

Regulatory Committee

13th October 2005

Planning Services

List of Applications for Consideration

1 K/52372/F

Full Planning Permission for : Community hall, 6 houses and associated car parking and landscaping

Grove Farm site, Church Street, MARKET LAVINGTON

RECOMMENDATION: Grant full planning permission

2 K/52836/O

Outline Planning Permission for : Erection of five dwellings, access, landscaping and new children's play area and associated works

Land at Nursteed Close playing fields, DEVIZES

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

3 K/52867/F

Full Planning Permission for : Two new staff houses

College Fields, Marlborough College, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

4 K/52868/F

Full Planning Permission for : Erection of six new staff houses

Barton Dene, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

5 K/52866/F

Full Planning Permission for : Two new staff houses

College Fields, Marlborough College, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

6 K/52686/F

Full Planning Permission for : Two storey extensions to dwelling

Cedar Lodge CHUTE FOREST

RECOMMENDATION: Grant full planning permission

7 K/52772/F

Full Planning Permission for: Retention of timber boarded fence

10 Ducks Meadow MARLBOROUGH

RECOMMENDATION: Grant retrospective planning permission

8 K/52766/LBC

Listed Building Consent for: Replacement of existing kitchen to garden door and adjacent window with double doors and fixed side lights
Old Manor The Street CHIRTON

RECOMMENDATION: Refuse listed building consent

9 K/52798/F

Full Planning Permission for: Alterations and additions to outbuildings to form ancillary accommodation.
Brick Farmhouse, Clench Common, SAVERNAKE

RECOMMENDATION: Grant full planning permission

10 K/52820/F

Full Planning Permission for : Single storey side extension for music room
Martinshill Farm, Clench Common, SAVERNAKE

RECOMMENDATION: Grant full planning permission

11 K/52753/LBC

Listed Building Consent for: Internal alteration to provide unified living area of existing hall/sitting room, involving widening of existing doorway and inserting an opening in wall, each either side of the chimney stack. Retrospective application for insertion of velux GVA conservation type roof light in the northern elevation.
4 Kingsbury Square, Kingsbury Street, MARLBOROUGH

RECOMMENDATION: Grant listed building consent

12 K/52605/ADV

Advertisement Consent for: Erection of price sign (centre mount pole sign) and forecourt canopy fascia signs.
Pewsey Service Station, Swan Road, PEWSEY

RECOMMENDATION: Split decision. Refuse consent for price sign. Grant consent for forecourt canopy fascia signs

Item: 1

APPLICATION:	K/52372/F
PARISH:	MARKET LAVINGTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Community hall, 6 houses and associated car parking and landscaping
SITE:	Grove Farm site, Church Street, Market Lavington
GRID REF:	01347 54119
APPLICANT:	Market Lavington Parish Council
AGENT:	Batterham Matthews Design Ltd
DATE REGISTERED:	28th June 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

The site is an elevated parcel of land in the centre of the village of Market Lavington. When approaching from the Church Street direction, the site can be found adjacent to St. Mary's Church and opposite the recently built houses on the former Shires Garage site. The site is bounded to the north, south and west by residential development and to the east by St. Mary's Church. There is a significant level change across the site, with the part fronting Church Street being considerably lower than that fronting St. Mary's Road.

SITE HISTORY

K/33219 – planning permission was granted in January 1997 for the construction of a 'village hall' on the site.

K/41072 – planning permission was granted in June 2001 for the construction of a 'community hall' on the site.

DESCRIPTION OF DEVELOPMENT

The proposal is to construct a community hall, six houses and associated car parking on the site.

Planning permission has been granted on two previous occasions for a community hall on the southern part of the site. Neither of these schemes has been implemented as lottery funding has not been secured. It is understood that the community hall trust intends to sell the remainder of the site with the benefit of planning permission. The monies raised would then be used to finance the construction of the community hall.

The community hall would be constructed in the same location as previously approved under K/52372 ie at the lowest part of the site fronting Church Street, but would have a smaller footprint. The building would be constructed of brick and render and would have a shallow pitched zinc roof.

The six dwellings would be positioned to the rear of the protected lime trees, in the north-west corner of the site. The houses would be constructed of brick, with tiled roofs and timber joinery. Nine parking spaces would be provided, amounting to 1.5 spaces per dwelling.

An adventure play area, to be located immediately to the south of the protected lime trees, is also proposed, although full details have not been provided at this stage. The north-eastern corner of the site would be dedicated as a village green.

Two new accesses would be formed off St. Mary's Road. One would be approximately 25 metres from the junction with Grove Road and would serve the six dwellings. The other access would be between the village green and the new housing and would serve the car park associated with the community hall. This car park would contain 49 parking spaces (equating to one space for every 5 square metres of actual accommodation provided within the community hall building, excluding circulation and ancillary areas).

A full landscaping specification has been submitted with the application, containing details of tree removal, excavations and planting schedules.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended during the course of its consideration. The key changes are summarised as follows:

1. The flight of steps down to the church has been omitted, thereby obviating the requirement for a pedestrian visibility splay.
2. The access road serving the community hall car park has been widened to 5 metres for the first 15 metres, to enable two cars to pass.
3. Confirmation has been given that there would be no change in levels in the vicinity of the protected trees.
4. Full landscaping details have been provided.
5. The positioning of the relocated lampposts has been detailed.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a statement in support of the application, a copy of which is attached to the rear of the agenda.

PARISH COUNCIL COMMENTS

Market Lavington Parish Council is the applicant and consequently, it has not commented on the application.

CONSULTATIONS

County highways (Mark Wiltshire) – no objection, subject to conditions requiring:

- the provision of a barrier at the bottom of the steps near to the mini-roundabout in accordance with details to be submitted to and approved in writing by the local planning authority;
- the access to the dwellings from St. Mary's Road to be provided with adequate visibility;
- the diversion of public footpath 51 prior to the commencement of those site works that would lead to the obstruction of the existing route;
- the surfacing of the first 15 metres of the access in a well-bound consolidated material;
- the provision of the vehicle parking and turning areas prior to the first use of the development;
- the extension of the existing footway along Church Street in accordance with details that have been submitted to and approved in writing by the local planning authority;

- the provision of bollards on the 'footpath to the village centre' south of the church in accordance with details to be submitted to and approved by the local planning authority prior to the first use of the village hall.

The highway authority has also requested that the applicant be advised that the access to St. Mary's Close will require the relocation of a street light at the developer's expense.

County archaeology – no objection, subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

Environment Agency – no objection in principle.

Wessex Water – no objection in principle.

KDC Housing Services Manager – although the parish has a population under 3000, Kennet Local Plan Policy HC28 treats it in a similar way to larger settlements in the district ie. a threshold of 25 dwellings/one hectare applies, below which there is no requirement for affordable provision. We are therefore not in a position to pursue the affordable issue in this instance.

REPRESENTATIONS

Forty-four letters of objection have been received, along with a petition containing approximately 800 signatories. The key concerns raised are as follows:

- The proposal will exacerbate existing traffic congestion problems and will encourage on-street parking along St. Mary's Road.
- The creation of two new accesses will have road safety implications, as the existing road junction is already very busy.
- There is insufficient car parking provision for the village hall and the new housing development.
- An extension of the footpath and steps up to the hall from Church Street would constitute a dangerous hazard.
- There is no need for another village hall facility, as there are already 2 halls in the village. Furthermore, the village hall development would have a detrimental impact on the current hall and function rooms that are currently used by the community.
- The site is the last open green space in the village and should therefore be preserved.
- The site is close to the visually and historically most important building in the village ie. St Mary's Church and should therefore not be developed upon.
- The proposed development would obstruct views of the church from public vantage points.
- No mention is made of the materials to be used and details of the topography of the site are not given. It is therefore difficult to establish how the new housing will sit in relation to the other properties in the vicinity of the site.
- There is no provision for the protection of trees on the site.
- The site is of archaeological interest and should therefore not be developed.
- A full archaeological survey should be undertaken before any work commences on site.

- The site was purchased by the parish council for village use. If part of that land is sold to develop houses, the village will lose the use of that land.
- The level of public consultation was inadequate and consequently, the scheme should not be allowed to go ahead.
- The houses would overlook other properties in the area.
- The development would result in an increase in noise due to traffic and people.
- The proposal would result in a loss of outlook from nearby properties.
- The development would potentially result in an increase in vandalism due to increased congregating of youths.
- New hedges, trees and grassed areas are shown on the plans, but no details are given of who would be looking after these.
- The differences in levels would mean that this is not an appropriate site for housing development.
- The proposal would be contrary to Policy HC21 in the Kennet Local Plan, as the site is not 'previously-developed land'.
- There should be a proportion of affordable housing provided as part of the scheme, as there is a current need for such housing in Market Lavington.
- The village does not need any new houses.
- The proposed houses are neither in keeping with their surroundings or appropriate to their conservation area context, close to St. Mary's Church.
- It is not clear what fencing is to surround the village hall, especially alongside the road. It is also not clear what level the south aspect windows are in relation to the properties opposite ie. whether there would be overlooking problems.

Four letters of support have also been received, which state the following:

- There are presently no suitable venues for holding farming meetings. The village hall would provide an excellent and well-used facility for the village.
- The site is an eyesore and not a village amenity.
- The proposals offer a sympathetic development to this important site.
- The important vista through to the church is maintained.
- The mature limes trees would be retained.
- The provision of a village green and a play area would benefit the whole of the village.
- The community hall and associated car parking area will be an important asset for the village.
- This is an opportunity for the developer and architect to introduce a design and materials which are appropriate and in keeping with the village setting.
- We have waited over a decade to have our village hall facilities restored to us and if it means that a small parcel of land on the site has to go to a small number of houses, this is the price that must be paid.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Market Lavington and within the designated conservation area. The mature lime trees on the site are the subject of a tree preservation order. Policies PD1, HC21, HC28, HC30, HH2 and HH5 in the adopted local plan are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

This application raises a number of key issues, each of which will be addressed in turn.

Principle of Development

Policy HC21 in the adopted Kennet Local Plan concerns housing developments on unallocated sites within the Limits of Development for the larger settlements in the district, including Market Lavington. The policy covers housing developments on both 'previously developed land' and 'previously unused land'. It is considered that the majority of the site would be classified as previously unused land. In respect of such land, the policy states that applications involving more than infill or small site development will only be permitted where an assessment of the availability of previously used land in the same town/village has taken place demonstrating that this is the most sustainable location available at the time of the application and that it complies with the four criteria set out in the policy. As the part of the site on which the housing would be located is less than 0.4 hectares in size and the number of houses proposed is less than 10, the residential element of the scheme would be classed as small site development, as defined in the Kennet Local Plan Glossary. Consequently, this element of the proposal would not conflict with Policy HC21 of the Kennet Local Plan.

There is no specific policy in the Kennet Local Plan that refers to new community buildings within villages. However, as there is an extant planning permission for a community hall on the southern part of the site, the principle of constructing this element of the scheme has been established.

Impact on Conservation Area and the Setting of the Listed Church

Planning permission has already been granted for a village hall in the southern corner of the site. The scheme proposed as part of this planning application is for a building on the same footprint as previously approved but with a smaller footprint. Consequently, this element of the scheme would have a lesser impact on the conservation area than the proposal that was previously approved. The materials proposed (a mix of brick, timber boarding, and zinc for the roof) are considered to be acceptable and in any event, can be conditioned to ensure that they are appropriate to their conservation area context.

The remaining area of green space, although in the conservation area, is not considered to be of a high quality as it is not well-maintained. It would therefore be difficult to insist on its retention. Notwithstanding this, the scheme does propose the retention of the open space in the north-east corner of the site, which would be used as a village green. This will ensure that part of the open space will be retained.

The north-west corner of the site would be dedicated to housing. It is not considered that the six dwellings proposed would have a detrimental impact on the character and appearance of the conservation area. Details of existing and proposed levels have been submitted, which indicate that the levels in the north-west corner of the site would be lowered by approximately 2 metres. This would considerably reduce the visual impact of the development and would ensure that the proposed dwellings would not 'tower over' the surrounding properties. The height of the dwellings, at 6.9 metres, is not excessive, which will further reduce the visual impact of the scheme. In terms of form, the pair of semi-detached houses fronting St. Mary's Road are in keeping with the properties opposite. The positioning of these dwellings, gable end on to Grove Road, will also help reduce the impact of the houses when viewed from this direction. It is considered that the terrace of 4 houses fronting the village green area would enhance the appearance of the area. The materials to be used on the development can be conditioned, which will ensure that they are of a high quality and appropriate to their conservation area context.

It is not considered that the houses would have a detrimental on the setting of the St. Mary's Church as they are situated at the opposite end of the site, in the north-west corner, where they relate more to the nearby modern housing estate.

The proposal, with the dwellings positioned in the north-west corner of the site and the village hall at the southern end, would ensure vistas through to St. Mary's Church, an important village landmark, are maintained.

Impact on Protected Trees

The lime trees at the north-western end of the site are protected by a tree preservation order. These trees are of high amenity value and it is therefore imperative that they are not harmed by any proposed development. It is evident from the submitted details that the construction of the dwellings and path and the excavations proposed would not adversely affect the roots systems of these trees.

Impact on Highway Safety

Concerns have been raised about the road safety implications of creating two new accesses onto St. Mary's Road. However, the accesses would be onto an unclassified road which only serves St. Mary's Road itself and adequate visibility in both directions can be ensured by the imposition of a condition. The steps up to the hall from Church Street have been omitted from the scheme due to concerns that they would present a threat to pedestrian safety. Consequently, it is not considered that the proposal would be prejudicial to highway safety. Furthermore, the highway authority has not raised any objections to the proposal on road safety grounds.

Concerns have been raised about the level of parking provision associated with the development and specifically, that it would encourage on-street parking along St. Mary's Road. In respect of the residential element of the scheme, 9 parking spaces are proposed, which amounts to 1.5 spaces per dwelling. The parking standard in the Kennet Local Plan, for dwellings with up to 4 bedrooms, is 2 per dwelling. As this is a maximum standard, aimed at reducing the level of parking provision associated with developments, the proposed number of parking spaces is considered to be acceptable. Wiltshire County Council's Highways Department has raised no objections to the level of parking proposed in connection with the residential element of the scheme.

The level of parking proposed in connection with the community hall proposal is 49 spaces. This amounts to 1 space for every 5 square metres of accommodation provided within the community hall building, which accords with the standards laid down in the Kennet Local Plan. This level of provision is therefore considered to be acceptable.

Impact on Residential Amenity

The proposed village hall would be some distance away from residential properties and consequently, it is not considered that any overlooking problems would arise. Furthermore, it is not considered that the proposed dwellings would lead to a significant loss of amenity by virtue of overlooking, given their positioning in relation to surrounding properties.

Affordable Housing

Policy HC28 of the Kennet Local Plan requires the provision of an appropriate proportion of affordable housing on any housing site in the larger settlements (including Market Lavington) involving 25 or more dwellings or 1 hectare of land. As the site falls below this threshold, there is no requirement to provide an element of

affordable housing as part of the scheme. This view is supported by the Council's Housing Services Manager.

Impact on Archaeology

The site is of archaeological interest and consequently, Wiltshire County Council's Archaeologist has requested that a condition is imposed requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

Other Issues

A number of other issues have been raised by local residents, which will be considered in turn.

The question of whether there is a need for a village hall has been raised. As there is already an extant planning permission for a new community hall on the site, which could be implemented, it would be unreasonable to refuse the application for this reason.

Some local residents have commented that the site was purchased by the parish council for village use and that consequently, it should not be developed on. This is not a planning matter and therefore is not a valid reason for withholding planning permission. Similarly, the concerns raised regarding the level of public consultation undertaken, the potential for vandalism and the loss of views are not material planning considerations and therefore would not warrant the refusal of planning permission.

The issue of who will maintain the areas of open space associated with the development has also been raised. Market Lavington Parish Council has confirmed that it intends to assume responsibility for the maintenance of these areas.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 1105.L1 Rev E and 1105/501 and the amended landscaping proposals, all of which were received on 2 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 and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

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

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

REASON:

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

7 - A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

8 - Prior to the construction of the adventure play area, full details of the play equipment to be installed (including its appearance and positioning) 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 ensure that the play equipment would not adversely affect the character and appearance of the area and the protected trees on the site.

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 to and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

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

REASON:

To protect the character and appearance of the conservation area.

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

REASON:

To secure harmonious architectural treatment.

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

REASON:

In the interests of residential amenity.

13 - The barrier at the bottom of the steps, as shown on the approved plans, shall be provided in accordance with details that have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

14 - Prior to the first occupation of the dwellings hereby permitted, the access from St. Mary's Road serving those dwellings, shall be provided with visibility at a height of 1 metre above 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 25 metres to the west.

REASON:

In the interests of highway safety.

15 - The first 15 metres of the access to the community hall shall be surfaced in a well-bound consolidated material.

REASON:

In the interests of highway safety.

16 - Prior to the first use of the community hall, the existing footway along Church Street shall be extended as shown on the approved plans and in accordance with details that have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

17 - Prior to the first use of the development, the vehicle parking and turning areas shall be provided in accordance with the approved plans and shall thereafter be maintained for the parking and turning of vehicles.

REASON:

To ensure the adequate provision of vehicle parking and turning in connection with the development, in the interests of highway safety.

18 - Prior to the construction of parking spaces 6 to 11 associated with the community hall, details of a structural assessment of the retaining wall along part of the Church Street boundary, including analysis of the effects of the increased loading, shall be submitted to and approved in writing by the local planning authority. Any suggested measures (such as repairs to the wall or its replacement) shall be carried out in accordance with details that have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

19 - Prior to the first use of the community hall, bollards shall be provided on the footpath to the village centre south of the church in accordance with details (including appearance and location) that have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

20 - INFORMATIVE TO APPLICANT:

The applicant is advised to contact Mr D P Weston, Wiltshire County Council, County Hall, Trowbridge, BA14 8JD (tel. 01225 713387) for further advice on the structural assessment details required in respect of condition number 18.

21 - INFORMATIVE TO APPLICANT:

The applicant is advised that the access to St. Mary's Close will require the relocation of a street light at the developer's expense.

22 - INFORMATIVE TO APPLICANT:

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts will be necessary.

23 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from the Environment Agency and Wessex Water dated 12 July 2005 and 4 July 2005 respectively.

24 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC21, HC28, HC30, HH2 and HH5.

Item: 2

APPLICATION:	K/52836/O
PARISH:	DEVIZES
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Erection of five dwellings, access, landscaping and new children's play area and associated works
SITE:	Land at Nursteed Close playing fields, Devizes
GRID REF:	01757 60760
APPLICANT:	Defence Estates
AGENT:	RPS
DATE REGISTERED:	24th August 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to a parcel of land between Elm Tree Close and Nursteed Close in Devizes. The site covers an area of 0.46 hectares and is currently used as an informal grass recreation area. Dwellings bound the site on all four sides. There are three pedestrian accesses from Nursteed Close and one from the end of Elm Tree Close.

SITE HISTORY

K/51637/O - Erection of 10 dwellings, access, landscaping, new children's play area and associated works, application withdrawn on 23rd August 2005.

DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of five dwellings, vehicular access onto Elm Tree Close, landscaping, a new children's play area and associated works. The dwellings would be constructed at the northern end of the site with the new play area nearer the southern end. A new footpath would run through the site linking Elm Tree Close and Nursteed Close.

The application is submitted in outline with details of siting and access for consideration at this stage. External appearance, landscaping and design are reserved for subsequent approval.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout has been amended since submission to address comments made by the highway authority and the Council's Landscape and Countryside Officer. An archaeological evaluation was also carried out during the course of the application to meet the requirements of the Wiltshire County Archaeologist.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant makes various statements in support of the application which can be summarised as follows:

The proposed development would occupy 27.2% of the existing site, a lesser proportion than the previous application (K/51637/O). The remainder of the site, which presently has a rather neglected appearance, will remain as public open space. Landscape improvements will be carried out to ensure that the existing grassland is upgraded to a high standard. This will create a much more attractive and welcoming environment. A new children's play area will also be introduced to further increase the recreation amenity of the area. Improvements will also be made towards a new pedestrian / cycle access through the site, which will benefit from passive

surveillance provided by the proposed dwellings. The new footpath will be connected to the existing network of movement in the area.

TOWN COUNCIL COMMENTS

Devizes Town Council objects on the grounds that the proposal will result in the loss of open space and amenity land. It also notes that existing services do not have the capacity to cope with current number of properties – i.e. flooding, etc.

CONSULTATIONS

Environment Agency – No comment.

Wiltshire County Highways (Jacquie Trajan) – No objection subject to appropriate conditions.

WCC Archaeologist – No objection.

Wessex Water – No objection.

REPRESENTATIONS

Seven letters have been received raising the following objections:

- a) Elm Tree Close is insufficiently wide to cope with construction traffic, emergency vehicles and the additional traffic generated by the development. On-street parking is already a problem.
- b) The development would be detrimental to highway safety at the junction of Elm Tree Close with Shackleton Road and Elm Tree Gardens.
- c) The highway issues in Elm Tree Close would be resolved by accessing the development from Nursteed Close, in between nos. 12 & 14 Nursteed Close.
- d) The increase in vehicular traffic on local residential roads would be detrimental to pedestrian and child safety.
- e) The development will contribute to existing problems of traffic congestion on Nursteed Road and London Road.
- f) Insufficient off-street parking is provided for the proposed dwellings. The development will lead to increased on-street parking in the vicinity. No parking has been provided for delivery/service vehicles or those wishing to use the recreation facilities.
- g) The development will put increased pressure on existing social infrastructure – primary schools, doctors surgeries and dental practices.
- h) The site is subject to a legal covenant restricting its use to open space.
- i) Development will result in the loss of a playing field used by the public to exercise their dogs and play ball games safely away from the public highway. The land is a protected recreation site under local plan policy.
- j) There is a grass verge between Elm Tree Close and the application site which has been maintained by a local resident over the last 40 years and therefore the verge belongs to him.

- k) The pedestrian accesses into the site from Nursteed Close are privately owned and the respective owners have not been approached for permission to convert them into public rights of way.
- l) The Council has notified only a limited number of people, contrary to the standards contained in its Planning Services Charter. There is a requirement for more comprehensive consultation.
- m) Increased use of the site would result in increased noise, damage to boundary fences and litter.
- n) The existing combined foul and storm water drain cannot cope with the additional effluent generated by the development. There have already been problems with the system backing up and raw sewerage flooding the hammer head at the end of Elm Tree Close and the downstairs toilets of adjacent residential properties.
- o) The proposal sets a precedent for future development of the remainder of the site.
- p) The applicant is passing the cost of the upkeep of the play area to the taxpayer.

POLICY CONSIDERATIONS

The site lies within the Limits of Development defined for Devizes in the Kennet Local Plan 2011. The site is identified as an existing recreation site under Policy TR17. Policies HC21, HC7, AT9 and PD1 are also relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The main policy issue when considering the principle of development on this site is policy TR17 of the Kennet Local Plan 2011. This policy states that:

“Development of existing outdoor sport and recreational space for other uses within the Limits of Development of towns and villages, as identified on the Inset Maps, will only be permitted where it can be demonstrated that:-

a) the development of a small part of the existing facility provides improvements to the remaining facilities and provides for their greater use; or

b) a suitable alternative site, of comparable size and facilities, is provided in an acceptable location; or

c) the proposal is for an alternative recreational or community use of benefit to local residents. In this case the overall recreational value of the open space available to local residents must be maintained.”

The applicant is relying upon criterion (a) to justify the proposal. The key test is whether the proposal represents a “small part” of the site and whether the improvements offered to the remaining facilities “provide for their greater use”.

Officers consider that the proposal complies with the requirements of Policy TR17. The application proposes a development of five dwellings which covers 27.2% of the 0.46 hectare site. This proportion is considered acceptable when balanced against the benefits offered by the proposal. Although offering a generous “kick-about”

space, the site at present has a rather unkempt appearance with uneven ground, litter, dog fouling and infrequent grass mowing. There is evidence that play equipment once occupied the northern part of the site, but this has long since been removed.

The improvements offered by the applicant would include the installation of a 400 square metre equipped play area which would be fenced to exclude dogs, thereby providing a safe area for children's play. The remainder of the site would be brought up to adoptable standard and a footpath constructed between Elm Tree Close and Nursteed Close. The developer would provide appropriate landscaping and benches. It is envisaged that the whole site would be transferred into the Council's ownership in order that it may maintain the site for the future benefit of the community. The developer would pay a commuted sum of over £65,000 for future maintenance.

It is not considered that the development would be detrimental to the residential amenities of the occupants of any of the dwellings surrounding the site.

With regard to the objections raised by third parties officers can comment as follows:

- (a)-(e) The highway authority raises no objection to the development. It would therefore be difficult to substantiate refusal on highway grounds. There is no basis on which to require the site to be accessed from Nursteed Close.
- (f) The development makes provision for an average of 1½ car parking spaces for each of the four terraced dwellings and a garage/driveway for two cars for the detached dwelling. This level of parking is considered acceptable in view of the Council's adopted maximum parking standards and government guidance contained in PPG3.
- (g) It is not considered that a development of five dwellings would have a material impact upon existing social infrastructure. The proposal accords with the local plan's development strategy to concentrate development in the main towns of the district. There are no local plan policies requiring developer contributions towards education or health infrastructure for developments of the size proposed.
- (h) The fact there may be a legal covenant on the land restricting its use to open space is not a planning matter.
- (i) The site is protected recreation space under the terms of Policy TR17, but the terms of the policy allow for the development of a small part of the site if it results in improvements to the remainder which allow for their greater use. This is the case in this instance.
- (j)-(k) Landownership is not a planning issue. The ownership of these pieces of land is a matter to be resolved privately between the relevant parties.
- (l) Neighbour notification letters were sent to 52 properties in Nursteed Close, Elm Tree Close, Elm Tree Gardens and Shackleton Road. In addition, four site notices were posted at the entrances to the site in Elm Tree Close and Nursteed Close. This level of publicity is considered to be acceptable and appropriate to the nature of the application.
- (m) It is not considered that the proposal would result in a material increase in the level of noise, damage to boundary fences or litter. The proposed play

area has been carefully sited away from domestic property boundaries, litter bins would be installed and additional passive surveillance would be provided from the new dwellings. The Council's involvement should ensure a higher standard of maintenance and litter control.

- (n) With regard to the issue of flooding, Wessex Water raises no objection to the proposals. It does, however, recommend that surface water is not discharged to the public combined sewer. This can be secured by way of a planning condition requiring details of surface water drainage to be submitted, with the aim of using soakaways or other forms of sustainable urban drainage. Whilst this may not solve any pre-existing problems with the sewer system, it would minimise the amount of additional effluent entering the system and would not exacerbate the problem.
- (o) The proposal would not set a precedent for future development of the remainder of the site, since the basis on which this application is being recommended for approval is that the remaining recreational land will be improved and transferred to the Council for future maintenance.
- (p) The future upkeep of the play area will be paid for by the developer by way of a commuted sum which covers 20 years of maintenance.

RECOMMENDATION

Defer and delegate to Planning Services Manager to approve subject to the prior completion of a legal agreement to secure the improvements to the recreation space (including commuted sums for maintenance), and subject to the conditions set out below:

1 - This permission relates only to the scheme of development shown on the revised plans (Drawing no. JWD:0375-601-1 revision H) received by email on the 30th 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.

2 - Approval of the details of the design and external appearance of the buildings 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.

REASON:

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

3 - 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.

4 - The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:

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

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved in writing by the local planning authority before work commences on site. Development shall be carried out in accordance with the approved details. No surface water shall be discharged to the public combined sewer in Elm Tree Close.

REASON:

To ensure satisfactory surface water drainage.

7 - Before any part of the development hereby permitted is first occupied the access onto Elm Tree Close, vehicle turning head 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.

8 - Before any of the dwellings hereby permitted are first occupied the play area shall be installed, the grassed area around it upgraded to adoptable standards and the new footpath laid out and properly consolidated with suitable lighting and benches, in accordance with the principles shown on the approved plans and in accordance with further details which have first been agreed in writing by the local planning authority.

REASON:

The site is protected recreation land under the terms of Policy TR17 of the adopted Kennet Local Plan 2011. That policy states that development of a small part of the facility will only be permitted where it provides improvements to the remaining facilities and provides for their greater use.

9 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC21, HC7, TR17, AT9 & PD1.

10 - 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 *****.

Item: 3

APPLICATION:	K/52867/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two new staff houses
SITE:	College Fields, Marlborough College, Marlborough
GRID REF:	18112 68967
APPLICANT:	Marlborough College
AGENT:	Michael Fowler Architects
DATE REGISTERED:	31st August 2005
CASE OFFICER:	Mr A Guest

This is the first of three planning applications on this agenda relating to proposed staff accommodation at Marlborough College.

SITE & LOCATION

The application site lies to the rear of existing houses fronting the north-east side of College Fields, Marlborough and to the south-west of the leisure centre. It comprises, in part, an area of unmanaged woodland the subject of a tree preservation order. Access is via an existing drive serving an existing college staff house. This drive joins College Fields at its junction with the access road to the leisure centre. Ground level falls away from the west to the east.

The site lies within the Limits of Development of Marlborough and the Area of Outstanding Natural Beauty. The woodland is subject to a tree preservation order.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is to erect two detached staff houses for the college. The houses would be two storey although split level, set into the hillside so appearing as single storey when viewed from the upslope/west side. Parking and turning spaces would be provided off the existing access drive.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

In support the applicant states the following:

“Marlborough College employs about 452 full and part time staff, of which about 120 are teaching staff. The remainder are administrative staff who generally live locally. The teaching staff are usually employed from outside the area, and in order to make the transition from another school to this, accommodation is offered as part of the remuneration. The College also employs graduate assistants from America and Australia and is obliged to accommodate these, and similar temporary appointments to cover maternity, paternity and other short term absences by full time staff.

Thirty teaching staff have to be accommodated on campus and the remaining staff need to be accommodated close to the campus to deal with the demands of a 24 hour per day, 7 days per week boarding school.

The college has 121 units of accommodation of which 26 house Pensioners of the College and Estate Department staff on 24 hour call out. This leaves 95 units to accommodate a teaching body of 120. Some of course have their own accommodation, but despite heavy use of the limited local rented accommodation available in July and August when teaching staff moves occur, the college has a shortfall of accommodation.

The College would therefore like to address this problem by constructing ten semi-detached, detached and terraced houses.

All three sites will provide accommodation for teaching staff within easy walking distance of all parts of the college".

TOWN COUNCIL COMMENTS

No objection.

CONSULTATIONS

County Highways (Paul Galpin): No objection, subject to conditions relating to the access track, widening the entrance and provision of turning facilities and a waiting bay.

REPRESENTATIONS

Five objection letters have been received summarised as follows:

- 'Creeping' development outside limits of development and contrary to development plan;
- Site too small to accommodate two houses;
- Loss of trees. Harmful to amenity and views;
- Access is too close to junction posing an accident risk.

One letter of support has been received.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policies PD1, HC21 and NR8 are relevant. The site lies within the AONB, which covers the whole of Marlborough. Trees on the site are protected by a woodland tree preservation order.T

PLANNING OFFICERS COMMENTS

The main issues in this case are firstly the principle of residential development, and if this is accepted the impacts of the specific proposal on the character and amenities of the area, the tree preservation order and highway safety.

Regarding the principle of development, the site lies within the Limits of Development of Marlborough as defined in the Kennet Local Plan. Within the Limits of Development policy HC21 allows small scale housing development on previously unused land provided, in particular, it can be demonstrated that the site is sustainable, the scale of the proposal reflects the scale and character of the settlement, and other requirements of the plan are met. In principle the proposal is, therefore, acceptable.

With regard to sustainability, the site lies close to Marlborough's range of facilities and public transport connections. It is also amongst established residential development and, as such is broadly in character with established surrounding development and would cause no harm to the Area of Outstanding Natural Beauty.

In terms of character and amenity, the proposal is for two houses only at a low density. This is in-keeping with established development in College Fields. The retained gap between the closest of the two proposed houses and the common boundary with existing properties in College Fields is 15/16m with some intervening tree planting and a drop in levels. These circumstances would ensure no adverse impact on residential amenity.

Regarding the tree preservation order, the dwellings lie predominantly in an unmanaged gap in the woodland. The woodland has been largely unmanaged for many years and is in need of considerable silvicultural work. The few trees to be removed are of low amenity value, and would be replaced as part of a landscaping scheme. Subject to suitable tree protection during the construction phase, no adverse impact should be caused to the amenity interests protected by the tree preservation order.

Regarding highway safety, access to the proposed houses would be via an existing drive serving an existing staff house. This drive joins College Fields close to its junction with the access road to the leisure centre. Wiltshire County Council raises no objection to this arrangement in view of the limited scale of the proposal (two new houses only).

In summary, this is a sensitive scheme which fits in with the established pattern of development in the area. It would cause no adverse harm to amenity or the AONB, and provides an opportunity to enhance the preserved woodland.

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

REASON:

To secure harmonious architectural treatment.

3 - All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size

and species, unless otherwise agreed in writing by the local planning authority. 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 - 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - Prior to the commencement of development a services plan shall be submitted to the local planning authority for approval in writing showing the position of any trees proposed to be retained and of all pipes, drains, sewers, and public services, including gas, electricity, telephone, water. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into

the ground subsequently without the prior written consent of the local planning authority.

REASON:

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

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

REASON:

In the interests of visual amenity.

8 - The access track to the dwellings shall be properly consolidated and surfaced (not loose stone or gravel) before the dwellings are occupied, in accordance with details which are to be submitted to and approved in writing with the local planning authority. At the junction with the public highway the access shall be widened in accordance with the details set out on drawing 040113-13 prior to the occupation of either of the dwellings approved.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

10 - 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, HC21, NR8 & NR10.

Item 4:

APPLICATION:	K/52868/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of six new staff houses
SITE:	Barton Dene, Marlborough
GRID REF:	18129 69047
APPLICANT:	Marlborough College
AGENT:	Michael Fowler Architects
DATE REGISTERED:	31st August 2005
CASE OFFICER:	Mr A Guest

SITE & LOCATION

The application site lies to the south-west side of Barton Dene, and to the north-west of two existing houses and the Marlborough Leisure Centre. It comprises part of an open field. Access is via Barton Dene which is a private road serving college properties including houses and the estates department. Ground level rises from the east to west sides of the site.

The site lies largely outside the Limits of Development of Marlborough although immediately adjacent to the boundary. The site also lies within the area of outstanding natural beauty, which covers the whole of the town.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is to erect six staff houses for the college. These would be a single detached house and a row of five terraced houses. The detached house would be positioned towards the west side of the site on a 'building line' similar to the pair of existing houses immediately adjacent. The terraced houses would be at 90 degrees to this, running down the hill to Barton Dene to the east. All would be traditional in design and two storeys in height. A turning area and parking court for eight vehicles would be laid-out in the 'square' created in front of the houses. Three further spaces would be laid-out in front of the two existing houses.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's statement is as set out the previous agenda item (K/52867).

TOWN COUNCIL COMMENTS

No objection.

CONSULTATIONS

County Highways (Paul Galpin): - The highway authority would normally only accept up to five new dwellings served by a non-adoptable road. This issue can be resolved providing that a condition is applied that the six houses are only for staff and ancillary use of Marlborough College as the development is within the grounds of the College. This condition would also overcome why a likely highway objection on the grounds of

sustainability has not been raised as the development is on the edge of the Limits of Development for Marlborough in the Kennet Local Plan.

It is important that the width of the access from College Fields should be a minimum of 4.5m for the first 5m. This will enable two cars to pass in the entrance. There should also be 12 car parking spaces for the six dwellings.

County Archaeologist:: - The proposed development area is of archaeological interest. To the east over 500 Saxon pottery sherds were discovered during the construction of a tennis court. Furthermore, prehistoric material and Romano British pottery has been discovered in the vicinity. Recommend condition requiring an archaeological watching brief.

REPRESENTATIONS

Five objection letters have been received summarised as follows:

- Site is outside Limits of Development of Marlborough – creeping development contrary to Local Plan. No cogent argument given for proposing this site;
- Intrusive development harmful to views and Marlborough landscape setting area;
- Access from College Fields to Barton Dene has poor sight lines and is too narrow to allow two cars to pass – this causes queuing on College Fields, impeding traffic flows;
- Existing properties are available for sale in area which could meet college's need for accommodation.

One letter of support has been received summarised as follows:

- This is an opportunity to make better use of the land provided it does not set a precedent.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, HC27, NR8 & NR10 are relevant.

PLANNING OFFICERS COMMENTS

The main issues in this case are firstly the principle of residential development, and if this is accepted the impacts of the specific proposal on the character and amenities of the area (including the Marlborough Landscape Setting policy area), and highway safety.

Regarding the principle of development, the application site lies immediately adjacent to, but outside, the Limits of Development of Marlborough. In countryside locations such as this Policy HC27 of the Local Plan states that planning permission for dwellings should only be granted where accommodation is required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. The proposal is to provide staff housing for Marlborough College. Accommodation for this purpose does not 'fit' within the exceptions referred to in Policy HC27 and, as such, is contrary to the policy as a matter of principle.

Notwithstanding this, it is acknowledged that there is acute pressure for 'affordable' housing in Marlborough in general. The College has demonstrated that it requires accommodation for staff, and it is reasonable to assume that an element of the staff

would not necessarily be able to afford open market housing in Marlborough. For this reason it is considered sensible that the College should offer accommodation to staff. As much of the College's property lies outside the Limits of Development, the potential to provide the accommodation within the Limits of Development is restricted. The current site has, therefore, been proposed.

Having regard to this background it is not considered that the usual presumption against housing outside the Limits of Development should be rigidly applied particularly where, specifically in this case, there is no actual harm to other interests (demonstrated below). This approach is very much an exception to the usual policy approach, and reflects the special circumstances of the college and the particular characteristics of the actual application site. For these reasons it is not considered that a grant of planning permission in this case would set a precedent for housing development elsewhere in Marlborough. Any planning permission would need to be subject to a restriction on the nature of occupation of the houses and a condition is recommended accordingly. As the proposal is a departure from the Local Plan it would be necessary to refer the application to the Government Office before issuing any decision.

Regarding amenity, the site lies at one side of an open field, within the AONB and the Marlborough Landscape Setting policy area. Within the AONB Policy NR8 of the Kennet Local Plan requires regard to be given to the landscape quality of the area. Policy NR10, relating to the landscape setting of Marlborough, resists development which would adversely affect the distinctive character or appearance of landscape features and uninterrupted views.

In terms of views, there is presently no planted buffer at the edge of the 'town' in this area and consequently the back of the leisure centre dominates views from the countryside to the north, and views north from the leisure centre are dominated by an existing pair of cottages outside the Limits of Development and running at right angles across the valley floor. The site itself is contained largely at the bottom of a narrow valley which is well-wooded on the western side and contains large mature trees to the east. To the west is the Barton Park housing development, and to the east Marlborough College playing fields.

Long distance views are limited, and local views are dominated by existing buildings. The new development would be read against the existing 'built' backdrop, and consequently would not, it is considered, have a harmful impact on views or the landscape in general. The application includes a comprehensive landscaping scheme which would reduce further the impact of the development and create a well-treed town edge which is lacking at present. This specific aspect of the proposal would positively enhance the AONB in accordance with policy.

Regarding residential amenity, the proposed houses are sufficiently distanced from neighbouring properties to ensure no loss of privacy.

Regarding highway safety, county highways require improvements to the junction of Barton Dene with College Fields, and a condition is recommended accordingly. Eleven delineated parking spaces are proposed, but sufficient area exists for further ad hoc parking if required to satisfy the shortfall suggested by county highways.

To summarise, although the proposal is strictly contrary to policy, special circumstances exist in this case which override the usual presumption against development outside the Limits of Development. These circumstances are the need to provide staff accommodation at the college, and the limited harm, and actual

enhancement, to the landscape which would result from development of this specific site. For this reason the application is recommended for approval although subject to prior referral to the Government Office as a departure from the development plan. It is also important to ensure that the houses remain available for their intended purpose, and for this reason, a condition restricting their occupancy is recommended.

RECOMMENDATION

Subject to referral to the Secretary of State as a departure from the development plan – approve with conditions

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

In the interests of visual amenity.

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

REASON:

To safeguard the site of archaeological interest.

6 - The occupation of the dwellings hereby approved shall be limited to persons solely or mainly working, or last working, at Marlborough College, or the widows or widowers of such persons, and to any resident dependants.

REASON:

The site lies largely outside the Limits of Development of Marlborough. The development is permitted as an exception to the usual presumption against new residential development in such areas in view of the requirements for staff accommodation at the college.

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure shall be erected within the curtilages of the dwellings hereby permitted without the prior written approval of the local planning authority.

REASON:

To enable the local planning authority to retain control over such development in the interests of protecting the landscape quality of the AONB and Marlborough Landscape Setting policy area.

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

REASON:

In the interests of highway safety.

9 - Prior to the first occupation of any of the dwellings hereby approved, the first 5m of the access road to the site from College Fields (from the point the access road joins the carriageway with College Fields) shall be increased in width to 4.5m and shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details to be first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety

10 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HC26, HC27 & NR8.

Item: 5

APPLICATION:	K/52866/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two new staff houses
SITE:	College Fields, Marlborough College, Marlborough
GRID REF:	18124 68868
APPLICANT:	Marlborough College
AGENT:	Michael Fowler Architects
DATE REGISTERED:	31st August 2005
CASE OFFICER:	Mr A Guest

SITE & LOCATION

The application site comprises a prominent, raised plot of land positioned on the south side of College Fields. The site is largely open although occupied by a block of three prefabricated garages and a number of mature trees. A private college footpath runs along the west side of the site with a residential property (non-college) beyond. College buildings are located to the east of the site.

The site lies within the Limits of Development of Marlborough and the Area of Outstanding Natural Beauty.

At the time of writing, there had been no objections lodged against this proposal. However, as it forms part of the larger project described in the two previous applications, it has been considered appropriate for it to be dealt with at the same time.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing garages and erect a pair of semi-detached houses to be occupied by college staff. The dwellings would be set back behind the 'building line' formed by the existing residential development to the west, with their rear elevations and rear gardens fronting College Fields. Parking and turning areas would be provided to the south of the houses with access from a college service road.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's statement is as set out in the report for K/52867/F above.

TOWN COUNCIL COMMENTS

No objection.

CONSULTATIONS

County Highways (Paul Galpin): no objection subject to a condition requiring the provision of 5 parking spaces.

REPRESENTATIONS

There have been no representations.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, HC21 and NR8 are relevant.

PLANNING OFFICERS COMMENTS

The main issues to be considered are firstly the principle of residential development, and if this is accepted the impact of the specific proposal on amenity.

Regarding the principle of development, the site lies within the Limits of Development of Marlborough as defined in the Kennet Local Plan. Within the Limits of Development Policy HC21 of the plan allows small scale housing development on previously developed land provided, in particular, it can be demonstrated that the scale of the proposal reflects the scale and character of the settlement, and the proposal does not conflict with other policies of the plan. In principle, the proposal is, therefore, acceptable under this policy.

With regard to amenity, the proposed dwellings are traditional in design, and there is sufficient space to avoid a cramped or overcrowded appearance. Sufficient space would be retained between the dwellings and the neighbouring property to ensure no adverse impact on privacy. The orientation of the houses is the reverse of others further along the road, although this is not considered to be an issue having regard to the proposed boundary treatment which would comprise a hedge. Other college properties to the west of the site also back on to College Fields, and the proposal, therefore, reflects the random character of the road.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - 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.

5 - Prior to the commencement of the development hereby approved, full details of the proposed materials and method of construction of the car park spaces, footpaths and other areas of hardstanding shall be submitted to the local planning authority for approval in writing. The details shall take account of the need to safeguard existing trees on, and close, to the site. The development shall be carried out in accordance with the approved details.

REASON:

To safeguard important amenity trees.

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure shall be erected or placed within the curtilages of the dwellings hereby approved.

REASON:

To enable the local planning authority to retain control over such development in the interests of safeguarding amenity trees.

7 - The detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any trees proposed to be retained and of all pipes, drains, sewers, and public services, including gas, electricity, telephone, water. Once

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

REASON:

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

8 - 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.

9 - INFORMATIVE TO APPLICANT:

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

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

Item 6:

APPLICATION:	K/52686/F
PARISH:	CHUTE FOREST
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey extensions to dwelling
SITE:	Cedar Lodge Chute Forest
GRID REF:	30997 51618
APPLICANT:	Mr K Hardiman
DATE REGISTERED:	1st August 2005
CASE OFFICER:	Mr N Britton

SITE & LOCATION

This part of the settlement of Chute Forest consists of a loose grouping of properties situated on a private track off Lodge Lane, south of the parish church. Various modern properties are mixed with some of the original rural estate buildings of Chute Lodge. The application site is a two-storey 'Colt' house faced in cedar board cladding with patent metal window frames, under an interlocking tiled roof. It is set in a large garden partly surrounded by a high brick wall and the entrance is flanked by brick piers. On its west side is a brick and tile outbuilding of older date which adjoins the boundary, and forward of this a flat-roofed double garage. To the west of the property of this are two older properties which appear to have been converted from original estate buildings. Their rear gardens abut the application site.

DESCRIPTION OF DEVELOPMENT

It is proposed to erect a two-storey extension to the house which will integrate it with the outbuilding on the western boundary, infilling a narrow open yard between the two. The extended roof will join the ridge of the existing outhouse roof. A new section will be formed extending towards the rear garden, with the south facing bedroom and kitchen elevations glazed from ground to roof height. This portion of roof will slightly oversail a narrow balcony serving the new bedroom. Also on the upper floor will be two bathrooms, while an extended kitchen and a new study will be provided on the ground floor.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The number of roof lights on the west facing roof slope has been reduced from four to two, one to light a games room in the existing outbuilding on the ground floor, the other to light an en-suite bathroom above. The south facing balcony has been reduced in width to match the opening doors, and a minor discrepancy in the drawings corrected.

ADDITIONAL STATEMENT BY THE APPLICANT

A lengthy design statement has been submitted, which makes the following material points:

- the extension will be constructed in wooden or steel frame mixed with some more traditional construction,
- whenever possible, materials will be salvaged and re-used, and new materials will match the existing,
- two trees will have to be removed,
- the house will remain in proportion with other properties.

PARISH COUNCIL COMMENTS

Chute Forest Parish Council has no objection, but asks that the Council consider the effects of a two-storey extension on neighbouring properties, specifically the impact on privacy and access to light. In particular:

- i) the first floor balcony would impose on the privacy of neighbours,
- ii) the use of frosted glass should be made a condition.

The Parish Council's views on the amended plans are awaited.

REPRESENTATIONS

Seven objections have been received, one of which is from Devon and another from London.

The objections received have been lengthy but may be summarised as follows:

- house would approach too close to neighbours,
- would create a two-storey house on common boundary,
- loss of amenity and privacy to neighbouring dwellings,
- loss of outlook from neighbouring dwellings,
- loss of light and direct sunlight,
- intrusion of domestic noise and lighting,
- impact on private gardens,
- roof lights are oppressive and unnecessary, and could be relocated,
- balcony likely to result in overlooking,
- detrimental to rural setting and character of the area,
- detrimental to AONB,
- removal of trees covered by a tree preservation order,
- excessive density for the area,
- extension is out of proportion and not subservient to main house,
- footprint of dwelling would be enlarged by two-thirds, 75%,
- outbuilding has never been used as living accommodation,
- the proposal incorporates a workshop
- the house could be extended at the other end instead, or north/south.

The objectors' views on the amended plans are awaited.

POLICY CONSIDERATIONS

The site is within the North Wessex Downs AONB where Policy NR8 of the Kennet Local Plan 2011 requires that priority to be given to the conservation of the character and scenic quality of the landscape. Policy PD1 requires a high standard of design in all new development, including consideration of scale, height, massing, relationship to landscape context, elevational treatment, building materials and the impact on residential amenity.

PLANNING OFFICER'S COMMENTS

The determining issues with this application are:

- the effect on the locality which is within the setting of a listed building and an area of Outstanding Natural Beauty;
- the design of the extension;
- the effect on the amenities of the neighbours.

Although the nearby Chute Lodge is listed, its curtilage was subdivided many years ago and it is well separated from the application site. The proposed development would not have any greater effect on its setting than the present arrangement.

Likewise the site is well enclosed and the proposal would not have any effect on the AONB.

The existing house is a well proportioned 'Colt' design with the characteristic timber cladding and metal window frames. It is set centrally within its large plot and has a satisfying symmetrical appearance from the front when viewed through the original ornamental brick entrance piers. This harmonious design would not be adversely affected by an extension to the west, which would be subservient to the main projecting frontage and would link up to the existing substantial outbuilding. The change would be greater from the rear, but this aspect is hardly visible from outside the site. The design detail satisfactorily combines elements of both parts of the existing property.

The footprint of the existing house is approximately 100 square metres, which when added to the outbuilding and garage totals approximately 186 square metres. The additional footprint would be approximately 50 square metres, comprising a percentage increase of 27 %. Over two floors, the percentage increase in floorspace would be approximately 50%. However, this makes economical use of the substantial enclosed yard areas between the house and the outbuilding, and is not considered excessive in the circumstances of the site.

The principal objections to the proposal relate to the overlooking and overshadowing of the modest former cottages to the west. Although the extension will largely retain the orientation of the existing house the proposal will bring the building nearer to those adjacent dwellings and as such, there is likely to be some loss of direct sunlight to The Old Stables in the winter months. However, the overall reception of daylight should not be materially worsened and Chute Lodge Cottage should not lose any significant sunlight or daylight, in fact the proposal to remove two trees could create more light. With regard to the issue of dominance whilst the roof slope of the outbuilding would now rise to the first floor level of the extension, and it would be extended to the rear at ground floor level, it is considered that there would be no detrimental impact on those neighbours due to dominance.

The potential for overlooking of the adjacent properties is limited. The two rooflights on the new west-facing roof slope (reduced from four) will be situated above head height and can be restricted to obscure glazing by condition. The new bathroom windows face towards the front garden and will afford only oblique views across the neighbour's rear garden. The main impact is likely to be from the new glazed screen and balcony which serve the master bedroom at the rear, and will obliquely overlook the private garden of Chute Lodge Cottage. In any residential area, even where the density of development is low, there is bound to be a measure of overlooking of gardens. In this instance it is considered that, due to the oblique view, the reduced balcony size and the distances involved, the proposal would not result in a loss of privacy that would justify refusal of the application.

A final issue raised by neighbours concerns the two trees to be removed to the rear of the property. These are not particularly attractive specimens and their loss will not adversely affect the area. They are not covered by the nearby tree preservation orders.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans KH1, KH2 and KH5, received on the 23 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 and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

4 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows or other openings, other than those shown on the approved plans shall be inserted in the west elevation, including the roofslope, of the existing building or the extension hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

5 - The use of the remainder of the projecting area on the southern elevation of the extension outside of the post and wire safety barrier shall not be used as a balcony, sitting out area, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON:

In order to protect the privacy of nearby residential properties

6 - The roof lights in the west elevation shall be fixed shut and shall be glazed with obscured glass and shall be so maintained at all times.

REASON:

In the interests of the privacy of neighbouring properties

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 HH8, NR8, PD1.

Item 7:

APPLICATION:	K/52772/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of timber boarded fence
SITE:	10 Ducks Meadow Marlborough
GRID REF:	18922 68604
APPLICANT:	Mr and Mrs K Mitchell
AGENT:	Humberts
DATE REGISTERED:	11th August 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

10 Ducks Meadow is a 1970's semi-detached dwelling within the Ducks Meadow estate, Marlborough. When driving along George Lane towards the Citroen Garage turn left almost directly opposite the entrance to George Lane Car Park. Follow the road around to the right and continue forwards. 10 Ducks Meadow is the second dwelling on the left.

SITE HISTORY

70/043 – Planning permission was granted in August 1970 for the housing development at Ducks Meadow. Condition 4 of this consent specified that:

“Notwithstanding the provision of the Town and Country Planning General Development Order 1963, no gates, walls, fences or other means of enclosure shall be erected between the fronts of the dwellings and the adjoining roads”.

DESCRIPTION OF DEVELOPMENT

This is a retrospective application for the retention of a vertical timber boarded fence erected to the front of the dwelling along a small section of the eastern boundary. The fence measures 1.05m high by 5.07m in length and has been stained.

TOWN COUNCIL COMMENTS

No objection

CONSULTATIONS

County Highways (Paul Galpin) – No objection.

REPRESENTATIONS

Three letters of objection have been received from neighbouring residents who raise the following points;

1. The fence is clearly in breach of the planning condition which stipulates that no fence or wall shall be erected between the fronts of the dwellings and the adjoining roads.
2. Approving this application would set a precedent for further fences, gates etc which would change the pleasing current look and would set a precedent for change within the Barton Park and College Fields estates.
3. The fence goes beyond the building line of the existing house
4. The fence is the wrong way around and the fence posts are on the neighbours land.

5. The fence is ugly.

POLICY CONSIDERATIONS

Kennet Local Plan – Policy PD1 (Development and Design) is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Concern has been raised that the fence is in breach of condition 4 of planning permission 70/034. While permitted development rights have been removed for fences, walls, gates etc. between the fronts of the dwellings and the adjoining roads within the estate, this does not prevent such development being applied for and approved provided they are well designed and in accordance with relevant policies in the local plan. It simply gives the Council the ability to control the development.

Treating the application on its own merits, in this case the small section of fencing is low in height, appropriately finished and set back from the road. It is also partly screened by existing vegetation. In these circumstances, it is not considered to be detrimental to the character and appearance of the area. The proposal is therefore considered to be in accordance with PD1. In terms of precedent, because of its acceptable appearance, it is not considered to set an undesirable precedent. Any additional fences could still be refused if they were more intrusive by reason of height, location and design.

As regards landownership, this is a private property issue and not a material planning consideration. The applicants contend that the fence is situated wholly within their property and the matter is therefore one for the respective parties to resolve.

RECOMMENDATION

Approve with the following conditions

- 1 - This permission relates solely to the existing length of fence erected at 10, Ducks Meadow.

REASON:

To define the extent of the permission, in the interests of clarity.

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: policy PD1.

3 - 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: 8

APPLICATION:	K/52766/LBC
PARISH:	CHIRTON
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Replacement of existing kitchen to garden door and adjacent window with double doors and fixed side lights
SITE:	Old Manor The Street Chirton
GRID REF:	07411 57648
APPLICANT:	Mrs M Harbord
AGENT:	Digby Rowsell Associates
DATE REGISTERED:	10th August 2005
CASE OFFICER:	Miss R Yeomans

This application is presented to the Regulatory Committee at the request of Councillor Molland.

SITE & LOCATION

The site is a grade II listed detached building located towards the northern end of The Street in the village of Chirton, next to the church, and is also set within the conservation area. The site can be found by taking the turning from the A342, Andover Road, into Chirton, and proceeding north along The Street. After the school on the left, the road bends round to the right and the site can be found on the left hand side after the church.

SITE HISTORY

K/38164 – Two storey rear extension in place of garage, extended side lean to, new double garage and new window to south elevation – Granted planning permission 19th November 1999.

K/38163/L - Two storey rear extension in place of garage, extended side lean-to, new double garage and new window to south elevation – Granted listed building consent 19th November 1999.

K/51016/L – Purpose made doors and sidelights to replace existing. Listed building consent refused 15th November 2004.

DESCRIPTION OF DEVELOPMENT

The current application follows the refusal of a similar application last year. The slightly revised proposals (in terms of details) include the removal of an existing door and window (currently serving a kitchen) from the 19th century wing (not the recent extension) and their replacement by a range of fully double glazed French windows and sidelights under a new timber lintel.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicants have submitted a statement in support of their application explaining how they feel the loss of historic fabric will be negligible and that the proposals are necessary to improve the link between the working kitchen and gardens. A copy of the statement is available on file for inspection.

PARISH COUNCIL COMMENTS

No objection.

REPRESENTATIONS

No representations have been received.

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

As stated previously, the application follows the refusal of a similar application last year. The key issue associated with the application is the impact that the proposed alterations would have on the architectural qualities, historic fabric and setting of this Grade II listed building. The proposal would involve the loss of an attractive 19th century flush casement window which matches others within the range. The adjacent door appears to be of modern construction but is of an appropriate style in this context. PPG 15 acknowledges the importance of openings to the character of a building and states that “as a rule, windows in historic buildings should be repaired, or if beyond repair should be replaced ‘like-for-like’” (C.40). The PPG also notes that “door and window openings establish the character of an elevation; they should not generally be altered in their proportions or details” (C.9).

In contrast, the wide opening and new fully double glazed windows and the timber lintel above would be of a modern form, wholly out of character with this listed historic building. Although joinery details have been submitted these include no details of the glazing bars (which are likely either to be of considerable thickness to accommodate the dg units or, alternatively, ‘stick-on’ versions – neither is an acceptable solution in the context of a listed building). PPG 15 also notes that the appearance of double glazed units is “rarely acceptable” in listed buildings (C.50). Although it is accepted that similar French windows already exist within the building, these are located within a newly constructed wing to the rear of the property and are not at all prominent within the same context as historic areas of the building.

Although a short supporting statement has been submitted it fails to make it clear why the alterations are desirable or necessary (PPG 15 3.4) in securing the future of the building. The loss of historic fabric combined with the inappropriate detailing of the proposed replacements mean that the proposals could in no way be said to comply with the requirements of the government guidance quoted above. For these reasons refusal of the application is recommended.

RECOMMENDATION

Refuse

1 - Replacing the existing kitchen door and window in the historic core of the building with fully glazed 'French doors' of a modern design would cause harm to the character and appearance of this Grade II Listed Building and result in the loss of historic fabric. The proposal is therefore contrary to Government advice in Planning Policy Guidance Note no. 15 - Planning and the Historic Environment.

Item 9:

APPLICATION:	K/52798/F
PARISH:	SAVERNAKE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Alterations and additions to outbuildings to form ancillary accommodation.
SITE:	Brick Farmhouse, Clench Common, Savernake
GRID REF:	17092 65454
APPLICANT:	Mr and Mrs A Gray
AGENT:	Mr L S Dobie
DATE REGISTERED:	17th August 2005
CASE OFFICER:	Miss R Yeomans

SITE & LOCATION

The site is a detached dwelling with an outbuilding located to the rear. It can be accessed from Marlborough by taking the Pewsey Road (A345). After a couple of mile the road bends first to the left and then fairly sharply to the right through Clench Common. After this bend the property can be found on the left hand side.

SITE HISTORY

K/39546 – Construct new vehicular and pedestrian access from public road. Granted planning permission 28th July 2000.

K/40930 – The erection of a conservatory, entrance porch, replacement of a flat roof with a pitched roof and stables block.

DESCRIPTION OF DEVELOPMENT

The application proposes alterations and additions to the current outbuilding (part of which has clearly been used as a residential annexe on two floors) to form ancillary accommodation. This includes raising the roof height of the current pitched element of the roof by approximately 1.4 metres and replacing the current asbestos roof with slates / tiles. It is also intended to convert the existing attached outbuilding into an additional room, with a pitched roof added to create a first floor box room.

ADDITIONAL STATEMENT BY THE APPLICANT

No additional supporting statement has been submitted with the application. However the applicants have advised that the accommodation is for their mother.

PARISH COUNCIL COMMENTS

Savernake Parish Council objects to the application on the basis that there is no justification or need for a new dwelling in the countryside. The parish council also comment that it would set a precedent for other outbuildings to be converted to private dwellings. They also object on the basis that the access for both pedestrians and vehicles is dangerous and that the intensification of use will increase the risk of an accident.

REPRESENTATIONS

No representations have been received.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 (general design principles) and NR8 (area of outstanding natural beauty) are relevant to this application.

PLANNING OFFICERS COMMENTS

It appears that the building in question, which lies within the garden of the farmhouse, has been used for many years to provide additional residential development on two floors. The applicants have advised that it was originally an agricultural workers dwelling. The flat roofed store/workshop addition also appears to have been in existence for many years. Therefore the principle of the building being used for residential purposes ancillary to the dwelling is not in question, merely the alterations that are proposed. For this reason it is not considered that the proposal would set a precedent for other detached dwellings in the countryside, and traffic generation is unlikely to be significantly different from the existing.

The current outbuilding is constructed from a whole range of materials, including a cement fibre roof. The application proposes to improve this through renovation and extension. Whilst the roof height is intended to be raised, the site is well screened from the roadside, and there are no other public viewpoints. The property is surrounded by fields, and views from neighbouring properties are distant.

Although the building is proposed to be increased slightly in footprint, it would largely follow the footprint of the existing outbuilding, and would still remain subservient to the main dwelling, sitting in the garden of the house. The design and materials are considered appropriate to the existing buildings and, in fact, the alterations should improve the appearance of the outbuilding.

It is considered essential to impose a condition restricting the occupancy of the building to ancillary accommodation.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

3 - Before the development is first brought into use the external walls shall be rendered and colour-washed in a colour to be approved in writing by the local planning authority and the timber boarding shall be stained in a dark colour or as otherwise approved in writing by the local planning authority.

REASON:

To secure harmonious architectural treatment.

4 - The additional residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Brick Farmhouse.

REASON:

The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

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 & NR8.

Item: 10

APPLICATION:	K/52820/F
PARISH:	SAVERNAKE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey side extension for music room
SITE:	Martinshill Farm, Clench Common, Savernake
GRID REF:	17447 65222
APPLICANT:	Mrs D Greenwood
AGENT:	Mr C Sault
DATE REGISTERED:	23rd August 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Martinshill Farm is a large bungalow situated to the south of Clench Common. To access the site from Marlborough turn left off the A345 Marlborough to Pewsey Road following signs to Clench. Follow the road for approximately a quarter of a mile and turn right onto an access track. Martinshill Farm is towards the end of this track on the right hand side.

SITE HISTORY

K/34467 – Erection of a single storey extension to the existing bungalow, granted planning permission July 1997.

K/38560 – Erection of a conservatory, granted planning permission in January 2000.

K/38658 – Erection of a single storey extension, granted planning permission in March 2000.

K/41408 – Erection of a single storey extension to the kitchen, granted planning permission in June 2001.

K/43937 – Erection of a single storey extension, granted planning permission in September 2002.

DESCRIPTION OF DEVELOPMENT

The proposal is to erect a single storey side extension to the southern side of the dwelling for use as a music room. The proposed extension measures 5.085m in width by 7.47m deep and 5.05m high, and is to be built using facing bricks or weatherboard to match the existing house and matching concrete interlocking tiles.

PARISH COUNCIL COMMENTS

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

1. The extension is large and an overdevelopment of the dwelling.
2. No reason has been given as to why a music room is required
3. A music room will generate noise. There are a number of dwellings surrounding Martinshill Farm. If the room is approved it should only be on condition that the room is soundproofed and the external doors are removed.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 (Development and Design) is relevant to the consideration of this application. The site is located within the AONB.

PLANNING OFFICERS COMMENTS

The Parish Council has objected to this application on the grounds that the music room would generate noise. However, as confirmed by the agent, the room is to be used to accommodate the applicant's grand piano which currently is situated in the sitting room and played regularly, and is to be used for personal use only. The use of the room is therefore incidental to the enjoyment of the dwellinghouse and the noise generated (the potential for which is no greater than existing) not a relevant consideration in this instance. It would therefore be unreasonable to impose the suggested condition to soundproof the room. Should noise subsequently become an issue the matter could be dealt with by the normal environmental health legislation that applies to all dwellings.

The Parish Council also object on the grounds that the extension is too large and an overdevelopment of the dwelling. However, the extension to the bungalow is well designed and in keeping with the existing dwelling in terms of its size, scale and appearance. In relation to the existing dwelling it is a modest addition that will increase the footprint of the building by just 17.25%. Although it would be one of a number of extensions that have been approved at the site, the overall appearance and size does not detract from the character or appearance of the 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 - 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.

3 - The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and for no other purpose.

REASON:

To protect the amenities of the area.

4 - INFORMATIVE TO APPLICANT:

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

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

Item 11:

APPLICATION:	K/52753/LBC
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Listed Building Consent
PROPOSAL:	Internal alteration to provide unified living area of existing hall/sitting room, involving widening of existing doorway and inserting an opening in wall, each either side of the chimney stack. Retrospective application for insertion of velux GVA conservation type roof light in the northern elevation.
SITE:	4 Kingsbury Square, Kingsbury Street, Marlborough
GRID REF:	18801 69489
APPLICANT:	Mr PH And Mrs J Noble
DATE REGISTERED:	9th August 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

4 Kingsbury Square comprises the end two cottages (now one) of a row of simple mid-nineteenth century brick cottages. Kingsbury Square is accessed from a pedestrian access on the right hand side of Kingsbury Street just before the road bears right when heading out of Marlborough. The dwelling is Grade II listed.

SITE HISTORY

K/51521/F – Demolition of an existing rear extension and the erection of a part two storey/single storey rear extension and front porch granted planning permission March 2005.

K/51523/LBC - Demolition of an existing rear extension and the erection of a part two storey/single storey rear extension and front porch and alterations to fenestration and internal works granted listed building consent March 2005.

DESCRIPTION OF DEVELOPMENT

The internal works proposed include the removal of an existing door frame to the north of the chimney breast, the widening of this doorway to 136 cm and the installation of a new concrete lintel. A new 'window type' opening is also proposed to the south of the chimney measuring 70cm wide. Retrospective consent is also sought for the insertion of a conservation area type rooflight into the northern elevation (rear) of the listed building.

ADDITIONAL STATEMENT BY THE APPLICANT

The proposal to make internal alterations to the walls between the hall and the sitting room is to create a unified living area and strengthen the existing structure. The central chimney stack is left intact. Widening the opening to the north of the chimney breast has the added benefit of providing a support for the landing above (there is currently no support) which is considered desirable by the structural engineer consulted, Atkins of Marlborough.

Most of the existing wall will remain in the creation of this new window type opening to the south of the chimney. Again, the work will allow strengthening lintels to be inserted at the top and bottom of the opening.

The rooflight is to afford natural light into the roof space. Many comparable houses surrounding Kingsbury Square have similar rooflights in the rear elevation. The roof light is considered to be in character with this type of terraced house.

TOWN COUNCIL COMMENTS

Object to the insertion of a velux rooflight into the roofslope of the listed building.

REPRESENTATIONS

No letters of representation had been received at the time this report was prepared. Any that are received shall be reported verbally at the committee.

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

The key issue associated with this application is the impact the proposed alterations would have on the architectural qualities and historic fabric of this grade II listed building. The rooflight is situated in a discreet position on the rear elevation of the dwelling. It is conservation type (as seen in many listed buildings) with a central mullion, and is of an appropriately small scale (46 cm x 61cm) so as not to cause harm to the character or architectural integrity of the listed building.

The internal works allow the previous plan of the cottage to remain evident and the retained chimney breast will still create a physical subdivision between the two former cottages. As such it is considered that the internal alterations would not result in any harm to features of special architectural or historic interest the building possesses.

The Council's Conservation Officer has no objection to the proposals.

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 - 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.

Item 12:

APPLICATION:	K/52605/ADV
PARISH:	PEWSEY
APPLICATION TYPE:	Advertisement Consent
PROPOSAL:	Erection of price sign (centre mount pole sign) and forecourt canopy fascia signs.
SITE:	Pewsey Service Station, Swan Road, Pewsey,
GRID REF:	16330 59602
APPLICANT:	Pewsey Service Station
AGENT:	Mr A Gateshill
DATE REGISTERED:	22nd July 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Pewsey Service Station is located towards the southern end of Pewsey on the eastern side of Swan Road when heading out of the village towards Manningford.

RELEVANT SITE HISTORY

K/11105 – Petrol filling station with new vehicular and pedestrian access and alteration of existing access granted planning permission September 1990.

K/18572 – New service station granted planning permission March 1992.

K/19011/A – Advertisement consent refused in July 1992 for the erection of illuminated and non-illuminated advertisements.

K/20161/A – Advertisement consent granted in May 1993 for the erection of an illuminated pole sign, canopy signs and shop sign, plus directional signs.

K/31964/A – Advertisement consent granted in October 1995 to erect shop signs

K/32014/A – Advertisement consent granted in January 1996 for the provision of illuminated advertisements, canopy fascia, spreaders, price sign and offset flag.

KK/35716/A – Advertisement consent approved in June 1998 for replacement fascia sign, new freestanding poster sign and replacement panels on freestanding flag sign.

DESCRIPTION OF DEVELOPMENT

This is a retrospective application for the erection of a price sign (referred to as “ID SIGN” on the plans) and forecourt canopy fascia signs. The canopy fascia signs would extend along each side of the forecourt canopy. Each sign measures 0.89m in height and is “warm red” in colour (the applicant’s corporate colour). The north and west facing fascias are part-internally illuminated behind the white corporate ‘Total’ logo and the east and south facing fascias are plain and non-illuminated. The price sign, located on the grass verge to the front of the site, is also part-internally illuminated behind the white elements of the sign and measures 4.576m in height and 1.35m wide.

PARISH COUNCIL COMMENTS

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

1. The sign interferes with the natural sight line for cars leaving the garage and is considered dangerous.
2. The fascia boards selected are too large and the 680mm sign would be more acceptable.
3. The sign should be erected as per the original consent to the left of the entrance and that the foliage in the area should be removed to improve the sight line.

CONSULTATIONS

County Highways (Roger Witt) – No objection to the fascia signs. However, the sign on the site frontage seriously impedes visibility for emerging traffic and as such poses a serious threat to highway safety. Recommend refusal of consent for the information sign on the grounds that it would be prejudicial to highway safety by virtue of its location and design, which would obstruct driver's visibility along the highway.

(Would not object to a sign of the nature of the previous consent, which had its bottom 2 metres above ground level.)

REPRESENTATIONS

One letter has been received from a neighbouring resident. While they do not object in principle to the erection of a price sign and corporate image they comment that the sign installed restricts visibility and would be improved if the bottom 3ft [0.9m] of the sign were left clear. Also the non-illuminated fascia could be toned down from vivid red to cloud grey to reduce the impact of the signs on nearby residents.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policy HH12 (Advertisements) is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Part III reg. 13(1) of The Town and Country Planning (Control of Advertisements) Regulations 1992 gives local authorities the power to issue split decisions on applications for advertisement consent. It is therefore recommended that permission is refused for the price sign which is considered to be both visually intrusive by reason of its large size and prominent siting, and a significant danger to highway safety; and permission is approved for the canopy fascias.

The principal issues to be considered with regard to the fascias are their impact on the amenities of the countryside and the privacy of neighbouring properties.

The size and design of the canopy signs are appropriate to the size of the building and its use as a service station, and as such, they are not considered harmful to the character and appearance of the area. With regard to their impact on nearby properties, the south and east canopy signs are visible from the houses and gardens of adjacent properties. However, as these signs are non-illuminated it is not considered that they would be significantly detrimental to neighbour amenity.

Regarding the price sign, this is prominently located on the frontage of the garage. It is a solid structure measuring 4.6m in height and 1.4m in width, coloured mainly red and white. By reason of its large size and prominent siting, it is considered that this sign detracts from the rurality of the location where large signage is not a common feature. As such, the sign is considered to be harmful to amenity in general. County Highways also object to the sign because it "seriously impedes visibility for emerging

traffic” from the filling station. For this reason the sign is also considered to be detrimental to highway safety.

RECOMMENDATION

That a “split” decision be issued, granting consent for the forecourt canopy fascia signs subject to conditions and refusing the centre mount pole sign.

Forecourt canopy fascia signs – consent with conditions

1 - The display of the advertisement(s) hereby approved shall be for a period of five years from the date of this consent.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

2 - Any advertisements displayed, and any site used for the display of the advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

3 - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

4 - Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

5 - No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

6 - No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON:

To comply with Regulation 13(1) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

7 - INFORMATIVE TO APPLICANT:

This application does not give consent for any signs other than the forecourt canopy fascia signs. Other signs referred to on drawing no. 430/2 did not form part of the application and are not the subject of this consent.

Centre mount pole sign – refuse

1 - The centre mount pole sign, by reason of its size, siting and design, detracts from the essentially rural character of the site and its surroundings to the detriment of the amenities of the area. This is contrary to Policy PD1 of the Kennet Local Plan 2011.

2 - The centre mount pole sign, by reason of its siting and design, seriously impedes visibility for emerging traffic from the petrol filling station to the detriment of highway safety. This is contrary to Policy PD1 of the Kennet Local Plan 2011.

3 - INFORMATIVE TO APPLICANT:

The applicant is advised that the price sign already erected is not in accordance with advertisement consent K/52605/ADV and is therefore unauthorised and liable to enforcement action by the local planning authority. The applicant is recommended to remove the unauthorised development and restore the land to its former condition.

