

## **Regulatory Committee**

**3rd November 2005**

### **Planning Services**

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Land to rear of Catleys, The Green, DEVIZES

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RECOMMENDATION: Grant full planning permission

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RECOMMENDATION: Grant temporary planning permission

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RECOMMENDATION: Grant full planning permission

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RECOMMENDATION: Grant advertisement consent

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Item 1:

APPLICATION:	K/52837/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Residential development of ten mews cottages on former bottled gas depot
SITE:	Land to rear of Catleys, The Green, Devizes
GRID REF:	00777 61384
APPLICANT:	Renelec Groundworks Ltd.
AGENT:	Peter Kent Architect
DATE REGISTERED:	24th August 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The application site lies to the rear of Catley's Calor Gas Centre on Southbroom Road in Devizes, directly opposite the Kwik-Fit tyre-fitting centre. It comprises the bottled gas depot associated with the Catley's, which is presently used for the storage and distribution of domestic and industrial gases. The access to the site is between Braids Fish & Chip Shop and 113 Southbroom Road. There are three buildings on the site, including a dilapidated brick structure that may have been part of the former Southbroom brewery, all of which would be demolished to enable the development to proceed. The site is bounded to the north by the retail units on Sidmouth Street, to the east and south by residential development and to the west by the rear of Sheep Street baptist church.

#### SITE HISTORY

K/45307 – an application to convert the former brewery building to two dwellings was withdrawn in May 2003.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to construct ten dwellings on the site, which would be served by the existing access. The majority of the units would run north-south across the site and would comprise two terraced blocks. The existing brewery building would be demolished and replaced with a terrace of three one-bedroomed dwellings. Fourteen parking spaces would be provided as part of the development proposal. The applicant would not be providing any play space on-site and instead would be making a commuted sum payment of £11,667 in lieu of this provision.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The following amendments have been incorporated into the scheme:

- Two areas for wheelie bin storage, as requested by the highway authority.
- A lockable bollard within the narrowed section of the southern arched access way, as requested by the highway authority.
- Bollards to prevent vehicles associated with the development from using the narrow southern arched access, as requested by the highway authority. This

would still be used by the occupiers of Mews Cottage and by emergency vehicles.

- A speed hump 3 metres in from the highway, as requested by the highway authority.
- Confirmation that a management agreement will cover refuse collection management and maintenance of the vehicular access to the development.
- An oriel window (half obscure-glazed) in lieu of a French window to the front elevation of plot 1, to restrict overlooking of the property opposite.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement justifying the demolition of the brewery building on the site, which has been accompanied by a structural survey report.

#### TOWN COUNCIL COMMENTS

Devizes Town Council has objected to the application on the following grounds:

- the proposal represents an overdevelopment of a small space.
- vehicular access on and off the main road, onto a major roundabout, would pose a danger to pedestrians and other motorists.
- there would be inadequate parking for possibly ten cars or more.

#### CONSULTATIONS

County highways (Mark Wiltshire) - requested a number of amendments, including the deletion of the five bollards in front of plots 1 and 2, as they leave insufficient room for cars to enter and leave the Mews Cottage garages; a lockable bollard within the narrowed section of the southern arched access way; a speed hump relocated to 3 metres in from the rear of the highway footway. In addition, conditions are requested requiring the provision of the vehicle parking and turning areas prior to the first use of the development; that other than for emergency purposes, there shall at no time be vehicular access to and from the new development via the southern arched access; and the retention of the three bollards between the Mews Cottage and plot 3 in place at all times. The creation of a management company to ensure the long-term maintenance of the access way, secured by a section 106 legal agreement, is also requested.

County archaeology - no objection, subject to a condition being imposed requiring a programme of archaeological work to be carried out prior to the commencement of development, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

County education – request a total contribution of £36,728 in respect of primary and secondary education.

KDC Environment and Amenity Services – the developer should have the collection point approved by this department and indicated on a plan, so that all residents are informed of where their waste will be collected from.

#### REPRESENTATIONS

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

- the site is inadequate in area to accommodate such a large number of dwellings and therefore the proposal would amount to overdevelopment.

- the highway access proposed would constitute a threat to the safety of pedestrians and other road users alike and the present arrangements to serve Catley's business would not be tolerated were it not in existing use.
- there is no pedestrian/wheelchair/pram access to the site, which could prove perilous.
- the conservation implications for the existing buildings affected could be significant and should be fully investigated and taken into consideration in determining the application.
- assurances should be given (by way of condition) that an equivalent amount of privacy to that presently afforded by the Catley's development will be provided.
- The proposal would result in overlooking problems. To prevent overlooking, a condition should be imposed requiring the first-floor bedroom windows to the courtyard block (south elevation) to be glazed with obscure glass, where they overlook the garden to 97 Southbroom Road.
- the yard is currently used for parking with the kind permission of the owners of Catley's, as there is no allocated parking with our property (111 Southbroom Road). If allocated parking was provided for our property, this could offset some of the negative impacts from the development.
- the type of housing to be built is a cause for concern. Would this be social housing?
- my property (113 Southbroom Road) is grade II listed and will be placed in jeopardy. There is a severe risk of collision damage occurring to the corner wall and potential vibration damage as a consequence of increased traffic, 24 hour usage and the narrowness of the entrance.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within Devizes Town Centre and the designated conservation area. Policies PD1, HC21, ED19 and HH5 in the adopted Kennet 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 considered in turn.

##### Principle of Development

Policy HC21 of the Kennet Local Plan permits, in principle, new housing on previously-developed land within the Limits of Development of the larger settlements (including Devizes), provided that a) the scale of the proposal reflects the scale and character of the settlement; b) the proposal does not conflict with other policies of the plan which seek to protect local services, amenity and employment; c) the site is well-related to a range of services and jobs; and d) there is easy access to the public transport, cycle and footpath networks.

Policy ED19 of the Kennet Local Plan is also applicable as the site lies outside of the Prime Shopping Area, but within Devizes Town Centre. The policy states that within such areas planning permission will be granted for the change of use or redevelopment of premises to uses other than Class A1 provided that the proposal does not a) create major breaks in the existing commercial frontage; b) introduces activities likely to enhance the vitality and viability of the centre; and c) integrates with the existing historic fabric of the town.

It is considered that the proposal accords with all of the criteria of the above policies. Furthermore, it is considered that the proposal will have the advantage of being a more appropriate use in a location that is surrounded by residential properties.

#### Impact on Conservation Area

It is considered that the proposal will enhance the appearance of the Devizes Conservation Area. The existing yard area is used for the storage of gas bottles and the buildings on the site are in a poor state of repair. The proposed development will greatly improve the appearance of the area by the removal of these eyesores. Furthermore, the scheme in itself is considered to be acceptable in design terms.

Concerns have been raised about the density of development on the site. PPG 3 encourages the more efficient use of land and recommends densities of between 30 and 50 dwellings per hectare. At approximately 59 dwellings per hectare, the proposal exceeds this threshold. However, this does not necessarily mean that the proposal would constitute overdevelopment. In this case, the high number of units on the site has resulted from the incorporation of a high proportion of smaller (one and two-bedroomed) units. In visual terms, it is not considered that the site would appear overdeveloped, as the units do not appear 'hemmed-in', the garden sizes are adequate and the parking and circulation areas are a reasonable size.

Whilst it is recognised that the possible former brewery building may be of some local historic interest, it is not considered that this building and the other two structures that are to be demolished make a positive contribution to the appearance of the conservation area. Furthermore, in accordance with PPG 15, justification for the demolition of the building has been provided in the form of a structural survey report. For these reasons, the proposed demolition of the buildings on the site is considered to be acceptable. It is, however, recommended that the applicant is advised by way of informative, that the demolition of the buildings on the site will require conservation area consent.

#### Impact on Highway Safety

The existing access is presently used by delivery lorries and customer vehicles in connection with the Catley's store. It is not considered that the amount of traffic generated by the proposed scheme would be significantly greater than at present and consequently, a refusal on highway safety grounds could not be substantiated.

Concerns have been raised about the level of parking proposed in connection with the development ie. that this would be inadequate. The level of parking proposed amounts to just under 1.5 spaces per dwelling (14 spaces for 10 houses). The parking standard in the Kennet Local Plan, for dwellings with up to four bedrooms, is two per dwelling. As this is a maximum standard, aimed at reducing the level of parking provision associated with housing developments and the site is within the town centre, 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 proposed development and central government advice would not support a refusal on these grounds, as it seeks to reduce car use by restricting the number of spaces, particularly in town centres where access to services and public transport is readily available.

#### Impact on Residential Amenity

It is not considered that the proposal would have a detrimental impact on residential amenity, by virtue of overlooking. Plots 1 to 3 would be constructed in close proximity to Mews Cottage, the dwelling opposite. However, the positioning of the proposed and existing units is such that there would be no direct overlooking from plots 2 and 3. Due to concerns about the potential for overlooking from plot 1, the scheme has been amended to ensure that such overlooking problems would not arise. This has been achieved through the incorporation of an obscurely-glazed

window at first-floor level in the front elevation, and a half obscurely-glazed oriel window (the part facing towards Mews Cottage), also at first floor level. To prevent overlooking to the rear, the first-floor windows to plots 1 to 3 would be obscurely-glazed. In addition, it is recommended that a condition is imposed removing the permitted development rights for the insertion of any windows or doors (other than the ones shown on the approved plans) at first-floor level in the rear and side elevations of plots 1 to 3 and the front elevation of plot 1, to ensure that no overlooking issues arise in the future.

#### Other Matters

A number of other issues have been raised which will be considered in turn.

The potential risk of damage to the adjacent listed building is a private matter, not a planning consideration.

There would no affordable housing incorporated within the scheme, as the site falls under the 25 dwellings/ 1 hectare threshold referred to in Policy HC30 of the Kennet Local Plan.

Wiltshire County Council's Education Department has requested a contribution towards primary and secondary education provision. This is not considered to be justified, as the site falls beneath the 25 dwellings/ 1 hectare threshold referred to in Policy HC37 of the Kennet Local Plan.

The proposed scheme is considered to be acceptable in all respects and accordingly, the approval of planning permission is recommended, subject to the conditions set out below.

#### **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 1058-Site1B, 1058-Elev1B and 1058-Plan1A, received on the 17th October 2005.

#### **REASON:**

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

3 - No development shall take place until details of the materials to be used for the external walls, windows, (including details of the depth of reveals), doors, drainage goods 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 - No development shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

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

6 - Prior to the construction of plots 4 to 10, details of a structural assessment of the stability of the retaining wall along the western boundary 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:**

To enable a full assessment to be made of the impact of the wall on the boundary trees.

7 - Before development commences, details of how the development shall make provision for public open space, amenity areas and play areas in accordance with the local planning authority's adopted policy on 'Recreation Space, Public Open Space and Private Amenity Spaces in Residential Areas' shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be completed in accordance with a timetable to be agreed in writing by the local planning authority.

**REASON:**

To ensure that the needs for these facilities generated as a result of the development are satisfactorily met, in accordance with the planning policies set out in the Kennet local Plan and associated supplementary planning guidance.

8 - Before works commence, a management scheme shall be submitted to and approved in writing by the local planning authority, which shall include details of the long-term maintenance of the access road and the location and construction of areas for the placing of rubbish bags for collection for those dwellings not served by an adoptable road. The approved areas shall be provided before the dwellings not served by the adoptable road are occupied and shall thereafter be retained for this purpose.

REASON:

In the interests of residential amenity.

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

REASON:

To safeguard the site of archaeological interest.

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

REASON:

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

11 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure shall be erected or placed on the application site, (other than those permitted as part of the approved landscaping scheme), without the prior approval of the local planning authority.

REASON:

In the interests of visual amenity.

12 - The windows at first floor level on the rear elevation of plots 1 to 3, the part of the first-floor oriel window to the front elevation of plot 1 that faces north-east and the other first-floor window to the front elevation of plot 1 shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of the occupants of the neighbouring property.

13 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the side (east) and rear (south) elevation of plots 1 - 3 and the front elevation of plot 1 hereby permitted.

REASON:

In the interests of the privacy of the occupants of the neighbouring properties.

14 - Prior to the first occupation of the dwellings hereby permitted, the vehicle parking and turning areas shown on the approved plans shall be provided and shall thereafter be maintained for the parking and turning of vehicles.

**REASON:**

To ensure the adequate provision of parking and turning space in connection with the development.

15 - There shall at no time be vehicular access to and from the development (except for emergency purposes) via the southern arched access next to number 99 Southbroom Road. The three bollards between the Mews Cottage and plot 3 shall remain in place at all times (except in an emergency).

**REASON:**

In the interests of highway safety.

**16 - INFORMATIVE TO APPLICANT:**

The applicant is advised that it may be possible to commute the equipped children's recreation requirements set out in condition 7 by the payment of an appropriate sum to the district council which will then be used to either provide children's recreational facilities in the vicinity of the site at a later date and/or enhance facilities.

**17 - INFORMATIVE TO APPLICANT:**

The applicant is advised of the need to obtain conservation area consent in addition to this planning permission for the demolition of the existing buildings on the site.

**18 - INFORMATIVE TO APPLICANT:**

The applicant is advised that for surface water disposal, soakaways should be used (or as a minimum, linked soakaways with an overflow to the combined drain); the discharge from the site should be limited to that of the equivalent greenfield flow; and it is likely that there will be numerous wells on the site.

**19 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC21, ED19 and HH5.

Item 2:

APPLICATION:	K/53006/F
PARISH:	LUDGERSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of bungalow and erection of two three bedroom chalet bungalows
SITE:	16 Biddesden Lane Ludgershall
GRID REF:	27858 50547
APPLICANT:	Mr M Smith
AGENT:	Hungerford Design Ltd
DATE REGISTERED:	22nd September 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

The application site is located on the eastern edge of Ludgershall on Biddesden Lane. Biddesden Lane can be reached by taking a left turning from the Andover Road when heading out of Ludgershall towards Andover. The turning is also signposted as the route to the Chutes. No.16 is approximately 250 metres on the right-hand side of the road.

The site is elevated above the road and a single-storey bungalow is currently sited at the back of the site. There are bungalows to the north, south and west of the site. To the east, beyond the public footpath and trees/hedging, that run along this boundary of the site, are more dwellings.

#### SITE HISTORY

Outline application ARD/2391 for two bungalows was refused in 1961 on the grounds that "the proposal would be an overdevelopment of this restricted site and result in an overdevelopment out of character with and detrimental to the amenities of the adjoining properties". The site is slightly different to that currently under consideration.

#### DESCRIPTION OF DEVELOPMENT

This is a full planning application for the demolition of the existing bungalow and the erection of two bungalows. The bungalows are to be sited further forward on the site and the access arrangement altered so that a central shared access is provided for both dwellings.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has had various amendments during its consideration. These are:

- 1) The dwellings have been moved a further 4m back into the site.
- 2) The open porch has been replaced with a canopy style porch on the front elevation.
- 3) The rear first-floor windows (one on each property) have been altered to those which are obscurely glazed up to eye level.
- 4) 1.8 metre high close boarded fencing has been shown between the two dwellings and their rear gardens.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement.

## PARISH COUNCIL COMMENTS

No objection to the scheme.

## CONSULTATIONS

County highways (Paul Galpin) – no objection subject to conditions requiring a visibility strip across the site frontage; ensuring a consolidated access drive; ensuring the gradient of the access for the first 4.5 metres does not exceed 1 in 15 and a condition requiring details of the disposal of surface water.

Southern Water: - no objection.

Any consultee responses which are subsequently received will be reported verbally at the meeting.

## REPRESENTATIONS

Three letters of objection have been received to the proposed scheme. These are summarised below:

- 1) The erection of two dwellings on this site seems excessive, an overdevelopment of the site and out of keeping with other properties in the lane.
- 2) The entrance to the properties would be opposite those on the other side of Biddesden Lane.
- 3) The application would lead to more traffic on this very narrow lane and would be hazardous, particularly in slippery weather on the quite steep incline in and out of the properties.
- 4) The new access would be brought nearer to the public footpath.
- 5) The rear of plot 1 would have all of its windows looking directly towards no.15 Biddesden Lane (the neighbouring property) and into some of its windows. A two metre high fence would go some considerable way to alleviating this problem.
- 6) There are presently safety issues relating to the existing hedge fronting the highway. The proposed future hedge will continue to make exiting the driveway of no.15 extremely dangerous.
- 7) The plans show highway land as part of the curtilage of no.16.
- 8) The drains supplying no.15 run along the back of the site and these should not be damaged.
- 9) No.18 Biddesden Lane will be overlooked by the bungalows.

## POLICY CONSIDERATIONS

Kennet local Plan 2011 - policies PD1 regarding general development and design principles and HC21 regarding housing development on unallocated sites in Ludgershall are the pertinent considerations.

## PLANNING OFFICERS COMMENTS

This application proposes to demolish the existing bungalow and replace this with two new bungalows sited slightly further forward on the site. The bungalows are to be of a chalet style with three bedrooms in the roofspace. It is considered that the key issues to consider in determining this application are:

- 1) The principle of the development;
- 2) The siting and design of the dwellings;
- 3) The impact upon neighbour amenity; and
- 4) The impact upon parking and highways.

Each of these issues is addressed below:

### Principle of development

The site lies within the Ludgershall Limits of Development where policy HC21 permits, in principle, new residential development on previously used land. This windfall site (ie land which is not allocated for residential development or other uses but is within the limits of development) is considered acceptable in terms of its location within the settlement.

Although application ARD/2391 for two bungalows was refused in 1961, this was at a time when planning policies regarding new housing development were very different. Given the current central government thrust for housing on brownfield land at higher densities, it is considered that a different view to this previous refusal is reasonable and justified. Furthermore, this was only an outline application and was a slightly different site from that now under consideration. It is considered that this application demonstrates how two dwellings can be accommodated on the site.

### Siting and Design

Although the majority of the dwellings on the southern side of Biddesden Lane are set further back into their site, the proposed dwellings are modest in scale and, as such, their siting slightly forward of the existing dwelling (4.5 metres at the furthest point) is not considered detrimental to the streetscene. Although they will be set forward from their immediate neighbour, no.15, their siting will not be uncharacteristic of the position of other dwellings on Biddesden Lane.

Although the site is not particularly large, it is of sufficient size to accommodate the size and scale of the dwellings proposed. The half-hipped style buildings with timber boarding are well-proportioned and well-designed. Although Biddesden Lane is characterised by bungalows, there is no particular overriding style. The bungalows are modest in scale and at only 6.5 metres in height they will not be unduly prominent within nor detract from the appearance of the streetscene.

### Neighbour amenity

Because of the size of the site, its elevated position and siting of the surrounding dwellings the scheme has been designed and amended to respect this context, particularly in relation to the impact upon 8 Graspin Road to the rear. Each bungalow has a two-storey element with only one first-floor window. Not only will these be obscurely glazed up to eye-level, they will be at least 20 metres from the nearest windows of 8 Graspin Close. It is therefore considered that there is sufficient distance between the bungalows and no.8. Members should note that no objection has been received from the occupiers of no.8.

In terms of the relationship with the other neighbouring properties, the building is sited far enough from these and the only first-floor windows facing the east and west are small obscurely glazed windows serving bathrooms and ensuites. It is not considered that any of the ground floor windows or the first floor windows on the front elevation will give rise to an adverse level of overlooking.

### Highways/parking issues

The highway authority has raised no objection to the proposal subject the various conditions already referred to. It is not considered that there is any reason to take a different view from the highway authority.

### Conclusion

It is your officer's view that this is a suitable windfall site that has come forward for residential development. The dwellings are acceptable in terms of design and scale

and make good use of a centrally located brownfield site. In its amended form the dwellings are also considered to have an acceptable relationship with the neighbouring properties. Members are therefore recommended to approve the application subject to the relevant conditions.

### **RECOMMENDATION**

Approve with Conditions –

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

#### **REASON:**

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 2079-01 Rev E received on the 19th October 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 (including the stain to be used on the timber boarding) , roofs and windows (including details of the depths of the reveals and the materials for the window cills) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### **REASON:**

To secure harmonious architectural treatment.

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

#### **REASON:**

To ensure a satisfactory landscaped setting for the development.

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

#### **REASON:**

To ensure a satisfactory landscaped setting for the development.

6 - Notwithstanding the submitted details, before the first dwelling is occupied the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto across the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 0.6 metres above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

7 - Notwithstanding the submitted details, before the first dwelling is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed for the first 5 metres from the carriageway edge. The width of the entrance shall be a minimum width of 4.5 metres.

REASON:

In the interests of highway safety.

8 - The gradient of the access for the first 4.5 metres shall not exceed 1 in 15.

REASON:

In the interests of highway safety.

9 - No development shall take place until details of the means of the disposal of surface water so as to prevent its discharge onto the highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

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

REASON:

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

11 - 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 larger than 10 cubic metres in volume, or structure, or wall, fence, or other means of enclosure shall be erected or placed on any part of the application site, other than those approved as part of the landscaping scheme.

REASON:

Because the local authority would wish to consider any future proposals in terms of the impact upon visual and neighbour amenity.

12 - The windows at first floor level shown on the approved plans on the western elevation of plot 1 and the eastern elevation of plot 2 shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

13 - The windows at first floor level shown on the southern elevations of both plot 1 and plot 2 shall be obscurely glazed to a minimum height of 1.7 metres above the finished floor level of the respective dwellings and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

14 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the southern and western elevations of plot 1 and the eastern and southern elevations of plot 2 hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

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

**REASON:**

In the interests of visual amenity.

**16 - INFORMATIVE TO APPLICANT:**

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

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

Item 3:

APPLICATION:	K/52899/O
PARISH:	TIDWORTH
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Dwelling
SITE:	Land adjacent 15, Nepaul Road, Tidworth
GRID REF:	23285 49293
APPLICANT:	N M Pugh, D W Chun & M S Gurney
AGENT:	Mr R Brown
DATE REGISTERED:	6th September 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

The application site is located in the north-western corner of Tidworth and relates to the side garden area of 15 Nepaul Road. Nepaul Road can be found by taking the second right-hand turning off of the A338 Pennings Road when heading in the southerly direction. This takes you onto Sidbury Circular Road. Take the first left from Sidbury Circular Road into Zouch Farm Road and then the next right is Nepaul Road. No.15 is approximately 70 metres on the left hand side of the road.

No.15 is an end terrace property with a relatively large side garden. It is this side garden that the application relates to. There is a residents parking area adjacent to the site and other properties along Nepaul Road opposite. To the rear of the site is a footpath and electricity sub-station.

#### SITE HISTORY

There is no relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

This application is an outline proposal for one dwelling on the site. All other matters are to be considered as reserved matters and this application is therefore purely to establish the principle of residential development on the site. An illustrative layout has been submitted with the application but this is purely indicative.

#### TOWN COUNCIL COMMENTS

The Town Council raises no objection to the scheme but notes that any front fence or hedge must be kept to a low height to preserve the line of vision for vehicles using the existing parking area.

#### CONSULTATIONS

County highways (Paul Galpin) – no objection subject to conditions relating to the provision of car parking spaces and access; visibility splays and the disposal of surface water being attached to any permission.

#### REPRESENTATIONS

A petition signed by 37 people (relating to 25 dwellings) objecting to the scheme has been received. The document contains a relatively large volume of information which is summarised below. A hard copy can, however, be found on the file.

- 1) Objection over the impact upon the light and privacy of 15 Nepaul Road (NB this property is owned by the applicants).

- 2) Concern is raised regarding the design of the building and that it will not be in keeping with this old area of Tidworth (Victorian style red-brick terrace properties).
- 3) The development may set a precedent.
- 4) If the access road and parking area opposite no.15 is used during the construction stage then the existing parking and access arrangements will be compromised. Objection is also raised to the dirt, mess, noise and inconvenience that will arise during the construction stage.
- 5) No.15 is sited on a blind bend and a particularly busy section of the road. Building another property will only compound the problems.
- 6) Any additional dwellings will cause parking problems and increase traffic volume on this busy and unsafe road.
- 7) Concern about the proximity to the electricity sub-station.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 regarding general development and design principles and HC21 regarding housing development on unallocated sites in Tidworth are the pertinent considerations.

#### PLANNING OFFICERS COMMENTS

It is considered that this application raises three key issues:

- 1) The principle of the development;
- 2) The impact upon the occupiers of the neighbouring properties; and
- 3) The impact upon parking and highways.

Each of these issues is addressed below:

##### Principle of development

The site lies within the Tidworth Limits of Development where policy HC21 permits, in principle, new residential development on previously used land. This windfall site (ie land which is not allocated for residential development or other uses but is within the limits of development) is considered acceptable in relation to its location within the settlement and is of such a size that any new dwelling can be accommodated on the site whilst respecting the character and appearance of the surrounding residential development.

This application seeks to establish whether the principle of residential development on this site is acceptable. It is, however, accompanied by an illustrative layout depicting a large detached dwelling positioned centrally on the site. Although the plan is for indicative purposes only, the scale and location of this dwelling is not considered acceptable and members are recommended that any planning permission be subject to an informative stating that the illustrative layout is unacceptable. Your officers however consider that the site is large enough to accommodate a smaller dwelling without appearing cramped.

##### Neighbour amenity

The site is considered to be of such a size and shape that some form of dwelling can be accommodated whilst respecting the reasonable living standards of the occupiers of the neighbouring properties.

##### Highways/parking issues

The petition submitted refers to the impact of the proposed residential development upon the parking arrangement and highway safety of Nepaul Road. If the conditions suggested by the highway authority are attached to any permission then this would ensure two off-street parking spaces each for no.15 and the new dwelling are

provided. The highway authority has also raised no objection to impact of an additional dwelling on the immediate road network.

#### Other issues

The petition also raises a number of concerns relating to the construction process. Any disturbance problems would be dealt with through the normal Environmental Health procedures and this is not considered a reason to justify refusal of the application.

#### Conclusion

It is your officer's view that this is a suitable windfall site that has come forward for residential development. The relatively large side garden of no.15 can accommodate a dwelling whilst respecting the amenity of the neighbouring properties and the appearance of the streetscene. Members are therefore recommended to approve the application subject to the relevant conditions.

### **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

#### **REASON:**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the planning and Compulsory Purchase Act 2004..

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

#### **REASON:**

To secure harmonious architectural treatment.

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

to be retained, together with measures for their protection in the course of development.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

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

**REASON:**

To ensure a satisfactory landscaped setting for the development.

7 - Before the dwelling is first brought into use provision shall be made for the parking of 4 cars (2 for 15 Nepaul Road and 2 for the proposed dwelling) together with vehicular access(s) thereto in accordance with details to be submitted to and approved in writing by the local planning authority before development is commenced. These said spaces shall be maintained thereafter for this use in connection with the development.

**REASON:**

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

8 - Before development commences, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway in accordance with details to be submitted in and approved in writing by the local planning authority. Development shall be carried out in accordance with these approved details.

**REASON:**

In the interests of highway safety.

**9 - INFORMATIVE TO THE APPLICANT:**

The applicant should be aware that the illustrative site layout plan submitted with the outline application for indicative purposes is considered to be unacceptable due to the size and position of the dwelling.

**10 - INFORMATIVE TO APPLICANT:**

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

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

Item 4:

APPLICATION:	K/52974/F
PARISH:	LUDGERSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Alterations to garage to facilitate use as a residential annexe
SITE:	30 High Street Ludgershall
GRID REF:	26506 50911
APPLICANT:	Mr and Mrs Ancell
AGENT:	Mr P R Smith
DATE REGISTERED:	19th September 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

The application site is located in the centre of Ludgershall on the High Street next door to The Queens Head public house. No.30 is accessed directly from the High Street. However, this application relates to the garage at the very far end of the garden, which is more closely associated with and visible from Byron Close (a residential area behind the properties facing onto the High Street). Only the rear of the building can be seen from Byron Close, and this will remain unaltered. The main alterations will take place to the front of the building, which can only be accessed via 30, High Street.

The garage is a flat roof building which is sited directly on and forms part of the eastern and southern boundaries of the property. To the north of the garage is the parking and beer garden area of the Queens Head and to the east, facing Byron Close, is a parking area and a strip of grassed amenity land. To the south the site forms part of the boundary with the rear garden of 27 Laurence Court and to the west is the rear garden of 30 High Street itself.

#### DESCRIPTION OF DEVELOPMENT

This application proposes to convert the existing garage into an annexe used in association with no.30. The only external changes proposed are an alteration to the current window and door arrangements to give a more domestic appearance to the building and the re-roofing of the building (in the same flat roof style as existing). The current southern window directly on the boundary with 27 Laurence Court and facing towards its garden is to be blocked up.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended so that a new window to be inserted on the southern elevation facing no.27 has been omitted from the proposal.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement regarding the location of the annexe next to the Queens Head public house. The letter states that the family thoroughly considered the location of the property and, indeed, this will be their fourth property next door to a public house. They are therefore well aware of possible noises associated with this neighbouring use and were satisfied that the public house would not impinge upon their privacy or enjoyment of the property. The annexe would be lived in by the parents of the occupiers of the house.

## PARISH COUNCIL COMMENTS

The Parish Council object to the scheme on the following grounds:

The property would be of poor design for living accommodation in a conservation area.

Access via the drive would not be acceptable.

## CONSULTATIONS

County highways ( Paul Galpin) - no objection subject to a condition being attached to any planning permission ensuring that the annexe is used solely for purposes ancillary to 30 High Street.

## REPRESENTATIONS

Five letters of objection have been received to the scheme as originally submitted. These can be summarised as:

- 1) The garage is directly adjacent to the garden area of 27 Laurence Court and the conversion would lead to a disturbance of the peace of this garden.
- 2) The side window of the building would look directly toward the garden of no.27 which would be an invasion of privacy.
- 3) Two bedrooms and the lounge window overlook the garage which would be seriously affected by the increase in noise.
- 4) The proposal would encroach onto the parking area directly behind the building that serves 28 Laurence Court.
- 5) There is currently a shortage of parking in the area and any further residential development would put pressure on this and parking may block the entrances to nearby drives of Byron Close.
- 6) The annexe will be too close to the public house, beer garden and car park. Noise nuisance is controlled from these areas but putting an annexe so near would become a problem for anyone residing there and the public house may become subject to complaints.
- 7) The annexe may be a fire risk to the public house as it is so close to the play area.
- 8) Concern is raised about the position of the windows on the annexe in relation to 9 Byron Close opposite the site.
- 9) The land behind the garage is private and some residents have raised concerns about unauthorised pedestrian and vehicular access.
- 10) There is also concern about the possibility of future development with another storey being added to the building.

Any comments which are received to the revised scheme will be reported verbally at the meeting.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 regarding general development and design principles and HH5 regarding development in conservation areas are the pertinent considerations.

## PLANNING OFFICERS COMMENTS

It is considered that this application raises four key issues:

- 1) The impact of the conversion upon the amenity of the neighbouring properties;
- 2) The impact upon the amenity of the occupiers of the annexe itself as it is sited close to The Queens Head;
- 3) The visual impact of the proposal upon the Conservation Area; and
- 4) The highway/parking implications of the scheme.

Each of these issues is addressed below:

#### Neighbour amenity

It is not considered that the scheme will give rise to an adverse impact upon the reasonable living conditions of the occupiers of the neighbouring properties. In its amended form there would be no windows looking towards any of the neighbouring properties or any public areas and its use as additional living accommodation associated with the main house is not considered one that would give rise to a high level of disturbance. This is particularly so when one considers that the garage could be used as another form of residential use such as a workshop or games room without the requirement for planning permission. Given this fallback position and the nature of the use it is not considered that the annexe would give rise to an unacceptable relationship with the neighbouring properties.

It is recommended that any permission be subject to a condition ensuring that no windows, doors or other openings are inserted in the southern elevation of the building as these would be directly on the boundary with 27 Laurence Court and would give rise to an unacceptable level of overlooking. It is not considered necessary to add such a condition to the eastern elevation facing Byron Close as the nearest properties are over 21 metres away.

#### The amenity of the occupiers of the annexe

The owners of the public house adjacent to the site have raised concerns about the annexe conversion as it is located close to the beer garden and play area. These are uses which could cause disturbance to the occupiers of the annexe and therefore give rise to complaints against the public house. This issue has been considered by your officers and although the annexe will be close to the public house, it is considered that there is enough separation between the two uses and the annexe will not be significantly closer than other neighbouring properties which would be affected by unreasonable noise levels.

Furthermore, the applicant has submitted a letter in response to this concern stating that they are well aware of the noise associated with living next door to a public house and this is an issue that they have thoroughly considered and are happy with.

#### Conservation area

The parish council has objected to the design of the building in that it is inappropriate for its location within the conservation area. This is a simple conversion of an existing garage and the building, as visible from the conservation area, will be no different visually. It is therefore considered that the proposal will not have any adverse impact upon the appearance of the conservation area.

#### Parking/highway issues

A number of neighbours have raised objection to the impact of the scheme upon local parking. The annexe is to be associated with the main house and there is sufficient parking within the site for both the main dwelling and the annexe. The unauthorised vehicular and pedestrian access that some letters have referred to is a private matter and not a planning consideration. Any access to the rear of the site which does not involve operational development would not require planning permission. The highway authority has not raised an objection to the use of the access from the High Street for the annexe.

### Conclusion

It is your officer's view that the conversion of the garage to an annexe is acceptable. It will be ancillary to the existing residential use of 30 High Street and, as such, the proposal is not considered to give rise to an adverse impact upon amenity, parking or highways. There will be no visible physical alterations and, subject to the relevant conditions, the proposal is recommended for approval.

### **RECOMMENDATION**

Approve with Conditions -

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

#### **REASON:**

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

2 - This permission relates only to the scheme of development shown on the revised plan PRS.82 Rev C received on the 20th October 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 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, shall be inserted in the southern elevation of the annexe conversion hereby permitted.

#### **REASON:**

In the interests of the privacy of the neighbouring properties.

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 30 High Street, Ludgershall.

#### **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 & HH5.

Item 5:

APPLICATION:	K/53043/F
PARISH:	ENFORD
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construct two bed bungalow with detached double garage. Adapt existing vehicular access.
SITE:	Plot adjacent to The Dovecote, East Chisenbury, Pewsey, Wiltshire
GRID REF:	13796 52495
APPLICANT:	Mr D R West
AGENT:	Ellis Finnis Consultants
DATE REGISTERED:	30th September 2005
CASE OFFICER:	Miss K Whittington

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#### BACKGROUND

This application has been brought to committee at the request of the local ward member.

#### SITE & LOCATION

The site lies at the southern end of the village of East Chisenbury, to the west of Chisenbury Priory. It is the last house on the eastern side of the road at the southern end of the settlement. The site comprises the south-western part of the garden area of the property known as The Dovecote.

#### SITE HISTORY

K/52608 – planning permission was refused in August 2005 for the construction of a bungalow on the site on the grounds that a) the principle of the development would be contrary to Policy HC24 of the Kennet Local Plan; b) the proposal would have a detrimental impact on the character and appearance of the conservation area; c) the proposal would be contrary to PPG 13, being located remote from services, employment opportunities and unlikely to be well-served by public transport.

#### DESCRIPTION OF DEVELOPMENT

This is an identical application to the one that was recently refused under delegated powers (K/52608). It is a full application for the construction of a bungalow on part of the garden associated with The Dovecote. A detached garage would be constructed adjacent to the property. The existing access to The Dovecote would serve both the existing and proposed dwellings.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement in support of the application, which raises the following key points:

- Policy HC24 of the Kennet Local Plan permits new housing development comprising infilling within the built-up area of the village. The Planning Services Manager has visited the village to see the 3 infill developments approved and built within the last 20 years. We believe that these create a precedent for the proposed development. He was also shown the linear development of the village above the floodplain of the river, contained within the old village boundary, which establishes the built up area of the village. The proposed development site is therefore within the built up area of the village.

- Regarding the 'loss of important landscape features' referred to in the refusal to the first application, we would point out that the 'roadside sycamore' is dying and the Council's Arboricultural Officer authorised its removal on 18 August 2005. Furthermore, it is not intended to remove any hedging at the northern end of the site, or other trees to accommodate the proposed dwelling.
- The character and appearance of the conservation area at the southern end of the village is dominated by the barns, offices and garages built in the last 10 years in the grounds of The Priory and within 5 metres of the boundary of the proposed development. It is difficult to see how a single storey house significantly lower and smaller than these buildings and virtually invisible from the highway would be any more detrimental to the character and appearance of the conservation area.
- The final point on the refusal notice requires correction. Although a regular bus service does not pass through the village, the Salisbury to Marlborough service stops at West Chisenbury and provides regular public transport (9 services a day) within a 3 minute walk from the village. The service was used daily for 2 years by my youngest son when he attended Salisbury College.

#### PARISH COUNCIL COMMENTS

No comments have yet been received. Any that are subsequently received shall be reported verbally at the committee meeting.

#### CONSULTATIONS

County highways (Kerry Flower) – recommend refusal on the ground that the proposal would be contrary to PPG 13. They also advise that a visibility splay 2 metres back from the carriageway edge for 60 metres to the north-east and 2 metres back and parallel to the road across the front of the site to the south-west would be required if the application is considered acceptable in principle.

Environment Agency – no comments have yet been received. Any that are subsequently received shall be reported verbally at the committee meeting.

#### REPRESENTATIONS

Two letters of objection have been received, which raise the following key points:

- The land proposed for building is unsuitable as it is so low-lying that it floods in the winter.
- The planned construction using red brick is not in keeping with the south end of East Chisenbury. Furthermore, it is planned to be very close to the road. It therefore does not conform with the criteria contained in the East Chisenbury Conservation Area Statement.
- It is understood that a number of trees are likely to be destroyed to allow for the construction, which would be an unfortunate environmental consequence.
- When planning permission was granted under K/41862 to convert a barn to ancillary accommodation, this was subject to a condition which stated,

'The additional residential accommodation hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as Meadow Farm.

Reason:

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

This restriction is equally applicable to this application.

- East Chisenbury has been dedicated as an area of minimum change.
- The proposed dwelling lies between the road and the main house, which would disturb the natural sight lines of The Dovecote.
- There is no main drainage in East Chisenbury and given the site's proximity to the river, it would be difficult to create adequate drainage for a cesspit.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the East Chisenbury Conservation Area. Policies PD1, HC24 and HH5 in the adopted Kennet Local Plan and the advice contained in PPG 13 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

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

##### Principle of Residential Development

Policy HC24 of the Kennet Local Plan restricts new housing development within the villages listed in Table H.5 (which includes East Chisenbury) to infilling, the replacement of existing dwellings, the re-use of existing buildings or the redevelopment of existing buildings. It is clear that this proposal would not fall within any of these definitions. There are no buildings on the site that are to be replaced, re-used or redeveloped. Furthermore, the proposal does not fall within the definition of infill development. 'Infilling' is defined in the Kennet Local Plan Glossary as 'the filling of small gaps within a small group of houses. Small gaps are interpreted as sites which are not sufficiently large for more than one dwelling.' The distance between the existing dwelling (The Dovecote) and the far end of the application site is approximately 70 metres, which is not considered to be a small gap. Another reason the proposal does not conform with the definition of infill is that the site is capable, in size terms, of accommodating more than one dwelling.

In addition to the above, the proposal fails to comply with criteria a, b and c of Policy HC24. Firstly, the site is not considered to be within the built-up part of the village. The Dovecote is the last dwelling on the eastern side of the road, beyond which lies no other residential development. The only other buildings are agricultural in nature and appearance, which relate to the countryside rather than the settlement itself. Secondly, the village is characterised by sporadic, loose-knit development, which would be consolidated as a consequence of the proposal. Finally, it is not considered that the proposal would be in harmony with the village, as bungalows are not a typical form of development within the East Chisenbury Conservation Area.

The applicant, in his supporting statement, has cited examples of other infill development in the village which he considers are directly comparable to the application proposal and which therefore set a precedent. A search of the planning history in the East Chisenbury area has revealed that three new-build dwellings have been granted planning permission in the last 20 years. It is not considered that these examples are directly comparable. The plot adjacent to The Red Lion, upon which a new dwelling has been constructed, was considered acceptable in principle because of special circumstances ie. it was to be a retirement bungalow for the landlord of the adjacent pub. The other two examples (Riverside House and Chapel House), were

granted in the 1980's and therefore pre-date current planning policy. Consequently, they do not set a precedent for the dwelling proposed.

Members may wish to note that two applications for dwellings in East Chisenbury were refused/dismissed on appeal. One was for a dwelling at Rose Cottage (which is virtually opposite The Dovecote), which was refused in 1995 (under K/30937) on the grounds that (i) the site lies outside the built-up part of the settlement; (ii) the proposal would consolidate and extend the existing loose-knit development on this side of the village street; and (iii) the consolidation of this open site would be detrimental to the character and appearance of the conservation area. The other example is the application for a new dwelling on land to the north of The Old Barn, at the northern end of the village. This was dismissed on the grounds that the proposal would intensify development in the area, which would not preserve or enhance the character and appearance of the conservation area and would also harm the setting of the adjacent listed building. It is considered that there are broad similarities between the two rejected schemes and this proposal.

#### Impact on Conservation Area

The part of the conservation area within which the proposal would be located is open in character, with trees and hedging marking the roadside boundaries. The construction of a dwelling in the proposed location, irrespective of its design, would destroy this open character, and as a consequence, the proposal could not be said to preserve or enhance the character and appearance of the conservation area. Furthermore, if the proposal had been considered acceptable in principle, the highway authority would have required the provision of a visibility splay, which would have necessitated the removal of the roadside hedging and trees. This would also have a detrimental impact on the character and appearance of the conservation area.

In terms of the design of the proposed dwelling, this is considered to be wholly inappropriate to its setting. Those residential properties in the vicinity of the site are two-storey in height and consequently, a single-storey utilitarian bungalow would appear out of keeping. In addition, the dwelling, despite only being single-storey, would still be visible from public viewpoints, particularly if the roadside hedge and trees are removed as a result of forming the required visibility splay.

#### Sustainability

PPG 13 places an emphasis on promoting more sustainable transport choices for people; promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reducing the need to travel, especially by car. As the site is located remote from services, employment opportunities and is unlikely to be well-served by public transport, the proposal would be contrary to the advice contained in PPG 13. The local highway authority has objected to the proposal on this ground.

#### Flooding

Concerns have been raised about the potential for flooding as a result of the proposed development. As the site is not designated as a 'Flood Risk Area', as identified in the Kennet Local Plan, a refusal on flood risk grounds would not be justified.

In conclusion, it is considered that the proposal is unacceptable and consequently, the refusal of planning permission is recommended on the following grounds:

## **RECOMMENDATION**

Refuse, for the following reasons;

1 - Policy HC24 in the adopted Kennet Local Plan permits new housing development comprising infilling, the replacement of existing dwellings, the re-use of existing buildings, or the redevelopment of existing buildings provided that it a) is within the existing built-up area of the village; b) does not consolidate an existing sporadic, loose-knit area of development; and c) is in harmony with the village in terms of its scale and character. As the proposal does not constitute infilling, the replacement of existing dwellings, or the re-use or redevelopment of existing buildings and it fails to conform with criteria a, b and c outlined above, it would conflict with Policy HC24 of the adopted Kennet Local Plan.

2 - The site is located in the mature garden/orchard of The Dovecote, in the centre of the East Chisenbury Conservation Area. The construction of a bungalow within this area would be visually incongruous and the formation of a visibility splay would result in the loss of important landscape features, including the roadside hedge and sycamore. Consequently, the proposal would be detrimental to the character and appearance of the conservation area and would therefore be contrary to Policy HH5 in the adopted Kennet Local Plan.

3 - The proposal, located remote from services, employment opportunities and unlikely to be well-served by public transport, would be contrary to the advice contained in PPG 13, which seeks to reduce growth in the length and number of motorised journeys.

Item 6:

APPLICATION:	K/52691/F
PARISH:	WILCOT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	The erection of a replacement farmhouse
SITE:	Cocklebury Farm, Wilcot, Pewsey, Wiltshire
GRID REF:	12917 60350
APPLICANT:	Mr M Lovelace
AGENT:	Dreweatt Neate
DATE REGISTERED:	1st August 2005
CASE OFFICER:	Mr A Guest

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#### SITE & LOCATION

The application site lies in an isolated part of the countryside and Area of Outstanding Natural Beauty, close to the Kennet and Avon Canal. It comprises a farmyard and farmhouse (formerly a pair of cottages) located at the junction of two bridleways. The site lies in a dip in the landscape although remains highly visible from distant viewpoints due to the general openness of the area.

#### SITE HISTORY

K/50844/F – Demolition of existing house, barns and yard and erection of new house – withdrawn 25 October 2005

#### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish much of the existing development on the site (including the existing farmhouse) and erect a new house. Four existing barns would be retained/refurbished next to the site of the new house and used for ancillary domestic purposes.

The new house would be three storey (second floor in roof) providing some 400 sq m of floor space. Some of the retained/refurbished barns would provide a further approx. 240 sq m of habitable floor space (including a swimming pool), attached to the house by a glazed link. The remaining detached retained/refurbished barns would provide garages, a workshop and stores.

The dwelling to be demolished together with its domestic outbuildings provide approximately 250 sq m of floor space. The remainder of the farmyard proposed to be demolished covers approximately 1,275 sq m.

The new dwelling would be sited roughly at the centre of the existing farmyard, some 30m from the site of the existing farmhouse and on the other side of the bridleway. A landscaped garden would be laid-out around the house and retained buildings, generally within the confines of the overall farmyard “footprint”.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The landscaping scheme has been revised and a bat and owl survey carried out.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The application is accompanied by a detailed report covering matters relating to the siting and design of the dwelling, its landscape impact, policy context and precedents. In conclusion the report states the following:

“The new dwelling that is the subject of this planning application has been designed to reflect the long tradition of farms in the Pewsey Vale having a central house of high quality design and stature. ...

[Moving the house] ... would result in the removal of a significant amount of unsightly farm buildings. This change would lead to a net reduction of 1,248 sq m of built floor space, significantly reducing the visual impact of the site on the AONB.

There are a number of historic and more recent precedents for this type of farmhouse in this area, and this proposal is for a new house that would readily assimilate into the landscape and enhance the appearance of Cocklebury Farm”.

#### PARISH COUNCIL COMMENTS

Wilcot and Huish Parish Council: welcomes the tidying up of the old farmhouse buildings, but express concern that the application does not conform to Local Plan Policy HC25 (a) and (b). Also consider that a wildlife survey is required.

#### CONSULTATIONS

County Highways (Paul Galpin) - no objection.

British Waterways - no comments:

Wiltshire Wildlife Trust: - extremely pleased to see that the applicant has incorporated a number of features within the plans to provide for wildlife interests. It is still necessary for the buildings to be surveyed for the presence of bats and barn owls so that appropriate mitigation can be implemented during the course of development.

[The Trust has not responded to the wildlife survey submitted following their initial response].

Kennet and Avon Canal Trust: - no comments.

#### REPRESENTATIONS

Five objection letters have been received summarised as follows:

- Adverse impact on area, including AONB – yet another executive home;
- Proposal is not for a ‘replacement’ dwelling, there being no dwelling on the actual proposed site;
- Existing dwelling is perfectly adequate, as is farmyard for continued use for agriculture;
- All trees should be preserved and landscaping conditions imposed;
- An agricultural occupancy condition should be imposed;
- Bats and barn owl nest in the barns;
- There should be no encroachment on to land outside the applicant’s ownership/control and no blocking of the bridleways used by boat owners.

Nine letters of support have been received summarised as follows:

- Attractive design which is a significant improvement over the existing unsightly farmyard and house;
- Landscaping already carried out on farm which has enhanced the area.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC25, HC26, ED14, NR5, NR7 and NR8.

## PLANNING OFFICERS COMMENTS

The main considerations in this case are, firstly, the principle of development, and if this is accepted the impact of the specific proposal on amenity (including the area of outstanding natural beauty) and ecology.

Regarding the principle of development, Policy HC25 of the Local Plan allows 'replacement' dwellings provided the siting of the replacement is closely related to footprint of the dwelling to be replaced, and the scale of the replacement dwelling is not significantly larger than the original structure. In this case the proposal is to erect the new dwelling some 30m from the site of the original. Additionally, the replacement dwelling is larger than the original.

However, there are a number of material considerations which also need to be taken into account. Firstly, the proposal envisages not just the 'replacement' of the original dwelling, but also the demolition of an extensive and sprawling dilapidated farmyard. This farmyard is in a poor state of repair, and although some of the buildings are traditional, many of them are utilitarian with fibre cement and corrugated iron roofs that detract from the character or appearance of the area. The total area of the farmyard in terms of both its floor area and footprint is far greater than the floor area and footprint of the proposed dwelling. Consequently, the impact of the additional size of the dwelling is lost when measured against the total extent of the proposed demolition works, and for this reason the proposal is not considered to be harmful to the countryside. Secondly, the dwelling has been designed at a relatively modest scale which respects the 'small farmyard' character of the area. The main house is neither grand nor pretentious, and much of the accommodation is contained within the more traditional retained/refurbished farm buildings. The gardens of the house would, likewise, not encroach beyond the existing farmyard, ensuring a scale and intimacy appropriate for the countryside location. With regard to the siting of the new dwelling, although it is not on the identical site, it remains within the footprint of the farmyard with no adverse encroachment into presently open countryside.

Having regard to these circumstances it is considered that the proposal is acceptable and in accordance with the terms of Policy HC25 in that no harm to the countryside or AONB would result. The proposal would result in a significant reduction in the spread of development on the site and floor area in general, and would follow a farmyard style which is considered would improve the appearance of the area and enhance the AONB. In view of these circumstances which are specific to the site it is considered that the proposal is compatible with countryside policy and that no precedent would be set.

One third party considers that an agricultural occupancy condition should be imposed on any planning permission given for a new dwelling. As the dwelling is effectively a replacement for an existing dwelling with no restriction on occupancy, the imposition of an occupancy condition is considered to be unreasonable. The new dwelling is not proposed to be specifically for an agricultural worker.

It is considered unnecessary to apply tree preservation orders on the site as no important amenity trees are proposed to be removed.

The bat and barn owl survey accompanying the application concludes that there is no sign of bats, but barn owls breed in some of the barns. The proposal makes

provision for 'bat bricks' and continued access for barn owls. Conditions are recommended to ensure these provisions are provided and maintained.

Regarding the rights of way and access for boat owners to the canal, this is a private matter between the applicant and the other parties concerned, and it does not affect, or have any bearing, on the planning application.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plan no. 2333/1 (Landscape Scheme) dated 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 - Prior to the commencement of the development hereby approved, full details of the proposed bat bricks and owl access (including the locations for these) shall be submitted to the local planning authority for approval in writing. The development shall then be carried out in accordance with the approved details.

#### **REASON:**

To safeguard the wildlife interests of the site.

5 - 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.

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 on any part of the application site unless first approved in writing by the local planning authority.

**REASON:**

To enable the local planning authority to retain control over such development in the interests of protecting the countryside and AONB from inappropriate development.

7 - The residential accommodation hereby permitted shall not be occupied at any time other than as a single dwellinghouse.

**REASON:**

To ensure that the development is in accordance with the policy for replacement dwellings set out in the Kennet Local Plan 2011.

8 - Within three weeks of the date when the new dwelling hereby approved is first occupied the existing dwelling on the site and the existing barns on the site to be demolished (all as shown shaded red on drawing no. W05-253-001) shall be demolished and the resulting materials removed from the site.

**REASON:**

To accord with the terms of the application and ensure that the development is in accordance with the policies set out in the Wiltshire Structure Plan and Kennet Local Plan for the protection of the countryside from inappropriate development.

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

**REASON:**

In the interests of visual amenity.

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

**REASON:**

In the interests of highway safety.

**11 - 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, HC25, NR5, NR7 & NR8.

**12 - 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.

**13 - INFORMATIVE TO APPLICANT:**

The applicant is reminded that the site may be a habitat for wildlife species including nesting birds. The applicant should ensure that works are carried out only at times when harm would not be caused to wildlife.

**14 - INFORMATIVE TO APPLICANT:**

The applicant is advised that the ponds shown on plan no. 2333/1 do not form part of this planning permission. These ponds may require planning permission in their own right. The applicant is recommended to seek advice from the Environment Agency before proceeding to apply for planning permission for the ponds and/or commencing construction of the ponds.

Item 7:

APPLICATION:	K/52782/F
PARISH:	GREAT CHEVERELL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Renewal of application K/45759, retention of mobile home for agricultural worker.
SITE:	Witchcombe Farm Great Cheverell
GRID REF:	97268 54856
APPLICANT:	Mr and Mrs S Hillier
AGENT:	Mr D G D Tucker
DATE REGISTERED:	12th August 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to Witchcombe Farm which lies approximately ½ mile outside Great Cheverell, just south of the railway line at the northern end of Witchcombe Lane. To find the site head into Great Cheverell from the direction of Devizes and turn right approximately 100 metres beyond Weavers Mead. Follow the road out of the village, over a railway bridge and bear left at the next fork. The lane takes a sharp left, passing back over the railway line and Witchcombe Farm is on the left hand side approximately 500 metres further on, down a narrow track.

#### SITE HISTORY

K/045080 – Stationing of temporary agricultural worker's dwelling, refused planning permission on the 3<sup>rd</sup> April 2003.

K/045759 – Provision of mobile home for farm worker, granted temporary planning permission on the 14<sup>th</sup> August 2003. The permission expired on the 14<sup>th</sup> August 2005.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to renew planning permission K/045759 for the provision of a mobile home for a farm worker.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments made since the application was submitted.

#### ADDITIONAL STATEMENT BY THE APPLICANT

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

#### PARISH COUNCIL COMMENTS

The parish council is not convinced that the "functional test" has been met because observations and representations from parishioners over the past two years suggest that the levels and type of stock kept on the land do not match the original plans and therefore do not require agricultural workers to live on site. For the "financial test" the parish council has concerns about the viability of the business, particularly in the light of the reported insolvency of Great Cheverell (Poultry) Ltd declared at the Bath County Court on 29<sup>th</sup> July 2005 "No.16 of 2005". A letter was written from the parish council to Mr Hillier requesting a site meeting, but no response was received.

## CONSULTATIONS

No consultee had submitted comments at the time this report was prepared. Any which have subsequently been received will be reported verbally at the meeting.

## REPRESENTATIONS

One letter has been received raising the following objections:

- a) The original application contained proposals for a dairy herd, a beef unit, arable production, an orchard and a turkey unit. It was also stated that this stock was ordered or due for delivery. The objector has monitored the site regularly and has seen only chickens, geese, a few horses and a number of pigs that are owned and looked after by a farmer from Seend. It is therefore probable that the proposed livestock in this application are also unlikely to arrive. The present application is being made purely to justify the extension of the current temporary planning permission for the mobile home.
- b) The proposed numbers of poultry and stock cannot be housed in the existing approved buildings on the site. In addition, the feed bill of £3000 per year is extremely cheap for the number of proposed stock bearing in mind no cereal crops have been grown in 2005 and most of the hay crop has been exported from site.
- c) The objector has been made aware that Great Cheverell (Poultry) Ltd has recently gone into liquidation. He is also aware of a number of outstanding debts with local businesses that remain unpaid by the applicant.
- d) The applicant is abusing the system for agricultural dwellings put in place by Planning Policy Statement 7. The applicant and his agent have submitted untruths designed to mislead the local planning authority.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the countryside where Policy HC27 permits new dwellings required for the purposes of agriculture. Advice contained in Annex A of Planning Policy Statement 7 (PPS7) on "Sustainable Development in Rural Areas" is relevant.

## PLANNING OFFICERS COMMENTS

The applicants have lived at the holding for the last two years after having been granted planning permission in August 2003 for a temporary dwelling for a two year period (reference K/045759). That permission has recently expired and the applicants are seeking a renewal for a further temporary period.

Government guidance contained at paragraph 13 of Annex A of PPS7 states that authorities should not normally grant successive extensions to a temporary permission of more than three years. However, in the case of Witchcombe Farm, although recommended for three years, the temporary permission granted by the committee was for a period of only two years and the applicants have advised that they are not yet in a position to afford to construct a permanent dwelling on site. They state that the business needs to develop further before such a step can be taken.

When assessing the current application it is necessary to consider whether the functional and financial tests for agricultural worker's dwellings set out in PPS7 are being met. The Council employs an independent consultant to advise on this matter. He describes the present activity on the holding as follows:

“The holding is run primarily as a poultry unit, with fowl and pigs.

“The poultry are reared for sale as point of lay hens and table birds. Chicken breeds include Black Rock, Gold Morans, Devon Blacks and five other breeds. Stock are either incubated or purchased as day old chicks, in batches of 250 head. Progeny are sold as point of lay hens at 10–12 weeks. At present most stock are purchased but the applicant plans to change to incubation. Including parent stock a total of 4,000 birds are on site at any time

“Other birds include Guinea Fowl, which are reared for meat in batches of 250 head, over a 90 day period; Quail are reared for meat over a 90 day period and in batches of 600 head. Ducks are reared for egg production and for meat; geese are kept as laying animals (600 head) with sales of fertile eggs, along with 1,000 birds to be reared for the Christmas market. Up to 3,600 birds (aside from poultry breeds) are on site at any time.

“Sales from the poultry and fowl enterprises take place to private individuals, landowners, restaurants, butchers and markets.

“There is a small goat enterprise, comprising four does which are kept for breeding and milk; a Hereford bull is kept, with six heifers which have recently been purchased for breeding as suckler cows.

“The pig unit has recently been depopulated but will be re-stocked to 40 breeding sows, producing pork and bacon weight pigs.”

The applicants also have plans to expand the operation, described as follows:

“The goat enterprise will be expanded to 50 does, producing goat milk and goat cheese. The poultry enterprise may be expanded by up to 50% with all incubation of all eggs on site. At present only a proportion of incubation takes place on site; the move to increase incubation will result in greater efficiency and economy of production.

“An arable enterprise is proposed. 11ha (28 acres) of the farm will be sown to wheat and barley for 2006. All cultivations and harvesting will be carried out by contractors; the grain will be milled and fed back to the birds.

“The applicants plan a horticultural and soft fruit enterprise. The two polytunnels on site will be stocked with 10,000 strawberry plants this autumn. Other produce from the horticultural enterprise will be used to produce chutneys and jams for retail sale.”

#### Functional Need

The Council’s consultant advises that, in view of the quantity and nature of livestock currently on site, it is his opinion that there is a functional requirement for an essential presence on site at most times. The applicants have indicated their intention to increase the level of incubation on site, expand the sow herd to 50 and increase the goat herd to 50. Overall the functional need for an essential presence on site will remain in the future.

#### Financial Test

The applicants have not submitted copies of detailed accounts for the existing business as part of the planning application. They have indicated that they do not wish for such information to be placed directly in the public domain. As an alternative,

they have made the information available to the Council's consultant for his personal inspection at the farm. He was shown copies of the unaudited accounts for Witchcombe Farm for the trading periods 2002 to 2005.

The profit and loss accounts show that the trading activities have consistently returned a profit for the four trading periods. Whilst the unit has been profitable, the level of profit has been less than the minimum agricultural wage for one full time unit of labour for each of the respective trading periods. That means that the profit from the unit has not been sufficient to reward the two full time units of labour provided by Mr and Mrs Hillier. In such circumstances the unit cannot be said to be viable over the four trading periods.

Over the same period it would appear that drawings from the capital account have been used to provide the balance of income for Mr and Mrs Hillier. The applicants have advised that part of the drawings have also been used to pay for employed labour.

The Council's consultant advises that it is not unusual for a business in its early stages of development to provide additional income to the entrepreneur from the capital account, whilst profits are low. The expectation is that profits will rise in future years and that profit over and above the applicant's combined drawings will then be available to re-invest in the business.

The applicant has provided a forward projection which shows future profitability to be significantly higher than present levels. The predictions show a level of return that would mean a profit significantly in excess of the cost of Mr and Mrs Hilliers' otherwise unpaid labour. In other words the unit would be both profitable and viable. The predictions are based on the assumption that the proposed farming practice is implemented, but it is considered that viability can be attained within a two year period.

Having regard to the above, officers consider that it would be reasonable to grant temporary planning permission for a further two year period to enable the applicant time to develop the business in order to attain full viability. If, after the two year period, viability has not been achieved then the Council would have another opportunity to consider the matter.

Turning to the other issues raised by the parish council and third party objector:

1. The applicants may not have developed the business in line implemented their original business plan. However, this is not in itself relevant to the consideration of the latest application. Officers are satisfied that there is a functional requirement for an essential presence on site at most times, based upon the level of stock currently on the holding.
2. The applicants' agent has advised that the annual feed bill is actually £30,000 per annum, not £3000 as quoted in the supporting statement. This was a misprint;
3. The applicants' accountant has confirmed that the company known as Great Cheverell (Poultry) Ltd was incorporated in May 2002 and Mr & Mrs Hillier were Company Secretary and Director respectively. The accountant states that, to the best of his knowledge, the company has not traded and is now being struck off as it is no longer required. He also states that during the preparation of accounts for Witchcombe Farm he saw no transactions either for or on behalf of that company,

and in his opinion the current operations of the farm (which are in the joint names of Mr & Mrs Hillier) are not affected by the dissolution of the company;

4. The allegation that the applicant has a number of unpaid debts is not a material planning consideration.

## **RECOMMENDATION**

Approve with Conditions -

1 - On or before the 13th October 2008 the use shall cease and the mobile home shall be removed from the site, unless before that time permission has been granted by the local planning authority for its retention.

### **REASON:**

This permission is granted solely to meet the needs of the present applicant, and in order to enable the local planning authority to review the situation at the end of the period specified.

2 - The occupation of the mobile home shall be limited to a person solely or mainly working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

### **REASON:**

The site lies within a rural area where new residential development, other than that required in the interests of agriculture or forestry, would be contrary to the policies contained in the approved development plan.

### **3 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & HC27, in addition to the advice contained in PPS7.

Item 8:

APPLICATION:	K/52443/F
PARISH:	ALDBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey side extension
SITE:	23 Castle Street Aldbourne
GRID REF:	26228 75513
APPLICANT:	Mr JC Firstbrook
AGENT:	Mr C R Merritt
DATE REGISTERED:	5th July 2005
CASE OFFICER:	Miss G Salisbury

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#### SITE & LOCATION

23 Castle Street is located towards the western end of Aldbourne on the southern side of Castle Street on the road leading out of the village towards Ogbourne St George. It is a two storey semi-detached dwelling with a single storey lean-to that forms part of one of three pairs of brick, flint and chalk cottages dating back to the 19<sup>th</sup> Century. The dwelling is not listed and does not fall within the designated Conservation Area for the village.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a two storey extension to the side and rear of the dwelling. The proposed extension measures 3.9m in width by 7.5m long and 7.25 high to the side and then wraps around the rear of the dwelling to create a two storey gable extension at 6.5m high and a single storey lean-to. Materials are brick, flint and slate to match. It is also proposed to erect a uPVC conservatory to the side of the extension measuring 2.91m wide by 4.85m in length and 3.1m high.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The design of the rear elevation has been amended from a two storey extension with a dormer window at first floor level to a gabled two storey extension. The design of the windows to the front of the property have also been amended to match those on the original house and the window at first floor level on the side elevation has been reduced in size to better replicate the existing window on this elevation. In addition, the plans now show the front and side elevations of the extension to be in flint with the existing detailing on the side elevation to be carried through into the extension.

#### PARISH COUNCIL COMMENTS

Aldbourn Parish Council object to this application on the grounds that the proposed changes to the cottage are inappropriate and would spoil the unique layout of the cottages of which 23 is part. As you leave the village the current obvious and attractive end wall would be removed and not replaced and despite the proposed flint work it is still a dramatic alteration to the character of the cottage and its setting.

#### CONSULTATIONS

County Highways (Kerry Flower) – as the proposed side extension does not result in any loss of parking no highway objection is raised.

#### REPRESENTATIONS

17 letter of objection have been received to the original scheme which raise the following concerns;

1. The extension would ruin the appearance of the three pairs of attractive and unique brick, flint and chalk cottages. For 125 years (approx) their appearance has not changed and this should remain so for future generations. Their symmetry is their charm and any additions visible from the road would have a severely detrimental effect on the character and visual quality of the village. These buildings should be listed.
2. A substantial extension to the front of No.23 will significantly alter the visual symmetry of this group of harmonious dwellings, which appear to be the only surviving example of such a group of Victorian semi-detached houses in the village.
3. This is one of the most attractive corners of the village, and should be retained as it is now.
4. The extension would have an unpleasant impact on the extremely attractive entrance to the village.
5. The cottages are in a highly visible position and can be seen from many parts within the village – including the churchyard.
6. If the extension is allowed it will have a detrimental impact on not just the row of cottages but also the character and appearance of the village and the whole conservation area which is directly in front of these cottages.
7. The bulk of the extension seems entirely disproportionate and the design inappropriate.
8. It is unlikely that the patterns in the brickwork could be convincingly reproduced.
9. The plans include a conservatory which would be highly visible from the road and anomalous to the homogenous character of these dwellings.
10. Frosted glass to the en-suite bathroom facing the road would make this extension even more inappropriate.
11. The extension would ruin the pleasing balance between No. 23 and 25 Castle Street.
12. The distance between the planned extension and the border of the garden of No. 25 is only 8 feet. The extension would dominate and overlook the garden of No.25 resulting in a considerable loss of privacy.
13. The approval of this application could set a dangerous precedent for similar development of the neighbouring properties. This could result in this group of dwellings taking on the appearance of a stark terrace and also an unacceptable level of on-street parking.

No letters of objection have been received to the amended scheme received on the 23<sup>rd</sup> September 2005. Any which are subsequently received will be reported verbally at committee.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

It is considered that there are two key issues to consider when determining this application; a) the design of the scheme and the impact this would have on the character and appearance of the existing dwelling and surrounding area, and b) the impact on neighbour amenity.

a) A significant number of objections have been received to this application on the principal grounds that the extension would significantly alter the appearance of the dwelling and visual symmetry of this group of attractive cottages. While it is accepted that this development would disrupt the symmetry of the cottages, the size and scale

of the extension is in keeping with the existing property and the extension has been designed to be subservient in height and set back from the face of the original building. Following negotiations the proposal has also been amended to ensure that the windows on the front and side of the property are in keeping with the existing windows on these elevations and that the unique detailing seen on the side elevation will be carried through into the extension. The materials proposed are acceptable and the colour and texture of the external materials and detailing can be reserved by condition, should permission be granted. The conservatory is also considered to be well designed and would be screened to a large extent by the existing roadside hedge. As such it is not considered that the extension or conservatory would have an unacceptable impact on the character and appearance of the existing dwelling or surrounding area.

Because of its acceptable size and appearance it is not considered that this addition would set an unacceptable precedent. Any applications for similar development at neighbouring properties would be judged on their own particular merits.

b) Concern has been raised that the proposed extension would dominate and overlook the garden of No. 25. While the extension would come closer to the rear boundary, the extension only projects 1.25m beyond the back wall of the original house. In addition, the windows at first floor level facing onto the garden of No. 25 would not result in any significantly greater level of overlooking than is already possible from the existing first floor windows on this elevation. As such no measurable harm to amenity would result from this proposal.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - This permission relates only to the scheme of development shown on the revised existing and proposed plan sections and elevations received on the 23rd 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 of the two storey extension, and the frame and walls of the conservatory (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### **REASON:**

To secure harmonious architectural treatment.

4 - Notwithstanding the details shown on the submitted plans, no development shall take place until full details of the brick and flint detailing to the front and side elevations has been submitted to and approved in writing by the local planning

authority. This shall make provision for the use of natural knapped flint laid in a random pattern and shall not include the use of prefabricated flint blocks. Development shall be carried out in accordance with the approved details.

**REASON:**

To secure harmonious architectural treatment in the interests of the visual amenity of the area.

**5 - INFORMATIVE TO APPLICANT:**

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

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

Item 9:

APPLICATION:	K/52969/F
PARISH:	ROUNDWAY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey kitchen extension
SITE:	32 Roundway Park Devizes SN10 2ED
GRID REF:	01191 62481
APPLICANT:	DJ Hills
DATE REGISTERED:	16th September 2005
CASE OFFICER:	Miss R Yeomans

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#### SITE & LOCATION

The site is located along a no through road amongst similar semi-detached properties and is constructed from red brick, with a concrete tiled roof. The site may be accessed by proceeding from Devizes town centre in the direction of Marlborough along the A361 (London Road). Proceed past the police HQ on the left and take the next left turning into Roundway Park and number 32 is approximately half way along the road on the right hand side.

#### SITE HISTORY

K/52283/F – the erection of a single storey rear extension. This application was for a single storey extension of the same height and depth which extended right up to the boundary with the adjacent property at number 31. Given the proximity of this extension to the neighbour's ground floor window, its effect was considered to have a detrimental effect on neighbour amenity, and as such was refused.

#### DESCRIPTION OF DEVELOPMENT

The application proposes a rear single storey lean to extension with an eaves height of 2.4 metres, ridge height of 3.2 metres, width of 3.8 metres and depth of 3.6 metres. The proposal has been scaled down in terms of its width since the previous application so that the minimum distance from the extension to the boundary with number 31 is 2 metres. It is proposed to be constructed from matching materials.

#### PARISH COUNCIL COMMENTS

Roundway PC - objects to the proposed extension for the following reasons:

1. The plan is not sufficiently detailed
2. The building is too long and will have a detrimental effect on the neighbour, with windows overlooking her kitchen.
3. The extension maybe used to extend the applicants catering business.
4. The location of the main sewer is not shown.
5. Existing sewer pipes should be replaced with a manhole outside the kitchen area and a soakaway should be shown.
6. Extension is out of keeping with the property and such a large extension is not necessary.

#### REPRESENTATIONS

Two letters of objection have been received from neighbouring residents. Their concerns can be summarised as follows:

1. Proposed size is obtrusive and out of proportion. In particular, its height may deprive them of light, and given existing outbuildings will distort the overall perspective.
2. Windows and doors will overlook neighbour and lead to a loss of privacy.

3. A drainage system may run across the rear of the property.
4. Concerned in case extension would be used to expand catering business.
5. Distance from boundary does not comply with the Party Wall Act 1996, section 6.
6. Extension will have an overbearing and dominant impact and is out of proportion for the size of the garden.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policy PD1 (Development and Design) is relevant.

#### PLANNING OFFICERS COMMENTS

Both the parish council and the neighbouring residents have raised concerns that the extension is too large, will have an overbearing impact, will result in loss of light and is out of keeping. However, the extension is a modest single storey in size, inset from the boundaries of neighbouring properties either side and with a sloping roof. As such, it is considered suitable in terms of design, materials and scale in relation to the size of the property and plot.

This applicant has taken into account any impact on neighbour amenity at number 31, by reducing the length of the extension to maintain a 2 metre gap between the extension and the neighbouring boundary. As a result, no significant loss of light should result, nor will a single storey extension in this location be overbearing, especially given the existence of approximately 1.6 metre high close boarded fencing and screening vegetation to this boundary.

There is a distance of approximately 5 metres between the proposed extension and the nearest part of the property at number 33 Roundway Park. The boundary treatment consists mostly of screen fencing, and given these factors, together with the relative positions of the two properties, no overbearing impact nor loss of light should result to this dwelling.

It is not considered necessary to remove the windows / glazed door to the side elevation facing towards number 33 as these are only at ground floor level and the close boarded fencing should restrict any impact on neighbour privacy sufficiently. The neighbour has only one small window to this elevation at ground floor level (which is already overlooked to some extent) and also has a window to this elevation at first floor level, which overlooks the application site. The current relationship is therefore one where a degree of mutual overlooking already exists. The position of the properties means that the extension will not protrude significantly beyond the rear elevation of number 33, and hence the windows will point in the direction of side elevation of number 33, and not significantly overlook the neighbour's garden or kitchen windows to the rear of the property.

The requirements of The Party Wall Act & the existence of the sewer to the rear are both private matters, and should members be minded to approve the application, the relevant informatives have been recommended and the water authority have been advised of the proposal. The Parish Council objected on the grounds that the extension was not necessary, which is not a material planning consideration.

The application is therefore considered to be in accordance with Policy PD1, and therefore acceptable.

## **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 applicant should note that the Council has been advised of a main sewer which runs within close proximity to the approved scheme. The applicant is advised to contact Wessex Water and seek any necessary licences / permissions prior to the commencement of any works in relation to the proximity of the sewer.

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

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

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

### **5 - INFORMATIVE TO APPLICANT:**

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

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

Item 10:

APPLICATION:	K/52839/ADV
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Advertisement Consent
PROPOSAL:	Display of various illuminated and non-illuminated signs
SITE:	Skurrays Ltd George Lane Marlborough
GRID REF:	18925 68791
APPLICANT:	Skurrays
AGENT:	Futurama Ltd
DATE REGISTERED:	25th August 2005
CASE OFFICER:	Miss R Yeomans

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#### SITE & LOCATION

The site can be accessed by proceeding into Marlborough from the Devizes direction, on the A4, at the mini roundabout carry straight on into Pewsey Road. At the next mini roundabout, turn left into George Lane, and Skurrays can be found a short distance along the road on the right hand side, on the corner of the turning into George lane car park. It is situated alongside the road, with a cluster of industrial buildings and car park to the rear, and with houses on the opposite side of the road. It is located outside the conservation area.

#### SITE HISTORY

K/14331/A – Internally illuminated, static, fascia box sign – permitted 29<sup>th</sup> August 1989

K/18617/A – Erection of illuminated fascia signs – permitted 26<sup>th</sup> March 1992

K/19564 – Form link corridor between blocks A and C – permitted 10<sup>th</sup> December 1992

K/32746/A – The display of two internally illuminated and one non- illuminated welcome sign – permitted 13<sup>th</sup> June 1996

#### DESCRIPTION OF DEVELOPMENT

This is an application for a variety of signs, including new fascia signs along the front and side of the building, a 'totem' style sign and a red, internally illuminated light above the main windows on the side and front elevations. The signs are described as follows:

- Sign A & D – Internally illuminated neon tubing retailer's name in red (in the applicant's corporate colours). This is an approximate replacement for the existing white 'Skurrays' lettering to the front, and a shift of the existing lettering to the side elevation further to the rear of the building.
- Sign B & F – 'Vauxhall' lettering and logo, both internally illuminated. Approximate replacements for existing to front and side elevations.
- Sign C - 'Masterfit' sign with internally illuminated logo measuring 1500mm x 1115mm
- Sign E – Red 'Welcome' sign with internally illuminated lettering. Approximate replacement for existing grey version. Sign G – Grey sign to front elevation, non-illuminated, measuring 1000mm x 900mm.
- Sign H – (Has been downscaled from the size originally proposed) Grey coloured totem style sign, with internally illuminated logo to top, measuring 4640mm x 1599mm. This would be at the front of the site, close to the eastern entrance.

- Brand line feature – Small canopy incorporating fluorescent tubing within a red casement above the main window in the front and side elevation.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Since the application was submitted, one of the initially proposed totem signs has been removed from the application. The other totem sign, Sign 'H' has also been replaced with a smaller version, both in terms of height and width. The applicant has also confirmed that the existing tall flag post sign would be removed from the site before the new signs are erected.

#### TOWN COUNCIL COMMENTS

Marlborough Town Council objected to the initial plans on the grounds that it would be over-proliferation of both illuminated and non-illuminated signs within a conservation and residential area, which goes against Council policy.

At the time of writing, no comments have been received from the town council in respect of the amended plans.

#### CONSULTATIONS

County Highways (P. Galpin) – no objection subject to no part of the signs being closer than 3.5 metres to the carriageway, none of the illumination being of a flashing type, the source of the illumination not being visible to the users of the highway and in accordance with the maximum luminance values stated.

#### REPRESENTATIONS

No representations have been received.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy HH12 (advertisements) is relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The principal issue is the impact of the signs on visual amenity. The local highway authority have indicated that there are no objections on road safety grounds.

The site lies outside the conservation area and the majority of the signs (Signs A – F) are to replace existing similar signs. They are proposed to be a similar size and design and illuminated in the same manner. It is not considered that these similar replacements will cause any additional harm to visual amenity and given that an existing level of illumination exists to these signs, no significant harm to neighbour amenity should be caused.

Sign G is considered to be a fairly modest addition, will be well camouflaged against the colour of the building, and will not be illuminated. The impact of this sign would therefore be minimal and no significant harm should result.

Sign H is the proposed totem sign, which is proposed as a replacement to the existing very tall flag post style sign. The size (in its amended reduced size) and the design are considered appropriate to the location. Only the logo is proposed to be illuminated. The level of lighting is not considered harmful to the character and appearance of the area, and the low level of illumination is appropriate for this residential area.

The red brand line illuminated canopy feature is set back from the front of the site, in line with other permitted illuminated signs and its low level of illumination should

similarly have no significant impact on residential amenity nor should its impact on the streetscene be detrimental.

### **RECOMMENDATION**

Approve 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 - The maximum luminance from the signs shall not exceed the following luminance values in accordance with ILE Technical Report Number 5 (Second Edition):

Total Illuminated Area of Sign Face (sq metres)	Maximum luminance (candela / sq m)
Up to 0.49	2000
0.5 to 1.99	1600
2.0 to 4.99	1200
5.0 to 10.0	1000
Over 10.0	800

#### **REASON:**

In the interests of highway safety and amenity.

3 - 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.

4 - 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.

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 - Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992, or any Regulations revoking and re-enacting or amending those Regulations, all other advertisements at the site shall be removed from the site prior to the display of the advertisements hereby permitted.

#### **REASON:**

In the interests of visual amenity.

7 - The source of light shall not be visible to the drivers of vehicles using the public highway.

REASON:

To safeguard the drivers of passing vehicles in the interest of highway safety.

8 - The illumination of the signs hereby permitted shall be of the non-flashing type.

REASON:

In the interests of visual amenity.

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.