

Regulatory Committee

22nd September 2005

Planning Services

List of Applications for Consideration

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Full Planning Permission for : Erection of 10 dwellings and two passing bays
The Park, ERLESTOKE

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

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Full Planning Permission for : Change of use to mixed A1/A3 use
143 High Street MARLBOROUGH

RECOMMENDATION: Grant full planning permission

3 K/52311/F (page 18)

Full Planning Permission for : Demolition of all existing buildings and erection of a new five bedroom detached two storey dwelling house plus private motor garage and alterations to vehicular access
(Former Post Office) 1 Church Lane, MILDENHALL Nr Marlborough

RECOMMENDATION: Grant full planning permission

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Ashlee, CHUTE FOREST

RECOMMENDATION: Grant full planning permission

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The Old Vicarage BISHOPS CANNINGS

RECOMMENDATION: Grant full planning permission

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Full Planning Permission for : Single storey rear and two storey side extension
11 Roundway Park ROUNDWAY, Devizes

RECOMMENDATION: Grant full planning permission

Item 1

APPLICATION:	K/52228/F
PARISH:	ERLESTOKE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of 10 dwellings and two passing bays
SITE:	The Park, Erlestoke
GRID REF:	96546 54093
APPLICANT:	Sarsen Housing Association
AGENT:	BBA Architects
DATE REGISTERED:	31st May 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to a parcel of land on the eastern edge of Erlestoke. When entering the village on the B3098 from the direction of Devizes, turn right adjacent to the church into The Park. The site lies at the far end of The Park on the right hand side and adjacent to the village hall.

SITE HISTORY

K/038663 - Planning permission was granted on the 23rd March 2001 for a scheme of six dwellings on the site. The permission is still extant and did not include any affordable housing.

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of ten dwellings, four of which will be affordable. The proposal also includes the construction of two passing bays in The Park.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The plans have been substantially amended to address officer concerns regarding the design of the new dwellings.

ADDITIONAL STATEMENT BY THE APPLICANT

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

PARISH COUNCIL COMMENTS

The parish council raises no objection but expresses concern relating to the increased volume and speed of traffic and the potential risk to child safety. The parish council wishes to bring to the attention of the local planning authority the need for traffic calming measures. Concern is also raised to the narrow entrance to The Park from the B3098.

CONSULTATIONS

County Highways (Mark Wiltshire) – No objection subject to planning conditions requiring construction of the turning head, frontage footway, the 2 passing bays, the carriageway widening over the site frontage including resurfacing of the carriageway over the site frontage, adjustments to existing drainage and improving street lighting on the site frontage.

Wiltshire County Archaeologist – No objections.

Wessex Water – No objections.

Environment Agency – Object due to the lack of information regarding the discharge of foul water drainage.

KDC Housing Services – The development will make a useful contribution to meeting affordable housing need in this location.

REPRESENTATIONS

Two letters of representation and a petition with 26 names have been received raising the following objections:

1. The proposal will be detrimental to highway safety at the junction of The Park with the B3098. The entrance pillars leading into The Park are only wide enough for one vehicle and therefore additional traffic using this access would be an accident risk;
2. The Park has a narrow carriageway width which is not sufficient to enable local residents to park whilst still allowing space for emergency vehicles and refuse collection vehicles. Further on-street parking resulting from the development would only exacerbate the situation. Insufficient off-street parking is being proposed, particularly for visitors.
3. Additional traffic using The Park would be detrimental to the safety of playing children. There is a blind corner adjacent to no.11 The Park. Traffic calming measures are required;
4. The proposals would harm the character and appearance of the area and interfere with attractive views from nos.11-16 The Park.
5. The site is too small for the number of houses proposed;
6. Development would set a precedent for further development in the area;
7. The proposals would adversely affect wildlife; and
8. The site is vulnerable to waterlogging.

POLICY CONSIDERATIONS

The site lies outside of the Limits of Development defined for Erlestoke in the Kennet Local Plan 2011. It also lies within the designated conservation area. Policies HC22, HC26, HC33, HC35, HH5 & PD1 are relevant to the consideration of the application.

It is also relevant to note that the site was formerly allocated for residential development in the Kennet Local Plan 1997 and has the benefit of an extant permission.

PLANNING OFFICERS COMMENTS

The principle of developing this site was originally established in the 1990s when the site was formally allocated for development of “about 10 dwellings” in the Kennet Local Plan 1997. Planning permission was subsequently granted for a scheme of six dwellings under reference K/038663. That permission is still extant and therefore the applicant has a legitimate “fallback position”. This latest proposal is for six open market dwellings (i.e. equivalent to that already permitted), together with an additional four affordable dwellings. The latter would accord with Policy HC33 of the Kennet Local Plan 2011 which permits small groups of affordable houses on “rural exceptions sites” on the edge of villages which have a range of facilities. Small

groups are defined in the local plan glossary as sites of less than 0.4 hectares of land or less than about 10 dwellings on previously undeveloped land. In principle, therefore, the scheme is acceptable in terms of its numbers.

Amended plans have been submitted to address officer concerns regarding the design of the dwellings. It is considered that the revised proposals would preserve the character and appearance of the conservation area, the requirement of Policy HH5. It is not considered that the increase in the number of dwellings would be harmful in visual terms.

Objectors raise various highway related objections to the scheme and the parish council raises similar concerns. The highway authority has addressed these concerns in a letter addressed to Erlestoke Parish Council, a copy of which is attached to this agenda. In essence, the Highway Authority raises no objection to the development. Two off-street car parking spaces are provided per dwelling and the provision of a widened carriageway across the site frontage, a turning head and two passing bays will significantly improve the existing situation.

Members will note that a planning condition has been recommended to secure the frontage footway, carriageway widening, turning head and passing bays. An identical condition was imposed on planning permission reference K/038663. The requirement for improved street lighting has also been imposed as a condition.

Turning to other issues raised by objectors:

- a) It is not considered that the site is too small for the development. The density equates to approximately 25 dwellings per hectare which is not considered to be excessive in relation to the site's context. Government guidance advocates minimum densities of 30 dwellings per hectare and local plan policy echoes this, requiring village sites to make efficient use of land whilst having regard to the character of the surrounding area. Surrounding development in The Park is built at a density of approximately 19 dwellings per hectare.
- b) It is not considered that the development would adversely affect the character and appearance of the area. The designs are appropriate to their location and strike an acceptable balance between the immediate context (former local authority housing) and the historic part of the conservation area in the centre of the village.
- c) The proposal would not set a precedent for further development in the area. Each proposal would need to be considered on its merits, having regard to the relevant local plan policies. The extant planning permission means that this site is materially different in planning terms to other land to the east of The Park, all of which lies outside of the defined Limits of Development.
- d) It is not considered that development would adversely affect wildlife. It is also worth noting that there is an extant planning permission to develop the entire site and therefore this issue should already have been considered.
- e) With regard to potential waterlogging, there is an extant planning permission for the site and therefore this issue should already have been considered.

With regard to the Environment Agency's comments, the principle of development was established by an earlier consent and it is considered that this matter may be dealt with by way of an appropriately worded planning condition which requires

details of foul water drainage to be submitted to and agreed in writing prior to development commencing.

Finally, the applicant has agreed to pay a sum of £18,120 in lieu of children's play provision, in accordance with the Council's adopted Supplementary Planning Guidance on "Community Benefits from Planning". This money, and the four affordable housing units, will need to be secured by way of a Section 106 legal agreement.

RECOMMENDATION

Defer and delegate to Planning Services Manager to grant full planning permission 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 - The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON:

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

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

Drawing nos. 2487-P1-01 revision B, 2487-P3-01 revision D, 2487-P6-01 revision C & 2487-P9-01 revision C all received on the 5th September 2005.

Drawing nos. 2487/SP-02 revision A, 2487/SP03 revision B, 2487-P1-02 revision E, 2487-P3-02 revision D, 2487-P6-02 revision E & 2487-P9-02 revision D, all received on the 8th September 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, windows and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

4 - The development hereby permitted shall not be commenced until details of the eaves, depth of window and door reveals, verges, barge boards, rainwater goods and chimneys to be used on the development have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

5 - Before any of the dwellings are first occupied, the frontage footway, carriageway widening and turning head shall be provided in accordance with the details shown on the approved plans. The two passing bays shown on the approved plans shall be provided before development is commenced. Before works commence, details shall be submitted to and approved by the local planning authority for improvements to the street lighting required as a result of the additional development. The agreed improvements shall be implemented before the dwellings are first occupied.

REASON:

In the interests of highway safety.

6 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall include full details of the "estate fencing" proposed for plots 1 & 10.

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - 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.

8 - 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 shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road, nor along the rear (eastern boundary) other than those shown on the approved plans and those approved as part of the landscaping scheme required under condition 6 above.

REASON:

In the interests of visual amenity.

9 - The fence around plot 1 shall be completed before the dwelling is first occupied, and shall thereafter be retained.

REASON:

In the interests of visual amenity.

10 - Notwithstanding the details shown on the approved plans, no development shall commence until details of the means of disposal of foul sewage have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory foul water drainage.

11 - 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 *****.

12 - INFORMATIVE:

The applicant is advised that Wiltshire County Council as Highway Authority will require the highway improvements to be covered by a legal agreement under Section 38 of the Highways Act 1980 prior to works commencing.

13 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency and dated the 28th June 2005.

Item 2

APPLICATION:	K/52416/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use to mixed A1/A3
SITE:	143 High Street Marlborough SN8 1HN
GRID REF:	18857 69221
APPLICANT:	Costa Coffee
AGENT:	Cliff Walsingham & Co
DATE REGISTERED:	1st July 2005
CASE OFFICER:	Mr P Smith

SITE & LOCATION

The site is a grade II* listed building located at the north eastern end of the High Street opposite the Town Hall. It is a mid-terrace property with a retail shop located on the ground floor and residential flats above. The retail unit was last used as a florists shop and is currently empty.

SITE HISTORY

The site has no recent planning history.

A separate listed building consent application was submitted after the planning application for works which require listed building consent. This is currently undetermined at the time of writing (ref. K/52805/LBC).

DESCRIPTION OF DEVELOPMENT

The proposal is for planning permission for the change of use of the ground floor from retail (A1) to a mixed retail and café use (A1/A3 use). Air conditioning units are proposed to be sited in the small external courtyard.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended to revise the internal layout of the ground floor to reflect the existing layout accurately and remove seating areas within the shop window display area to prevent damaging changes to the shop front. Additional details have been added to the proposals such as obscured glazing in areas overlooked by neighbouring properties and secondary glazing in the rear area of the proposed café adjacent to a neighbouring garden.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicants have submitted a statement in support of the application explaining about the company and to demonstrate that the business has a positive affect on the vitality of areas where they are located. A copy of the statement is available on file for inspection.

TOWN COUNCIL COMMENTS

No objections subject to the involvement of the Conservation Officer.

CONSULTATIONS

KDC Environmental Health Officer: No objections subject to a condition recommending that the air handling equipment proposed does not generate any noise greater than 5db above the background noise level.

English Heritage: No objection in principle to the change of use of the premises but advise that if physical changes are required to the fabric of the building that the planning application needs to take the listed building issues into consideration.

REPRESENTATIONS

Four letters of objection have been received objecting on the following grounds:

1. The High Street cannot sustain another coffee shop;
2. If Costa took over an A3 use we would not object;
3. A national chain will endanger the local independent cafes result in the erosion of the individual character of Marlborough High Street;
4. Existing local businesses work with the community e.g. Azuzas Café provides youth discos. This is a marginal economic activity and could be jeopardised by additional competition;
5. In other towns, local cafes have lost business when a Costa Coffee has opened;
6. Jobs could be lost if local businesses suffer;

POLICY CONSIDERATIONS

The following planning policies of the Kennet Local Plan 2011(KLP) are relevant to this proposal:

The property is located within Marlborough Town Centre as defined in the KLP (2011) but is outside the designated Prime Shopping Area where retail uses are protected. Policy ED19 (Devizes and Marlborough Town Centres) requires that outside the Prime Shopping Area planning permission will be granted for the change of use of premises to uses other than A1 retail provided that:

- (a) the proposal does not create a major break in the retail frontage;
- (b) introduces activity likely to enhance the vitality and viability of the centre; and
- (c) integrates with the existing historic fabric of the town.

Policy PD1 relates to all development and seeks to ensure that amenity is protected;

Policies HH5 and HH8 seek to ensure that the character or appearance of the conservation area and listed buildings is preserved or enhanced.

In addition, the Marlborough Conservation Area Statement is a material consideration.

PLANNING OFFICERS COMMENTS

The proposal would introduce an A3 (restaurant and café) use into an existing retail unit. The relevant planning considerations are therefore considered to be:

- (a) whether the proposed use meets the requirements of policy ED19,
- (b) whether the proposed use is likely to cause harm to the amenities of nearby residents;
- (c) whether the development would preserve or enhance the character or appearance of the conservation area and the listed building;
- (d) issues of competition and impact on existing local businesses.

The existing retail frontage in this part of the High Street (133 – 144) currently has a high level of retail uses and it is not considered that the introduction of an A3 use would result in a major break in the existing commercial frontage. This is in accordance with Policy ED19.

The applicants have submitted a supporting statement with the application to demonstrate that the proposed A3 use would not result in an adverse impact on the

vitality or viability of the town centre. This statement includes a survey of Costa Coffee shops in five other English towns. Each of the Costa Coffee shops surveyed had a retail unit adjoining on either side. The survey found that with the exception of one Costa Coffee shop, the coffee shops consistently attracted more customers to the frontage with the potential for passing trade to improve the viability of the adjoining retail units, including on Fridays and Saturdays. In view of these figures it is considered that the introduction of an A3 use in this location is likely to enhance the vitality and viability of the frontage and town centre in general.

Regarding competition with other coffee shops and cafes, it is not the role of the planning system to interfere with the free market, and consequently this would not amount to a sustainable reason for refusing planning permission.

Regarding potential disturbance to neighbouring properties (including flats), conditions are recommended to restrict the hours of opening and to require details of noise attenuation for the air conditioning units in accordance with the recommendations of the environmental health officer. Details of internal sound insulation is subject to separate approval under listed building legislation and the Building Regulations.

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 - The ground floor windows identified as being glazed with obscure glass and glazed with secondary glazing shall be glazed as such in accordance with the details specified on the plans hereby approved prior to the first use of the premises for Class A3 purposes. Thereafter the glazing shall be retained in accordance with these details unless variations are otherwise first agreed with the local planning authority.

REASON:

In the interests of the privacy of neighbouring properties

3 - The premises shall only be open to customers between the hours of 0800 and 1830 from Mondays to Saturday (inclusive) and between 0900 and 1730 on Sundays and Bank Holidays.

REASON:

In order to protect the amenities of nearby residential properties.

4 - The noise emitted from the air conditioning units must not at any time exceed 5dB above the background noise level as measured at the site boundary. Details of the noise attenuation measures required to achieve this shall be submitted to the local planning authority for approval in writing prior to the first installation of the air conditioning units, and the works shall be carried out as approved.

REASON:

In order to protect the amenities of nearby residential properties.

5 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, ED17, HH5 and HH8.

6 - 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 or activity on land outside his/her control (including the siting of chairs/tables outside of the premises). 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 3:

APPLICATION:	K/52311/F
PARISH:	MILDENHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of all existing buildings and erection of a new five bedroom detached two storey dwelling house plus private motor garage and alterations to vehicular access
SITE:	(Former Post Office) 1 Church Lane, Mildenhall, Nr Marlborough, Wiltshire, SN8 2LR
GRID REF:	20959 69642
APPLICANT:	K Dobie
AGENT:	Mrs L Green
DATE REGISTERED:	21st June 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

The site is located to the west of the village on the eastern side of the intersection between the Marlborough to Ramsbury road and Church Lane. The site currently consists of a single storey brick dormer bungalow the front of which was formerly used as the village post office and store. The property is set down below the carriageway level and is constructed of brick under a slate roof with UPVC windows throughout. To the rear of the building are various flat roofed extensions and an attached double garage. The whole site lies within the Mildenhall Conservation Area.

SITE HISTORY

K/36764 – Full planning permission was granted in February 1999 for alterations to the exterior of the shop, the construction of a ramped entrance and lay-by. Permission was also granted for an extension to the shop floor area, to separate the shop and dwelling and add an extension and new chimney to the dwelling.

K/39594 – Full planning permission was allowed on appeal in September 2001 for the demolition of all existing buildings and the erection of a five bedroom detached house plus detached double garage.

K/43904 – Planning permission was granted in September 2002 to change the use of the post office and stores to residential use.

K/52321/CAC – A counterpart application for conservation area consent has been submitted alongside this application to demolish all existing buildings on site in order to erect a new five bedroom detached house and garage. If agreed by the committee it is proposed to grant conservation consent should planning permission be granted for this application.

DESCRIPTION OF DEVELOPMENT

It is proposed to demolish all existing buildings on site and erect a new five bedroom dwelling. The proposed building measures 18.9m wide by 9.5m deep and 8.2m high and is to be constructed of stretcher bond brickwork under a reclaimed clay tile roof, with timber sash windows, brick soldier courses (above relevant windows), cast concrete sub cills and black cast iron rainwater goods. The front of the building would

be set back some 6.2m from the road, with its ground floor level 1.3m below road level.

It is also proposed to erect a 3 bay garage with store over in the south east corner of the site. The proposed building measures 8m in length by 7m deep and 5.7m to the ridge, and is to be built in brick and clay tiles to match the proposed house. An obscure glazed gable style dormer window and two 'Velux' conservation type rooflights are shown on the west elevation.

It is also proposed to alter the existing vehicular access by widening the entrance on to Church Lane to the north-west of the site.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The block plan has been amended to show the correct size of the site and its boundary towards Hawthorn Cottage. Following concerns raised the plans have also been amended to show the tarmac parking area outside the site maintained as such.

Following negotiations with the applicant the garage has been amended. The office/staff accommodation proposed at first floor has been omitted from the scheme and it is now intended to use the space for storage. The external stairs and the two rooflights in the east elevation have been removed and those on the west elevation amended to smaller conservation rooflights. The window to the dormer gable is now to be obscure glazed.

The rear elevation has also been amended to show the 3 x 400mm diameter light tubes and the proposed windows on the south elevation are now Georgian Style, in keeping with those on the front elevation.

PARISH COUNCIL COMMENTS

The parish council object to the proposal due to the size of the garage block and that the window on the east elevation faces directly onto Romans Halt. They recommend that no window be inserted in this elevation. The parish council also comment that the detailing and quality of materials, bricks, tiles, guttering and cornicing should all be as per the previous approval.

CONSULTATIONS

County Highways (Mark Wiltshire) – No objection subject to conditions relating to visibility, the siting of any gates, and the position of the boundary railings. These conditions are included in the recommendation at the end of this report.

Thames Water Utilities – No objection

County Archaeology (Sue Farr) – No objection. An archaeological field evaluation was undertaken on the site in 2001. No archaeological features were found.

REPRESENTATIONS

Six letters of objection have been received to the original scheme from neighbouring residents. While half agree that it would be advantageous to replace the existing unattractive former post office and store, local residents consider that this should be with a more elegant property, sympathetic to this prime site within the village. The 6 letters of objection raise the following concerns;

1. The proposed dwelling is too large for the site and is inappropriate for this part of the village which is within the Mildenhall Conservation Area (CA). The proposed development is out of character and size with other dwellings in the immediate area, which is in the heart of the CA.

2. The proposed house is too close to the road and is not in keeping with the rest of the village.
3. The neo-Georgian design adopts larger proportions that are out of scale with surrounding buildings and the vernacular architecture of the village and region. There is no evidence in the village of stone cills, sunburst lights and the window details proposed.
4. The proposed house is large and ostentatious. Would be more in favour if the property could be built in recycled bricks and appropriate tiles and the ornamentation around and above the door could be omitted and the width reduced.
5. The brick structure in the village has a distinctive half glazed brick bond and the mixed reds are out of keeping.
6. The proposed windows adopt many designs and proportions.
7. The scale of the development will take away light from Romans Halt (reputed to be the oldest building in Mildenhall) and Rectory Cottage.
8. The 3-bay, two storey garage with accommodation is too large for the site and has no precedent.
9. Concern that upper windows and rooflights in the garage will result in a loss of privacy to Romans Halt and that the accommodation might soon turn into a dwelling.
10. Concern about overlooking of Hawthorn Cottage from the rooflights in the east elevation of the garage.
11. The proposed maple trees at either side of the entrance would restrict light and outlook from Romans Halt. Because the house has no foundations concern has been raised that the roots from the trees might eventually cause structural damage.

Following the receipt of amended plans removing the rooflights from the east elevation of the garage, the owners of Hawthorn Cottage have withdrawn their objection to the garage building.

One letter of objection has been received to the amended garage proposal. Whilst welcoming the modified plan to use the upstairs of the garage as storage only, the height of the building at 5.7m seems excessive for storage and concern has been raised that this structure could allow for a change to residential use in the future. The need for the dormer window in the west elevation is also questioned and concern has been raised that this window would look directly in to the kitchen area of Romans Halt.

In addition, concern has been expressed that the proposed window to bedroom 3 would look straight into the bedroom window of Romans Halt and any encroachment of light would have a deleterious effect. The plans already approved are less intrusive and are therefore preferable.

POLICY CONSIDERATIONS

Relevant policies in the Kennet Local Plan are PD1 (Development and Design), HC24 (Villages with Limited Facilities) and HH5 (Development in Conservation Areas).

PLANNING OFFICERS COMMENTS

No objection is raised to the principle of demolishing the existing building on site. The former post office possesses no architectural merit and is referred to in the Mildenhall Conservation Area Statement as the least attractive building in the conservation area, the detail of which bears no relationship to its surroundings and detracts from the quality of nearby listed buildings.

In 2002 permission was granted on appeal for the erection of a five bed house with a detached garage on this site establishing its suitability for a large replacement dwelling. The dwelling then approved had a similar design ethos, larger footprint, similar ridge height for the main block but a smaller ridge height for the western wing. As such no objection is raised to the principle of a replacement dwelling in this location which is within the built area of the village, provided that the development is in harmony with the village in terms of its scale and character and can satisfy policies PD1 and HH5.

It is accepted that the proposed dwelling is large and differs in design from the more traditional cottage style dwellings surrounding the site. However, Mildenhall as a whole displays a mix of house types and a two storey, neo-Georgian style development has already been approved in this location that, in terms of its overall design, is not fundamentally dissimilar to what is now proposed. The dwelling proposed is considered to be well designed and following negotiations, has been amended to ensure that the windows on the south elevation are in keeping with those on the front of the property, that is, white painted timber sash. The materials proposed are also acceptable and the colour and texture of the external materials to be used on the walls and roof can be reserved by condition, should permission be granted.

In addition, the dwelling would be set 6.2m back from the highway and given the levels within the site the house would sit 1.3m below the level of the road, reducing the visual impact of the development in views from the main street. In light of the above the proposed development is not considered to be harmful to the character or appearance of the conservation area at this point, and in comparison to the existing situation on site, the proposed dwelling would enhance the conservation area.

Concern has been raised that the proposed dwelling would take away light to Romans Halt and Rectory Close and that the rear window to bedroom 3 would look straight into the bedroom of Romans Halt. However, the proposed dwelling is sited 24m from Kennett Cottage and the distance between bedroom 3 of the development and Romans Halt would be 21m. The proposed dwelling is therefore far enough away from neighbouring properties to ensure that no measurable harm to amenity would result.

The final issue to be considered is the proposed 3 bay garage and its impact on the character and appearance of the area and neighbour amenity. The garage proposed would be sited in the south-east corner of the site, 35m from Church Lane, and would be well screened in views by new and existing vegetation. Its height at 5.7m is not excessive and following negotiations with the applicant the windows from the east elevation have been removed and the dormer window to the west obscure glazed. The two rooflights on the west elevation have also been amended to smaller conservation type lights more in keeping with the area and the proposed living accommodation above the garage has been changed to a store. A condition can be imposed to restrict its use to being incidental to the dwellinghouse should the Council be minded to grant consent. The garage building is therefore not considered harmful to neighbour amenity and would not have an adverse impact on the character or appearance of the Conservation Area.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised block plan and garage plans received on the 26th July 2005 and elevations of proposed new dwelling received the 8th August 2005.

REASON:

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

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

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the 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 - 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, with the brick bonding being flemish bond and the bricks bedded and pointed in a light colour mortar.

REASON:

To secure harmonious architectural treatment.

7 - The windows and doors, including the garage doors, to be installed in the development hereby permitted shall be of timber construction and shall be permanently maintained as such. All windows, with the exception of the dining room and study doors shall be sliding sash, painted white, and likewise will permanently be retained as such.

REASON:

To secure harmonious architectural treatment, in the interest of the visual amenity of Mildenhall Conservation Area.

8 - The rainwater goods to be used in the development hereby permitted shall be cast metal painted black and shall be maintained as such thereafter.

REASON:

To secure harmonious architectural treatment, in the interests of the visual amenity of the Mildenhall Conservation Area.

9 - Before the construction of any boundary walls, railings or fences is commenced, details of their height, position and materials (including any railings) of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

10 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows or other openings shall be inserted at first floor level in the eastern side elevation of the dwelling hereby approved, and no windows or other openings shall be inserted in the southern or eastern elevations of the garage building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

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

REASON:

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

12 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no garages (except the one approved as part of this application) stables, kennels, sheds, greenhouses or other ancillary domestic outbuildings shall be erected or placed anywhere within the curtilage of the site without the prior grant of planning permission from the local planning authority.

REASON:

In the interests of the visual amenity of the Mildenhall Conservation Area.

13 - The dormer window at first floor level in the west elevation of the garage building hereby approved shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

14 - The garages and storage space over 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.

15 - Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to height 1 metre above the carriageway level between the carriageway edge, and a line drawn from a point 2 metres back along the centre line of the access from the carriageway edge to a point on the nearside carriageway edge 18 metres to the north-east.

REASON:

In the interests of highway safety.

16 – No gates shall be erected until details of their design and materials have been approved by the local planning authority. 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.

17 - Within 14 days of the demolition of the existing dwelling on the site, the resultant materials shall have been completely removed from the site.

REASON:

In the interests of the visual amenity of Mildenhall Conservation Area.

18 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely policies PD1, HC24 and HH5.

Item 4:

APPLICATION:	K/52807/F
PARISH:	CHUTE FOREST
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use of section of paddock to a horse manège
SITE:	Ashlee Chute Forest
GRID REF:	30910 51794
APPLICANT:	Mr N Josephs
DATE REGISTERED:	18th August 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to a paddock in the hamlet of Chute Forest. The site lies on the north side of Lodge Lane between The Old Dairy (recently converted to a dwelling) and the applicant's dwelling known as "Ashlee".

SITE HISTORY

K/035181 – Erection of two loose boxes, granted planning permission in January 1998.

K/14775/O – Single dwelling, detached garage and new access, refused planning permission in September 1989.

DESCRIPTION OF DEVELOPMENT

The proposal is for a horse manège measuring approximately 15 metres x 30 metres with a shredded rubber surface.

ADDITIONAL STATEMENT BY THE APPLICANT

The manege would be sited on a small paddock owned by the applicant and would be used for the purposes of schooling the horses kept in the owners adjacent private stables and used solely by the owners family.

PARISH COUNCIL COMMENTS

The parish council objects on the following grounds:

- a) The proposed position of the manège is considered to be inappropriate given its prominent position on the road through the village. The open areas of green field along the road through Chute Forest are considered of value to the character of this village in an Area of Outstanding Natural Beauty.
- b) The proximity of the manège to the neighbouring property "The Old Dairy" is too imposing.
- c) There is the potential risk of flooding subsequent to the removal of the top soil given the typical clay subsoil in this area.

The parish council would look more favourably on an application for a horse manège in a different location within the four and a half acre paddock adjacent to Ashlee.

CONSULTATIONS

No consultation responses had been received at the time this report was being prepared. Any that are subsequently received will be reported verbally at committee.

REPRESENTATIONS

Two letters have been received raising no objection to the principle of a horse manège but suggesting that it be sited in the field behind the dwelling "Ashlee" where it would be out of sight from neighbouring properties.

POLICY CONSIDERATIONS

The site lies in countryside designated as an area of outstanding natural beauty. Policies NR6, NR7, NR8 & PD1 of the Kennet Local Plan 2011 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

The main issue is the impact on the natural beauty of the area. In this respect, it is considered that the proposed manège would not be detrimental to the character or appearance of the area. The site is well contained in landscape terms between two existing properties and the stable and the visual impact of the manège from the road would be ameliorated by the planting of a mixed native hedge along the site frontage. Moving the manège further back into the paddock would lose these advantages. It is not considered that the site's proximity to The Old Dairy would give rise to an unacceptable impact upon the amenities of occupants of that property. Similarly, it is not considered that the proposal would give rise to flooding. The suggestions for alternative sites are noted but the proposed siting is considered to be acceptable and the application must be assessed on the basis of the details submitted.

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 - The manège hereby permitted shall only be for the private use of the occupier of Ashlee for equestrian activities and not for any trade or business use.

REASON:

The local planning authority would wish to give separate consideration to the use of the manège for commercial purposes.

3 - No development shall take place until there has been submitted to and approved by the local planning authority in writing a scheme of landscaping, which shall make provision for a mixed native hedge along the southern site boundary (fronting the road). The submitted details shall include species, planting heights and planting densities.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

5 - 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 NR6, NR7, NR8 & PD1.

Item 5:

APPLICATION:	K/52612/F
PARISH:	BISHOPS CANNINGS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Conversion of stables to dwelling (amendment to K/51785)
SITE:	The Old Vicarage Bishops Cannings Devizes
GRID REF:	03754 64328
APPLICANT:	Mr D Ambrose
AGENT:	Hugh Cullum Architects
DATE REGISTERED:	25th July 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

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

RELEVANT SITE HISTORY

K/51785/F – Part demolition and rebuilding of single storey extension to vicarage into new double garage. Conversion of existing stables into two bedroom dwelling. Granted planning permission on 19th May 2005.

DESCRIPTION OF DEVELOPMENT

The proposal is essentially an amendment to planning permission reference K/51785 which related to the conversion of the existing stables into a dwelling. The amendments are as follows:

- a) Construction of conservatory on south elevation;
- b) Addition of two dormers, one to the west elevation and one to the east;
- c) Extension of kitchen to north elevation; and
- d) Repositioning of garage and change of external material from brick to black creosoted shiplap timber boarding.

ADDITIONAL STATEMENT BY THE APPLICANT

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

PARISH COUNCIL COMMENTS

The parish council objects on the following grounds:

1. The proposed changes increase the size of the property when compared to the original approved plan. The amended planning application is not approved because it is in breach of the conditions KDC placed on the original approval and will not be in keeping with the character of the area.
2. The east side dormer windows will overlook neighbour property and may well breach privacy.

CONSULTATIONS

Wiltshire County Highways (Ms Flower) – No objection subject to the suggested highway recommendations made on the previous application being attached as planning conditions.

REPRESENTATIONS

Two letters of objection have been received raising the following points:

- a) The dormer and high level windows on the east elevation of the property would overlook the garden of the adjacent property to the east.
- b) The additional dormers would significantly alter the profile of the existing roof.
- c) The shiplap boarding proposed for the garage is not in keeping with the rest of the property or the area in general.
- d) It is not clear as to the reason for repositioning the garage, other than possibly allowing the property to be split in the future for independent sale.
- e) The conservatory and kitchen extension would markedly increase the footprint of the property. This is part of an incremental approach by the applicant to achieve a larger property on the site.

POLICY CONSIDERATIONS

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

OFFICER COMMENTS

The principle of converting the stable block to a dwelling was established in May 2005 when planning permission was granted under reference K/51785/F. The sole issue to consider with the latest application is the impact of the proposed amendments upon the character and appearance of the Conservation Area, the character of the Area of Minimum Change and the amenities of neighbouring occupiers.

It is not considered that the proposed amendments would cause material harm to the character or appearance of the area. Contrary to the views of the parish council and objectors, there is no policy reason to limit the floor space to that which has already been approved. Although a condition was imposed upon the previous approval removing permitted development rights for extensions, the purpose of this was simply to ensure that any future proposal to extend the property was subject to planning control. The proposed amendments need to be considered on their individual merits and therefore, taking each in turn, officers can comment as follows:

- a) The conservatory would be an appropriately designed addition to the building and it would be sited at the rear of the property, out of public view. It would be difficult to argue, therefore, that this is harmful to the character of the area.
- b) The kitchen extension would, by contrast, be at the front of the property. However, the structure would be lightweight and largely glazed and therefore, provided that the brick plinth matches the existing building and provided the joinery is of timber construction, it is not considered that this element of the proposal would harm the character of the property or that of the surrounding area.

- c) Although visible from the public highway, the west facing dormer is appropriately designed and would not be out of keeping with the property.
- d) The east facing dormer would be less visible from the highway outside the site due to vegetation (both existing and proposed) on the roadside and eastern plot boundaries. Nevertheless, it is considered that the dormer is acceptable in design terms and a condition requiring the window to be obscurely glazed and fixed shut would overcome the privacy issue identified by objectors.
- e) The rooflight proposed to serve a first floor bathroom on the east elevation would be acceptable aesthetically, provided that it is a conservation rooflight mounted flush to the roof slope. Overlooking can be prevented by attaching a planning condition requiring the sill height to be a minimum of 1700mm above the internal floor level.

Ultimately, none of these amendments are considered to materially alter the character of the building and its relationship with the Old Vicarage. The resultant dwelling would still have the appearance of a former outbuilding to the Old Vicarage. Officers consider the latest proposals to be acceptable in planning terms, preserving the character and appearance of the Conservation Area, causing no material damage to the character of the Area of Minimum Change and having no adverse impact upon the amenities of neighbouring occupiers.

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 the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

- 3 - No development shall take place until details of the materials & finish proposed for the garage doors have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

- 4 - The windows and doors in the development hereby permitted (including the windows in the kitchen extension) shall be constructed of timber and painted, and

shall be retained as such thereafter. No development shall take place until details of all new window and door joinery (including elevations at a scale of not less than 1:10 and frame sections / glazing bars, etc. at not less than 1:2) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

5 - No development shall take place until details of the "stable pavements" shown on the approved plans for the parking and turning area to the front of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

6 - All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - Before the dwelling hereby permitted is first occupied the access, turning and parking area shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

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

REASON:

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

9 - Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 33m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility (excluding any existing trees within the defined area which

must be retained) at and above the height of 0.6m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

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

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

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

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be protected with suitable protective fencing 2 metres outside of the crown spread, or half the radial height of conifers, or at a distance taken from the British Standard 5831: Trees in relation to Construction. The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

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

11 - Prior to development commencing details of the new access onto the highway shall be submitted to and approved in writing by the local planning authority. The submitted details shall include provision for small (2 – 3 metres) radii, the surfacing of the first 4.5 metres of the access in a properly consolidated material (not loose stone or gravel), details of the drainage pipe under the access, details of the method of construction in relation to trees and full details of gradients and levels. The access shall be constructed in accordance with the approved details prior to the first occupation of the dwelling.

REASON:

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

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

REASON:

In the interests of highway safety.

13 - 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 without the prior grant of planning permission from the local planning authority.

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.

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

REASON:

In the interests of the privacy of the neighbouring properties.

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

REASON:

In the interests of the privacy of neighbouring properties.

16 - The rooflight in the east elevation of the dwelling hereby permitted shall be installed such that the distance between the first floor level and the window sill is a minimum of 1700 millimetres.

REASON:

In the interests of the privacy of the neighbouring property.

17 - Notwithstanding the details shown on the submitted plans, the rooflight to be installed on the east facing roof slope shall be of the "conservation" type with a single vertical glazing bar and mounted flush to the roof slope. Details of the size and type of rooflight shall be submitted to and agreed in writing by the local planning authority before the rooflight is installed. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment, in the interests of preserving the character and appearance of the Conservation Area and the character of the 'Area of Minimum Change'.

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

REASON:

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

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

REASON:

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

20 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC3, HC22, HH5, HH10 & PD1.

21 - INFORMATIVE TO APPLICANT:

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

22 - INFORMATIVE TO APPLICANT:

(i) Bird Nests

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

(ii) Bats

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

Item 6:

APPLICATION: K/52654/F
PARISH: ROUNDWAY
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Single storey rear and two storey side extension
SITE: 11 Roundway Park Devizes SN10 2ED
GRID REF: 01374 62381
APPLICANT: Mr and Mrs Hill
AGENT: JJ Sample
DATE REGISTERED: 27th July 2005
CASE OFFICER: Miss V Longdon

SITE & LOCATION

This report relates to no 11 Roundway Park, Devizes. Roundway Park is on the north eastern side of the town and can be reached by taking the first left-hand turning off of the A361 London Road after passing the Police Headquarters. No.11 is located approximately 200 metres on the right hand side of the road.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

This application proposes to:

- (a) Increase the width of the side flat-roof garage by 0.6m and extend above this and the rear utility room at first-floor level.
- (b) Extend the rear of the property at ground floor level by 3m to create an extension and covered patio area.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended twice during its consideration so that the design of the first-floor side extension and size/design of the rear extension have been altered to alleviate neighbour concerns:

- (a) The first-floor windows in the side extension have been reduced in size from 1.4m to 0.4m in height and positioned higher on the gable-end.
- (b) The rear extension has been changed from a lean-to to a hipped-roof style extension and the overall height of that part of the extension nearest to the attached semi reduced to 2.5m.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement.

PARISH COUNCIL COMMENTS

No objection to the scheme.

CONSULTATIONS

No consultee responses have been received.

REPRESENTATIONS

Three letters of objection have been received to the scheme in its original and first amended form. These objections are summarised below:

- (a) The objectors are pleased that the roof of the rear extension has been amended to a hipped style but feel that it is still too high and will result in a loss of light to the dining room window of the attached semi.
- (b) The extension is larger than that recently approved at no.6 Roundway Park which was amended to meet the planning officer's concerns over its impact upon the occupiers of the neighbouring property.
- (c) The extension will encroach onto land not owned by the applicant.
- (d) The objector is pleased that windows in the south-east elevation are smaller, high-level windows but will only find them acceptable if they are obscurely glazed and are of a fixed type that cannot be opened.
- (e) Objection is raised to the widening of the garage as this, and the first-floor side extension above it, will be nearer to the neighbouring property and will cause a considerable loss of light to the bedroom, landing and bathroom windows. The residents of no.13 Roundway Park have extended at first-floor level above their garage but have only increased the width of the garage by one brick width and utilised their existing garage wall.
- (f) Concerns over noise disturbance and highway issues during the construction process have also been raised.

Since the second set of amended plans were received, one objector (the neighbour at no.12) has withdrawn his objection, although pointing out that the applicant must comply with the terms of the Party Wall Act. Any further comments which are subsequently received will be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 (general development and design principles) is the pertinent consideration

PLANNING OFFICERS COMMENTS

It is considered that there are two key issues to consider when determining this application; (a) the design of the scheme and (b) the impact upon the amenity of the occupiers of the neighbouring properties. These issues are set out below for Members consideration:

Design

The overall design of both the side and rear extensions (including the staggered appearance of the first-floor gable extension) are in keeping with the scale and appearance of the host dwelling and will not detract from its appearance or the appearance of the streetscene. Furthermore, a large number of properties at Roundway Park have had similar side and rear extensions permitted and, as such, it would be considered unreasonable to object to this scheme on design terms.

Neighbour Amenity

The key issue in determining this application is the impact of the two extensions upon the reasonable living standards of the occupiers of the neighbouring properties. The applicant has amended the scheme twice to address these concerns

and it is your officer's view that the scheme is now acceptable in respect of neighbour amenity. The impact of both extensions is addressed below:

First-floor side extension

It is proposed to extend the footprint of the existing ground floor garage by 0.6m in width and extend above this and the utility room at first-floor level. A number of similar extensions at first-floor level have been permitted at Roundway Park. Although this application differs in that it also extends the width of the garage rather than using the existing garage wall, it is still considered to be acceptable in terms of its relationship with no.10 Roundway Park. The 0.6m increase will not be significantly different from those extensions permitted nearby in that the proposed relationship between no.10 and no.11 will not result in a detrimental loss of light in comparison to the existing relationship between the two properties.

The first-floor side windows are now high-level narrow slit windows. If they are conditioned so that are sat no lower than 1.7m above the finished first-floor level then they will not give rise to any direct level of overlooking towards the first-floor windows in the gable end of No.10. They are small, secondary windows giving additional light and air into the new bedrooms and it is therefore not considered necessary or reasonable to condition the windows to be obscurely glazed or fixed shut.

The issue of whether the extension encroaches onto land not owned by the applicant is not a planning issue but a private issue to be resolved.

Rear extension

In its amended form the extension is now considered an acceptable addition. It will be 2.5m in height along the boundary with no.12, the attached semi, and the roof is hipped so that it slopes away from this boundary. A 2.5m extension on the boundary with the neighbour is not significantly higher than a 2m high wall that could be erected under the applicant's permitted development rights and is the same height as the similar extension recently permitted at No.6 Roundway Park (planning permission K/52063).

Conclusion

In conclusion, it is your officer's view that the scheme is acceptable both visually and in terms of its impact upon the occupiers of the neighbouring. Subject to the relevant conditions suggested below the scheme it is recommended that the scheme be approved.

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 "Drawing 5 Revision B" received on the 8th September 2005.

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

4 - The two first-floor windows in the eastern elevation of the first-floor side extension shall have a cill height set at a minimum of 1.7 metres above the finished first-floor level.

REASON:

In the interests of the privacy of the neighbouring property.

5 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted at first-floor level in the eastern side elevation of the first-floor extension hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings shall be inserted in the western side elevation of the rear extension hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

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.

8 - INFORMATIVE TO APPLICANT:

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

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