amenity of 11, Ball Road as the outbuilding would be used in association with the main dwellinghouse only. In addition a residential annex would not generate any significant increase in the use of the access which has recently undergone improvements to better the access splay and create a new parking and turning area (approved under K/43396). The building can also be occupied as a residential annex without harm to neighbour amenity as the rooflight on the west elevation has been obscure glazed and fixed shut to ensure that there are no direct views into the garden of Plum Tree Cottage.

#### **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.

#### **REASON:**

To protect the amenities of this primarily residential area.

2 - 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 west facing 'back' elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

3 - The rooflight at first floor level in the west facing 'back' elevation shall be glazed with obscured glass and fixed shut, and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

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: policies PD1 and HH5.

Item 19:

APPLICATION:	K/51890/F
PARISH:	SEEND
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Proposed re-opening of old access
SITE:	The Swallows, Trowbridge Road, Seend
GRID REF:	93601 60705
APPLICANT:	Mr R Wood
AGENT:	Ponsford King Partnership
DATE REGISTERED:	21st March 2005
CASE OFFICER:	Mr N Britton

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#### SITE & LOCATION

'The Swallows' is one of a group of properties on the south side of the A361 at the foot of the hill on the western side of the village of Seend before the turning to Seend Cleeve. These properties were on land originally within the curtilage of the larger Cleeve House. The existing property is a bungalow believed to be a conversion of a former outbuilding and probably dating from the 1980s. Vehicular access is via a private unsurfaced drive which also serves Cleeve House and "The Stables", another converted single storey house. Some 80 metres north east of the present entrance is the gateway to an old unsurfaced track which runs to the rear of the property between a high brick wall and a lower stone field boundary.

#### SITE HISTORY

None relevant

#### DESCRIPTION OF DEVELOPMENT

This application is to re-open the old vehicular access and to construct a splayed entrance with an extended dropped kerb. This will be wholly on the grass verge which is currently highway land. Beyond this there will remain a downward gradient of about 15 degrees on the old track.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None

#### ADDITIONAL STATEMENT BY THE APPLICANT

The agent draws attention to the fact that the local highway authority confirmed in writing that they would have no objection to the proposal, subject to improvements to the surfacing and radii at the entrance, before the application was submitted.

#### PARISH COUNCIL COMMENTS

Objects to the application. It considers that it is dangerous given the speed of traffic on the A361 to form a new access. The present access is more than adequate.

#### CONSULTATIONS

County highways - no objection subject to the provisions set out in condition 2 of the recommendation.

#### POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan requires a high standard of design in new development. This includes access arrangements and road safety.



#### **PLANNING OFFICER'S COMMENTS**

The applicants were asked to comment on the parish council's views. In response, their planning consultant states that the parish council's concerns regarding highway safety are unfounded and any suggestion that the existing application should be resisted, as there is an existing access, denies my clients rights to have his application properly determined on its own merits. As noted above, the agent has submitted a letter from Wiltshire County Council which states that there are no highway objections to the re-opening of the old access.

The only material issue here is highway safety. While it is acknowledged that traffic travels fast at this point of the A361, the visibility is good, and the highway authority have no objections subject to the terms of proposed Condition 2. The surfacing of the remainder of the private track, if desired, would be permitted development.

#### **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 - Prior to the first use of the access hereby permitted:

(i) a recessed entrance having a minimum width of 3 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward towards the carriageway edge with radii of 6 metres;

(ii) the first 4.5 metres of the access shall be properly consolidated and surfaced (not loose stone or gravel);

(iii) provision shall be made within the site for the disposal of surface water so as to prevent its discharge on to the highway.

In the case of (ii) and (iii) the works shall be carried out in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority;

#### **REASON:**

In the interests of highway safety.

#### **3 - 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 20:

APPLICATION:	K/51861/F
PARISH:	WOOTTON RIVERS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey side extension; side porch canopy. Felling of conifer tree and reduction in height of Leylandii hedge. Re-surfacing of driveway/access
SITE:	Moles End, Wootton Rivers
GRID REF:	19676 63105
APPLICANT:	Mr and Mrs D Parry
AGENT:	Mr M Nokes
DATE REGISTERED:	17th March 2005
CASE OFFICER:	Miss G Salisbury

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#### SITE & LOCATION

Moles End is located on the western side of the main road through Wootton Rivers, adjacent to the former primary school. It is a modern detached dwelling of brick and thatch. The site lies within the Wootton Rivers Conservation Area.

#### SITE HISTORY

80/0165 – Outline planning permission was granted in June 1980 for a dwelling.

82/0944 – Approval of matters reserved in December 1982 for the erection of a house and detached garage.

#### DESCRIPTION OF DEVELOPMENT

This application proposes to erect a single storey lean-to extension with covered patio to the front (south) side of Moles End. This extension will measure 9 metres wide by 2 metres deep and 3.5 metres in height. Materials are brick to match with a natural slate roof. A small porch is also proposed on the north elevation. The extension does not project beyond the existing projecting bay on the front.

This application also includes resurfacing of the loose gravel driveway/access with a tarmac surface, felling the Tasmanian cedar at the south east edge of the site and reducing the height of the conifer hedge along the southern boundary by 1 metre.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following concerns over the design of the new patio and entrance doors, the patio doors on the south elevation have been replaced with a triple painted window of similar design to the existing dining window and the front door frame is to be painted with the door remaining stained. A single frame painted window has also been added to the east elevation of the extension to match other windows on the same elevation.

#### PARISH COUNCIL COMMENTS

Original Plans – The Parish Council object to this application on the grounds that;

- The proposed design does not successfully blend new with old and spoils the existing design.
- The design falls short of satisfying requirements set down in the Village Design Statement referring to alterations to existing housing. This states that;

“...alterations and extensions should be complimentary to the existing building and the design should be in harmony with its surroundings...”

- The Parish Council do not consider the patio doors or the scale of the extension to be appropriate.

(Amended plans have since been submitted that change the design of the patio doors but not the other elements of the extension)

#### CONSULTATIONS

County Highways (Mr Galpin) - No objection subject to conditions.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1 (Development and Design) and HH5 (Development in Conservation Areas) are relevant.

#### PLANNING OFFICERS COMMENTS

The main issues in this case are the design of the extension and its impact on the existing dwelling and surrounding area. The proposal would have no adverse impact on neighbour amenity.

The parish council have stated that the design of the extension does not successfully blend old with new and is not in harmony with its surroundings. However, in its amended form the application is considered acceptable. The single storey extension is modest in size and scale and the design of the extension and use of matching bricks and natural slate compliments the existing dwelling. As such, it is considered that the extension would not cause harm to the character or appearance of the original building or to the designated Conservation Area.

#### 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 only to the scheme of development shown on the revised plans SEK-PAR-05-02PA RevA, -05PA RevA, -06PA RevA, -07PA RevA and -08PA Rev A received on the 26th April 2005.

#### 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 - The windows in the extension hereby permitted shall be painted timber to match in design and colour the windows in the existing dwelling and shall be retained as such thereafter.

#### REASON:

To secure harmonious architectural treatment.

4 - Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from carriageway edge.

REASON:

In the interests of highway safety.

5 - Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

6 - 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 and HH5.

## Item 21

APPLICATION:	K/51646/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of extension to outbuildings
SITE:	128, St Ediths Marsh, Bromham
GRID REF:	97656 64525
APPLICANT:	Mr B Escott
AGENT:	
DATE REGISTERED:	10th February 2005
CASE OFFICER:	Mr N Britton

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### SITE & LOCATION

Numbers 128 and 130 St Edith's Marsh form an asymmetrical pair of late 19<sup>th</sup>/early 20<sup>th</sup> Century houses, situated on the west side of the A 342 just north of the Oliver Cromwell P.H. There are outbuildings to both houses, and No 130 has a large two-storey extension to the rear, with matching architectural detailing. The properties face open land to the rear, and it appears that no 128 has acquired some of this to create an extension to its curtilage. This includes a 'panhandle' of land to the rear of No 130 which allows access to the property from the lane to the south. At the lane side there is an old overgrown corrugated iron garage.

### SITE HISTORY

A notice under Section 215 of the Town and Country Planning Act 1990 (tidy site notice) was served on 7 May 2003, requiring the removal of scrap vehicles, parts, scrap metal, wood and associated items mainly on the area of land adjacent to the roadside. The notice was complied with to the Council's satisfaction, and the site has been monitored since. The unauthorised building came to the Council's attention separately and an enforcement investigation was commenced, resulting in this retrospective application.

### DESCRIPTION OF DEVELOPMENT

The application is to retain a building with a corrugated iron roof which has been built from the rear of no 128, along the back of no 130. The length of the new work is about 13 metres, which added to the old corrugated iron garage makes a total building length of about 18 metres. At its north end it is enclosed and resembles a shed, but this part is linked to the old garage by a long open sided section. It is this open sided section that requires planning permission. The building is used to store part of the applicant's large collection of material reclaimed from old buildings, and sundry other items. These are also stored in the open in the strip of land between the building and the boundary fence.

### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The block plan has been corrected to show the alignment of the building more accurately.

### ADDITIONAL STATEMENT BY THE APPLICANT

The 'Headway' charity has stated on the applicant's behalf that he needs the shed on his premises because, following his head injury many years ago, he has been unable to go out to work but finds he can do some occupational therapy in his shed. It is therefore valuable for his wellbeing. The applicant's primary care centre in

Melksham states that it is good for him to be occupied physically and mentally on projects.

#### PARISH COUNCIL COMMENTS

Bromham Parish Council objects on the grounds that to retain the building would be detrimental to the amenities of the neighbours.

#### REPRESENTATIONS

The attached neighbours at no 130 object for the following reasons:

1. The plans were incorrect (this has now been addressed);
2. The new boundary fence should be included;
3. The building is 3.3 metres above the neighbour's patio;
4. The construction materials are not in keeping with the area;
5. The building is on farm land;
6. Loss of view, sunlight and amenity;
7. Fire risk and storage of waste
8. Loss of value of home.

A further neighbour objects to the unsightly appearance of the building.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policies PD1 and NR7 are relevant to the consideration of this application.

#### PLANNING OFFICER'S COMMENTS

A retrospective planning application should be treated in the same way as an ordinary application, and determined in accordance with the development plan unless material considerations indicate otherwise. In this case the main issues are the effect of the building on the appearance of the countryside and the amenities of neighbours.

The information obtained during the enforcement investigation, and from the planning application, indicates that the building is intended for use by the occupier of the house for private purposes, for the storage of miscellaneous goods and materials. Normally, moveable items for personal use stored in a domestic curtilage are regarded in planning law as 'chattels', and do not constitute development. It is arguable whether the nature and amount of the items stored on the site could really be regarded as incidental to the enjoyment of the dwelling, but so far the Council has no evidence to show that any other unauthorised use has taken place.

Although the building is in second hand materials, it is not prominent and does not have a seriously detrimental impact outside this relatively enclosed area of countryside. In scale, it is not unlike a chicken house or similar agricultural building. Further, if it is correctly construed as a free standing ancillary domestic building, only that part of it which is nearer to the lane than the house itself requires express planning permission, since such a building less than 4 metres in height which does not project forward of the dwelling house would be permitted under Part 1 Class E of the General Permitted Development Order Schedule 2. Thus, the 'shed' end of the building would appear to be lawful, as is the old corrugated iron garage at the front which has been there for more than four years.

It is understandable that the next door neighbours should object to the building, which appears over the top of their garden fence and can be seen at a distance of about 5-7 metres from the rear windows of their extension. However, the building is

not considered to be close enough to the neighbour to be unduly overbearing, and it is not usually possible in planning decisions to protect the views of property owners across other property. The wooden fence panels erected by the applicant on his side of the boundary appear to be permitted development as they do not exceed 2 metres when measured from that side, although the posts do.

The suggested fire risk and the alleged storage of waste are not material planning considerations in this instance.

In conclusion, it does appear that the sections at each end of the building are lawful. In these circumstances, it is considered that the open sided building between, the subject of this application, does not have a significantly more adverse impact on its surroundings. The site's unsatisfactory appearance is mainly due to the materials and items stored outside the building rather than the building itself, but monitoring and if necessary enforcing the extant Section 215 notice is considered to be the best way of dealing with this. Fresh action under this Section or Section 172 of the Act also remains an option should the need arise.

**RECOMMENDATION:**

Grant retrospective planning permission, with the following informative:

**1 - INFORMATIVE TO APPLICANT:**

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

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

Item 22:

APPLICATION:	K/51949/F
PARISH:	RAMSBURY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use of land from agriculture to domestic curtilage; retention of buildings, swimming pool and BBQ area for domestic use
SITE:	Bolstridge Farm, Hilldrop Lane, Ramsbury
GRID REF:	27042 72189
APPLICANT:	Mr R Collins
AGENT:	Dreweatt Neate
DATE REGISTERED:	4th April 2005
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

Bolstridge Farm is located towards the northern edge of the village and is accessed off Hilldrop Lane. The access to the site is almost opposite the most northerly of the employment buildings that are located on the western side of Hilldrop Lane. The buildings and land to which the application relates lie to the north of the main house, on land that was formerly in agricultural/ equestrian use.

#### DESCRIPTION OF DEVELOPMENT

The application is retrospective and seeks the regularisation of works that have been carried out at the site over the past few years. These works have resulted in the erection of replacement barns at the property and the change of use of land to domestic curtilage.

Two replacement barns have been erected and these are referred to as the garage and the stable block.

The garage block is split level in its construction and comprises garaging space for a number of vehicles and a workshop area on the ground floor. There is a snooker room on the first floor which faces the garden at the rear and opens directly onto this land due to the difference in levels.

The stable block contains a gym, kitchen and function room on the ground floor with a games room and office over. The unusual internal layout of the stable block on face value appears to lend itself to commercial use.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has provided a statement in support of the application and this is available on the file for inspection. This sets out the background to the application and the work that has been carried out to date.

In respect of the layout of the buildings, the agent comments that they could be considered to be in excess of what would normally be found for residential purposes. At the time of re-building the structures, the applicant had in mind the possibility of running some form of corporate activity centre at the site and laid out the buildings accordingly. This was never explored further and the buildings have been used since then for domestic purposes only.



#### PARISH COUNCIL COMMENTS

Ramsbury Parish Council express concern that the scale of the development is beyond 'domestic use' and that some very strict conditions would need to apply if the use is granted.

#### CONSULTATIONS

Wiltshire County Council (Highways): No objections subject to a condition requiring the barns to be used for ancillary domestic purposes.

#### POLICY CONSIDERATIONS

The site lies in the countryside and North Wessex Downs Area of Outstanding Natural Beauty.

Kennet local Plan 2011 - policies NR7 and NR8 are applicable.

#### PLANNING OFFICERS COMMENTS

It is considered that the replacement barns are well related to the existing property and do not give rise to any significant visual impact. The internal layout of the barns is somewhat unusual although the applicant states that they are used for domestic purposes only and there is no evidence of commercial use. To ensure that the concerns of the parish council are addressed, a condition is recommended restricting the use of the buildings to purposes incidental to the enjoyment of the dwelling house, thereby prohibiting commercial use.

Some harm has resulted from excavation works that have taken place at the rear of the site into the lower part of the valley side. However, these are not readily viewable, and with appropriate landscaping should be acceptable. Landscaping that has already been carried out consisting of conifers is unsuitable. A condition requiring an improved landscaping scheme is, therefore, recommended.

#### RECOMMENDATION

Approve with Conditions

1 - Within 3 months of the date of this permission, a detailed landscaping scheme to provide for the planting of a native hedgerow around the boundaries of the site shall be submitted to and approved by the local planning authority.

The approved landscaping scheme shall be implemented between October 2005 and March 2006. 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.

2 - The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.

#### REASON:

To protect the amenities of the area and to ensure that no additional traffic is generated that could give rise to road safety issues.

3 - 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 (other than those in existence at the time of this application) shall be erected or placed on the site shown coloured red on the submitted plan.

**REASON:**

In the interests of visual amenity.

**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, NR7 & NR8.

Item 23:

APPLICATION:	K/51975/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retrospective consent for erection of steel framed, fabric covered awning to protect existing external sales area to rear yard of hardware and garden retail premises
SITE:	Roses, The Green, Devizes
GRID REF:	00778 61508
APPLICANT:	Roses
AGENT:	Peter Kent Architect
DATE REGISTERED:	5th April 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

This application relates to the rear back yard area of Roses, the ironmongers, which is located at 4 Sidmouth Parade in Devizes. The site can be accessed by taking a left turning into Gains Lane from Commerical Road, when heading in a south-easterly direction. The access to Roses can then be found approximately 50 metres on the right hand side of the road.

The new canopy is located towards the southern end of the outdoors sales area, near the main shop. To the east of the site, adjacent to the boundary wall, is Escourt Street Veterinary Surgery and to the west, beyond the outdoor sales area, is the Chivers car park.

#### SITE HISTORY

There is no history directly relevant to this proposal.

#### DESCRIPTION OF DEVELOPMENT

This is a retrospective application for the retention of a covered awning area which is used to protect the external sales area in the rear yard. The awning is 16m long, 12.5m wide and 5.2m tall at its highest point. It is a steel framed, open-sided structure with a form of plastic roof referred to as Opal 60. A sample of the roofing material is available to view on the planning file.

#### ADDITIONAL STATEMENT BY THE APPLICANT

Supporting statements by the agent and applicant were submitted with the application. These are summarised as:

1. The applicant considered the awning to be a temporary structure and did not realise that planning permission was required.
2. A number of neighbours have written directly to the applicant in support of the new awning.
3. The only views of the awning from the public realm are from the junction of Sidmouth Street and Gains Lane; across Chivers Yard and outside the bookshop on Sidmouth Street.
4. The awning is a tidying up measure and is the same form of covered sales area as Townsends Garden Centre on Bath Road.

5. The awning will enable Roses to continue to attract customers to the edge of the main shopping area. It has improved the shopping experience at Roses and has tidied up a run-down area.

#### TOWN COUNCIL COMMENTS

The Town Council have objected to the scheme on the grounds that the awning is imposing on neighbouring properties.

#### REPRESENTATIONS

Three representations of support have been received to the application. These are summarised as:

1. The awning is a visually pleasing structure and in keeping with a market town environment. There can be no complaint over the design of the structure given its purposeful simplicity.
2. The structure provides a much needed dry environment for customers.
3. The structure ensures the sloped path remains dry and therefore safer in all weathers for all users of the store, particularly the disabled, infirm and elderly.

In addition, the agent has sent in 9 letters from neighbouring businesses, residents and other customers of Roses who have all expressed their approval of the new canopy and the service it provides. Many have complimented the design concept and noted how well they feel it fits into its town centre and historic context.

Cllr Ody has also written in support of the application.

#### POLICY CONSIDERATIONS

The site lies within the curtilage of a listed building and adjacent to the Devizes Conservation Area. Policies PD1, HH5 & HH8 of the Kennet local Plan 2011 are relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

It is considered that this is a finely balanced application, particularly in respect of the design of the structure and its appropriateness within the curtilage of a listed building and location adjacent to the designated conservation area. The Town Council have also raised an objection stating that the structure is imposing on neighbouring properties. These issues are discussed below:

##### (a) Design – Relationship with the Listed Building and Conservation Area

In terms of its overall scale and size, the awning is considered acceptable. At 5.2m tall it is not excessively tall and is in keeping with other outbuildings within the immediate vicinity. It is the roof that is the most prominent feature of structure and this can be viewed from a number of vantage points within the conservation area. It is the lightweight appearance of the structure and its white roof that result in its prominent appearance and one that is at odds with typical town centre historic buildings.

Therefore, the key consideration is the impact of the structure upon the setting of the conservation area. That part of the immediate conservation area with which the awning is partly read is characterised by red brick and slate buildings, mainly three-storey. However, although the awning is adjacent to the conservation area, it is not read directly in this context. It is mainly viewed within the context of the rear sales area, nearby pre-fabricated buildings and the adjacent coal yard: this context being part of a wider backland area largely used for commercial purposes. It is when the awning is viewed in this context then it is considered acceptable. On balance, it is

your officer's view that the impact on visual amenity within the conservation area is comparatively small and the structure could be accepted as helping a valuable retail unit that occupies an important anchor role on the fringe of the town centre and conservation area.

Furthermore, it is not considered that the structure would result in an adverse impact upon the setting of the listed building. When viewed as part of the rear sales area, the awning is in keeping with the general setting and is not out of context with the rear sales area as a whole.

**(b) Impact upon neighbouring properties**

It is not considered that the awning will give rise to any adverse impact upon the amenity of the occupiers of the neighbouring properties nor is it considered to be imposing as the Town Council states. The nearest neighbouring building is the veterinary hospital and the awning has a similar eaves and ridge height to this building. The awning is viewed within its commercial context and is sufficient distance from all neighbouring commercial and residential properties.

**(c) Temporary Permission**

It is considered necessary and relevant to grant temporary rather than permanent planning permission for the structure. Whilst at present it is in a good state of repair, this may not be the case in years to come, particularly given the lightweight roof. Details of the awning submitted with the application state that it has an expectant lifespan of 5 years+. In this context, the state of repair of the structure and its impact upon visual amenity should be reassessed in five years to ensure that the structure is still in good condition and not detracting from the appearance or character of the conservation area.

**RECOMMENDATION**

Approve with Conditions -

1 - The awning structure hereby permitted shall be removed on or before the 31st May 2010, unless before that date, permission has been applied for and granted for its retention for a further period of time.

**REASON:**

To enable the local planning authority to consider whether the condition of the structure after this period of time is acceptable and does not detract from the character and appearance of the conservation area, given the lightweight materials used in its construction.

**2 - 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, HH5 & HH8.

Item 24:

APPLICATION:	K/51999/R4
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Kennet DC Reg 4
PROPOSAL:	The erection of a single detached dwelling
SITE:	Land at Kelham Gardens, Marlborough
GRID REF:	19232 69115
APPLICANT:	Kennet District Council
AGENT:	Dreweatt Neate
DATE REGISTERED:	7th April 2005
CASE OFFICER:	Mr A Guest

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#### BACKGROUND

This application is made by Kennet District Council under Regulation 4 of the Town and Country Planning General Regulations 1992 (which allows for local authorities to make applications for development on land that they own in circumstances where they are not intending to carry out the development). The application is before the committee as the current scheme of delegation does not allow for applications of this nature to be determined under delegated powers.

#### SITE & LOCATION

The approximately 0.02ha site lies on the west side of Kelham Gardens, opposite no. 2, Kelham Gardens and to the side of 'Meadowlands', Kelham Gardens. To the rear of the site is an open area of land in use as an allotment.

The site lies within the Limits of Development of Marlborough and within a River Corridor.

#### SITE HISTORY

The site itself has no relevant planning history. Kelham Gardens comprises a recently completed housing estate built since 2000.

#### DESCRIPTION OF DEVELOPMENT

The proposal is a full planning application to erect a detached three bedroom house.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The detailed design and siting of the proposed dwelling has been amended to achieve a more satisfactory appearance in the street scene.

#### ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

#### TOWN COUNCIL COMMENTS

No objection.

#### CONSULTATIONS

County highways – (Mr Wiltshire) – no objection.

Wiltshire Fire Brigade: No objection.

#### REPRESENTATIONS

There have been no third party representations.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, HC7, HC21 & NR11.

## PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are the impact of the proposed development on the character of the area and the amenities of nearby residents. It is also necessary to take account of the ecological value of the river corridor.

Policy HC21 of the Local Plan allows new housing development within the Limits of Development of Marlborough subject to, in particular, the scale of the proposal reflecting the scale and character of the area, and sustainability principles being met. Policy NR11 allows new development in the river corridors provided wildlife interests and amenity is safeguarded.

The area surrounding the application site is characterised by residential development with houses differing in age, style and size. The application site is relatively small compared with neighbouring plots although is adequate to accommodate the modest house proposed. Sufficient space is retained around the proposed house to avoid a cramped appearance. The design is along the lines of a lodge to present an appropriate frontispiece to Kelham Gardens.

In terms of residential amenity, the house is sufficiently distanced from neighbouring properties to ensure no adverse impact. The design avoids adverse overlooking, with conditions recommended requiring obscured glass in the first floor side elevation.

Regarding the river corridor, the site comprises an open area of kept grass with a 'suburban' appearance. In view of this there would be no adverse impact on ecology. Two trees would be removed which are poor specimens of limited amenity value.

## 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 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 - 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 north-west facing side elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

4 - The windows at first floor level shown on the approved plans on the north-west facing side elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

5 - Before any part of the development hereby permitted is first occupied the access 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.

6 - 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 , HC7, HC21 & NR11.



Item 24:

APPLICATION:	K/51850/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	4 bedroom, 3-storey house
SITE:	Land adjacent 88 Hillworth Road, Devizes, SN10 5HD
GRID REF:	99968 61000
APPLICANT:	Mr R T Parsons
AGENT:	Anthony St Clair
DATE REGISTERED:	16th March 2005
CASE OFFICER:	Mr R Parker

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#### BACKGROUND

This application is before the Committee because the current scheme of delegation does not allow applications by councillors for developments of this nature to be determined under delegated powers.

#### SITE & LOCATION

This application relates to a corner plot at the junction of Hillworth Road with West View Crescent in Devizes. The site is currently the garden of no. 88 Hillworth Road.

#### SITE HISTORY

Outline planning permission for the erection of a single dwelling was granted under reference K/50791/O on the 4<sup>th</sup> November 2004.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a single dwelling on the plot. Although described by the agent as three storey, it is in form and appearance a two storey house with the roofspace utilised for additional bedroom accommodation lit by rooflights.

#### PRINCIPAL AMENDMENTS SINCE SUBMISSION

The application has been amended since its original submission to address officer concerns regarding the design of the dwelling, to ensure that the development sits comfortably in its surroundings.

#### TOWN COUNCIL COMMENTS

No objection

#### CONSULTATIONS

County Highways (Mr Galpin) – No objection subject to appropriate planning conditions relating to the provision and design of the driveway.

#### REPRESENTATIONS

Three letters of support have been received from local residents.

#### POLICY CONSIDERATIONS

The site lies within the Limits of Development of Devizes and Policies HC21 and PD1 of the adopted Kennet Local Plan 2011 are the main policy considerations.

#### PLANNING OFFICER COMMENTS

The principle of development was established in November 2004 when outline planning permission was granted for a single dwelling on the plot. The main considerations when assessing the current application are therefore the design of the dwelling, its scale and massing, siting on the plot, parking provision, relationship to the existing street scene and impact on neighbouring dwellings. Officers consider all these aspects to be acceptable and therefore recommend a grant of 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 (Drawing no. 04-15-1B) received on the 3rd May 2005.

### **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 - Prior to the dwelling hereby permitted being first occupied the three car parking spaces shown on the approved plans for the proposed dwelling and the two car parking spaces shown on the approved plans for the existing dwelling (no.88 Hillworth Road) shall be laid out and properly consolidated in a well bound material (not loose stone or gravel) and thereafter maintained for the purposes of car parking. In each case, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details which have been first submitted to and approved in writing by the local planning authority.

### **REASON:**

In the interests of highway safety.

### **5 - 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.