

Regulatory Committee
11th August 2005
List of Applications for Consideration

1 K/50701/O (page 7)

Outline Planning Permission for : Outline application for 24 dwellings

Land to the rear of 106 to 108 Cadley Road, COLLINGBOURNE DUCIS

RECOMMENDATION : Defer & delegate to Planning Services Manager to grant outline planning permission, subject to the prior completion of a Section 106 legal agreement.

2 K/52276/F (page 17)

Full Planning Permission for : Demolition of existing factory and erection of 15 mixed residential units together with associated vehicular access, estate road and parking

Former Thames Valley Foods site, Marlborough Road ALDBOURNE

RECOMMENDATION: Defer & delegate to Planning Services Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement

3 K/52376/F (page 30)

Full Planning Permission for : One new dwelling

Dairy Cottage Devizes Road UPAVON

RECOMMENDATION: Grant full planning permission

4 K/52178/F (page 35)

Full Planning Permission for : Change of use of footpath and amenity land to garden with erection of 1.8 metre close boarded fence

3 Walnut Close, NETHERAVON

RECOMMENDATION: Grant full planning permission

5 K/52254/F (page 38)

Full Planning Permission for : Extension and alterations to garage to facilitate use as ancillary residential accommodation

Smithy Cottage, Union Street, RAMSBURY

RECOMMENDATION: Grant full planning permission.

6 K/52399/F (page 42)

Full Planning Permission for : Alteration of existing steps to form disabled access (retrospective application)

Saddlers Cottage High Street NETHERAVON

RECOMMENDATION: Grant full planning permission

7 K/52094/F (page 45)

Full Planning Permission for : Proposed vehicular access and hardstanding

136 Poulshot Road, POULSHOT

RECOMMENDATION: Grant full planning permission

8 K/52313/F (page 50)

Full Planning Permission for : Single storey front extension

9 Alton Road WILCOT

RECOMMENDATION: Grant full planning permission

9 K/52402/LBC (page 52)

Listed Building Consent for: Conversion of garage to habitable room & alterations.

Far End Cottage Lockeridge, FYFIELD & WEST OVERTON

RECOMMENDATION: Grant listed building consent

Item 1:

APPLICATION:	K/50701/O
PARISH:	COLLINGBOURNE DUCIS
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Outline application for 24 dwellings
SITE:	Land to the rear of 106 to 108 Cadley Road, Collingbourne Ducis. Wiltshire.
GRID REF:	24638 54179
APPLICANT:	Hannick Homes & Developments Ltd
AGENT:	Pegasus Planning Group
DATE REGISTERED:	18th August 2004
CASE OFFICER:	Mr R Parker

BACKGROUND

Members will recall that this application was previously considered at the 30th June meeting of Regulatory Committee at which it was deferred for officers to negotiate further with the applicants to investigate the impact of the development on the educational infrastructure of the area and on the car parking requirements for the development. Concern was also raised about pedestrian access to the site along Cadley Road.

Education Infrastructure

Policy HC37 of the adopted Kennet Local Plan states that:

In the case of new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) the Local Planning Authority will need to be satisfied (having regard to advice from the LEA) that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development. The contribution will be related to the education needs generated by that development.

The current proposal for 24 dwellings on 0.514 hectares of land is below the minimum threshold identified in this policy. It is not, therefore, considered that a refusal of planning permission could be substantiated on the grounds that the developer is not willing to make a financial contribution towards education infrastructure. This is further supported by the Council's own Supplementary Planning Guidance (SPG) on "Community Benefits from Planning" which covers the issue of educational contributions.

The SPG contains further guidance on the application of Policy HC37. For each of the district's schools the document contains up-to-date information regarding the number of pupils on the school roll and the capacity of the school. The document also identifies a "pupil product" which is the number of pupils likely to be generated per dwelling. These figures are 0.31 pupils per dwelling in the case of primary education and 0.22 pupils per dwelling in the case of secondary education. The pupil

product figures can be used to calculate the number of pupils likely to be generated by a particular development.

In the case of Collingbourne Ducis the relevant calculations are set out below. They include calculations for the application site, but also take into account the recently permitted scheme at Bourne Works.

Collingbourne Ducis Primary School

Number on roll at January 2005	101
DfES net capacity at January 2005	119
Capacity	18
No. pupils generated by 24 unit Saxon Rise development (@ 0.31 per dwelling)	7.44
No. pupils generated by 15 unit Bourne Works development (@ 0.31 per dwelling)	4.65
Total pupils generated	12.09

Tidworth Castledown School

Number on roll at September 2005	346
DfES net capacity at January 2005	654
Capacity	308
No. pupils generated by 24 unit Saxon Rise development (@ 0.22 per dwelling)	5.28
No. pupils generated by 15 unit Bourne Works development (@ 0.22 per dwelling)	3.30
Total pupils generated	8.58

It is clear from these figures that both primary and secondary schools can accommodate the pupils generated by not only the proposed development at Saxon Rise, but also the 15 unit scheme recently permitted nearby at Bourne Works.

The Education Authority has confirmed that these calculations are correct and that it would only seek financial contributions if subsequent applications for additional dwellings on the site(s) would result in the capacity of the schools being exceeded.

Car Parking

Although the application is in outline form, the developer has submitted a revised layout plan (Drawing no. 01.088.09B) showing how the provision of 2 spaces per dwelling could potentially be met, as suggested by some. This is the most car parking that can be achieved under the Council's maximum parking standards and members need to be aware that at this level, the layout runs the risk of being more dominated by parking than would otherwise be the case. The requirement is actually more generous than the standards contained in Planning Policy Guidance note 3 which advises local planning authorities to adopt maximum standards of no more than 1.5 spaces per dwelling. The local highway authority has confirmed that it would have no objections to a scheme which provides up to 2 spaces per dwelling, although it points out that this would need some changes to the suggested layout. If members consider that it is essential to the needs of road safety to provide two parking spaces per dwelling, it could be conditioned.

Footpath Link

In response to parish council concerns regarding pedestrian safety along Cadley Road to the High Street, investigations have taken place on the possible options. It is

clear from these that the highway authority would object to a footway along the whole length of this road, as this would result in an unacceptable narrowing of the carriageway at the western end and the loss of parking spaces for the village shop. However, it could be possible to provide an additional section of footpath for part of the route between Saxon Rise and the High Street. There are two options available:

1. A short 20 metre stretch on the north side of Cadley Road between West Farm Close and Sunton. The 1.2 metre wide footway would replace a narrow grass verge alongside a brick wall. This option would avoid the need for pedestrians to cross the road and is perhaps the most logical option. Feasibility of this option would depend on the outcome of a site investigation which would need to be carried out to ensure that the footpath does not destabilise the adjacent brick wall.
2. A longer stretch on the south side of Cadley Road between West Farm Close and Station Approach. This option would go further towards achieving the desired objective of achieving a footpath link between Saxon Rise and the High Street but has a major drawback is that pedestrians would need to cross the road to reach the footpath, increasing the road safety hazard and the possibility of the footpath not being used, particularly as they would then have to cross back if they were seeking to reach the village shop. Construction would also necessitate the loss of a 0.9 metre wide section of grass bank and the construction of a retaining wall alongside Cadley Road, with the potential for tree loss and harm to the character of the conservation area. Overall, it is not considered that this is a satisfactory option.

The local highway authority has previously indicated that the proposal is satisfactory without this additional requirement. However, if Members consider that a footpath is necessary as a result of this development in either location, the developer has offered to provide it and it could therefore be conditioned if members consider it is required.

The report set out below is the one presented to the committee at the previous meeting. Members need to consider whether the development is acceptable and whether, in the light of the information set out above, they wish to add additional conditions.

SITE & LOCATION

This application relates to a parcel of land totalling 0.5 hectares to the north of Cadley Road in Collingbourne Ducis. The land comprises part of the rear gardens to five residential properties fronting onto Cadley Road. The site may be viewed from Saxon Rise which directly abuts the site.

To reach the site, turn into Cadley Road where it meets the A338 (adjacent to the village shop). Saxon Rise is on the left hand side approximately 250 metres further on, beyond Sunton and West Farm Close. The site may be found at the far end of the Saxon Rise cul-de-sac.

SITE HISTORY

K/51158/F – A full application for residential development was withdrawn in December 2004.

K/046642/O – An outline application for residential development was withdrawn in February 2004.

K/78/0337 – An application for residential development was refused in 1978.

DESCRIPTION OF DEVELOPMENT

The proposal is for 24 dwellings, 12 of which would be affordable. The application has been submitted in outline with details of access for approval at this stage. Access to the site would be taken directly from Saxon Rise. An illustrative plan has been submitted showing the layout of the dwellings.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout has been amended since submission to address officer concerns. This has resulted in the original proposal for 25 dwellings being reduced to 24.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement in support of the application which is available to view on file.

PARISH COUNCIL COMMENTS

The parish council objects to the application, citing the following reasons (reproduced verbatim):

1. This would be the largest single development in Collingbourne Ducis since Saxon Rise in the mid 1970s and The Knapp in the late 1950s.
2. 25 dwellings far exceeds the recommended limits set out in Policy HC22 and can in no way be deemed a 'small group of houses'. Kennet District Council Local Plan does not show any need for a substantive housing development in Collingbourne Ducis.
3. Contrary to the planning consultant's statement no further large developments are needed in this village to sustain the existing level of services, shop, pub, school, etc. It should be remembered that Collingbourne Ducis services are utilised by both Collingbourne Kingston and Everleigh parishes.
4. Recent experience of sewerage problems and electricity failures in the village over the past four years would be exacerbated by the new pressures of a further 25 dwellings.
5. The question of access is one which concerns the residents of Saxon Rise most deeply. Traffic is already heavy within this development and parking is at a premium. They fear that with up to a further 50 vehicles moving in and out via the, at present, very narrow and congested cul-de-sac the possibility of accident and injury is very real. They are also concerned about the quantity and size of construction vehicles using the road during building, this road is at present used by children as a safe area in which to play.
6. Cadley Road is a minor road without adequate pavements already used as a "rat-run" from Hungerford and the M4. Traffic calming has had to be used near the junction with the A338 and it is felt that another 50 or so vehicles would make the already difficult junction much worse. It is noted that the letter from the Environmental Services Department attached to the back of the planning consultant's statement clearly states that "Collingbourne Ducis only has facilities suitable to cater for residential development of small groups of houses (up to about 10 dwellings) and that significantly more would be likely to receive Highway objection on sustainability grounds".

7. It is noted that only 25 parking places are set aside for the development when 2 per unit should be allocated for units of up to 4 beds (see Kennet Local Plan Appendix AT2 Table 1/C3).
8. Tidworth Community Area (of which Collingbourne Ducis is a part) are looking for increased civilian housing to support their economic development strategy. Extra housing in rural villages will not deliver this support due to the problems of transport.
9. Due to the fact that there are undoubtedly archaeological remains in the upper part of the development site, it would be hoped that an evaluation would take place before permission is granted.
10. For such a significant development an outline planning application is totally inadequate.

CONSULTATIONS

Wiltshire County Archaeologist – No objections to a grant of planning permission subject to the imposition of a condition requiring the developer to carry out a programme of archaeological work prior to the commencement of development.

Wiltshire County Education – Request a contribution of £1350 per dwelling towards primary school education infrastructure.

Wessex Water – No objection subject to the imposition of a condition requiring the developer to carry out modelling of the water supply and sewerage infrastructure situation in the village, with any resulting upgrade works being funded by the developer.

Environment Agency – No objection, subject to appropriate conditions.

Wiltshire Fire Brigade – No objection.

Wiltshire County Highways (Mr Wiltshire) – No objection subject to the imposition of conditions to secure:

- a) A scheme of off-site highway improvements at the junction of the A338 and Cadley Road; and
- b) The existing Saxon Rise footways to be re-surfaced and improved by the construction of lowered kerb crossing points and extensions of the footways across the entrances to the private parking areas.

Leisure Services Manager – No objections subject to the payment of an appropriate commuted sum in lieu of on-site recreation provision, in accordance with the Council's adopted Supplementary Planning Guidance.

Housing Development Manager – Confirms that there is a significant need in the parish with 31 locally connected applicants on the Kennet Housing Register and clear justification for 12 subsidised homes based on Policy HC32, even allowing for other opportunities in the pipeline (Bourne Works & the former primary school premises).

REPRESENTATIONS

Seven letters have been received from local residents raising the following objections:

- a) The access from Cadley Road into Saxon Rise is narrow and the development would exacerbate existing problems with on-street parking and lead to pedestrian safety issues, particularly with regard to children and the elderly. Additionally, the development would make inadequate provision for parking within the site and would consequently lead to overspill into Saxon Rise. The impact of construction traffic would be an additional problem. One objector suggests that, in order to alleviate the above concerns, access should be created from Cadley Road. Another objector suggests that the parcel of land proposed for the new play area should be given over to car parking, in order to mitigate the loss of on-street car parking.
- b) The proposal would comprise over-development of the site and would adversely affect the appearance of Saxon Rise.
- c) The site was formerly used in Saxon times and therefore the appropriate archaeological evaluation needs to be carried out prior to development taking place.

POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Collingbourne Ducis in the adopted Kennet Local Plan 2011. The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty. Policies PD1, HC3, HC6, HC22, HC32, HC34, HC37 & HC43 of the adopted local plan are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Principle of Development

In principle, Policy HC22 of the adopted Kennet Local Plan would permit limited additional housing in Collingbourne Ducis consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses, provided that the development is in harmony with the village in terms of its scale and character. Small groups of houses are interpreted in the local plan glossary as sites of less than about 10 dwellings on previously undeveloped land. There is no limit, therefore, on the number of dwellings which may come forward on previously developed land. In this instance, the site comprises the gardens of existing dwellings and therefore the limit of 10 dwellings does not apply.

Members will note that planning permission was refused in 1978 for a residential scheme on the site. Since that time there has been a material change in planning policy, both at national and at local level. The publication of Planning Policy Guidance note 3 on Housing promotes the use of previously developed land to meet the Government's housing targets and the Kennet Local Plan has taken this guidance on board. The current application must be considered against this policy background.

Layout & Density of Development

Policy HC6 of the local plan states that residential development within the defined Limits of Development should make efficient use of previously developed land. The policy also states that planning permission will not be granted for development which does not reflect the character of the surrounding area. In this instance the proposal is for 24 dwellings on a site of 0.514 hectares, equating to a density of nearly 47 dwellings per hectare. Whilst this may appear to be a high density, it is not dissimilar to the density of existing development in Saxon Rise. The layout submitted for

illustrative purposes is considered to be acceptable in planning terms, taking its cue from the existing Saxon Rise development which follows the contours.

Affordable Housing

Policy HC32 requires developers of sites in the villages to provide a 50% contribution of affordable housing. The applicants have confirmed that they are willing to comply with the policy by providing 12 affordable units comprising 8 two bed units and 4 three bed units.

Highway Issues

Many of the objections relate to highway safety and car parking. However, it must be noted that the Highway Authority raises no objections to the development subject to the developer upgrading the junction of the High Street and A338 and carrying out re-surfacing of existing footways in Saxon Rise. These improvements would actually improve the situation for pedestrians using Saxon Rise and those wishing to cross the High Street (e.g. in order to get to the primary school, village hall or recreation ground).

With regard to car parking, the adopted local plan sets maximum standards in accordance with government guidance set out in Planning Policy Guidance notes 3 & 13. The illustrative layout accords with these standards, making provision for at least 36 car parking spaces (which equates to 1.5 spaces per dwelling). The objective of the Council's policies is to restrict car parking and therefore it is not considered that the Council would be able to substantiate a refusal on the grounds that there is insufficient car parking on the site.

Water Supply & Sewerage Infrastructure

Wessex Water has been consulted upon the application and it considers that it would have no objections to planning permission being granted, provided that a condition can be imposed to ensure that the developer (i) funds modelling of the existing water supply and sewerage situation in the village, and (ii) pays for any works required to upgrade the system in order to create sufficient capacity for the development.

Recreation Provision

The Council's recreation requirements divide into three elements:

a) Equipped Play Space

The applicant has agreed to provide a 200 square metre equipped children's play area on land immediately to the west of Saxon Rise, outside of the application site but within 80 metres of it. Although this site is not ideal in terms of its gradient, your officers consider that it would be suitable for providing a children's play area (suitable for children of primary and pre-school age) to safely and conveniently serve the development. The site is accessible on foot to residents of the existing and proposed developments in Saxon Rise without having to cross either Cadley Road or the A338 High Street. Indeed, there is evidence that the site formerly accommodated a children's play area when the Saxon Rise development was originally constructed.

b) Casual Play Space

The applicant has also agreed to pay a commuted sum of £18,892 in lieu of providing casual equipped play space on the site (suitable for children of secondary school age).

c) Formal Sports/Pitches

The applicant has also agreed to pay a commuted sum of £5,621 towards the improvement of existing sports facilities at the recreation ground in Chicks Lane.

Educational Contributions

The Education Authority has requested a contribution towards primary school education infrastructure. However, the scheme falls below the minimum 1 hectare / 25 dwelling threshold for educational contributions set by Policy HC37 of the local plan. It is not, therefore, possible to request a contribution from the developer.

RECOMMENDATION:

Defer and delegate to Planning Services Manager to approve subject to the prior completion of a legal agreement to secure the commuted sums for recreation provision and to secure the affordable housing, and subject to the conditions set out below :

1 - Approval of the details of the siting, design and external appearance of the dwellings and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The reserved matters shall generally accord with the illustrative layout submitted in support of this application.

REASON:

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

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

REASON:

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

3 - All soft landscaping comprised in the approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings 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. 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.

4 - This permission relates to the scheme of development as submitted except insofar as amended by the following:

- a) Revised drawing no. 01.088.11A received on the 14th March 2005
- b) Revised drawing no. 01.088.09B received on the 7th July 2005
- c) Agent's email of the 10th June 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.

5 - The reserved matters shall make provision for two car parking spaces per dwelling.

REASON:

In the interests of highway safety.

6 - 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.

7 - Prior to the first occupation of the dwellings hereby approved the existing Saxon Rise footways shall be re-surfaced and improved by the construction of lowered kerb crossing points and extensions of the footways across the entrances to the private parking areas, 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.

8 - Prior to development commencing there shall be submitted to the local planning authority a report containing the results of a modelling exercise of the water supply and foul sewage infrastructure in the village. The submitted report shall identify any works necessary to create additional capacity for the proposed development. Those works shall be carried out prior to the first occupation of the development.

REASON:

To ensure that the water supply and foul sewage infrastructure is adequate to serve the development.

9 - Prior to the occupation of the 13th dwelling on the site an equipped children's play area shall be provided on a site to be agreed, in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The submitted details shall make provision for a minimum fenced area of 200 square metres containing at least 5 individual pieces of play equipment, together with a maintenance schedule. Once installed, the play area shall be maintained in accordance with the approved maintenance schedule for the purposes of children's play.

REASON:

To ensure that adequate provision is made for children's recreation.

10 - No development shall take place within the 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.

11 - Development shall not begin until surface water drainage details, incorporating sustainable drainage principles and an assessment of the hydrological context of the development, have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

REASON:

To prevent the increased risk of flooding and protect the water environment.

12 - 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.

13 - Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. The slab levels and dwelling ridge heights (to be considered under a subsequent reserved matters application) shall be set such that the ridge heights of the dwellings hereby permitted shall not exceed in height the ridge heights of the existing dwellings in Saxon Rise.

REASON:

In the interests of visual amenity.

14 - 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, HC3, HC6, HC22, HC32, HC34, HC37 & HC43.

15 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from:

Wiltshire County Archaeologist (dated 27th August 2004)

Wiltshire Fire Brigade (dated 7th September 2004)

Environment Agency (dated 9th September 2004)

16 - 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 *****.

17 - INFORMATIVE:

The applicant is advised that the reserved matters application should make adequate provision for the convenient storage of wheelie bins and recycling boxes.

Item 2

APPLICATION:	K/52276/F
PARISH:	ALDBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing factory and erection of 15 mixed residential units together with associated vehicular access, estate road and parking
SITE:	Former Thames Valley Foods site, Marlborough Road Aldbourne Marlborough SN8 2ST
GRID REF:	26260 75308
APPLICANT:	Satnam Investments Ltd
AGENT:	Satnam Planning Services
DATE REGISTERED:	14th June 2005
CASE OFFICER:	Mr A Guest

SITE & LOCATION

The 0.4 ha application site lies on the north-west side of Marlborough Road within, but at the edge of, the Limits of Development of Aldbourne. It supports a single, large factory/warehouse unit and associated parking areas, presently vacant and in neglected condition. That part of the site occupied by the unit is generally level although slightly lower than Marlborough Road which rises to the south-west. The land to the rear (occupied by a parking area) drops away. Adjoining land to the sides and rear similarly drops away. Mature trees define the boundaries of the site, all subject to a Tree Preservation Order.

To the north-west and north-east sides of the site is established residential development. To the south-east is a farmyard, and to the south-west open countryside. Aldbourne and all surrounding land lies within the Area of Outstanding Natural Beauty.

SITE HISTORY

K/11087 – Erection of extension to provide further warehousing – approved 05/11/87

K/15052 – Erection of extension to warehouse – approved 01/01/90

K/15652 – Change of use of part of warehouse to office accommodation – approved 19/04/90

K/16183 – 2 no. single storey extensions to from reception area and loading bay – approved 17/07/90

K/50550/F – Demolition of existing factory and erection of 17 mixed residential units together with associated vehicular access, estate road and parking – refused 09/09/04; appeal outstanding – local inquiry 01/11/05.

This last planning application was refused in view of the unjustified loss of employment land, the unacceptable form of the proposed development and lack of any affordable housing, the unsatisfactory and cramped layout, the lack of any play area and/or contributions towards other local recreation provision, the inadequacies of Marlborough Road to accommodate pedestrians, the substandard estate road, the dangerous access on to Marlborough Road which is derestricted, and the failure of the proposal to accord with the principles of sustainability.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing building and car parks and erect 15 residential units together with associated vehicular access, estate road, parking and play area. Six of the units would comprise affordable housing (4x1 bed flats and 2x2 bed houses) and the remaining 9 units open market housing (1x2 bed house, 6x3 bed houses and 2x4 bed houses).

Eight of the units, the play area and access would effectively front Marlborough Road, although behind a new hedge. The remaining seven units would be on the lower lying land to the rear. Some recontouring of the rear part of the site would be necessary to accommodate the houses, parking courts and estate road.

The application is supported by a Visual Impact Assessment and Tree Survey and Report. Trees towards the centre of the site would be removed to accommodate the development, although the majority of trees around the edges would be retained and reinforced. A new hedge would be planted on the Marlborough Road frontage, either side of the vehicular access.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout of the main parking court has been changed to accommodate the requirements of Wiltshire County Council.

ADDITIONAL STATEMENT BY THE APPLICANT

The application is supported by a number of letters from the applicant which are available for inspection on the case file.

PARISH COUNCIL COMMENTS

Aldbourne Parish Council: Objects strongly to the proposal for the following reasons:

- The proposed development is considered to be overdevelopment of the site with loss of amenity for neighbours, resulting in residents in Whitley Road being seriously overlooked as evidenced within the landscape assessment Picture 11, page 10. The development “perched barrack like” on the horizon from across the valley would be visually intrusive.
- The isolated position of the site and the tightness of the development could result in insufficient parking being available. Overspill would have no where to go and the lack of pavement down to the village would provide a hazardous walk for residents. It would, therefore, encourage car use over such a short distance. The latter being environmentally unacceptable and not in tune with Government health policies.
- If 50% of the development is for social housing this could encompass a number of families and although WCC seem to agree to changes in highway layout within the site there are still major concerns regarding the route to the village. Although when the site was used as an industrial unit there were pedestrians accessing the site they were adults and tended to be at specific times of day. The concern here would be for children and young families using the route throughout the day. The narrowness of the road and dangerous bend at The Butts would provide a significant hazard for pedestrians and encourage car use. WCC Highways do not see to have visited the site and taken this aspect fully on board.
- The development located as it is on the edge of the village is really in open countryside and therefore potentially its development would not comply with planning guidance. The factory is low down and well

established. A new development would be garish and take a considerable time to blend in. The landscape assessment provides some inaccurate assumptions, e.g. page 13 – the set of buildings are not considered to be adjacent.

- In terms of usage the applicants again say there is no demand but over the last couple of years we have seen a number of applications for office units in redundant farm buildings and occupancy of those developments does not appear to be a problem.

The PC, therefore, raises a strong objection to the proposed development, which it feels does not fully address social need, environmental impact and highway issues. For a development of this size the PC would have expected to see a sustainability appraisal, and the visual impact assessment is weak.

Finally, as a point of information, the site has some archaeological merit in that there are civil war graves on the site which came to light in the previous development but it is understood that the individuals were reburied on the site.

CONSULTATIONS

Wiltshire County Highways (Mark Wiltshire) – This application, by reason of the reduction in bedspaces and layout alterations compared with the earlier application, overcomes the earlier objections. This is subject to an extension to the speed limit in Marlborough Road to include the site (to be facilitated through a planning obligation), and a condition relating to visibility splays.

Wiltshire County Archaeologist – Records show six to eight burials discovered within the application site during the construction of an extension to the existing building. The details of the discovery are vague, but it is clear that not all of the burials were removed during the course of the excavations. Given the state of preservation of the bone, a C17 date was suggested although no pottery was retrieved to confirm this date.

There is a strong likelihood that further burials will be revealed during the initial groundworks and if discovered the regulations detailed in the Burial Act will need to be fully complied with. Recommend that an archaeological watching brief be undertaken during any groundworks associated with the project in order to facilitate the excavation and removal of any burials discovered. This work will need to be undertaken in accordance with a brief set out by WCC. Provision should be made to allow the archaeologists to examine and record any archaeological deposits, features or finds uncovered. If during the course of the work burials are revealed all work on site should cease to allow their excavation and removal. A standard condition is recommended.

The cost of the archaeological works will fall to the applicant and if burials are revealed the costs could be high.

Thames Water – no objection. Surface water drainage must not be allowed to drain to the foul sewer as this is a major contributor to sewer flooding.

KDC Leisure Services Manager – Site requires combined provision of on- and off-site recreation facilities to be facilitated through planning obligation.

KDC Environment and Amenity Services (Drainage) – no objection subject to surface water drainage to be to soakaways.

KDC Housing Development Manager – no objection to the principle of the development if the six affordable housing units are satisfactorily secured.

REPRESENTATIONS

Five objection letters have been received from Windy Ridge and 14 Marlborough Road, 33 & 39 Whitley Road, and Aldbourne Chase Estate summarised as follows:

- Cramped and overcrowded development. Inappropriate high density. Site not suitable for this form of development in view of its location and constraints;
- Loss of employment site would be harmful to Aldbourne. On appropriate terms the property is lettable for commercial purposes which would create new jobs for the village. The terms being asked are excessive and do not reflect the value of the property. The consequences are a weakening of community bonds, loss of amenity, a greater need to travel and increased road traffic dangers;
- Any tree loss would be harmful to amenity. Disagree that trees on site defined as 'low/poor' quality in Tree Survey are, in fact, of low quality. Trees are wildlife haven. Dispute over ownership of some of the trees. Concern that excavations close to trees would damage/kill trees. Concern that occupiers of new houses would seek removal of trees to improve light levels;
- Harmful impact on residential amenity, in particular as a consequence of inevitable tree loss;
- Pedestrian access to village centre is tortuous and dangerous via steep, narrow and winding lane. Housing will generate more traffic in lane, this putting off others from walking;
- Dangerous vehicular access;
- Harmful impact on distant views in view of hill side position of site. Lower building heights should be considered (including removal of roof rooms);
- Bus usage to Swindon unlikely to be realistic;
- Present neglected state of site is shameful;

POLICY CONSIDERATIONS

Kennet Local Plan – Policies PD1, HC3, HC6, HC7, HC22, HC29, HC32, HC35, ED12, NR7, NR8, NR18, HH1, HH2 are relevant to this application.

PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are, firstly, the principle of residential development on the site, and if this is accepted, the impact of the specific proposal on amenity (including trees), highway safety, affordable housing provision, and recreation space provision. Each issue will be considered in turn.

The principle of residential development

Policy ED12 of the Kennet Local Plan (KLP) is concerned with protecting employment and tourism uses within villages. The policy states that within the Limits of Development of villages such as Aldbourne buildings and land within their curtilages greater than 0.1 ha in total extent currently in use, or last used, for employment or tourism purposes will be retained for this range of uses wherever possible. The policy continues, planning permission for uses other than those stated above will only be permitted where it is clear that no demand exists for their continued use for employment or tourism purposes, redevelopment for an alternative employment or tourism use is not economically viable, or the redevelopment for an

alternative use will remove a use which is demonstrably incompatible with neighbouring properties.

More recent Central Government guidance in PPG3 "Housing Update" (01/05) states that local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use, unless the proposal fails to reflect policies in the PPG, the housing development would undermine the planning for housing strategy set out in regional spatial strategy or the development plan document where this is up to date, or it can be demonstrated that there is a realistic prospect of the allocation being taken up for its stated use in the plan period. This guidance being very recent must be given considerable weight in the decision making process.

The Committee will be aware that an earlier planning application relating to this site was refused in the first place as a consequence of the proposals failure to comply with Policy ED12 of KLP. Specifically, it was considered that the proposal would result in the loss of an employment site to the detriment of local employment opportunities and contrary to the principles of sustainability. It was further considered that the application had not adequately demonstrated that there is no local demand for the employment site to meet local employment needs. To address the shortcomings of the earlier application the current application is supported by a statement and Viability Report by FPD Savills. The Viability Report concludes that the site has been proved to be commercially unviable by the very fact that it has been extensively marketed by a reputable commercial property agency for a period of two years, on a freehold or leasehold basis, and has failed to achieve a single offer at any price. The report further states that there is a good supply of commercial floorspace available in Swindon, Newbury, Marlborough and Hungerford which is generally preferred by firms seeking larger units such as this. Finally, the report states that in order for the site to attract a commercial occupier in the present market, the existing building would need to be substantially upgraded and refurbished, and it is likely that the premises would need to be split into several smaller, self-contained units in order to attract occupants, which would greatly increase the cost involved and make any sale or lease of the building economically unviable.

As a consequence of the new advice in PPG3 set out above, officers commissioned a property report to consider the conclusions of the FPD Savills Viability Report and assess the prospects of the application site being taken up for continued employment purposes. The report, which was completed by Dreweatt Neate on 20 May 2005, concludes that as a consequence of adequate marketing at an appropriate rent there is now no realistic prospect of the building in its present configuration being occupied in the plan period. With regard to the potential sale of the building, the Dreweatt Neate report concludes that the current asking price is in excess of the market value of the whole property, but in any event there is still no realistic prospect of the building being occupied as a whole. With regard to reconfiguration of the building, the Dreweatt Neate report concludes that the application does not demonstrate beyond reasonable doubt that there is no realistic prospect of the building being subdivided and re-occupied in smaller units in the plan period. Notwithstanding this, it is considered that FPD Savills' conclusion that the high costs involved in splitting the building would make any sale or lease "economically unviable" is perfectly reasonable having regard to the neglected state of the building and its present configuration which does not in any event readily lend itself to subdivision.

Having regard to the conclusions of the reports it is considered that in this particular case there is not a realistic prospect of the site being taken up for continued employment purposes, and under these circumstances use for other purposes is appropriate and in accordance with PPG3. Furthermore, it is considered that it has been adequately demonstrated that no demand exists for continued use for employment purposes and that redevelopment for an alternative employment use is not economically viable, and consequently use for other purposes is acceptable under Policy ED12 of KLP. For these reasons it is concluded that redevelopment of the site, with the inevitable loss of the employment use, is as a matter of principle acceptable and in accordance with the development plan.

In circumstances where loss of employment land is accepted, Policy ED12 seeks proposals for “affordable housing schemes, other non residential uses of benefit to the community, or mixed use developments”. The proposal is for housing only with 6 affordable units out of the total of 15. Strictly the proposal is not for one of the acceptable alternative forms of development set out in the policy, but notwithstanding this the broad approach, to provide a mix of market and affordable housing, is considered to be acceptable in this case. This is because the site is not considered to be suitable for any of the three forms of preferred development set out in Policy ED12. Specifically, the site is unsuitable for non-residential uses of benefit to the community in view of its location at the edge of the village and its topography. The site is similarly unsuitable for mixed use in view of its limited size, shape and topography. Finally, the site is not considered to be suitable for an affordable housing only scheme as this would give no return to the developer. A housing scheme comprising market and affordable housing is, therefore, considered to be the most appropriate and suited form of development for the site.

Design and Layout

Policy PD1 of KLP requires a high standard of design in new development requiring matters such as sustainability, scale, height, massing, density and amenity to be taken into account together with relationships to townscape and landscape context. Policy HC6 requires new development to make efficient use of previously developed land, and resists development which is not efficient in the use of land and which does not reflect the character of the surrounding area. Policy HC7 relates specifically to sustainability. Policy NR8 requires regard to be given to the landscape quality of the Area of Outstanding Natural Beauty.

The proposal is for 15 units in total, in five terrace and semi-detached blocks positioned around the access road and parking courts. The application is supported by a Visual Impact Assessment which demonstrates how the site fits into its context. The assessment acknowledges that the site is visible from a number of viewpoints, both close by (from Marlborough Road in particular), and at greater distances (including from Westfield Chase to the north). Notwithstanding this, the assessment recognises that these views are filtered by intervening vegetation, and that the site is within a context of existing residential development to its north and east sides.

It is considered that the proposal strikes the right balance between the need to achieve efficient use of land whilst respecting the character of the area. Specifically, it is considered that 15 units in five blocks with open spaces to their sides and rears, and retained and/or replaced edge of site screening, would provide an appropriate density (37.5 units/ha) whilst avoiding any adverse impact on visual amenity in general. The development will, of course, be visible from the surrounding viewpoints, but in a similar manner to the existing factory unit, and with an appropriate relationship to the surroundings (which comprises, housing to the north side and countryside to the south and west). Having regard to the established context, it is not

considered that any harm would be caused to visual amenity in general, this notwithstanding the visibility of the site.

The application includes a Landscape Strategy which further explains how appropriate relationships between the site and its surroundings would be achieved. It states, in particular, that the slab levels of the proposed dwellings would ensure that they are less exposed than the existing factory building, materials would be appropriate to the area, existing boundary planting would be retained and reinforced, and a new native hedgerow would be provided on the Marlborough Road frontage. This approach to the design and layout leads the strategy to conclude that the visual impact of the development would be less than that of the existing development and that the proposals would integrate into the landscape context.

These conclusions are not entirely accepted in that it is considered that some of the boundary planting (including trees) towards the rear of the site would need to be reduced and/or replaced to allow reasonable levels of light to the rear of the new units. This, however, is likely to be of benefit to the trees to be retained having regard to their present un-managed condition. The Tree Survey and Report specifically states that most of the trees are overcrowded and competing, and this is agreed. It is not accepted, however that the trees are not worthy of long term retention if appropriately managed. Subject to this, it is not considered that the development would have a harmful impact on visual amenity or the landscape quality of the Area of Outstanding Natural Beauty.

Immediately beyond the west boundary of the site with no. 33 Whitley Road is a line of very tall leylandii trees under the ownership of no. 33. These already overshadow the site, and according to the Tree Survey and Report may become a nuisance to future occupiers of the site. This potential nuisance to the site may occur whether or not the site is redeveloped and, as such, would not amount to a reason for objecting to the proposed development.

With regard to the specific designs of the units, these are traditional house types with appropriate detailing for the edge of countryside location. The units are effectively two storey although with roof spaces utilised to provide additional living space. The overall size and bulk of the units is considered appropriate for the location and in-keeping with established development.

Affordable Housing

Policy HC32 of KLP seeks the equivalent provision of general market and affordable homes on sites in the villages subject to evidence of local housing need and individual site characteristics.

The proposal is for six of the fifteen units to be affordable homes. This equates to 40% which is effectively one below the maximum policy requirement. The applicant's reason for not providing the policy requirement is extraordinary costs associated with the development of this particular site which would make 50% provision unviable. According to the applicant these extraordinary costs stem from the site being, firstly, 'brownfield', and secondly, expensive to develop in view of its sloping nature. The applicant also considers that costs associated with other obligations (namely play space provision and the moving of the speed limit on Marlborough Road) to be extraordinary costs.

With the exception of the moving of the speed limit, none of these are considered to be extraordinary costs but, in fact, are normal development costs which should have been taken into account in the original selling/purchase price of the site. However,

moving the speed limit is considered to be an extraordinary cost, and so is the archaeological work which would have to be undertaken before development commences (a cost which the County Archaeologist has indicated may potentially be high). Extra landscaping to enable the development to relate satisfactorily with the countryside is also considered to be an extraordinary cost. In view of these costs, it is considered that flexibility in the application of Policy HC32 is required in this case, and that 40% affordable housing provision is appropriate. This remains in accordance with Policy HC32 which requires individual site characteristics to be taken into account in assessing the affordable housing requirement.

The affordable housing would be provided through a Registered Social Landlord although the actual terms of the tenure is to be agreed, and will be form part of the Section 106 agreement.

Recreation Provision

Policy HC35 of KLP requires land for children's recreation to be provided on small housing sites.

The proposal includes a small play area for children's recreation. This could be equipped and would avoid the need for younger children to travel off the site for recreation.

Highway Safety

Notwithstanding its objections to the previous planning application, Wiltshire County Council now raises no objection to the proposal in view of the reduction in the overall number of units, the improvements to the layout and the agreement by the applicant to move the speed limit to include the length of Marlborough Road adjacent to the site.

Concern has been expressed by the Parish Council and third parties that Marlborough Road is dangerous for pedestrian use, this making the application site unsuited for residential development. However, for whatever use the site is put to, there would be potential pedestrian generation and for this reason the objection cannot be sustained. Wiltshire County Council has not raised an objection on this basis, partly in view of the applicant's agreement to moving the speed limit which should reduce traffic speeds in the vicinity of the site.

Adequate car parking is provided in the proposal equating to just over 1.5 spaces per dwelling. The estate road includes a turning head capable of accommodating large refuse vehicles.

Residential Amenity

Policy PD1 of KLP requires residential amenity to be taken into account in the consideration of planning applications.

The layout of the development now takes into account residential amenity by ensuring satisfactory relationships with adjoining established development. In particular, adequate margins are retained to the sides and rear of the site to avoid overbearing relationships and to allow for the retention of boundary trees and hedgerows. The proposed dwellings are also orientated to avoid adverse overlooking. To ensure a satisfactory relationship between proposed unit no. 4 and no. 33 Whitley Road, a condition is recommended requiring obscured glass to be used in the first floor rear elevation of unit no. 4.

Distant views would be possible from the rear elevations of a number of the units towards Hillwood Road and Whitley Road. However, the distances are such that no adverse impact would be caused to residential amenity in general.

Some trees within the site would be removed to accommodate the development but these are not considered to be important amenity trees. Existing edge of site trees are proposed to be retained and enhanced to improve the setting of the development and maintain appropriate relationships with adjoining properties. A landscaping condition is recommended to accord with the Landscape Strategy forming part of the application.

Conclusion

The applicant has demonstrated with this second planning application that redevelopment for residential purposes is appropriate in this location and in accordance with Central Government guidance and the development plan. The scheme strikes the right balance between the need to make the best use of land whilst safeguarding visual and residential amenity, and providing adequate and reasonable numbers of affordable housing. For these reasons the application is recommended for approval although subject to the applicant entering into a Section 106 agreement relating to the affordable housing, play space provision and maintenance, and to move the speed limit on Marlborough Road.

RECOMMENDATION

Grant full planning permission, subject to the prior completion of a legal agreement relating to affordable housing, recreation space and moving the speed limit on Marlborough Road, 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 - 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.

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

REASON:

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

3 - 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 in accordance with the Landscape Strategy forming part of the application, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - 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.

6 - Before the 7th dwelling hereby permitted is occupied the play area shown on the submitted plans shall be laid out and equipped in accordance with a scheme to be first agreed in writing by the local planning authority before any of the dwellings are first occupied. The submitted scheme shall include landscaping and make provision for future maintenance.

REASON:

To ensure that the play area is provided in the interests of the amenity of future residents.

6 - 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 existing and proposed 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 and in a manner to be agreed in writing with the local planning authority.

REASON:

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

7 - No development shall take place until details of earthworks, changes to levels and retaining structures 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 earthworks/retaining structures to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON:

To ensure a satisfactory landscaped setting for the development.

8 - Before any work commences on site the ground floor slab levels of all of the approved dwellings and apartments shall be agreed in writing with the local planning authority.

REASON:

In the interests of visual amenity.

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

REASON:

To safeguard the site of archaeological interest.

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 - Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the south-west and 90 metres to the north-east from the centre of the access.

REASON:

In the interests of highway safety.

14 - Notwithstanding the details shown on the location plan, a public pedestrian access shall be provided from Marlborough Road to the agreed path running along the front of units 11-15 at the north-west end of this path. The design of this access, including safety barriers, shall be first agreed in writing with the local planning authority. The access and path shall be provided before the first occupation of any of units 11-15.

REASON:

In the interests of highway safety.

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

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity of the area.

16 - 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 outbuildings, or structures, or walls, fences, or other means of enclosure shall be erected on any part of the application site unless otherwise first agreed in writing with the local planning authority.

REASON:

To safeguard trees and the amenities of the locality in general.

17 - The windows at first floor level shown on the approved plans on the rear (north facing) elevation of unit nos. 4, 5 and 6 shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

18 - 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.

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: policy PD1.

20 - INFORMATIVE TO APPLICANT

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

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

21 - INFORMATIVE TO APPLICANT:

The applicant is reminded that the site is subject to a tree preservation order. This planning permission does not authorise works to any tree on the site which is subject to the order except trees T4 to T14 which are to be removed.

Item 3:

APPLICATION:	K/52376/F
PARISH:	UPAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	One new dwelling
SITE:	Dairy Cottage Devizes Road Upavon
GRID REF:	13384 54915
APPLICANT:	Mrs M L Baker
AGENT:	Michael Fowler Architects
DATE REGISTERED:	28th June 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to land within the curtilage of Dairy Cottage which is located at the junction of the A342 with the A345 in Upavon. On the approach from Devizes the site lies on the right hand side, immediately before the turning for Chapel Lane on the left. Dairy Cottage is constructed of cream painted brick with a thatched roof.

SITE HISTORY

K/17243 – Erection of two storey dwelling and garage plus pitched roof on existing garage, refused planning permission on 10th April 1991.

K/19767 – Erection of 1 no. dwelling, granted planning permission on 8th April 1993.

K/51087/F – Two new dwellings, application withdrawn 9th December 2004.

DESCRIPTION OF DEVELOPMENT

The proposal is for a single detached dwelling, to be constructed on the site of the existing garage fronting the A342. The dwelling would measure 7.3 metres to the ridge and it would be set back from the carriageway edge by between 4.5 and 8.3 metres.

ADDITIONAL STATEMENT BY THE APPLICANT

The architect has prepared a design statement which is available to view on file.

PARISH COUNCIL COMMENTS

The history of plans submitted for this site is interesting. The first plans submitted were for the development of two houses. When the architect and Mrs Baker were informed that one of the houses (50%) would have to be made available for social housing, this first set of plans was withdrawn. The second set of plans was for one house of a relatively pleasing design to which the UPC had no objection and full planning permission was granted. Now a third set of plans has been submitted indicating one house of a very inferior design, not in keeping with the neighbouring properties in the Upavon Conservation Area, and similar to the two appalling houses in Jarvis Street where the use of cheap materials has managed to slip through the Kennet Planning and Building Inspector's net. It is interesting to note that if these plans are approved, theoretically there is still an area to the southern side of the property large enough for the development of a house similar in size to that being proposed – would this not seem to be a way around the previously encountered problem of 50% of the development being made available for social housing?

CONSULTATIONS

County Archaeologist – no objections.

County Highways (Mr Galpin) – No objection subject to appropriate conditions, notably conditions to secure the following:

- a) the stopping up of an existing access from Dairy Cottage onto the A345
- b) a footway along the entire frontage of Dairy Cottage along the A342.

REPRESENTATIONS

One letter has been received supporting the principle of the development but questioning the size of the building in relation to the area of the plot and raising concerns regarding two first floor windows facing westwards towards the respondent's property.

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

This proposal is considered to be acceptable in planning terms. The site lies within the defined Limits of Development and comprises "infill" within the definition contained in the Kennet Local Plan. The design of the dwelling is traditional with a narrow gable span (resulting in a modest height of 7.3 metres), appropriate materials (brick and plain tile) and suitable detailing (including cambered brick arches above ground floor windows, a simple porch canopy and a chimney on the ridge). Overall it is considered that the development would preserve the character and appearance of the conservation area.

With regard to the parish council's comments, it is worth making the following comments:

- a) The parish council appears to be confused over the site's planning history. The site had planning permission for a single dwelling in 1993 (K/19767) but that planning permission has now lapsed. The only planning application submitted since that time (K/51087) was a proposal for two dwellings and that application was withdrawn in December 2004. No planning permission has been granted since that date. A sketch design for a single dwelling was subsequently submitted to both Kennet and Upavon Parish Council for preliminary consideration, but was considered an inappropriate design for the site by officers due to the increased height of the building and the prominent projecting garage wing at the front, as well as other factors.
- b) It is not considered that the proposed design is "inferior" for the reasons set out above.
- c) It is correct to conclude that the Council's affordable housing policies would require the provision of an affordable dwelling on a scheme of two units, whereas on a scheme of only one dwelling no such contribution would be required. However, each scheme must be considered on its merits and there is no evidence to suggest that the applicant is attempting to circumvent the Council's policies by making an application on another part of the site. In fact, the dwelling currently proposed occupies a very similar footprint to the two dwellings previously proposed as part of the withdrawn application (K/51087), but as a

single dwelling is far less cramped and reduces the problems the earlier scheme had in seeking to accommodate off-street parking on the site.

With regard to the highway authority's comments, it is not considered that a footway could be justified on the basis of a single dwelling and in any event a footway in the location suggested would harm the character of this part of the conservation area. As regards the stopping up of an existing access the applicant has indicated that, whilst the access is not used regularly, the front door onto the A345 is the only opening wide enough for the movement of furniture in and out of the property and can only be accessed by a vehicle at this point. Furthermore, the access is periodically used as an access for the delivery and collection of machinery and equipment for gardening. The applicant does not therefore wish to close the access. Officers accept this position and, partly in view of the fact that the highway authority did not raise this issue with the previous application for two dwellings on the site, a condition has not been recommended to cover this point.

Turning to the third party representation, the windows concerned would be approximately 7 metres from the plot boundary and a minimum of 30 metres from the neighbour's property. Given these distances, and the fact that only a small portion of the neighbour's considerable garden would be affected, it is not considered that the windows (one of which would serve a bathroom and the other a bedroom) would result in an unacceptable degree of overlooking or loss of privacy. With regard to the other point raised, it is not considered that the proposed dwelling is too large for the plot.

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, in the interests of preserving or enhancing the character and appearance of the conservation area.

3 - Prior to the commencement of development full details of the external joinery, including the front door, windows (including the depth of the proposed reveals and the materials for the cills), garage door and front canopy, shall be submitted to and approved in writing by the local planning authority. These details shall include sections, materials and surface finishes. The development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving or enhancing the character and appearance of the conservation area.

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

REASON:

In the interests of visual amenity.

5 - No development shall take place until there has been submitted to and approved by the local planning authority in writing a scheme of landscaping for the frontage of the site which shall include details of all species, planting heights and planting densities, together with details of any fencing or other boundary treatment.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - The dwelling hereby approved shall not be occupied until the access, communal turning space and parking areas shown on the submitted plan have been laid out and properly surfaced in a well bound consolidated material (not loose stone or gravel). The communal turning space shall thereafter be kept clear of obstruction at all times to enable the turning of vehicles for both dwellings. The area allocated for parking for Dairy Cottage and all other parking areas on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON:

In the interests of highway safety.

8 - Any entrance gates 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.

9 - 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.

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

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

REASON:

In the interests of the privacy of the neighbouring properties.

12 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure (other than those approved as part of the landscaping scheme) shall be erected, or placed within the curtilage of the dwelling forward of any wall of that dwelling which fronts on to any road.

REASON:

In the interests of visual amenity.

13 - INFORMATIVE TO APPLICANT:

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

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

Item 4

APPLICATION:	K/52178/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use of footpath and amenity land to garden with erection of 1.8 metre close boarded fence
SITE:	3 Walnut Close, Netheravon
GRID REF:	14404 49300
APPLICANT:	Mr S Apps
DATE REGISTERED:	12th May 2005
CASE OFFICER:	Mr N Britton

BACKGROUND

This application was considered by the Regulatory Committee on 30 June 2005, when it was deferred for negotiation to explore an alternative proposal with the neighbour's access path going along the back of the extended garden area. The applicant has considered this option further but advised that the alternative route would result in the loss of an attractive Acer tree which is over 20 feet high and that the path would lead out into the car park where his allocated space is making it impossible to park there without blocking an entry and exit to the path. The applicant therefore wishes the application to be determined as it stands. Your officers still consider there is no material planning reason for refusing this application and recommend its approval as originally proposed.

The previous committee report is set out below.

SITE & LOCATION

Walnut Close is a small cul-de-sac of modern terraced properties off Thorne Road at the north end of Netheravon. To access the site members should turn into Thorne Road at the western end of Mill Road, near its junction with the main A345, and then turn left into Walnut Close. Number 3 is the end house of a terrace of three and adjoins parking court part of which, including two parking spaces, belongs to the applicant. In the corner of the parking court was previously a small patch of grass containing a young maple tree, forming part of a landscaping scheme for the original development.

SITE HISTORY

K 31836 - 14 dwellings (including 6 flats) permitted 08.02.1996

K 51010 - Conservatory (No 3) permitted 10.11.2004

DESCRIPTION OF DEVELOPMENT

The retrospective application is for the change of use of the small piece of amenity land to private garden and the erection of a 1.8 metre high close-boarded fence matching the rest of the garden boundary. A gate has been incorporated to provide access to the garden and to a pedestrian right of way into the rear of number 2, the middle house in the terrace of three. The maple tree has been retained within the enclosure, as has the original L-shaped path giving access to No 2.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant states that the works will still offer full access for the neighbour to use the original path to gain access to his rear garden. It offers better security at the rear of the property and fits in with surrounding features.

PARISH COUNCIL COMMENTS

Netheravon Parish Council objects to the application. It felt strongly about the fact that the application was retrospective. Due to the new fence construction the access path to the rear garden of dwelling No. 2 now went through the garden of No.3, this could prove intimidating for the new owner of No.2. The footpath to the back garden of No.2 should be re-instated to run behind the garden of No.3

CONSULTATIONS

County highways (Mr Galpin) -_no objection.

REPRESENTATIONS

The owner of No.2 Walnut Close has objected for the following reasons:

1. the property boundaries on the plans may not be correct,
2. the path is designated as a right of way on the original property title,
3. without clear access, there is a health and safety risk,
4. the gate is bolted shut,
5. an informal access agreement may not be honoured in the future,
6. a better solution is suggested, maintaining the path behind the garden extension.

POLICY CONSIDERATIONS

Policy PD1 of the Kennet Local Plan 2011 requires a high standard of design in all new development, including consideration of relationship to townscape context, layout servicing and access arrangements, landscaping proposals, materials, colour, detailing and the impact on residential amenity.

PLANNING OFFICER'S COMMENTS

The Government's PPG1 General Policy and Principles states that the planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

There are numerous cases in both historic and modern developments where residents must walk through other property to gain access to the rear of their own property, and this implies a certain loss of privacy. However, it carries no element of public interest. The material planning consideration in the present case is the effect of the change of use on the appearance of the parking court as an integral part of this housing development. In this respect a large area of open planted verge would remain in the parking area and it is considered that the enclosure of this small area would not have any detrimental impact on the appearance of the area.

The applicant has asked for the application to be considered on its merits, and there are not considered to be over-riding planning reasons for refusal.

RECOMMENDATION

Approve with Conditions –

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 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.

2 - INFORMATIVE TO APPLICANT:

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of the private right of way that crosses the site. You are advised to check the title deeds of your property to ascertain your legal obligations in respect of Nos. 1 and 2 Walnut Close, and if necessary to consult a solicitor.

Item 5:

APPLICATION:	K/52254/F
PARISH:	RAMSBURY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Extension and alterations to garage to facilitate use as ancillary residential accommodation
SITE:	Smithy Cottage, Union Street, Ramsbury
GRID REF:	27818 71614
APPLICANT:	Mr and Mrs Broomberg
AGENT:	T Derrick
DATE REGISTERED:	8th June 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Smithy Cottage is a small thatched cottage situated at the southern end of Union Street at the junction with Newtown Road. The principal building is Grade II listed and the whole site lies within the designated Conservation Area for Ramsbury.

SITE HISTORY

K18067 – Full planning permission was granted in November 1991 for a replacement detached garage and 6ft high brick wall.

K/36227 & K/36228/L – Full planning permission and listed building consent were granted in September 1998 for the construction of a retaining wall against the south side of the existing garden party wall.

K/51132/F – Full planning permission was refused for a side extension to the existing detached garage. This was on the grounds that the proposed extension, by reason of its large size, prominent siting and incongruous design (specifically, its asymmetric roof, large roof lights and double glazing) would dominate and detract from the setting of the adjacent listed building and would be detrimental to the character and appearance of the designated Conservation Area. In addition, the application did not include sufficient detail to enable the Council to assess whether the proposed materials and external appearance of the structure would preserve or enhance the character or appearance of the area.

K/52099/LBC – Listed building consent was granted on the 15th June 2005 for extensions and alterations to the garage to facilitate ancillary residential accommodation. This consent relates to the same works for which planning permission is now sought.

DESCRIPTION OF DEVELOPMENT

The proposal is to extend and alter the existing single garage to enable its use as ancillary residential accommodation. The proposed extension measures 2 metres wide and would result in a 0.7m increase in ridge height. Alterations to the building include the removal and replacement of the garage doors on the east elevation (front) with brick walls to match the existing and the removal of a white painted timber door from the west elevation.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with the applicant the roof material has been changed from concrete tile to plain clay tiles which are more sympathetic to the area. The exact colour of the tile can be reserved by condition should permission be granted.

PARISH COUNCIL COMMENTS

Ramsbury Parish Council strongly object to this application on the grounds that there would be a loss of off-street parking in a very crowded and restricted lane. The police have had to be called in the past as traffic cannot pass parked cars. They also consider the works to be an overdevelopment of a very small site and make reference to a recent application at Sheiling, Newtown Road, where planning permission was recently refused on the grounds of overdevelopment (K/51510/F).

CONSULTATIONS

County Highways (Mark Wiltshire) – No objection.

REPRESENTATIONS

Two letters of objection have been received from neighbouring residents. They raise the following concerns;

1. The parking along Union Street is already limited. To lose further space would result in further traffic congestion and put more pressure on an already squeezed and busy lane.
2. More cars parked on Union Street would make access for the Fire Brigade more difficult.
3. If the garage is turned into accommodation then a precedent will be set for other residents which in the long term would change the nature of many properties and result in a loss of off road parking and further congestion.
4. The proposal seems inappropriate for a listed building.
5. The proposal would increase the density of an already busy and full neighbourhood.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 (Development and Design), HH5 (Development in Conservation Areas) and HH8 (Development Affecting a Listed Building) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The main issues associated with this application are considered to be the impact of the proposed change of use on highway safety and the impact of the development on the character and appearance of the area and setting of the adjacent listed building. Concerns regarding overdevelopment and precedence have also been raised and are considered here. There are no residential amenity concerns with this application.

The Parish Council and local residents object to this application on the grounds that there would be a loss of off-street parking in this crowded and restricted lane. While it is recognised that one off-street parking space would be lost, sufficient space would remain in front of the converted garage to park a vehicle. The highway authority has raised no objections to the proposal. As such, it is not considered that a refusal on highway safety grounds would be justified. With regard to the issue of precedent, it is not considered that the development would be a danger to highway safety, and as a parking space is being retained with the dwelling, a refusal on the grounds of precedent would be unfounded.

In terms of design, the extension and alterations proposed are modest in scale and would not dominate or affect the setting of the adjacent listed building. Listed building consent has already been granted for these works (K/52099/LBC). In addition, the proposed works are well designed and have been amended to ensure that the roof material is suitable to the area. The proposal would therefore not result in any harm to the character and appearance of the conservation area.

Concern has also been raised that this would be an overdevelopment of the site. While the site is relatively small, it is only intended to extend the building by 2 metres. More than half of the site would remain as private amenity space. For this reason it is not considered that this small extension would result in an overdevelopment of the site. Reference has been made to a recent refusal at the neighbouring property, Sheiling (K/51510/F) on the grounds of overdevelopment. However, this application was for an entire new building forward of the dwelling in a site already short of amenity space and as such is not considered comparable in this instance. The living area which would be created would be occupied as ancillary accommodation only and can only be accessed via the garden of the existing house. A condition is recommended to restrict the nature of occupation.

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 set out in the application forms and accompanying plans, as amended by the letter received the 22nd July 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 windows and doors (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 - Notwithstanding the details submitted to this office, no development shall take place until details of the colour of the clay tiles to be used on the roof 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:

In the interests of the visual amenity of the area.

5 - 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.

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, HH5 and HH8.

7 - 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 Id:

Item 6

APPLICATION:	K/52399/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Alteration of existing steps to form disabled access (retrospective application)
SITE:	Saddlers Cottage High Street Netheravon
GRID REF:	14774 48978
APPLICANT:	M Topps & A Rawlings
DATE REGISTERED:	1st July 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to Saddlers Cottage, an unlisted property fronting the High Street in Netheravon. Saddlers Cottage is situated adjacent to Owl Cottage which itself abuts the village shop.

SITE HISTORY

There is no relevant site history.

DESCRIPTION OF DEVELOPMENT

The proposal is to retain a set of steps which have been constructed on the front elevation of the property, leading to the front door. The applicants' intention is to construct railings and a handrail at a later date.

ADDITIONAL STATEMENT BY THE APPLICANT

No formal statement has been submitted in support of the application. However, the applicants have advised that the steps are necessary in order to improve access to the property for their disabled son.

PARISH COUNCIL COMMENTS

The parish council expresses concerns about this application. Firstly this is a retrospective application in a conservation area. Secondly the width of the steps may not be enough for an adult wheelchair in the future, especially at the top, with the turn into the front door. More detail is required on the proposed new wrought iron railings and handrail. The step needs to be inspected by a qualified disability officer before any further work is done. Consideration should also be given to an alternative wheelchair ramp at the rear of the dwelling.

CONSULTATIONS

County highways (Mr Wiltshire) – No objection subject to the applicants submitting a sketch showing railing type and dimensions to the Highway Authority prior to installation.

REPRESENTATIONS

One letter has been received raising the following objections:

1. The steps are ugly, out of character with the cottage and detrimental to the conservation area. The addition of metal railings will only add to the eyesore;
2. The construction of the steps is unprofessional as they appear to be crumbling in places;

3. The steps do not meet regulations for disabled access with regard to width, degree of slope, etc.
4. Persons using the steps can look directly into the objector's property. If the steps are necessary they should face in the opposite direction or directly into the adjacent parking bay.
5. The steps have reduced the value of the objector's property.
6. The level of disability of the applicants' son is questionable, given that he has been regularly seen riding his bike around the village, kicking a football and riding a scooter.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the designated conservation area. Policies HH5 and PD1 of the plan are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

The Council has a statutory duty under planning legislation to consider whether the proposal to retain the steps would preserve or enhance the character or appearance of the conservation area. Officers consider that the proposals would have a neutral impact upon the conservation area, with no adverse harm to the character or appearance of the area. The addition of railings and a handrail would be acceptable in principle, although a condition is recommended requiring the submission of details to the local planning authority for approval.

With regard to the comments of the objector and the parish council officers can comment as follows:

- a) The impact of the proposals on the value of the objector's property is not a material planning consideration;
- b) It is not considered that the proposals would be detrimental to the level of privacy enjoyed by the objector;
- c) Retrospective applications should be considered in exactly the same way as any other planning application;
- d) The current proposal needs to be considered on its own merits and it is not relevant to suggest that an alternative proposal (i.e. a ramp to the rear of the property) is pursued;
- e) Concerns relating to the level of disability of the applicants' son and the degree of compliance with disabled access regulations are not relevant to the consideration of the merits of the application. The sole issue to consider is the impact of the proposals upon the character and appearance of the conservation area.

RECOMMENDATION

Approve with Conditions

1 - Prior to the installation of the railings/handrail referred to in the submitted documentation, full details of the design of railings/handrail (including dimensions and details of materials and finishes) shall be submitted to and approved in writing by the local planning authority. The railings/handrail shall be installed in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no other handrails, railings, fences, gates, walls or other means of enclosure shall be erected, or placed around the steps hereby permitted.

REASON:

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

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.

3 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire County Highways and dated the 21st July 2005. The applicant is advised that the need to obtain consent from the Highway Authority to install the railings is separate from the need to obtain consent from the local planning authority under the terms of condition no.1 above.

Item 7:

APPLICATION:	K/52094/F
PARISH:	POULSHOT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Proposed vehicular access and hardstanding
SITE:	136 Poulshot Road, Poulshot
GRID REF:	96886 59118
APPLICANT:	Mr J Bell
AGENT:	Mr N Dolman
DATE REGISTERED:	21st April 2005
CASE OFFICER:	Miss V Longdon

SITE & LOCATION

The application site is located on the Poulshot Road in Poulshot. No.136 is a red-brick semi-detached dwelling and is situated opposite Belle Vue Farm. It can be found on the right-hand side of the road when heading southwards through the village towards Worton.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

It is proposed to create vehicular access to the property which currently has no off-road parking provision.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended a number of times since its original submission. The amendments can be summarised as:

- (a) The new brick wall on the east side of the access has been removed from the scheme and, instead, part of the existing stone garden wall is to be retained with a return formed in salvaged material. The access has been slightly repositioned to accommodate the retention of the wall.
- (b) The west wall is also to be constructed of salvaged stone rather than brick.
- (c) A 45m visibility splay to the north-east has been incorporated into the proposal.
- (d) A 70m visibility splay to the south-west has been incorporated into the proposal. This splay encroached onto land which was owned by the neighbouring property no.138. This small strip of land has now been transferred to the applicant so that the highway requirements can be met.
- (e) The existing barbed wire garden fence to the east of the proposed access is to be removed because it would conflict with the visibility requirements. A new sheep netting fence is to be erected on the edge of the garden area at a height of no more than 1m above the carriageway level (so that it does not conflict with the visibility requirements).

Additional plans regarding trees on the site and the land transfer have also been submitted as part of the application.

ADDITIONAL STATEMENT BY THE APPLICANT

A rationale statement for the proposed access was submitted with the original plans. This states:

- (a) There is no off-street parking existing at the present, it is desirable for the safety and security of vehicles to avoid on-street parking.
- (b) A site meeting was held in 2003 with the highways officer so that the scheme submitted is based on their requirements.
- (c) A topographical survey has been carried out to establish existing levels and potential obstacles within the visibility area required by the highways authority.
- (d) The use of salvaged stone will help ameliorate the intrusion of the vehicular entrance into the existing streetscene.
- (e) In various other letters submitted during the process of the application the agent has stressed that the proposed off-road parking arrangement is desirable in terms of highway safety. Currently, cars park on the roadside, near the bend.

PARISH COUNCIL COMMENTS

The parish council objected to the original scheme because they felt that not enough emphasis had been given to the danger of the proximate bend in the road. Because of the gradient and camber of the road in the bend, the parish council felt the entrance was too near the bend and would cause a hazard.

As a result of the parish council concerns over highway safety, the highways authority re-visited the site and carried out further analysis. Consequently, the highways authority requested that an additional splay to the south-west be provided and that the splay to the north-east be increased in length from 33m to 45m. As a result of the revised highways authority's comments, the parish council sent an email confirming that they had no objections to the application and that they were quite happy with the recommendations made by the highways authority.

However, formal comments were later received and the parish council objected to the amended highway layout on the following grounds:

- (a) A perceived road hazard will occur.
- (b) It is unclear as to who would be responsible for the maintaining of visibility.
- (c) The nature of the proposed fencing is outside of the recommendations for the Conservation Area and not in keeping with the nature of the village.

CONSULTATIONS

County highways – (Mark Wiltshire) – no objection subject to the following conditions being met:

- (a) A visibility strip, 70 metres in length, to the south-west is to be provided.
- (b) A visibility strip, 45 metres in length, to the north-east is to be provided.
- (c) The surfacing of the first 4.5 metres of the access in a well-bound consolidated material (not loose stone or gravel).
- (d) The setting back of any gates to a position at least 4.5 metres from the carriageway edge, with gates being made to open inwards only.
- (e) The provision of the vehicle turning space detailed on the submitted plans, and its maintenance and availability thereafter for the purposes of turning vehicles.

REPRESENTATIONS

One letter of objection has been submitted. This states that the new 45 metre visibility splay includes the roadside verge which if not cut and maintained on a regular basis will severely reduce the visibility splay. One assumes that the responsibility for this will be the highways department or Kennet District Council in

the event of an accident occurring due to impaired visibility and significant reductions in stopping distances on a dangerous bend.

A letter from the father of the applicant who lives at no.138, the attached semi, has been received in support of the application. This letter is summarised as:

- (a) The application has been made with highway safety in mind and it was because of this that the highways authority was contacted at the pre-application stage.
- (b) No objection has ever been raised to the off-road access at no.138 or others in the vicinity.
- (c) The removal of parked cars from the roadside is preferable to cars parked on the road.
- (d) The then Parish Council wrote to the previous owner of no.136 requesting that provision be made for his tenant's vehicles to be parked off the road as they were causing a danger.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 and HH5 are the pertinent policy considerations.

PLANNING OFFICERS COMMENTS

The key issues in determining this application are the impacts of the vehicular access in terms of highway safety; and visual amenity within the Conservation Area. These issues are both discussed below:

Highway Safety

The parish council and one objector have raised concerns about whether the scheme is acceptable in terms of highway safety. The highways authority was specifically consulted on the issues raised by the parish council and members of the public. As a result, they carried out further analysis of the proposal and their response of no objection was maintained subject to certain conditions. It is not considered that there is any reason to take a different view to that of the highways authority.

Queries have also been raised over the ownership of part of the land which forms the north-east visibility splay. It is unclear whether the applicant or the highways authority owns the land. Nevertheless, this is not considered an issue on which to refuse the proposal: whichever party owns the land it will be their responsibility for maintaining the visibility splay and this is a matter to be resolved between the highways authority and the applicant.

Conservation Area

Although the application site is prominent in public views, the works will have a neutral impact upon the conservation area. The garden area to the east is well treed and this will ensure, visually, the access and parking area are not unduly prominent or detract from the character or appearance of the conservation area. There are a number of off-street parking arrangements at the surrounding properties and, as such, this proposal will not be out of keeping.

The parish council have also raised objection to the replacement fencing. However, it is your officer's view that the proposed fencing is acceptable. It will be simple wire fencing that is typical of such a rural location and would be similar to the fencing that presently exists on the site. Indeed, such fencing could be considered more appropriate and less incongruous than timber or close boarded fencing in such an exposed rural location.

In conclusion, it is considered that this proposal is an acceptable and desirable solution to the current off-street parking arrangement. The removal of parked cars from the roadside near a bend is considered beneficial and the scheme is satisfactory both in terms of highways safety and its impact upon the character and appearance of the conservation area. The application is recommended for approval subject to the relevant 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 - This permission relates only to the scheme of development shown on the revised plans:

- (i) 1040/2 C and 1040/4 received on the 27th June 2005;
- (ii) The additional plans 1040/3 and section plan showing trimming line of the yew tree received on the 19th May 2005; and
- (iii) The additional plan relating to the land transfer received on the 26th July 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 - Before the access hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point of 2.0 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 70 metres to the south-west and 45 metres to the north-east from the centre of the access.

REASON:

In the interests of highway safety.

4 - Before the access hereby approved is first brought into use the first 4.5 metres of the access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

6 - Before the access hereby approved is first brought into use, the turning 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.

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 and HH5.

Item 8:

APPLICATION:	K/52313/F
PARISH:	WILCOT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey front extension
SITE:	9 Alton Road Wilcot Pewsey SN9 5NP
GRID REF:	13925 61433
APPLICANT:	Rt. Hon. A Martin
AGENT:	Mr P G Legg
DATE REGISTERED:	21st June 2005
CASE OFFICER:	Miss R Yeomans

SITE & LOCATION

To reach the site travelling from the Pewsey direction, proceed into the village of Wilcot, continue over the canal bridge, and the property can be found approximately 200 metres further along the road on the left hand side.

The property is a rendered semi-detached, with roman tiled roof, set a little way back from the road.

SITE HISTORY

K/11075/F – Construction of a vehicular access.

K/11365/F – Erection of single storey extension to rear.

K/34506/F – First floor extension.

K/42574/F – Amendment to K/34506 – vary design of roof of single storey extension to accommodate pitched roof.

DESCRIPTION OF DEVELOPMENT

The current application proposes a single storey extension to the front, with a hipped roof. The materials proposed are painted render and double roman tiles to match existing. The extension measures 4.65 metres wide by 1.5 metres deep and 3.5 metres in height.

ADDITIONAL STATEMENT BY THE APPLICANT

Although no supporting statement has been submitted as such, the works proposed are to extend the existing bathroom to the front to facilitate use by a disabled person.

PARISH COUNCIL COMMENTS

Wilcot & Huish Parish Council are concerned that a precedent will be set by allowing change to the front elevation that will be out of sympathy with other nearby houses, and request that the planning officer/committee look at alternatives.

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

The proposed extension is very modest in size, is well designed and visually acceptable. The extension would not have a detrimental effect on the character and appearance of the area, nor on the scenic quality of the landscape. Although at the front of the house, due to the design and small scale nature of the proposal, the extension is not out of keeping or scale with the house and would not detract from the wider street scene. There are no residential amenity concerns with the proposal. It is considered that the application could not be refused on the basis of precedent as the proposal is in accordance with Policies PD1 and NR8.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - Before the development is first brought into use the external walls shall be rendered and colour-washed in a matching colour.

REASON:

To secure harmonious architectural treatment.

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 - 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 & NR8.

Item 9:

APPLICATION:	K/52402/LBC
PARISH:	FYFIELD & WEST OVERTON
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Conversion of garage to habitable room. Internal alterations
SITE:	Far End Cottage Lockeridge
GRID REF:	14553 67336
APPLICANT:	Lord Kennet
AGENT:	Mr L S Dobie
DATE REGISTERED:	1st July 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Far End Cottage is a Grade II listed building situated at the south east end of Lockeridge on the southern side of the road when heading towards Alton Barnes. The property is a small sarsen stone and thatch cottage of single storey height with additional rooms in the attic.

SITE HISTORY

In August 1989 planning permission (K/14321) and listed building consent (K/14320/L) were granted to convert the existing garage and store into a living room with a bedroom and bathroom over, build an extension to form a new garage and rebuild the roof and thatch in combed wheat straw. However, these permissions were never implemented and as such, both consents have now expired.

K/52406/F – An application for full planning permission was made alongside this application. However, the proposed works to the building are within the applicants permitted development rights, as specified in the Town and Country Planning (General Permitted Development) Order 1995. As such, planning permission is not required.

DESCRIPTION OF DEVELOPMENT

The proposal is to convert the attached garage into a sitting room with bedroom over. This includes the provision of new doors and windows to the north, west and south elevations. Internal alterations are also proposed which include alterations to the layout and a new staircase in the existing stairwell.

ADDITIONAL STATEMENT BY THE APPLICANT

The agent has advised that the doors to the converted garage will be in the form of shutters which can be closed for security reasons when the cottage is unoccupied – the appearance being similar to the existing. Alternatively, when extra light is required in the new sitting room, the doors could be opened.

PARISH COUNCIL COMMENTS

The Parish Council object to this application for the following reasons;

1. The windows shown on the plan for the eastern elevation are incorrect, the lower one is multi-paned and it is understood that the top one is to be altered to match, no mention has been made of this.

2. The development as proposed for the garage doors and screen will impact on the setting of the cottage when the doors are open. We see no reason for this curious arrangement.

The Parish Council comment that they would accept either doors or screen so long as glazing is consistent with the existing.

REPRESENTATIONS

One letter of objection has been received from a local resident. Their concerns are that;

1. The application does not show the replacement upper window to the east elevation.
2. When the doors are open they will reveal the wall behind them and the front of this modest cottage will be dominated by a feature containing a mish-mash of conflicting fenestration.
3. There can be no reason for the double wall. Light when the shutters are open may be marginally increased because the screen windows are larger but there will be plenty of light anyway from the west and south facing openings. Light when the shutters are closed will be marginally decreased because the inner glazing bars will be an obstruction. The shutters are likely to remain either open or closed because there will be little result from changing them around. Security and insulation can be just as easily served by treating the closed doors as a designated skin to a conventional wall.

POLICY CONSIDERATIONS

From the point of view of the historic environment the primary consideration is the duty placed on the Council under Section 16 of the Listed Buildings Act to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest it possesses.

PPG15 outlines government policy towards protection of the historic environment.

PLANNING OFFICERS COMMENTS

Members are advised to note that this application does not include the replacement of the upper window on the east elevation. While the applicant does intend to replace this window, this will be the subject of a separate application for listed building consent.

The key issue associated with this application is the impact that the proposed alterations would have on the architectural qualities, historic fabric and setting of this Grade II listed building. While the replacement staircase would result in the loss of the original stairs, the existing stairs are plain and lacking in any features of special interest or character. As such, there is no objection to their removal, subject to a suitable programme of recording. This can be required by condition should consent be granted. There is also no objection to the proposed internal alterations and layout alterations which would not result in harm to the listed building.

Concern has been raised over the design of the replacement garage doors and their impact on the setting and appearance of the cottage. While the design and arrangement of the doors could be described as unconventional, this arrangement ensures that the appearance of the building would be similar to the existing and given that this alteration relates to an addition to the property it is considered that no harm would result to the setting, character or architectural integrity of this listed building.

RECOMMENDATION

Approve with Conditions

1 - The works for which Listed Building Consent is hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 - The removal of the main staircase authorised by this consent shall not take place until the applicant has secured a photographic record of the staircase. The record shall consist of colour photographs of the stair in situ including the underside when the area is being opened up. The subject of each photograph must be described by annotation and shall be carefully dated. Three bound sets of the photographs shall be supplied to the Local Planning Authority and accepted in writing before total removal takes place. Once accepted by the Authority the photographic record may be placed in a public archive.

REASON:

The proposals involves the works that will result in the loss of a substantial amount of historic structure.

3 - The windows and doors hereby approved shall be timber casements painted to match existing windows and retained as such thereafter.

REASON:

To secure harmonious architectural treatment in the interests of the architectural integrity of this Grade II listed building.

4 - INFORMATIVE TO APPLICANT:

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

The proposed works will not be detrimental to the character of the building.

