

Regulatory Committee

24th November 2005

List of Applications for Consideration

1 K/52682/O (page 7)

Outline Planning Permission for : Residential development of 45 units
St Johns School and Community College Orchard Road MARLBOROUGH

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

2 K/51547/F (page 17)

Full Planning Permission for : Demolition of existing buildings and erection of 174 dwellings together with alteration to Chopping Knife Lane and associated estate road, landscaping, open space, play areas, drainage works and connection to existing systems.

St. Johns School, Chopping Knife Lane, MARLBOROUGH

RECOMMENDATION: Refuse planning permission

THE MEETING WILL THEN ADJOURN AND WILL RECOMMENCE AT 2:15pm TO CONSIDER THE FOLLOWING APPLICATIONS

3 K/52483/F (page 30)

Full Planning Permission for : Construction of 14 new homes
St Mary's House, St Mary's Close, POTTERNE

RECOMMENDATION : Grant full planning permission

4 K/53081/F (page 36)

Full Planning Permission for : Removal of condition 8 of planning permission K/51671/F (height of buildings) and retention of development as built.
The Surgery, High Street, RAMSBURY

RECOMMENDATION: Grant full planning permission

5 K/52494/F (page 42)

Full Planning Permission for : Change of use from woodland to BMX cycle track
Grid reference 143493 Corfe Wood NETHERAVON

RECOMMENDATION: Grant temporary planning permission

6 K/53096/F (page 49)

Full Planning Permission for : Demolition of stables/coach house, build new house.
Restoration and conversion of out building.
The Old Rectory Church Street COLLINGBOURNE DUCIS

RECOMMENDATION: Refuse planning permission

7 K/53091/CAC (page 53)

Conservation Area Consent for : Demolition of stables and coach house.

The Old Rectory Church Street COLLINGBOURNE DUCIS

RECOMMENDATION: Refuse Conservation area consent

8 K/53036/F (page 55)

Full Planning Permission for : Replacement dwelling

39 Eastsands BURBAGE

RECOMMENDATION: Grant full planning permission

9 K/53098/F (page 59)

Full Planning Permission for : Erection of new house and garage

Land to the rear of The Antelope Hotel, UPAVON

RECOMMENDATION: Grant full planning permission

10 K/53099/CAC (page 66)

Conservation Area Consent for : Demolition of part of brick boundary wall

Land to the rear of The Antelope Hotel, UPAVON

RECOMMENDATION: Grant Conservation area consent

11 K/52958/F (page 68)

Full Planning Permission for : Retention of change to roof line to accommodate french door

Pear Tree Cottage Axford RAMSBURY

RECOMMENDATION: Grant full planning permission

12 K/53029/F (page 71)

Full Planning Permission for : Proposed removal of single garage and erection of utility room

Oak Tree Cottage, Stype, SHALBOURNE

RECOMMENDATION: Grant full planning permission

13 K/53058/F (page 74)

Full Planning Permission for : Single storey front and two storey side extension

14 Cuckoo Pen Close COLLINGBOURNE KINGSTON

RECOMMENDATION: Grant full planning permission

Item 1

APPLICATION:	K/52682/O
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Residential development of 45 units
SITE:	St Johns School and Community College Orchard Road Marlborough SN8 4AX
GRID REF:	19018 68522
APPLICANT:	St Johns School/College & Crest Nicholson
AGENT:	K Mitra
DATE REGISTERED:	1st August 2005
CASE OFFICER:	Mr A Guest

This is the first of two planning applications on the agenda relating to the redevelopment of the two St. John's School sites at Orchard Road (the Stedman Site) and Chopping Knife Lane. This application relates to the Stedman Site, and although effectively a 'windfall' site, the application and specific proposal has been prepared by the applicant in conjunction with the Chopping Knife Lane application in an attempt to provide adequate affordable housing across the two sites.

SITE AND LOCATION

The 0.8 ha application site forms part of the St Johns School campus with access from Orchard Road. It is presently occupied by school buildings and associated access roads and parking areas. To the north, east and south sides of the site is established residential development in Ducks Meadow, Orchard Road and Upper Churchfields. To the west is the remainder of the school grounds. Ground level falls away gently from the south to the north sides of the site, although becoming steeper at the northern edge with the properties in Ducks Meadow.

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

RELEVANT HISTORY

K/43518/O - Demolition of existing buildings and construction of new school; new access on to A345 Granham Hill; associated car parking; sports hall and community facilities - approved 3 July 2003

K/50505/RM - Construction of new school, associated car parks, access roadway and playing fields - approved 25 November 2005

These applications grant planning permission for a new school to replace the two existing schools forming St John's School currently located at both the Stedman Site and Chopping Knife Lane. The approved layout for the new school shows the application site the subject of this report as surplus to school requirements.

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission to develop the site to provide 45 dwellings. Of these dwellings 23 would be affordable for rent or shared ownership, but no low cost market. All matters are reserved with the exception of means of access which is indicated to be via the existing school entrance at the end of Orchard Road. The application is supported by an illustrative layout drawing and a Transport Assessment.

ADDITIONAL STATEMENT BY THE APPLICANT

In support the applicant states the following:

“The application ... proposes the provision of both affordable and open market dwellings on the retained land at the Stedman Campus following demolition of the present school buildings and caretaker’s bungalow.

The proposals set out in this application are intended to provide part of the affordable housing requirement as a consequence of the Savernake site [Chopping Knife Lane] redevelopment by Crest Nicholson. The school proposes that these affordable dwellings will be secured through an appropriate Section 106 agreement.

The scheme proposes open market housing on the site to assist in the funding of the Single Site Project. The scheme is in outline form with only means of access for consideration at the outline stage. It is intended that the existing access will be used to serve the proposed residential development. With access to the main school site proposed from Pewsey Road (A345), the present access will be more than capable of serving the proposed development in both capacity and highway safety terms. The level of traffic movement as a result of the proposed residential scheme will be of a significantly different type comprising mostly cars rather than coaches. In addition, the site is sustainably located with easy pedestrian access to the town centre and local facilities. ... ”.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The illustrative layout has been revised to incorporate open space, and the Transport Assessment submitted.

TOWN/PARISH COUNCIL COMMENTS

Marlborough Town Council: Strongly object for the following reasons:

- * Failure to define access for children, emergency and supplies vehicles;
- * Amount of traffic movement;
- * Over development of site negates any future expansion of the school.

Savernake Parish Council: Objects for the following reasons:

- * Over development of the site;
- * Bad neighbourhood for the school;
- * Disrupts pleasant pedestrian/cyclist entrance to the school from Orchard Road;
- * Sharp bend in layout creates difficulties for emergency access to school;
- * No requirement in the Local Plan for an additional 45 houses in Marlborough. The fact that the school needs money to rebuild on one site should not be used as evidence to go against the number of new houses required in the local plan;
- * Site should be used for school facilities and left with space to expand. Proposal will detract from setting of school;
- * Contrary to local plan - both Chopping Knife Lane and these proposals should comply with the local plan.

CONSULTATIONS

KDC Leisure Services Manager: - Proposed houses require commuted payment for play space provision to include on-site equipped play space.

KDC Housing Development Manager: - No objection. Although objection is raised to the Chopping Knife Lane proposal by virtue of the inadequate number of affordable houses (that is, as a consequence of the low cost market houses not being

'affordable'), the affordable housing provision on this site is acceptable in isolation comprising 23 units for rent or shared ownership on acceptable terms. This equates to 51% of the 45 units proposed. There are no low cost market units proposed on this site.

If the 68 units proposed on Chopping Knife Lane were all truly affordable (which they are not), the total number of affordable units across the two sites would be 91, or 41.5%, which is considered to be acceptable. However because only 36 of the units are actually affordable, the overall percentage from the two sites reduces to 27% which is not acceptable.

County Highways (Mark Wiltshire): - The proposed development will not lead to a vehicular increase in traffic along the roads leading to the site compared to the existing situation where the school is taking access over these roads.

Given the increase in pedestrian movements that will be generated, and that the parking provision will be less than 2 spaces per dwelling there must be improvements to the pedestrian route to the town centre.

Recommend conditions, obligation and informative.

County Archaeologist: - no requirements.

Thames Water: - no objection. Recommend informative.

Sport England: - Applicant has adequately demonstrated that the site will not be required to meet future demands of the school.

Wiltshire Fire Brigade: - Adequate access should be provided for emergency vehicles, and consideration should be given to providing sprinklers in the houses.

REPRESENTATIONS

The application has generated 57 objections from nearby residents and the CPRE summarized as follows:

- Too many houses in total/overdevelopment – Marlborough does not require 45 + 174 new houses. This figure is considerably in excess of Local Plan allocation;
- Density of 55 units/ha is too high;
- Inadequate open space – high density development should not prejudice provision of open space as required by policy;
- New school proposal justified in part to relieve Orchard Road of traffic congestion. Proposal would cut completely across this benefit resulting in highway safety and amenity problems for residents. Orchard Road is already overloaded and Granham Hill will not be used as an alternative – 'dropping off' will continue in Orchard Road and so proposal will aggravate existing problems. Insufficient parking;
- 'Emergency access' to school through new estate would become main access with traffic and amenity implications. Problems will result for emergency vehicles;
- Transport survey is out of date and carried out over too short period;
- Traffic to housing will be 24/7 with resulting nuisance and pollution;
- Loss of residential amenity to neighbouring properties through overlooking, loss of light and overbearing impact. Loss of views and outlook;

- Loss of another 'green' space in Marlborough. Site should be used for educational purposes;
- Harmful impact on long distance views from the town;
- Harmful impact on setting of new school;
- Insufficient affordable housing across the two school housing sites. Affordable housing poorly integrated;
- Inadequate capacity in sewers;
- No details of surface water disposal;
- Inadequate GP services for number of new residents;
- Harmful to AONB;
- Loss of trees;
- Link road should be provided to new Salisbury Road roundabout;
- Only proposed at '11th hour' as enabling development to facilitate new school – Local Plan Inspector stated that housing allocation should not be adjusted to take account of school costs;

A petition signed by approximately 90 objectors has also been submitted.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policies PD1, HC3, HC5, HC7, HC21, HC34, HC37, HC42, HC43, AT10, NR7, NR8, TR17, TR22 are relevant.

PLANNING OFFICERS COMMENTS

The main considerations in this case are firstly the principle of residential development, and if this is established the likely impact of the number of units proposed on character, amenity, highway safety and sustainability, and the adequacy of the proposal to accommodate the needs of the existing and new community being formed. The application is in outline form and so there are no specific details of layout or design although the application is supported by an illustrative layout plan.

Although an independent application to be considered on its own merits, this (the Stedman Site application) is linked with the Chopping Knife Lane application in that the two applications in combination have the potential to achieve the affordable housing aspirations of the local plan. Taken in isolation, the Chopping Knife Lane proposal is unable to achieve these. It, therefore, follows that if the Stedman Site application should fail then the Chopping Knife Lane application should also fail on the grounds of inadequate overall affordable housing provision. Notwithstanding this, the Stedman Site application does provide adequate affordable housing in isolation, and consequently it does not follow that should it succeed then the Chopping Knife Lane application should also automatically succeed. It is for these reasons that the Stedman Site application is presented to the Regulatory Committee before the Chopping Knife Lane application.

Principle of Residential Development

The site lies within the Limits of Development of Marlborough. On three sides it is adjoined by established residential development. The site is presently occupied by part of St Johns School, although will become surplus to the requirements of the school when it is redeveloped as part of the agreed Single School Project.

Policy HC21 of the local plan permits new housing development within the Limits of Development provided the scale of the proposal reflects the scale and character of the settlement, the proposal does not conflict with other policies of the plan, the site is well related to a range of services, and there is easy access to public transport, cycle and footpath networks. The site itself complies with this policy being within a

sustainable residential area which is well related to services and public transport. When/if the school is redeveloped the site will become surplus to school requirements. As a matter of principle the site is, therefore, appropriate and suitable for residential development.

Regarding scale, the application is specifically for 45 units. An illustrative drawing suggests a mixture of 2, 3 and 4 bedroom units positioned around two public open spaces and/or parking courts. This number of units equates to 56 units/ha which is in excess of the minimum density recommendations set out in PPG3 (30-50 units/ha). This does not mean that a higher density can be ruled out as a matter of principle, but it does require the proposal to be sagacious. The illustrative layout does not achieve this in that it proposes mainly larger and/or conventional units rather than imaginative and/or smaller units or flats, and this has resulted in a cramped and overcrowded appearance compared with established surrounding development which does not respect established boundaries in particular. Notwithstanding this, it is considered that a higher density could be achieved if a greater percentage of smaller units were proposed. This, it is considered, would then accord with PPG3. A maximum total of 45 units is, therefore, supported although subject to an informative advising the applicant to re-visit the design/layout.

Highway Safety

The application is supported by a Transport Assessment. This assesses the likely traffic generation from the site following redevelopment for housing purposes, and compares this with present school traffic. The assessment notes that the school redevelopment plans are such that vehicular access to the school would no longer be along Cherry Orchard and Orchard Road but instead via Granham Hill. As such Cherry Orchard and Orchard Road would benefit from the loss of traffic movements, including buses associated with the school.

Referring to a survey undertaken in February 2002, the assessment states that the actual amount of traffic generated by the school is some 662 two-way movements per day (with an AM peak (08:00-09:00) of 108 movements (including 16 coaches), and a PM figure (17:00-18:00) of 50 movements (including 3 coaches), (and an even higher figure from 15:00-18:00)). A survey of traffic flows at the junction of Cherry Orchard and Salisbury Road recorded total movements of some 180 vehicles two-way in the AM peak and 157 in the PM peak. From this it can be concluded that the school presently generates approximately 60% of the traffic at this part of Cherry Orchard in the AM peak and 32% in the PM peak.

Using TRICS data, the assessment calculates that traffic movements generated by 48 mixed dwellings (above the number now proposed) would be 27 vehicles two way in the AM peak and 30 vehicles two way in the PM peak, and 395 vehicles two way daily. These estimates indicate between a 40% and 75% reduction in traffic. School buses and coaches would no longer use the roads, these presently amounting to some 72 movements per day.

The conclusions of the report are, therefore, agreed. These are that, when compared to the current flows generated by the school, the proposal would benefit the existing highway network by significantly reducing traffic flows. The proposal would also remove bus and coach movements from the residential roads (roads which are better suited to residential traffic).

The conclusions are endorsed by the local highway authority, and in view of this it is considered that an objection based on adverse traffic generation could not be sustained.

To ensure the development is sustainable Wiltshire County Council requires improvements to the footpath access between the site and school. This could be achieved as part of a Section 106 agreement.

Affordable Housing

In terms of applying planning policy, the site is a 'windfall'. Under the terms of policy HC30, the Council would expect to see a provision of 50% of the dwellings as affordable on this site. This application achieves this, with 23 of the units affordable. The proposed form of the affordable housing is for rent or shared ownership only and the broad terms of this are acceptable to the Housing Development Manager.

Although the scheme is put forward by the applicants in conjunction with the larger application at Chopping Knife Lane, it must still be determined on its own merits and is considered to be acceptable in terms of its affordable housing provision.

A clause in a Section 106 agreement with the school and any subsequent owner of the site would be necessary to ensure that 23 units on this site are affordable.

Open Space and Play Areas

Policy HC34 of the Local Plan requires equipped play space and casual play space to be provided on the basis of 0.31 ha/1000 people and 0.41 ha/1000 people respectively. For 45 units this equates to approximately 775 sq m, to be provided on-site. The illustrative layout demonstrates that this can be achieved. If to be adopted by the Council, a financial contribution towards maintenance would be required, and this can be dealt with by way of a clause in a Section 106 agreement.

Normally a contribution would be expected towards formal sports pitch provision although this is not considered necessary in this case in view of the community benefits already resulting from the new school development.

Other Matters

In terms of wider visual impact, the site is prominently located on top of a hill visible from Marlborough. Notwithstanding this, the site is already developed with school buildings, and having regard to this together with the 'developed' character of the surroundings, visible housing development would not, it is considered, detract from views or the AONB in general if appropriately designed and laid out.

Residential amenity is a particular concern of third parties in view of the juxtaposition of established surrounding development, and in particular the houses in Ducks Meadow which are at a lower level. Layout/design is reserved so conclusions cannot be readily drawn, although the illustrative layout serves to demonstrate that a 45 unit scheme at a lesser scale could be accommodated on the site without adverse impact on residential amenity.

No objection is raised by Thames Water in relation to the capacity of services. Details of surface water drainage can be required by planning condition.

There are no archaeological or ecological issues relevant to this application.

As with the Chopping Knife Lane application, the relevance of this proposal to the funding of the new school project is immaterial. This application has been considered on its individual planning merits only.

Conclusion

The principle of residential development on this site is established by its compliance with Policy HC21 which allows new residential development on unallocated sites within the Limits of Development of Marlborough. In terms of traffic, a net reduction in movements in adjoining roads would benefit highway safety and amenity in general. The number of proposed units is relatively high although not unacceptable having regard to the sustainable location. Careful planning will be necessary at the detailed application stage to ensure that satisfactory layout and designs are achieved (not yet demonstrated in the illustrative drawing), and that privacy is safeguarded. It is considered that this can be achieved, and consequently the application is recommended for approval subject to a Section 106 agreement relating to phasing, affordable housing provision, open space provision/maintenance, and off site highway works.

RECOMMENDATION

Defer and delegate to Planning Services Manager to approve subject to the prior completion of a legal agreement to secure affordable housing, open space/play areas, and off site highway works, and to ensure satisfactory phasing with the Single Site Project and Chopping Knife Lane development (if appropriate), and subject to the conditions set out below:

1 - Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

REASON:

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

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

REASON:

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

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

REASON:

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

4 - The development hereby approved shall not commence until the new school and its new vehicular access from Granham Hill approved under lpa references K/43518/O and K/50505/RM have been completed and are in use to the satisfaction of the local planning authority unless otherwise agreed in writing with the local planning authority.

REASON:

To ensure satisfactory phasing of the development in the interests of good planning, amenity and highway safety.

5 - The development hereby approved shall comprise no more than 45 residential units.

REASON:

To accord with the terms of the application and ensure a scale of development appropriate for the location.

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

REASON:

To secure harmonious architectural treatment.

7 - The landscaping reserved matter shall include a scheme of hard and soft landscaping, which shall indicate all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

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

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

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

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence. The exact position of this

fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

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

10 - The development shall make provision for open space, amenity areas and play areas in accordance with the latest adopted version of Kennet District Council's guidance on 'Recreation Space, Public Open Space and Private Amenity Spaces in Residential Areas' available. The detailed plans of the open space, amenity areas and play areas shall be submitted to the local planning authority for approval in writing, and shall define the boundaries and include details of the intended future uses of each area, in particular the user age groups of play areas together with the features and items of play equipment, fencing and safety surfacing it is proposed to install. The open space, amenity areas and plays areas shall be provided/constructed as approved prior to the occupation of the 20th dwelling or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory provision of different forms of open space throughout the development in the interests of the amenity of future residents.

11 - A minimum of 23 of the residential units approved by this planning permission shall be 'affordable' as defined by Policy HC29(a) of the Kennet Local Plan 2011. The 23 affordable units shall be completed in accordance with a phasing programme to be agreed in writing with the local planning authority prior to any other operation commencing on site.

REASON:

To ensure proper and adequate affordable housing provision in accordance with the agreed scheme.

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

REASON:

To ensure satisfactory surface water drainage.

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

REASON:

In the interests of visual amenity.

14 - The reserved matter relating to siting shall make provision for an access road (with 2m wide footway) from Orchard Road to the new school boundary for emergency vehicles, the access road to be to an adoptable standard. At the boundary with the new school the access road shall be closed by lockable, removable bollards.

REASON:

In the interests of highway safety.

15 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HC3, HC5, HC7, HC21, HC34, HC37, HC42, HC43, AT10, NR7, NR8, TR17 & TR22.

16 - INFORMATIVE TO APPLICANT:

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

17 - INFORMATIVE TO APPLICANT:

The applicant is advised that the illustrative layout submitted in support of the application would not be considered acceptable. Although it is accepted that the site can accommodate 45 dwellings, it will be necessary to adjust the layout, & design/mix to achieve a satisfactory layout. This is likely to require a reduction in the number of larger, house units.

Item 2:

APPLICATION:	K/51547/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing buildings and erection of 174 dwellings together with alteration to Chopping Knife Lane and associated estate road, landscaping, open space, play areas, drainage works and connection to existing systems.
SITE:	St. Johns School, Chopping Knife Lane, Marlborough, SN8 2AU
GRID REF:	20443 68933
APPLICANT:	St Johns Sch. and Com. College & Crest Nicolson (SW) Ltd
AGENT:	Mr M Stutchbury
DATE REGISTERED:	25th January 2005
CASE OFFICER:	Mr A Guest

This is the second of the two applications on the agenda relating to the redevelopment of the two St. John's School sites. Members are reminded that two applications have been submitted by the applicant to satisfy the affordable housing aspirations of the local plan. Regardless of the shortcomings of this second application in terms of the terms and conditions of the low cost market housing (referred to later in the item), in isolation of the Stedman Site application this application does not make adequate provision for affordable housing. Consequently, it follows that should the Stedman Site application have been refused planning permission then this application should also be refused planning permission for this reason.

SITE & LOCATION

The 5.2 ha application site lies at the eastern edge of Marlborough, within the defined Limits of Development but adjacent to open countryside and the Marlborough Landscape Setting policy area. Marlborough and all surrounding land lies within the Area of Outstanding Beauty. To the north of the site, beyond adjacent fields, is a site of special scientific interest and a river corridor ecological policy area. To the west of the site is an established residential area.

The site itself supports a school and its playing fields. The school buildings are located towards the west side of the site and are single, two or three storeys in height. The playing fields are located to the side and rear of the buildings, mainly laid out on two substantial terraces. The boundaries of the site are defined by an established hedge along the Chopping Knife Lane frontage, and rows of tall fir trees adjacent to the open countryside. A mixture of fences and/or low hedges define the boundaries with the residential properties. The site generally falls away from its south to north sides, and is highly visible from adjacent land (in particular, from the high ground to the south side and the Mildenhall road on the opposite side of the river valley).

The site in combination with the second school site at Cherry Orchard Road (the Stedman Site) provides secondary education facilities for Marlborough. The school intends to consolidate its educational facilities at the Stedman Site (for which it has planning permission), and consequently no longer requires the Chopping Knife Lane

site. As part of the proposed redevelopment of the Stedman Site to provide the new consolidated school, further land will also become surplus at the Stedman Site, and this is the subject of the previous housing application on the agenda.

Access to the site is via Chopping Knife Lane. This is an unclassified road linking to London Road (A4) approximately 200m to the west of the site.

SITE HISTORY

The site comprises an allocated housing site under Policy HC2 of the Kennet Local Plan 2011. This policy states that to meet the strategic housing requirements of the District the Local Plan allocates land for housing in the locations listed, which includes Chopping Knife Lane for “about 150 dwellings”.

A small section of the school grounds adjacent to the established residential development in Chopping Knife Lane already has an extant planning permission for 4 dwellings. This land does not form part of the current application site.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing buildings on the site and erect 174 dwellings and associated estate roads, landscaping, open space, play areas and drainage works.

The housing mix would be 72 x 2 bed, 25 x 3 bed, 75 x 4 bed and 2 x 5 bed in the form of mixed 2, 3 and 3/4 storey houses and flats. The majority (x68) of the 2 bed units are proposed by the applicant to be “affordable” comprising a mixture of low cost market (32 units), shared ownership (24 units), and rented (12 units). The affordable provision amounts to 39% of the overall number of units on the site. In combination with the application to develop the surplus land at the Stedman Site (where a total of 45 units are proposed, to include 23 affordable units), the overall number of affordable units is 91. This equates to 41.5% of the total number of units across both sites (219 units).

The layout utilises the terraces and provides wide margins on the north east and south sides of the site to allow transitional landscaping with the countryside. A central village green is incorporated into the design together with a play area in the form of a “trim trail” around the edge.

Access to the site is at a single point midway along the Chopping Knife Lane frontage. Chopping Knife Lane would be slightly realigned with changed priorities in favour of the new estate road.

ADDITIONAL STATEMENT BY THE APPLICANT

The application is supported by various reports and documents. The conclusion of the Planning Statement states the following:

“The development of the site to form a well designed housing area meets the objectives and policy of the adopted local plan. The concept and layout, with sensitive landscaping being incorporated as an integral element in the design, meets the requirements for the proposals to have regard to the location within the AONB as well as respecting the amenity of nearby residential properties.

The creation of 174 residential units should be seen as meeting the objective of the Local Plan Policy HC2 particularly bearing in mind the Structure Plan context and recognition for flexibility in numbers of units as well as broader strategic and national policy objectives to make effective use of previously developed land.

The proposals are supported by a number of associated studies and surveys covering a range of matters. All the relevant issues have been properly examined and where necessary appropriate mitigation measures are incorporated. No ecological/landscape or archaeological related issue cannot be properly incorporated or should hold up the granting of permission for the site.

A detailed Transportation Assessment has been carried out. This study shows the A4/Chopping Knife Lane junction does not require improvement as there are no capacity constraints after 5 years. The situation for existing residents will improve as a result of the proposals as the movement of students and staff between the two school sites will cease. The site is well located for bus services which are regular, frequent and comprehensive. It is also proposed to develop a public transport package to further extend the opportunities for residents to avoid use of the private car.

The development of the site is the key to the achievement of the now approved school facilities at Orchard Road. The residential development will not only make a valuable contribution to the achievement of the Council housing policies but also help to achieve the development of new educational facilities for the benefit of Marlborough and future generations”.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended in a number of areas since initial submission including layout, affordable housing details, open space provision, landscaping, and drainage arrangements. Further reports have been submitted by the applicant relating to wildlife, drainage, affordable housing and visual impact assessment.

TOWN COUNCIL COMMENTS

Marlborough Town Council objects to the application for the following reasons:

- * The proposal contravenes the recommendations of the Government Inspectors (that is, in excess of “about 150 dwellings”);
- * The proposal lacks adequate provision of affordable housing (there should be 50% provision as laid down in the local plan);
- * The Local Plan Inspector stressed that the site should not be made to utilise the cost of the new school;
- * Loss of public amenity in terms of open spaces;
- * Inadequate provision for increased traffic movement;
- * Failure to address the issues in an environmentally sensitive area (AONB and River Kennet);
- * Proposal contravenes Policy PD1 - (1) sustainable design principles, (3) relationship to townscape and landscape and related ecology, (4) layout, servicing and access arrangements and road safety, (10) the impact on residential amenity, including that caused by reason of noise and disturbance;
- * There should be no buildings over two storeys.

CONSULTATIONS

County Highways (Mark Wiltshire): Any grant of planning permission should be subject to a Section 106 agreement securing the following:-

- * Provision of a 3m wide pedestrian/cycle link between the site and Elcot Lane.
- * A financial contribution of £60,000 towards upgrading of transportation measures in the town centre and the provision of bus stop facilities on the A4 at the Barnfield A4 junction. The improvements being set out in the Marlborough

- Community Area Transport Strategy Report, and being such improvements as will encourage greater use of public transport by residents of the development.
- * A five year provision for the developer to pay for a Traffic Order (preventing motor vehicle use except for access) on Chopping Knife Lane unclassified road east of the site.

Slight amendments to the layout are required to achieve satisfactory visibility within the site.

County Archaeologist: the archaeological report accompanying the planning application has shown that despite the potential, very little of archaeological interest was revealed. This is in part due to the extensive terracing undertaken during the creation of the school playing fields. In light of these results no further archaeological work will be necessary and no conditions need to be attached to any approval granted.

KDC Housing Development Manager: Objects. On the assumption of “all tenure” totals of 174 units at Chopping Knife Lane and 45 units at the Stedman Site (219 units overall), the affordable percentage is 41.5% across the two sites or 39% of the Chopping Knife Lane total. This falls short of the proportion detailed in the KLP Policy HC30.

In relation to the proposed low cost market provision, I do not think it reasonable to use the income levels, mortgage multipliers and deposit assumptions quoted by the applicant, and no potential buyers at these levels currently feature on the Council’s Housing Register. The proposed sale prices do not fall within the lower quartile figures as required by KLP Policy HC29 if the ODPM’s figures are used.

In point of fact as the 32 low cost market units do not meet the Council’s criteria they should not be treated as “affordable”. This means that the affordable package of rent and shared ownership totals 59 units which is just under 27% across the two sites or 34% of the Chopping Knife Lane total.

KDC Leisure Services Manager: no objection subject to condition/obligation confirming public use of Marlborough College playing fields to compensate for the loss of the school playing fields.

KDC Environment & Amenity Services Manager: no objection subject to appropriate contributions for maintenance, etc. if offered for adoption.

Environment Agency: no objection subject to conditions relating to surface water drainage, pollution control and landscaping.

Thames Water: The applicant should consult with Thames Water to ascertain the ability of the local sewers to dispose of foul and surface water. If investigations find that insufficient capacity is available, Thames Water will provide the additional capacity as soon as is practicable. To ensure Thames Water has sufficient lead-in time to provide such additional services it recommends a condition and obligation requiring no works to commence until the on-site and off-site drainage works have been approved and completed. The reason for this is to ensure that the foul and/or surface water discharge from the site does not prejudice the existing sewerage system.

With regard to surface water discharge, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water

sewers. Surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. The applicant is recommended to ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

There are public sewers crossing the site, therefore no building will be permitted within 3m of the sewers without Thames Water's approval. As the development is located on a brownfield site there may be existing sewers or rising mains crossing the site. In such cases the developer would be required to pay for any diversions.

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition requiring no development to take place until impact studies of the existing water supply infrastructure have been submitted to determine the magnitude of any new capacity required in the system and a suitable connection point.

A condition is also recommended requiring the detailed design of the pumping station to be submitted for approval.

Sport England: no objection subject to a condition/obligation confirming public use of Marlborough College playing fields to compensate for the loss of the school playing fields.

English Nature: no objection to bat survey and recommend condition requiring mitigation to be carried out in accordance with the Method Statement.

Wiltshire Fire Brigade: recommends consultation between applicant and fire service.

REPRESENTATIONS

The application has generated 14 objection letters from nearby neighbours (including Taylor Woodrow Developments Ltd) and CPRE summarised as follows:

- * Marlborough's infrastructure is unable to cope with significant additional housing development;
- * Marlborough's housing needs adequately met by other sites - many windfall sites have been developed since the local plan inquiry;
- * Too many houses - in excess of the recommendations of the Local Plan inquiry Inspector who stated about 150 dwellings. 174 houses plus 4 with existing permission equals 178 houses. Over development of the site at too high density. This is essentially a green field site so different density standards should be applied;
- * Traffic generated from the site would cause danger, inconvenience and congestion. Access from Chopping Knife Lane to A4 is inadequate to accommodate significant additional development. Traffic assessment with application is erroneous. Additional traffic in lane at all times (not just peak times) would be detrimental to amenity. Insufficient parking;
- * No adequate plans for improvements to public transport and access to town centre;
- * Inadequate public consultation by the applicant;
- * Application should be called-in by Central Government to ensure objective consideration of the issues;
- * Unneighbourly relationships with adjoining houses resulting in overlooking and loss of light (partly due to height of buildings). Suitable boundary treatments required with adjoining properties;

- * Harmful impact on landscape quality of wider area and AONB. Proposal will completely destroy character of this part of Marlborough;
- * Loss of playing fields;
- * Apartment blocks and 3 storey houses out of keeping with surroundings;
- * Number of houses proposed is directly related to the financial requirements of the single site school project, contrary to the local plan Inspector's findings. Local Plan Inspector specifically warned against any linkage between the school's plan for a single site school and the appropriate development of the site;
- * Inadequate play facilities for children. Should be centrally located;
- * Proposal should incorporate community building.

In addition to the objection letters, an approx. 150 signature petition against the development has been submitted.

One letter of support has been submitted summarised as follows:

- * Marlborough is a desirable place to live so as much housing as possible should be built when land is released for development;
- * Affordable housing is adequate.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policies PD1, HC1, HC2, HC5, HC7, HC15, HC28, HC29, HC30, HC31, HC34, HC37, HC42, HC43, AT10, NR2, NR3, NR4, NR5, NR7, NR8, NR10, NR11, TR22 are relevant.

PLANNING OFFICERS COMMENTS

The main considerations in this case are firstly the principle of residential development, and if this is established the impact of the specific proposal on amenity, landscape, ecology, highway safety and sustainability, and the adequacy of the proposal to accommodate the needs of the existing and new community being formed. Affordable housing is also an important consideration, and needs to be considered in the context of both this application and the previous application relating to the Stedman Site.

Although an independent application to be considered on its own merits, the application is linked with the Stedman Site application in that the two applications in combination have the potential to achieve the affordable housing aspirations of the local plan. Taken in isolation, the Chopping Knife Lane application is unable to achieve these. It, therefore, follows that if the Stedman Site application has been refused planning permission then the Chopping Knife Lane application should also be refused on the grounds of inadequate affordable housing provision in isolation. Regardless of the other issues raised later in this report relating to the suitability of the applicant's proposed terms and conditions for the affordable housing on this site, the proposal as presented by the applicant does not provide in isolation adequate affordable housing to satisfy the affordable housing policy.

The Kennet Local Plan requires developers of all key development sites to prepare planning briefs before submitting planning applications. The advantage of this approach is that it enables full and thorough examination of the issues by the applicant following consultation prior to submission of the application. This in turn ensures the subsequent speedy processing of the application by the local planning authority.

In this particular case no planning brief was prepared by the applicant. Instead the applicant carried out limited community consultation prior to, and during, the application process as summarised in the Consultation Report. This consultation is commendable as far as it goes, but it does not amount to a development brief, and it has resulted in the application process taking far longer than would otherwise have been necessary.

Principle of Residential Development

The application site comprises an allocated housing site in the Kennet Local Plan. The relevant policy from the Local Plan, Policy HC2, states that the site is allocated for housing for “about 150 dwellings”. By virtue of this allocation, housing development is as a matter of principle appropriate on the site.

The proposal is for a total of 174 units which is in excess of the figure referred to in Policy HC2. PPG3 states that local planning authorities should avoid inefficient use of land (less than 30 dwellings/ha), and achieve “housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net)”. 150 dwellings equates to 28.8 dwellings/ha which is below the 30 to 50 dwellings/ha guidance. The proposed 174 units equates to 33.5 dwellings/ha. It follows, therefore, that a development of 174 dwellings is in accordance with PPG3, albeit at the lower end of the specified density range.

Notwithstanding the apparent compatibility of the proposed density with PPG3, the guidance also requires good design, stating that applicants should demonstrate how they have taken account of the need for good layout and design. In this case the application is supported by a number of reports which explain how the development has been designed to fit in with its particular context. In particular, the Design Statement and Visual Impact Assessment refer to the relationship with the surrounding countryside and residential areas. In broad terms these statements and the layout drawing demonstrate that the site can accommodate more houses than “about 150” without appearing cramped or overcrowded. In view of this it is not considered that an objection in principle to a higher number of units based purely on the concern that it is in excess of “about 150” could be sustained.

The specific details of the layout are referred to later in this report.

Housing Mix

The housing mix comprises 72 x 2 bed units, 25 x 3 bed units, 75 x 4 bed units and 2 x 5 bed units. The majority of the two bed units are proposed to be affordable housing.

Although in isolation this does not achieve a balanced mix within the affordable housing and open market housing, the overall mix across the entire site is considered to be appropriate.

Layout, Design and Visual Impact

Notwithstanding the conclusion set out above in relation to the overall number of houses proposed, it remains necessary for the development to fit in with its context which in this case is established lower density residential development to the west side of the site and open countryside to the remaining three sides. It is evident that higher density development under these circumstances is possible although subject to appropriate transitions with the surroundings. This is required by Policy PD1 of the local plan in particular.

On all sides an appropriate transition has been achieved in the layout. Specifically, to the east and north sides of the site wide margins have been retained with the adjoining countryside to allow for strategic planting. A trim trail has also been provided in this area as part of the open space requirements, this also maintaining the openness which is essential in this area. Adjacent to the countryside margins house types with lower overall heights are proposed. In combination these measures would, it is considered, achieve an appropriate transition between the site and the countryside and so protect the character and appearance of the landscape and AONB.

On the west side of the site lower density detached housing is proposed to achieve an appropriate relationship with the existing established residential development beyond the boundary. Adequate gardens are provided for each of the new units, and back-to-back distances are proposed which would ensure no adverse loss of amenity to existing residents. Landscaping is proposed on the existing exposed side boundary of Ferndale, Barnfield to improve privacy for this property in particular.

On the Chopping Knife Lane frontage individual house types are proposed which take advantage of the steeply falling ground levels in this area whilst retaining cottage detailing appropriate for the prominent, edge of countryside location.

In the south-east corner of the site it is proposed to erect a small three storey block of apartments. This, it is considered, would act as a vista stop at the end of the site, and would mirror the similar large property on the opposite side of the valley facing the application site. The block would be set within landscaped grounds to reflect its size and presence, and as such is considered appropriate.

The units at the centre of the site are arranged on “islands” facing on to greens and landscaped buffers. These units, which are both two and three stories in height, are acceptable within their central locations.

Overall, the layout is considered appropriate, achieving a balanced mix of house types and styles which fits into its context without harm to amenity or the wider setting.

Affordable Housing

Policy HC28 of the Local Plan states that the Council will actively pursue its target for affordable housing by seeking appropriate elements on all allocated housing sites. Policy HC30 states that the Council will seek to negotiate about 45 subsidised and 30 low cost market units based on an overall development of 150 units. Paragraph 2.52 sets out the Council’s expectation for a commensurate increase in the number of subsidised houses if the assumed total in Policy HC2 increases.

The Council’s Housing Policy Guide (AHPG) and Housing Strategy 2004/2008 provides more detailed background information on the delivery of affordable housing in the context of Local Plan policy and other issues.

Having regard to the policy background (and considering only the number of affordable units proposed and not the specific terms and conditions which are discussed further below), of the 174 dwellings proposed, theoretically 87 should be affordable dwellings (this being 50%). This is an increase of 12 over the baseline Policy HC30 expectation, (which breaks down to 57 subsidised and 30 fixed low cost market). In fact, only 68 are proposed by the applicant (36 subsidised and 32 low cost market). Clearly, 68 units is below the policy requirement and, therefore, unacceptable.

To address the shortfall the previous planning application relating to the Stedman site has been made, this proposing a total of 45 units of which 23 would be affordable. Together the two sites would provide 91 affordable units which is still below the overall 50% target for housing sites in general but in excess of the Policy HC30 requirement for Chopping Knife Lane in isolation. Consequently, as the Chopping Knife Lane affordable housing requirement is met and additional affordable housing is being achieved on the Stedman Site (which is an unexpected windfall site), the overall affordable housing provision of some 41.5% of the total number of houses is considered to be acceptable. This percentage is not dissimilar to what has been achieved on other sites in the area, specifically Savernake Hospital.

Clearly, the 41.5% overall provision from the two sites is dependent on, and only acceptable if, the Stedman Site application gains planning permission. If the Stedman Site has been refused planning permission then the figure drops to 39% (that is 68 units from the 174 units on Chopping Knife Lane only, which is 19 units below the expectation of 87 units). Under this scenario (where planning permission has been refused for the Stedman Site development) this total affordable housing provision is unacceptable, and consequently the application should fail outright. However, if the Stedman Site application has been granted planning permission then the overall number of units proposed by the applicant is acceptable.

Regardless of the issues relating to the actual number of affordable units set out above, the specific terms and conditions proposed by the applicant for the low cost market units are not acceptable to the Housing Development Manager. Policy HC29 defines affordable housing as subsidised housing provided by a registered social landlord, village trust or similar body which has the benefit of Social Housing Grant either for letting at affordable rents or for sale on a shared ownership basis; or low cost market housing offered for sale at or below the lower quartile of prevailing market values, provided the proposed sale price is affordable based on average incomes at the time of the application. Having regard to this policy, housing which is claimed to be affordable housing is not affordable housing unless it complies with the definition.

The assessment criteria for low cost market units is set out in the Affordable Housing Policy Guide (Second Draft) 2003. This states that affordability will be assessed by comparing projected market values with the typical mortgage advance available to households on average local incomes. The latest available average weekly income in Kennet District is £416.70 (from the Annual Survey of Hours and Earnings (ASHE)) giving an annual income of £21,668. Typical affordability for a couple purchasing a two bedroom unit is, therefore, £102,638 ($£21,668 \times 4.5 = £97,506$ [mortgage] plus 5% deposit of £5,132 = £102,638). This figure is, therefore, the maximum permissible sale price of the low cost market housing to make it affordable in accordance with Policy HC29 and the Affordable Housing Policy Guide, and the projected market value must be discounted accordingly.

The applicant's approach has been in the first place, to consider the policy requirement for low cost market houses to be offered for sale at or below the lower quartile or prevailing market values. The applicant states that the lowest quartile house price for 2004 within the SN8 post code area is £309,812, whereas the open market value of a 63 sq m two bed flat/house is c. £215,000 which is, "comfortably within the lower quartile". Furthermore, the applicant considers that this is affordable to a couple "... each earning the ASHE Survey of Average Weekly Earnings by residence for Kennett ie £29,000 pa". Typical affordability is then £203,000 ($£58,000 \times 3.5 = £203,000$ [mortgage] plus deposit of £12,000 = £215,000). In view of this the

applicant does not consider that the low cost market houses need to be discounted as they are already effectively affordable at the market price.

There is clearly a wide difference between the applicant's perception of an affordable market price (that is, £203,000) and that of the Council's Housing Development Manager (£102,638). The Housing Development Manager's analysis is considered to be more realistic, applying a common sense approach to assessing average income. Specifically, it is unlikely that a couple seeking low cost market affordable housing would both be earning the average salary suggested by the applicant. Nor is it realistic that they would have a substantial deposit.

Furthermore, the applicant's analysis uses average weekly earnings figures based on earnings by residence. Average weekly earnings by residence is based on earnings of people living in Kennet District taking no account of where their workplace is, and including many higher income people who commute to other locations. The SPG uses the workplace based ONS 'New Earnings Survey' data relating to the earnings of people employed at workplaces within Kennet District. This is considered to be a more appropriate index when considering the needs of people on lower incomes.

Demand exists for low cost market units from those people whose aspirations go beyond social rented accommodation but only if housing is affordable to them, and this can only be achieved if the price is set/discounted in accordance with the Affordable Housing Policy Guide criteria. If prices are set/discounted at higher rates (say, mid way between the two prices referred to above) then there would still be some demand, but the pool of local people who can benefit would be greatly reduced, and these people will be on higher incomes.

It is, therefore, considered that as a consequence of the applicant's proposal to not discount the price of the "low cost" market houses, these houses would not be truly low cost affordable market housing. In fact, these houses would be just open market houses, with a price fixed by nothing other than their floor space. Affordable low cost market housing is, by definition, housing which is offered for sale at or below the lower quartile or prevailing market values, *provided the proposed sale price is affordable based on average incomes at the time of application*. The proposal does not comply with this definition and is, therefore, unacceptable. Disregarding the low cost market housing from the calculations previously undertaken means that the actual number of affordable houses on the site is, in fact, 36. This equates to 21% of the 174 units proposed (or 27% of the 219 units on both sites) which is too far removed from the 50%, or even the 41.5%, expectation, and as such, contrary to the affordable housing policy.

Highway Safety

The application is supported by a Transportation Assessment which compares existing traffic flows to and from the school with predicted traffic flows to and from the proposed 174 houses. The assessment states that the proposed development is predicted to generate some 144 and 126 two-way vehicular trips during the morning and evening peak periods respectively, and this compares with an average of some 167 and 122 vehicular trips associated with the existing school. The assessment also quotes from an earlier Transportation Statement produced in 2002 which concluded that the application site could accommodate in excess of 200 dwellings with no capacity restraints on the immediate highway network. Having regard to these conclusions, Wiltshire County Council raises no objection to the proposal on highway safety grounds.

Clearly, there is third party concern that there will be more traffic using Chopping Knife Lane throughout the daytime than at present (the existing movements being primarily at the am and pm peaks at present). However, these anticipated daytime movements are likely to be at a lower level than at the peak times, and as such, are considered unlikely to raise highway safety or amenity issues.

Parking standards vary across the site from high allocated provision (3/4 spaces) for the larger detached units to low allocated provision (1 space) for the more densely arranged units. This provision is considered acceptable and in accordance with the general approach set out in PPG's 3 and 13 which aim to discourage use of motorcars. Wiltshire County Council raises no objection although subject to clauses within a Section 106 agreement requiring contributions to improve public transport and footpath/cycleway links from the site to further encourage use of means of transport other than just cars.

Open Space and Play Areas

The site layout incorporates areas of open space to act as amenity buffers and play areas. The play areas include a "green" at the centre of the site and a "trim trail" situated on the outside margin. These areas satisfy the requirements for play space referred to in the Community Benefits from Planning 2005 SPG.

Policy HC15 of the Local Plan relating to the Chopping Knife Lane housing allocation specifically states that development of the site will need to address the issue of loss of school playing pitches. This was referred to in the Local Plan Inspector's report wherein he states in response to objections that "... it seems probable that the enhanced facilities at the Stedman Site, combined with the arrangements being made with Marlborough College, will be adequate". These facilities and arrangements comprise community access to the facilities to be provided as part of the new school development, and access to Marlborough College playing fields at certain times and in perpetuity. The specific details of the latter arrangements would be the subject of a legal agreement, the draft terms and conditions of which are satisfactory to both the Leisure Services Manager and Sport England. On this basis it is considered that the loss of the school pitches at Chopping Knife Lane has been adequately taken into account in accordance with Policy HC15.

Drainage and Water Supply

The application is supported by a Drainage Strategy Report which reasonably assumes that existing surface water from the site drains via either private sewers to the River Kennet or overland into adjacent fields. The report proposes that runoff from the site will not exceed the rate of runoff generated by the existing school, and to ensure this is achieved the design incorporates storage tanks, swales, some linked soakaways and a pond. These combined features would ensure controlled runoff rates to minimise the likelihood of flooding. Ultimately, the runoff would discharge into the River Kennet as existing, although through oil/grit separators to prevent pollution of the river. These proposals are satisfactory to the Environment Agency and the Council's Drainage Engineer, subject to conditions relating to detailed design. Thames Water raises no objection provided the surface and foul water systems are separated as proposed and subject to the detailed design of the system being approved.

Regarding foul water, the Drainage Strategy Report states that the school presently discharges by gravity to a public foul sewer manhole in Barnfield via a private drain. The proposal envisages a pumping station in the lower corner of the site with a rising main connecting to the existing public foul sewer in the gardens of the houses fronting Chopping Knife Lane. Thames Water recommends a condition and Section

106 agreement clause requiring no development to commence until details of on- and off-site drainage works have been submitted for approval, and that arrangements have been made to ensure adequate provision for the whole of the development. The reason for the condition is to ensure that the discharges from the site do not prejudice the existing sewerage system, the capacity of which has not been confirmed. In response to this the applicant has stated that the sewerage system does have adequate capacity, but problems do occur through infiltration of surface water into the main sewer link to the sewage treatment works which is "... the result of lack of investment and maintenance by the [water] Company over a number of years". Agreement between Thames Water and the applicant has not, as yet, been reached as to whether or not this is a capacity or condition issue (and Ofwat are now involved).

As drainage is a material planning consideration, and because a definitive answer has not been given or agreed between the applicant and Thames Water, it is considered perfectly reasonable to impose the conditions recommended by Thames Water which basically restrict development until the matter is resolved. The applicant has suggested that the conditions should allow the development to take place but not be occupied until such time as when the outstanding matters are resolved, but as there is no clear indication as to when this point in time may be reached, such a wording is considered unreasonable (potentially leaving completed houses empty for a considerable period).

Regarding water supply, Thames Water state that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is, therefore, recommended requiring studies to be undertaken to determine the magnitude of any additional capacity and to locate a suitable connection point in the system. This condition is considered reasonable.

Other matters

Reports accompanying the application confirm that no archaeological interests would be adversely affected. This has been confirmed by the County Archaeologist.

Reports also confirm that there would be no adverse impact on ecological interests. This is agreed by English Nature and the Environment Agency, subject to conditions.

A number of third parties have expressed concern that the proposal has been 'designed' to meet the cost of the new school to be erected on the Stedman Site. Whether or not this is the applicant's intention is immaterial to the consideration of this planning application which has been considered on its own merits. The Local Plan Inspector in addressing this issue in his report stated that "... *approximately 150 houses is a reasonable allocation for Marlborough in this Plan period. That number should not be either increased or decreased simply to take account of the extent of financial requirements of the school project. So I do not pay great attention to the various assertions that were made about how much of the site would have to be sold to make the consolidation 'viable'. (Some said that even if the whole of CKL were sold, there would be insufficient capital). No party supplied detailed figures. On the basis of the limited information available, I think it likely that those responsible for initiating the project have taken reasonable care to satisfy themselves that it is a practical proposition. ...*".

As is evident from this report, the application has been considered on its own *planning* merits, and, with the exception of the affordable housing, found to be acceptable. For reasons already set out in this report, this acceptability extends to

the proposed higher number of units notwithstanding the figure originally referred to by the Inspector (a figure which in any event was an approximate).

Conclusion

The principle of residential development on this site is established by its allocation as a housing site in the Local Plan. Notwithstanding the indication in the Local Plan that the site should be developed for “about 150 dwellings”, the applicant has demonstrated that the proposed number of 174 dwellings can be accommodated without conflict with other considerations, including amenity and highway safety. The layout itself is satisfactory, providing a mixture of house types and sizes which, given a reasonable period of time, would satisfactorily blend into the wider setting. Detailed issues relating to, in particular, drainage, transport provision and access to playing fields are resolvable and can be dealt with by planning conditions or an obligation in the event of a positive resolution.

Notwithstanding the positive aspects of the application, it is dependent on planning permission also being granted for housing at the Stedman Site to ensure an adequate level of affordable housing provision in accordance with the local plan. The applications propose 41.5% of the housing to be provided across both of the sites to be affordable and, had the terms and conditions of all of this housing been in accordance with the Council’s definition of affordable housing (see more below), then this figure would be acceptable. However, without the contribution from the Stedman Site this figure reduces to 39% provision on the Chopping Knife Lane site alone, and this is clearly not acceptable. It follows, therefore, that if the Stedman Site has not received planning permission then the Chopping Knife Lane site should also not receive planning permission on the grounds of inadequate affordable housing provision. In the event of planning permission being refused at the Stedman Site, then refusal is recommended for this reason.

Notwithstanding the above comments relating to the specific numbers of affordable houses proposed, and regardless of the decision on the Stedman Site, the Chopping Knife Lane application is fundamentally flawed by its failure to provide truly affordable low cost market houses. Claiming houses to be affordable as the applicant is doing does not make them affordable if they do not comply with the definition of affordable housing set out in the Local Plan. This is an important issue, as one of the reasons for providing a housing allocation for Marlborough in the Kennet Local Plan 2011 was to ensure that the critical shortage of affordable housing could be addressed. For this reason refusal is recommended regardless of all other considerations.

RECOMMENDATION

Refuse

1 - The proposal makes inadequate provision for affordable housing, contrary to Policies HC28 and HC30 of the Kennet Local Plan 2011 and the Kennet Affordable Housing Policy Guide (Second Draft) July 2003. The terms and conditions of the low cost market housing proposed as part of the development do not satisfy the criteria for such affordable housing and, as such, do not amount to affordable housing, contrary to Policy HC29 of the Kennet Local Plan 2011 and the Affordable Housing Policy Guide (Second Draft) July 2003.

Item 3:

APPLICATION:	K/52483/F
PARISH:	POTTERNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construction of 14 new homes
SITE:	St Mary's House, St Mary's Close, Potterne
GRID REF:	99898 58703
APPLICANT:	Sarsen Housing Association
AGENT:	Mr N Dyer
DATE REGISTERED:	8th July 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

St. Mary House is a currently vacant sheltered housing development at the north-eastern end of the village of Potterne. Upon entering the village from the Devizes direction, the site can be found by taking the left turning at the mini-roundabout into Silver Street, then the first turning on the left into St. Mary's Close. Upon entering the cul-de-sac, St. Mary's House can be seen straight ahead. It is a predominantly two-storey building, which is bounded to the north by bungalows, to the east and south by open countryside and to the west by two-storey dwellings.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing building on the site and construct 14 affordable units (8 two-bed and 6 three-bed) which would be made available for shared ownership and rent. These would comprise three terraced blocks of four two-storey dwellings, largely on the footprint of the existing building, and a pair of semi-detached two-storey dwellings adjacent to the existing two-storey houses in St. Mary's Close. One of the blocks would front the open space area in front of the existing bungalows, thereby forming an enclosed courtyard. A total of 25 parking spaces would be provided in connection with the development. The existing hedge on the eastern boundary, bordering open countryside, would be retained and reinforced with new planting.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The following amendments have been incorporated into the scheme:

- Plots 1 and 2 have been provided with 2 parking spaces to the front.
- Spaces 24 and 25 have been replaced by a single visitor's parking space lay-by.
- The footway along the side of plot 2 has been replaced by grass/landscaping beyond the point where the footway crosses the road.
- The footpaths and sheds have been repositioned, to ensure that they are a satisfactory distance outside the hedge canopy.

ADDITIONAL STATEMENT BY THE APPLICANT

A design statement, prepared by the applicant's agent, has been submitted in support of the application. This is available for viewing on the application file.

An additional statement, which is essentially a response to the parish council's observations, has been submitted by Sarsen Housing Association. A copy of this statement is attached to the rear of the agenda.

PARISH COUNCIL COMMENTS

Potterne Parish Council has made the following observations in respect of the proposal:

- Consultation should have taken place before the plans were drawn up in September 2004.
- Given the fact that the site is currently used exclusively for sheltered housing, the complete loss of this facility means we have to object to these plans.
- There is still no firm commitment from Sarsen Housing Association to the residents of the bungalows that used the communal boiler room, laundry facilities and common room as to how the facilities are going to be replaced.
- The loss of the parking facilities and garage block raises concerns over the adequacy of new provision on the plan.
- The proposed provision of houses on plots 11 to 14 is causing concern to many local residents and serious consideration should be given to replacing these with bungalows.

CONSULTATIONS

County highways – no objection to amended plans.

County archaeology – no objection.

KDC Housing Officer – the application has been made by Sarsen Housing Association in consultation with Housing Services. The redevelopment of the site will replace the existing outdated, low demand accommodation with a mix of modern standard affordable accommodation, to be made available for shared ownership and rent. The application is therefore supported by the Housing Services Department.

KDC Engineer – the developer should provide details of how surface water from the site will be dealt with.

REPRESENTATIONS

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

- The proposal would result in the loss of the meeting facility at the house for church services, bingo and other social functions. A communal meeting facility should be maintained at St. Mary's Close, perhaps in one of the existing bungalows.
- The substitution of the two storey dwellings with bungalows in the vicinity of the existing bungalows would be preferable.
- The proposal would result in the loss of the communal laundry, heating and water supply.
- The shell of the building is perfectly sound, so the building should be converted to flats for the elderly.
- The construction of 14 houses will most probably mean some 28 children will move into the area, which is currently relatively quiet and trouble-free.
- The proposal will result in a huge increase in the amount of traffic in an already busy part of the village, by the shop, where the road becomes very congested at times.

- Consideration should be given to revising the application so that a new block is constructed in lieu of the housing at plots 11 to 14, which would provide two or three one or two-bedroom apartments for the active elderly on the first floor and communally community, laundry, heating and hot water facilities on the ground floor.
- It should be ensured that the shared equity homes will always be offered to village people.
- Where will the residents of the nearby houses park their cars when their garage facility is lost?
- Confirmation is requested that the grass area at the rear of the existing bungalows would be secured by locked gates, as promised by Sarsen, to avoid it becoming a meeting area for children.
- Can some parking be set aside for the bungalows, visitors and the disabled?

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Potterne, as identified in the adopted Kennet Local Plan. Policies PD1 and HC22 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

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

Principle of Development

The site lies within the defined Limits of Development for Potterne, to which policy HC22 relates. This policy allows for limited residential development consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses. As the proposal comprises the redevelopment of existing buildings, the proposal would be in accordance with Policy HC22.

Impact on Character and Appearance of Area

The proposal is considered to be acceptable in terms of its impact on the character and appearance of the surrounding area. The existing building does not enhance the appearance of the area and consequently, its replacement with new houses would be beneficial in visual terms. The majority of the houses (with the exception of two) would be sited on the footprint of the existing building and consequently, there would be no increased visual impact when the site is viewed from the open countryside to the rear. The design of the dwellings is considered to be acceptable and the materials to be used in their construction can be controlled.

Impact on Highway Safety

It is not considered that traffic levels would increase as a result of the proposal to such an extent as to warrant the refusal of planning permission. Furthermore, the local highway authority has raised no objections in this regard.

Concerns have been raised about the level of parking proposed in connection with the development. The level of parking proposed amounts to between 1.5 and 2 spaces per dwelling (25 spaces for 14 houses). The local highway authority has raised no objections the level of parking proposed in connection with the proposed development and central government advice would not support a refusal on lack of parking grounds as it seeks to reduce car use by restricting the number of parking spaces in locations that are accessible by public transport.

Impact on Residential Amenity

It is not considered that the proposal would have a significantly greater impact on the reasonable living conditions of the occupants of the neighbouring properties than the existing sheltered accommodation. The dwellings that would be sited in the vicinity of the existing bungalows (ie. plots 11 to 14) would be on the same footprint as St. Mary's House and the units immediately adjacent to the bungalows (ie. units 11 and 12) would be no taller than the existing building. Consequently, there would be no significantly greater impact on the neighbours' living conditions, by reason of overlooking or overbearing impact. Equally, the other proposed dwellings would not have an adverse impact on residential amenity.

Other Issues

The parish council and local residents have raised a number of other issues, which will be considered in turn.

Concerns have been raised about the loss of the sheltered accommodation itself, as well as the community facilities it provides. There is no specific policy in the Kennet Local Plan which seeks to retain sheltered housing in the district and consequently, it would be unreasonable to refuse the application on the ground of loss of the existing facility.

Members may also wish to note that Sarsen Housing Association has confirmed that St. Mary's House has been considerably under-occupied for a number of years, due to the changing requirements of older people, which suggests a lack of demand. It has also advised that the latest Housing Needs Survey and Housing Register show a higher demand for family housing rather than sheltered accommodation.

With regard to the loss of facilities, Sarsen Housing Association has advised that discussions have taken place with the residents of the existing bungalows to discuss the options available to them regarding the provision of heating, a television aerial system, laundry facilities and a common room, with due consideration given to the likely disruption this would cause the residents.

Concerns have also been raised about the loss of existing parking facilities, including the existing garages, as a result of the proposal. Sarsen Housing Association has advised that the scheme incorporates 25 parking spaces, with two spaces allocated to the three-bedroom homes and one space to the two-bedroom homes, which would result in six further spaces being available within the development for visitors to use.

With regard to the comments made about lack of consultation, Sarsen Housing Association has confirmed that it undertook an extensive period of consultation with the residents of the adjacent bungalows, at which stage it was agreed that the bungalows would not be included within the redevelopment as they are fully occupied and in a good condition. The scheme was therefore amended to incorporate this change. Sarsen Housing Association has also confirmed that a further consultation exercise was undertaken in May 2005, at which time the residents of St. Mary's Close and the parish council were invited to make comments which, where possible, were incorporated into the scheme.

The scheme is considered to be acceptable in all respects and accordingly, the approval of planning permission is recommended.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 2307-01 Rev F received on 11 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 depths of reveals) and roofs (including samples if requested) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

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

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

REASON:

To ensure satisfactory surface water drainage.

7 - INFORMATIVE TO APPLICANT:

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

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

Item 4:
APPLICATION: K/53081/F
PARISH: RAMSBURY
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Removal of condition 8 of planning permission K/51671/F (height of buildings) and retention of development as built.

SITE: The Surgery, High Street, Ramsbury, Wiltshire
GRID REF: 27304 71542
APPLICANT: Heath Design And Build
DATE REGISTERED: 10th October 2005
CASE OFFICER: Mrs C Coombs

SITE & LOCATION

The application site is located on the northern side of the High Street, behind the terraced properties on this side of the road. Access is opposite the Fire Station building. The three properties occupy the land on which the village surgery formerly stood.

SITE HISTORY

There have been a number of planning applications on this site with regards to the residential scheme now built and several enforcement investigations following the commencement of work. These are summarised below.

- K/44967: Demolition of existing surgery. Erection of four dwellings. Planning permission refused 21 March 2003.
- K/45775/CAC: Demolition of surgery. Conservation Area Consent granted 11 August 2003
- K/45646: Demolition of existing surgery. Erection of three dwellings Planning permission granted 14 August 2003.

This scheme (K/45646) was a result of extensive negotiations following the previous refusal for four dwellings at the site. This permission is referred to as the 'original' permission for the purposes of this report. The application was approved subject to a number of conditions including one that required the approval of the slab levels prior to work commencing.

Work commenced on the development without the conditions attached to this permission being duly discharged. Officers were alerted to the commencement of work and endeavoured to secure the information required by the conditions. The materials were duly agreed and the details for the slab were submitted for approval.

In terms of the slab level, the centre of the High Street was used as the datum point for the levels approved. The former surgery building was 6.9 metres higher than the datum point. The approved drawings for the new houses showed them to be 1.2 metres higher than the former surgery building. It was agreed that the overall height of the dwellings should not be more than 8.1 metres higher than the datum point in the centre of the High Street. The slab level permitted to achieve compliance with the overall height permitted was 0.9 metres. The height of the slab (0.9 metres) plus the height of the dwellings (7.2 metres) would amount to a total height of 8.1 metres above the datum point in the road.

- K/51339/CAC: Demolition of surgery. Conservation Area Consent granted 17 January 2005
- K/51337: Demolition of existing surgery. Erection of three dwellings (amended designs to those approved under K/45646). Planning permission refused 17 January 2005.

This scheme proposed the variation of the scheme permitted and involved the insertion of 3 rooflights on the front elevation and the slight widening of the houses by a total of 0.2 metres. The application also provided for the re-arrangement of the internal layout which resulted in the loss of the previously negotiated obscurely glazed windows on the rear elevation of the middle and eastern unit. This scheme was consequently refused because of the loss of the obscure glazing which would result in a loss of privacy for the dwellings located in Dyer's Yard.

- K/51671: Demolition of existing surgery. Erection of three dwellings (amended designs to those approved under K/45646). Planning permission granted 22 March 2005.

This was a resubmission of the earlier refused application K/51337. The windows on the rear elevation were returned to their obscurely glazed state as detailed on the original application. This application therefore permitted the additional rooflights and the slight variation in the width of the dwellings.

This permission was subject to a condition that specified the slab level and height of the dwellings. The condition read:

'The slab level of the houses shall accord with the drawing received on the 3 March 2005 and shall be no more than 900mm higher than the benchmark level given in the centre of the High Street carriageway. The ridge height of the dwellings approved shall be no more than 7.2 metres higher than the approved slab level.'

DESCRIPTION OF DEVELOPMENT

This application proposes the retention of the development as now built. The dwellings have now been completed and there are a number of discrepancies between the completed development and the previous approved scheme. These discrepancies were reported to the enforcement officer and duly investigated. This current application is the culmination of this enforcement investigation and the application therefore seeks to regularise the development which is now completed.

The following matters represent the currently unauthorised deviations from the permitted scheme:

- The change in design of the porches over the front doors. The original scheme showed the provision of 2 flat roof canopies over plots 1 & 2 with a pitched roof canopy over the door of plot 3. The scheme completed provides 3 pitched roof canopies over the doors of the dwellings.
- A change in the design of the front doors.
- A variation in the design of the dormer windows.
- An increase in the overall height of the buildings by 0.3 metres.

PARISH COUNCIL COMMENTS

Ramsbury Parish Council states that they have a strong objection to the application now submitted. The condition placed on roof heights (1.2 metres above the existing surgery) was one of the several critical conditions to the approval of this very sensitive development.

The Parish Council is very concerned that given the sensitive nature of this development and previous breaches of condition (i.e slab height) that the breaches of conditions were not detected by KDC monitoring procedures, i.e building regulation inspections and the follow up to previous enforcement procedures. Such action would have made the enforcement of the condition easier.

The grant of planning permission for this application would compromise the integrity of the planning, inspection and enforcement procedures and would negate the whole purpose of conditional approval.

The submission also includes revised porch designs not mentioned on the KDC cover sheet.

REPRESENTATIONS

Five letters of objection have been received from local residents. Their reasons for concern can be summarised as:

- Impact of the increased height of the building upon the living conditions of existing dwellings
- Impact of the finished scheme upon the privacy and outlook of neighbouring properties
- Lack of care by the developers to ensure the scheme built is in accordance with the approved plans
- The submitted plans do not show the increase in height or the development as built. The roofs over the dormer windows are not shown on the elevations and the design of the porches and dormer windows differs. The development only has 2 chimneys not 3 as shown on the plan.
- Concerned about the purpose of planning conditions and planning procedures.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 and HH5 are applicable to this proposal.

PLANNING OFFICERS COMMENTS

This application is the culmination of a series of enforcement investigations into the various breaches of planning control that have taken place during the construction process. It is very disappointing that the developer decided to pay little regard to the conditions that were attached to the original and subsequent consents. It is not however, a criminal offence to undertake work without planning permission or in non compliance with conditions. Parliament has granted any developer the right to submit retrospective applications to seek to regularise development as built and hence the current submission.

Only the deviations from the submitted scheme can now be considered. The overall concept together with the general impact that it has upon the area has already been examined and cannot be looked at afresh. While it is highly regrettable that the developer chose to deviate from the approved scheme, the considerable anger that this has caused cannot be used as a basis to reject this current submission.

The consideration of this application must solely be based upon a consideration of the changes made and an assessment of whether these changes result in material harm that would justify a refusal of planning permission in that regard.

To repeat, the deviations from the permitted scheme are:

- The change in design of the porches over the front doors. The original scheme showed the provision of 2 flat roof canopies over plots 1 & 2 with a pitched roof canopy over the door of plot 3. The scheme completed provides 3 pitched roof canopies over the doors of the dwellings.
- A change in the design of the front doors.
- A variation in the design of the dormer windows.
- An increase in the overall height of the buildings by 0.3 metres.

It is considered that the changes in the design of the dormers, doors and porches are acceptable. They have little if any impact upon neighbouring properties and do not erode the character of the development.

By far the most controversial issue is the matter of the variation in height. Care was taken on previous applications to specify the precise height that the finished dwellings should be. The development as built is 300mm higher than that specified height.

It is considered that the main issue to be considered in respect of the height increase is whether this has an adverse impact on the streetscene or the amenity of neighbouring properties. In terms of the streetscene, it is considered that it is very difficult to perceive any harm from the height increase of 300mm (which is about the length of a piece of A4 paper). This is particularly the case given that the site is set back from the High Street.

In terms of neighbours, the most affected properties are clearly those to the north in Dyers Yard. It is considered that the increase in height has only make a very marginal difference to these properties. The roof slopes away from them and the ridge line is set back from the boundary. It would be extremely difficult to argue that the increase in 300mm has resulted in a significant additional loss of amenity over and above what has already been permitted. While this change is regrettable and is frustrating, it is considered that it would be very difficult to sustain an objection on the grounds of amenity on appeal.

Relevant appeal decisions elsewhere

Members may be aware of the recent appeal decision in Ludgershall. This appeal concerned the erection of a dwelling on land at 6 Graspan Road. The dwelling constructed was 650mm higher than the approved plans. The developer submitted a retrospective application to retain the dwelling as built and this application was refused. The Council subsequently served an Enforcement Notice to require compliance with the approved plans. In considering the appeal, the Inspector stated that the additional 650mm may well result in a marginal increase upon residential amenity for the worse but it did not in itself lead to any serious loss of amenity. The Enforcement Notice was duly quashed in this regard. This appeal decision has many similarities to the current application with neighbour amenity being a key consideration. It is considered that the refusal of this application, which is

considerably less of a height variation to the Ludgershall site, is unlikely to result in a successful outcome at appeal.

Enforcement procedures and monitoring

There has been some criticism made of the planning process and the procedures in place for monitoring development. The Parish Council have queried why the discrepancies were not picked up at the Building Regulations stage. It should be noted that the KDC Building Control Team were not contracted to carry out the building control for this development. An external organisation was chosen by the developer to carry out this service. Therefore, no building regulations plans were deposited with the Council for pre-commencement checking.

Enforcement Officers have received several complaints from local residents which commenced when the development started. These breaches have been investigated thoroughly and several visits to the site have been made. Conditions that required the approval of materials for example, were submitted and approved before work took place upon the construction of the brick walling. Members will be aware that discrepancies such as the height of the building could only be measured once the roof had been completed. It is not possible to take action in anticipation of a breach of control.

In summary, it is considered that the changes that have been made from the permitted scheme do not amount to changes that result in material harm. It is therefore recommended that planning permission is given to retain the scheme as now completed.

RECOMMENDATION

Approve with conditions -

1 - 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.

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

REASON:

In the interests of the privacy of the neighbouring properties.

3 - The vehicle parking spaces and turning areas provided shall be retained for these purposes.

REASON:

To ensure the provision of adequate off-street parking and turning provision, in the interests of road safety.

4 - The windows at first floor level marked as being fitted with "obscure glazing" and all of the rooflights in the rear elevation shall be fitted with obscured glass before the dwellings are occupied, and thereafter shall be permanently maintained as such.

REASON:

In the interests of the privacy of neighbouring properties.

5 - INFORMATIVE TO APPLICANT:

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

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

Item 5:

APPLICATION:	K/52494/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use from woodland to BMX cycle track
SITE:	Grid reference 143493 Corfe Wood Netheravon GRID
REF:	14375 49357
APPLICANT:	Netheravon Parish Council
DATE REGISTERED:	11th July 2005
CASE OFFICER:	Miss V Longdon

SITE & LOCATION

This application relates to a small area of land to the north of Mill Road in Netheravon. It can be found by turning left into Mill Road when heading in the Salisbury direction. The site is almost immediately on the left.

The wood is relatively flat but the land drops steeply away beyond the site to the north. Essentially, the site is a wooded area on the edge of village and is a buffer between the village of Netheravon and the countryside beyond. To the south of the site, on the opposite side of Mill road, are the residential properties of Thorne Road and are located in between the trees on the site.

SITE HISTORY

There is no relevant planning history.

DESCRIPTION OF DEVELOPMENT

This is a retrospective application for the change of use to permit a BMX track. The jumps associated with the change of use have already been created from piles of earth.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application itself has not been altered since its original submission but the parish council has set aside a small area of land at the eastern end of the site as a wildlife area (i.e. to be left in its natural state) and has also submitted a management plan as additional information to support the proposal (see below).

ADDITIONAL STATEMENT BY THE APPLICANT

The parish council have submitted a management plan and covering letter to explain the purpose of the application and detail the longer term management of the site. This is summarised below:

The parish council is very keen to establish this BMX track on a proper basis after the efforts the children of the village have put into building the track just over a year ago. The track is very popular and supported by the majority of the parishioners as a very worthwhile project to get the children off of the streets and pursuing a healthy active lifestyle. The establishment of the BMX track over the last year has resulted in a reduction in vandalism and anti-social behaviour on the village streets. The police report that there have been no complaints to them since the track has been created.

The management plan drawn up by the parish council essentially sets out who will be responsible for the management of the site and the rules/code of conduct that all users must abide by. They have also set out measures for reporting any problems

that arise on the site. The key messages of the management plan are summarised as:

1. The site will be inspected annually by the Royal Society for the Prevention of Accidents.
2. A BMX Management Committee will be formed and this group will oversee all aspects of the installation and running of the site. The committee will meet at least 4 times per year and a member of the committee will inspect the site once a week.
3. The clerk of the parish council will be a point of contact for the public in the event of any complaints.
4. A user group comprising a parent, two senior BMX users will be formed to ensure the smooth day-to-day running of the site. A parent has already volunteered to head the user group.
5. The entrance/exit point will have staggered timber posts to prevent cyclists exiting the wood at speed. Wiltshire County Council will be requested to erect "children playing" signs.
6. A litterbin will be provided for general litter and dog "poop scoop" bags. This will be emptied on a weekly basis.
7. Two sturdy signs will be posted at each end of the site detailing the rules for users of the track.
8. To ensure that younger children can still enjoy the wood, a small area will be fenced off and remain in its natural state. A nearby resident intends to run this area in co-operation with Wiltshire Wildlife for the education of children at the village school.

PARISH COUNCIL COMMENTS

Supports the application.

CONSULTATIONS

Wiltshire Police – Ian Thomas: No objections in principle to the proposal. Although the site is already being used for this purpose there is no knowledge of any associated problems. He was approached by a nearby resident who was concerned about traffic speed along this part of Mill Road but after carrying out speed checks this was not found to be the case. It is, however, recommended that the area be open and well-lit, i.e. the boundary trees removed and perimeter fencing erected. In conclusion, it is noted that wherever youths congregate there is a possibility and a perception of nuisance and if the recommendations are put in place this would allay neighbour concerns. In conclusion, he reiterated his comments that to his knowledge the site has not caused any problems during its unauthorised use.

County Highways – Mark Wiltshire: No objection in principle subject to the following conditions being imposed on any planning permission: a visibility splay 25 metres to the east and 25 metres to the west being created and maintained on the access opposite Thorne Road; the access point being widened and made more official in appearance to help prevent the formation of other unofficial entrances; the eastern most access has poor visibility and should therefore be permanently closed; and that a sign be erected near the site asking users of the track to park cars considerably and not on the Thorne Road junction.

English Nature – Julie Swain: It is stated that the development is adjacent to the River Avon and it is possible that the lack of vegetation on the site could allow sediment laden run-off to reach the river. Suitable measures should be in place to prevent this occurring such as by bunding the north and east edges of the site or providing a trench to catch run-off.

REPRESENTATIONS

One representation of support and seven letters of objection have been received to the application. These are summarised as:

1. The access is dangerous for children entering and exiting the site onto Mill Road and a number of “near misses” have occurred. This part of Mill Road is often used as a “rat-run” to other parts of the village and vehicles travel at fast speeds.
2. The parish council have not always been available to deal with concerns raised by local residents.
3. The children continually damage the trees and dig at their roots and in time they will have to be cut down because they are in a dangerous state. Also, the health and safety aspects of the track will need to be rechecked as the layout changes.
4. Children a long way from Netheravon come to the site and numerous anti-social activities are occurring (some objectors refer to alcohol and drugs). The wood is on the edge of the village with no supervision and is not an ideal meeting place for children and teenagers.
5. There are other sites in Netheravon that are more suitable.
6. Youths congregating near the site are very intimidating and this doesn't do much for the appearance of the area.
7. The plans submitted are vague and not to scale.
8. Walkers and local residents can no longer enjoy the wood because of the BMX users, many of which make no allowances for other users.
9. Concern that the children will always want something bigger and better to ride and jump and therefore in a few years time there may be concrete structures for jumps.
10. On occasions bonfires have been and lit and there is concern that one of these may get out of hand.
11. Teenage lads/men park their cars less than a cars length from the junction at Thorne Road, making it dangerous for other drivers to see if it is safe to enter/exit. Presumably if the BMX track goes ahead the number of cars will increase.
12. There is a lot of wildlife on the site that is being disturbed. The wood is one of the few wooded areas left in Netheravon which is fast being destroyed.
13. Although the children have been told not to have any pallets or other unsightly items on the site, the children continue to do so.
14. Parking on Thorne Road is becoming a problem and parked cars may make it difficult for larger vehicles (buses, tractors) to get through.
15. The site is very noisy with lots of screaming and shouting. This does go on late into the night and disrupts sleep in the summer when the windows are left open. It also causes disturbance for those who wish to enjoy their garden in the evening.
16. Recently there have been youths on motorbikes and mopeds on the site.
17. The presence of the BMX track and the children who “hang around” the site will devalue neighbouring properties.
18. Corfe Wood is not a suitable location for a BMX track. It would be much more suited to the Millennium Park.

The one letter of support stated that the BMX track is a good idea as it allows the local young people to use an otherwise unused area. The level of fitness, enthusiasm and endurance shown by young people who participate in this sport is fantastic.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1 (general development and design principles); NR1 (regarding the protection of habitats designated at the European level); and NR2 (regarding sites nationally designated as a Site of Special Scientific Interest (SSSI)) are the pertinent policy considerations.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation is a material consideration.

PLANNING OFFICERS COMMENTS

This application for the change of use to a BMX track raises a number of conflicting considerations, all of which are important. As such, it is considered to be a finely balanced proposal and members will have to weigh up the pros and cons of the change of use to establish whether it is acceptable or not. There are a number of issues to consider and these are all set out below.

The site and its current situation

Essentially, Corfe Wood is a small area situated on the edge of the village, high above the ground to the rear (north). It is owned by the Ministry of Defence. Although there are no formal rights of way into or through the site, the parish council and local residents state that it has been used for dog walking and as an amenity/play area for a number of years. The Ministry of Defence has now agreed to lease the land to the parish council for its use as a BMX track.

The wood has been used as the unauthorised BMX track for approximately one year. The track is essentially a group of earth mounds which local children have created in between the trees in a circular route. Some of the earth mounds had been piled up against the trees but these have since been moved away because of concerns raised by the Council's Landscape and Countryside Officer. The parish council has stated that the Royal Society for the Prevention of Accidents will inspect the site annually.

Positive benefits of the change of use

The site is in active use and has been created by the children as an exciting and unique outdoor sport area. The BMX track provides a local centre for children to exercise and socialise. It is the wooded nature of the site that adds to the interest and excitement of the track.

It is evidently a popular site and your officers consider it to be a good example of an informal sport and recreation space which is well used and supported by the local parish council. The track has the obvious benefits of helping to develop social interaction, healthy living, social inclusion and will also help to improve the children's sense of well being in the place where they live (PPG 17).

Objections to the scheme

Despite the obvious benefits the change of use can bring, these must be weighed up against the impact upon the amenity of nearby residents, impact upon local biodiversity and highway safety issues. These issues are discussed below:

Neighbour amenity

Seven letters of objection have been received to the scheme and they all appear to raise similar issues in terms of noise disturbance and anti-social behaviour resulting from the use of the wood as a BMX track. On the whole, the objectors do not raise concerns about the actual use of the track for BMX purposes but the anti-social behaviour that appears to occur when large numbers of children socialise together in the wood.

Whilst problems have no doubt occurred, the Council's Environmental Health department and the local police representative have no knowledge of any formal complaints. Furthermore, the parish council have now supported the application with a management plan which seeks to address the issues of noise disturbance and anti-social behaviour by adopting a formal system of monitoring the site which also includes two of the more senior youths forming a "users group" (along with a parent). This user group which will take an active role in the day to day running of the site. This is considered a positive step in addressing the concerns raised as the children will be taking an active role in the management of the site, hopefully creating a real sense of ownership and responsibility.

The management plan details the complaint procedure and the method of monitoring and managing of the site. It also sets out the rules of the site which users must abide by. These will be displayed on two signs to be erected at either end of the site. The management plan has been created as a result of the BMX track becoming a formal use and has not therefore had time to become established.

It is also considered relevant in this instance to consider the fall-back position. If the BMX track were not to exist the woods may well still be an attractive area for groups of children/teenagers to meet and congregate. The granting of planning permission for the BMX track may actually help by formalising the use and providing a set of site rules and a complaints procedure to deal with any such issues if and when they arise.

Visual impact and impact upon trees

The site is well screened in public views by the trees and hedging that surround the borders of the site. The track is visually very low-key and does not detract from the wider appearance of the area. Perhaps one of the other biggest concerns is the impact of the jumps themselves on the trees. Many of the trees had soil piled up against their trunk as part of a jump. These have all now been removed and it is not considered that the track and its built form will cause harm to the trees.

Furthermore, the visibility splay (discussed below) required by the highway authority will not have an adverse visual impact. It will only result in the trimming back of some boundary hedging and this will not detract from the character or appearance of the wood or wider area.

Highway safety

A lot of the objectors also refer to their concerns about highway safety and parking arrangements. A large number of the letters stated that children exit straight out of the site onto Mill Road which cars drive along at a high speed. There are also concerns that many cars used by older users of the track park along Mill Road in dangerous positions and also in private resident spaces of Thorne Road.

Neither the local highway authority nor the local police representative has raised concerns in principle about highway safety along Mill Road. Speed checks have been carried out and this has not uncovered any problems. The highway authority has recommended a number of conditions which address the issue of highway safety. These ensure that only one entrance/exit will be used for the site and that visibility be widened. Furthermore, the parish council propose to erect timber posts at the access point so that cyclists can not drive straight out onto the road. It is considered that these improvements address the fears of local residents.

With regard to parking, no objection has been raised to this either by the highway authority or police representative. Furthermore, it is not envisaged that the main users of the site will come by car but will be local children who cycle to the site.

Impact on other users of the wood

A number of objectors have stated that dog walkers and other users of the site can no longer enjoy its benefits because of the BMX track. Whilst this is unfortunate, in reality the site is privately owned and there is no formal right of access through the site. The parish council have gone some way to meet this concern by ensuring the eastern end of the site is maintained in its natural state and does not form part of the BMX track. This area is to be sectioned off with a fence and a stile at either end to ensure it is not used as a cycle access.

Impact upon nearby designated sites

English Nature raised concerns about the impact of the BMX track upon the River Avon adjacent to the site. The river forms part of the River Avon System Site of Special Scientific Interest (SSSI) and River Avon Special Area of Conservation (SAC). It has been stated that the lack of vegetation on the site could allow sediment laden run-off to reach the river causing harmful effects to the river. They have suggested that bunding or trenches to catch the run-off should be constructed.

However, it is your officer's view that the scale of the works and their potential impact have been over-estimated by English Nature and, thus, the suggested mitigation measures are excessive. It should be noted that the site is not immediately above the river and if there were to be any run-off it would have to cross a field, ponds and a wooded bank to reach its main flow.

The site is in an area of predominantly beech woodland, which by its nature has very limited ground flora. The works carried out form a consolidated surface and therefore sediment in the run-off will be very limited. Additionally, there is a large excavated area into which the water drains and there is no evidence of any run-off over the bank towards the river. It appears that the excavated area, the tree roots and the grass around the edge of the site act to stop any sediment flowing from the site.

It is your officer's view that the suggested mitigation measures are unnecessary and visually unacceptable.

Conclusion

As previously stated, this is a finely balanced application where the needs and enjoyment of the local children/teenagers need to be weighed up against the impact of the use upon the amenity of the occupiers of the neighbouring properties.

Whilst your officers are sympathetic to the concerns of the local residents, on balance it is considered that the BMX track should be given a formal opportunity to be maintained and managed. The parish council have recognised the problems that have occurred on the site and have set about to address this through the management plan. By including users of the site and a parent in this process, your officer's feel that this is a real demonstration of commitment from both the parish council and the users of the site to address the concerns. At officer level, it is considered that the scheme should be supported and pursued further.

Given the potential for disturbance, it is therefore recommended that Member's grant temporary planning permission for two years for the change of use. This will provide sufficient time for the management plan to be put in operation and its effectiveness tested.

In conclusion, it is recommended that temporary planning permission be granted for two years subject to the relevant conditions.

RECOMMENDATION

Approve with Conditions -

1 - This permission is for a temporary period expiring on the 30th November 2007 on or before which date the use shall cease and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved by the local planning authority unless before that time, permission has been granted for an extension of this permission.

REASON:

This permission is granted for a temporary period so that its impact may be re-assessed in two years after the management plan has been implemented and will enable the local planning authority to review the situation.

2 - Within one month of the date of this permission, a visibility splay to the access to the site opposite Thorne Road shall be created. Within the visibility splay nothing shall exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 1 metre back from the centre-line of the access from the carriageway edge, to points on the nearside carriageway edge 25 metres to the west and 25 metres to the east. The visibility splay shall be maintained as such.

REASON:

In the interests of highway safety.

3 - Within one month of the date of this permission the access to the site opposite Thorne Road shall be widened and formalised in accordance with details submitted to and approved in writing by the local planning authority. The access shall be maintained as such.

REASON:

In the interests of highway safety.

4 - Within one month of the date of this permission, the eastern access into the site shall be permanently closed.

REASON:

In the interests of highway safety.

5 - INFORMATIVE TO THE APPLICANT:

The applicant should be aware that in accordance with The Town and Country (Control of Advertisements) Regulations 1992, advertisement consent would be required for the erection of any signs on the site.

6 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR1 & NR2.

Item 6:

APPLICATION:	K/53096/F
PARISH:	COLLINGBOURNE DUCIS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of stables/coach house, build new house. Restoration and conversion of out building.
SITE:	The Old Rectory Church Street Collingbourne Ducis Marlborough SN8 3EL
GRID REF:	24296 53556
APPLICANT:	Mrs S Popham
AGENT:	Charles Gregory Design
DATE REGISTERED:	12th October 2005
CASE OFFICER:	Miss K Whittington

BACKGROUND

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

SITE & LOCATION

The Old Rectory is a large detached property at the southern end of the village of Collingbourne Ducis. Upon entering the village from the Ludgershall direction, it is necessary to turn left at the roundabout into Church Street. The property lies on the left-hand side of the road, just before the tight bend and directly opposite St. Andrew's Church. Two unlisted outbuildings within the grounds of the former rectory are the subject of this application. One of these buildings fronts gable end onto the road. The other building lies to the rear, adjacent to the main house. For members intending to visit the site, it is safest to park on the opposite side of the road, in the lane between the war memorial and Saint Andrews church.

SITE HISTORY

K/51678 – planning permission was refused in April 2005 for the demolition of an outbuilding, the construction of a replacement dwelling and alterations to another outbuilding on the following grounds: a) the loss of the existing building would be detrimental in visual terms and the replacement dwelling would form a dominant and uncharacteristic structure; b) the construction of the proposed dwelling in close proximity to a number of mature trees would have an adverse impact on their long-term health and stability and the creation of a dwelling in close proximity to the trees would create poor living conditions for the occupiers of the dwelling and would lead to pressure on the local planning authority to remove the trees; c) the proposal would be detrimental to highway safety, as it would increase the use of an access with sub-standard visibility; and d) the proposal would result in the direct overlooking of the neighbouring property.

K/51694/CAC – an application for conservation area consent was refused in April 2005 for the demolition of an outbuilding, on the ground that the existing structure is an important building in the conservation area and insufficient evidence had been submitted to warrant its demolition.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing outbuilding fronting the road, construct a two-storey dwelling in its place and undertake external alterations to and convert another outbuilding to enable its use as a garden room and study.

The proposed dwelling would, like the existing outbuilding, be positioned gable-end onto the road. It would be set back approximately 5.5 metres from the carriageway edge. The overall dimensions, positioning and design of the proposal from the refused scheme in the following respects:

- The south (front) wall of the proposed dwelling would be on the south face line of the existing outbuilding, facing the mature trees. Consequently, it would now be 4.8 metres from the centre of the trunk of the lime tree and 5.5 metres from the centre of the trunk of the horse chestnut tree. Previously, these distances were 3.7 metres and 4.3 metres respectively.
- The width of the proposed dwelling has been reduced from 6 metres to 5 metres.
- The ridge height of the proposed dwelling has been increased from 6.7 metres to 7 metres.
- A single central dormer window is proposed on the front elevation of the proposed dwelling, instead of a total of six dormers.
- Three rooflights are to be installed on the rear facing roofslope instead of dormer windows.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted an additional statement in support of the application. This describes the proposals, addresses the architectural & historic merit and structural condition of the existing buildings and how the application has been amended to deal with the previous reasons for refusal. The statement is available for inspection on the application file.

PARISH COUNCIL COMMENTS

Collingbourne Parish Council has raised no objections to the application.

CONSULTATIONS

County highways (Mark Wiltshire) – no objection, subject to conditions being imposed requiring the proper and permanent closure of the existing vehicular access 10 metres south of the proposed dwelling and the proper and permanent closure of the existing pedestrian entrance to the A338 located at the south-west corner of the proposed dwelling.

County archaeology – no objection.

Environment Agency – no objection.

Wessex Water – no objection.

REPRESENTATIONS

One letter of objection has been received, which raises the following key points:

- The changes to the dormer windows on the elevation facing our property go some way to reducing our concerns about being overlooked.
- The demolition of a 'character' building within the conservation area is opposed. The building appears to be in good order and is entirely in keeping with its surroundings. Its demolition and replacement with a new and significantly taller building would seriously detract from the village.

- The proposed vehicle entrance to Church Street is a cause of concern. It is understood that the entrance has not been used by the existing resident for many years on the grounds of safety. The proposed use of the access must therefore constitute a significant hazard. The visibility in both directions has been checked and is very limited, particularly to the right.
- The windows on the first floor will directly overlook the front elevation and garden of the neighbouring property, which would have implications for privacy.

POLICY CONSIDERATIONS

Kennet Local Plan - the site lies within the Limits of Development for Collingbourne Ducis and is within the Collingbourne Ducis Conservation Area. Policies PD1, HC22 and HH5 in the Kennet Local Plan are relevant to the consideration of the application, as is the advice contained in the Collingbourne Ducis Conservation Area Statement.

PLANNING OFFICERS COMMENTS

This application is essentially a re-submission of the previously refused scheme (K/51678). The key consideration is whether the four refusal reasons on application K/51678 have been overcome. The application has been carefully considered by officers and whilst it is clear that two of the earlier reasons for refusal (road safety and impact on the amenity of neighbouring property) have been successfully overcome, the other two reasons (trees and the impact on the conservation area) have not and the proposal remains unacceptable. Each of the issues is addressed below:

Impact on Highway Safety

The highway authority's concerns in respect of the refused scheme were based on the assumption that vehicular access to the proposed dwelling would be achieved via the existing gate approximately 10 metres south of the existing outbuilding. The revised proposal makes it clear that the proposed access to the new dwelling would be achieved via the existing access that serves The Old Rectory. The local highway authority considers that this access is far safer and has therefore lifted its objection, subject to conditions requiring the permanent closing-up of the other vehicular access and pedestrian entrance. Consequently, it is considered that this reason for refusal has been overcome.

Impact on Residential Amenity

Three rooflights are proposed in the rear elevation of the proposed dwelling, instead of the three dormer windows previously proposed. It is considered that as a result of these amendments, no direct overlooking would occur and consequently the fourth refusal reason on K/51678 has been overcome.

Impact on Trees

This is a fundamental issue and has not been overcome by the revised proposals. The plans involve the construction of a new dwelling within 4.8 metres from the centre of the trunk of a mature lime tree and 5.5 metres from the centre of the trunk of a mature horse chestnut tree. These trees are very prominent and significant features in the conservation area and are noted as such in the Conservation Area Statement. They make a valuable contribution to the character and appearance of the conservation area.

There is simply not enough room to insert the house between the boundary of the site and these mature trees. The plans put forward in this case would cause two major problems. Firstly, the close proximity means that they would harm the trees, as construction work would be within the root protection area defined by the relevant British Standards on Trees in Relation to Construction. Secondly, the erection of a

house in this position would cause unreasonable inconvenience to future occupiers (through interference with daylight, tree debris etc) and the close proximity of the trees would make applications to lop or fell them almost inevitable.

Government advice, not surprisingly, is that councils should pay attention to layout at the outset to prevent these problems from arising. The Council has successfully defended appeals where proximity to important trees has been an issue, most notably at Aldbourne where the proposed property was almost twice the distance from the tree than is proposed here.

In short, the existence of these mature trees makes the site completely unsuitable for residential development.

Impact on Conservation Area

The previous application was refused not only due to concerns about the scale/design of the proposed dwelling, but also because the existing building would be lost. Whilst the building is not in a good state of repair (quite probably partly due to the proximity of the mature trees and their root systems), the existing structure is described in the Collingbourne Ducis Conservation Area Statement as *'a roadside outbuilding (that) remains from the earlier house and contributes to the street scene'*. It is therefore considered that the loss of this building and its link to the past would be detrimental to the character and appearance of the conservation area.

With regard to the scale/design of the proposed dwelling, it is considered that the scheme is unacceptable. Not only is the new building proposed 1.5 metres taller than the existing building, therefore creating a more imposing building in place of a former domestic scale outbuilding, but the design is not characteristic of the conservation area, with a bulky main dormer and over-reliance on rooflights, including windows that awkwardly breach the eaves level. In short, the replacement of the existing building with this structure would detract from the character and appearance of the conservation area. These design features mean that the proposed dwelling would be out of keeping with traditional development in the area and would bear no resemblance to the building that it is to replace.

RECOMMENDATION

Refuse

1 - The construction of the proposed dwelling in close proximity to a number of mature trees would have a significant adverse impact on their long-term health and stability and their visual amenity, which would thereby detract from the character and appearance of the conservation area. Furthermore, the creation of a dwelling in such close proximity to these mature trees would create poor living conditions for the occupiers of the dwelling and would lead to pressure on the local planning authority to remove the trees, with a resultant adverse impact on the appearance of the area. The proposal would therefore be contrary to Policies PD1 and HH5 in the adopted Kennet Local Plan.

2 - The existing outbuilding fronting the road makes a positive contribution to the character and appearance of the conservation area and consequently, its removal would be detrimental in visual terms. Furthermore, the proposed replacement dwelling, by virtue of its bulk, design and the scale of the dormer window, would form an uncharacteristic and dominant structure, which would fail to preserve or enhance the character and appearance of the conservation area. As such, the proposal would be contrary to Policies PD1, HH5 and HH6 in the adopted Kennet Local Plan and the adopted Collingbourne Ducis Conservation Area Statement.

Item 7

APPLICATION:	K/53091/CAC
PARISH:	COLLINGBOURNE DUCIS
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of stables and coach house.
SITE:	The Old Rectory Church Street Collingbourne Ducis
GRID REF:	24296 53556
APPLICANT:	Mrs S Popham
AGENT:	Charles Gregory Design
DATE REGISTERED:	11th October 2005
CASE OFFICER:	Miss K Whittington

BACKGROUND

This application has been brought to committee at the request of the local ward member. It is the counterpart conservation area consent application to planning application K/53096, which is also on this agenda. The site description and planning history are as previously reported.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing outbuilding that fronts gable-end onto the road.

PARISH COUNCIL COMMENTS

Collingbourne Parish Council has raised no objections to the proposal, but notes that reclaimed materials should be used wherever possible.

CONSULTATIONS

None undertaken.

REPRESENTATIONS

No letters of representation have been received. Any that are subsequently received shall be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

The advice contained in PPG 15: Planning and the Historic Environment is relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

The building proposed for demolition is an unlisted former stable block which occupies a prominent location on the roadside at the entrance to the Collingbourne Ducis Conservation Area. It is referred to in the Collingbourne Conservation Area Statement, which states, *'a roadside outbuilding remains from the earlier house and contributes to the street scene'*. The building appears to be a well-built and attractive structure in Flemish bond brickwork, decoratively laid with glazed headers and featuring a plain clay tile roof. External features include segmental arches, a dentil eaves course and cast iron rainwater goods. Internally, there is a solid first floor construction with heavy timbers and good quality joinery.

PPG 15 makes it clear that *'the general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of the conservation area.'* It is considered that the building falls within this category and

consequently, it ought to be retained, at least until the proper tests laid out in PPG15 and set out below have been applied.

PPG 15 recommends that proposals to demolish buildings that make a positive contribution to the conservation area should be assessed against the same broad criteria as proposals to demolish listed buildings, which include:

- The condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
- The adequacy of efforts to maintain the building in use.
- The merits of alternative proposals for the site.

No additional information in support of the proposal has been provided with the revised application. The report that has been submitted is subjective in nature and makes no detailed assessment of the current value or condition of the building. The coach house section of building has obviously been collapsed and it is accepted that the remaining section of the building is suffering from some structural defects. However, the full extent and implication of these is difficult to assess in the absence of further supporting information, such as a structural survey.

In summary, a detailed and up-to-date assessment of the condition of the building and the potential for its retention has not been submitted and consequently, the view remains the same as for the previously refused scheme ie. that insufficient information has been provided to warrant the demolition of the building. The refusal of conservation area consent is therefore recommended.

RECOMMENDATION

Refuse

1 - PPG 15 advises that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. It further recommends that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings, which include a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and the value derived from its continued use; b) the adequacy of efforts to maintain the building in use; and c) the merits of alternative proposals for the site. As the existing stable block is a significant unlisted building in the conservation area and insufficient information has been submitted to demonstrate that the above criteria have been met, the proposal would be contrary to the advice contained in PPG 15.

Item 8:

APPLICATION:	K/53036/F
PARISH:	BURBAGE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Replacement dwelling
SITE:	39 Eastsands Burbage
GRID REF:	23523 61159
APPLICANT:	Mr A Cundick
DATE REGISTERED:	28th September 2005
CASE OFFICER:	Miss R Yeomans

SITE & LOCATION

The site lies within the village of Burbage and is the last property at the end of a row of cottages, accessed via a narrow lane. When approaching from the Marlborough direction, upon reaching the roundabout at Burbage / Marr Green, take the second exit left into the A338 (Grafton Road). Take the first turn left into Eastcourt Road and then the first right turn into Eastsands. Proceed past the shop on the left and then at the end of the terrace of properties on the left, the property can be accessed via a narrow lane on the left, and is the last on the right hand side. In front of the property lie private gardens / allotments, to the side a garden, and to the rear an orchard / field.

SITE HISTORY

K/50840/F – Two storey side extension – Permitted 21st October 2004

K/44609/F – Two storey extension – Permitted 27th February 2003

K/36470/F – The demolition of existing single storey extension and erection of two storey rear extension - Permitted 23rd November 1998

DESCRIPTION OF DEVELOPMENT

A two storey side extension was permitted on 21st October 2004. However, the original property was demolished, meaning that this permission could not be implemented. This application proposes to replace the existing dwelling, with a replacement of very similar design to the previous dwelling and extension previously approved. Work has commenced and so the application is in part retrospective. The replacement dwelling does differ in its construction, being timber framed with blockwork facing that will be rendered, rather than brick built. In a slight alteration to the west elevation (front), the chimney to the north has been reduced to a vent, and a first floor window on the western elevation (front) has been omitted from the scheme. The design of the windows has been changed from 6 pane windows to 4 panes to comply with building regulations.

ADDITIONAL STATEMENT BY THE APPLICANT

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

- The projection of the front porches is in line with the majority of the others in the row and the first floor and roof are a projection of the existing.
- There are no plans to fell any trees.
- Other dwellings in the row already have windows of various different types and the four rather than six pane windows are proposed in order to comply with building regulations.

- The design is identical to the previously approved extensions together with the original dwelling.

PARISH COUNCIL COMMENTS

No objection.

CONSULTATIONS

County Highways (K Flower) – no objection.

REPRESENTATIONS

Four letter of objection have been received from neighbouring residents who raise the following points;

1. The applicant has already demolished the property with little / no regard to the concerns of neighbours.
2. The new extension is far higher than the existing row of cottages and the roof has been sloped from approximately halfway along the ridgeline to meet the ridge of the neighbouring property. The common and clear roofline of the row of cottages will be broken.
3. The size of the windows is larger any of the existing cottages. The original plans showed only small window at the side closest to number 37, but now several are proposed.
4. The lean to / shed on the side of the old cottage had bats nesting in it, and was demolished before anybody had the opportunity to object / draw this to attention.
5. The applicant has blatantly disregarded planning requirements, and the replacement dwelling is totally out of keeping with the character and uniqueness of the row.
6. The building is not what was originally proposed or agreed under the planning process.
7. The current structure is approximately two feet higher at the ridge than the existing cottages, and its appearance is therefore different from the otherwise cohesive row.
8. The design style is totally out of character for this setting of red brick, flint and render.
9. The method of construction is reliant upon a rapid and damp free building period, and as construction has already taken 5 months, there are concerns over future structural stability.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policies PD1 & HC22 are relevant.

PLANNING OFFICERS COMMENTS

The main issues in this case are firstly the principle of the replacement dwelling, and secondly whether the impacts of the specific proposal on the character and amenities of the area are acceptable.

Regarding the principle of development, the dwelling lies within the Limits of Development of Burbage. In this location, the replacement of existing dwellings is permitted under policy HC24, providing the development is in harmony with the village in terms of its scale and character and that it conforms with other policies of the plan.

The property is not clearly visible from any public vantage points. The dwelling is broadly similar to other properties in the terrace. Its proposed rendered finish should match many of the existing properties, even though the construction method used is

different. The size of the dwelling has in principle, already been accepted in terms of impact on visual and neighbour amenity through the precedent of the approval of previous planning permission K/50804/F and the existence of the original dwelling, which is virtually identical in terms of the dimensions.

The minor changes proposed, are not considered to cause any significant harm to neighbour or visual amenity. It would therefore be difficult to argue that it would detract from the character and appearance of the area, and hence a refusal would be unjustified.

The arguments raised in relation to application being retrospective, and not in accordance with previous planning permissions is not a valid reason for refusing planning permission. The application must be assessed on its own merits.

The proposed windows are the same size and position as those previously approved under K/50840/F, except for the omission of a first floor window in the west elevation (front). Although there has been a slight change to the design of the windows, from six to four panes, this is to accord with building regulations, and in any case, there are a variety of different styles on the row. It is not considered that they would detract from the character and appearance of the row.

It is accepted that the ridge line does not exactly match the ridge of the existing row, and is in fact, slightly higher at the northern end than the ridge line of the row. However; its form does broadly follow the roof lines of the row, the difference is not significant, and the ridgeline of the cottages is not perfectly straight in any case. It should not therefore cause any harm to the character and appearance of the row.

The construction method, although not the same as the original dwelling or other cottages, allows for the application of render (which the application proposes), and therefore, the structure should appear in keeping in terms of the finish, and thus not harmful to visual amenity. The adjacent house appears to be brick built but is painted white, whilst another cottage in the row has a white textured external finish applied. Concerns over future stability are not a material planning consideration.

In summary, the scheme essentially replaces what was originally intended with the approved extension to the original cottage, and should be very similar in terms of design and form. It is not considered to cause any significant harm to the character of the row, visual amenity, or neighbour amenity. The scheme is in accordance with policy and for these reasons, the application is recommended for approval.

RECOMMENDATION

Approve with Conditions -

1 - Within two months of the date of this permission, details of the render and paint finish shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

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

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 & HC22.

Item 9

APPLICATION:	K/53098/F
PARISH:	UPAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of new house and garage
SITE:	Land to the rear of The Antelope Hotel, Upavon
GRID REF:	13422 55035
APPLICANT:	Wadworth And Co. Ltd
AGENT:	Mathewson Whittaker Waters
DATE REGISTERED:	12th October 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

The site lies at the southern end of the village of Upavon, to the rear of The Antelope Hotel. Upon entering the village from the Devizes direction, The Antelope Hotel can be found just before the junction of the A342 and the A345 and just after Chapel Lane. The site can be seen from the pub car park and comprises a large plot of garden land. It is surrounded on all sides by residential development.

SITE HISTORY

K/15877 – an application for a new car park at The Antelope Inn was allowed on appeal in November 1990. This has been constructed.

K/52411/F - an application for a dwelling on the site was withdrawn in August 2005.

K/52414/CAC – an application for conservation area consent to demolish part of an existing brick boundary wall was withdrawn in August 2005.

DESCRIPTION OF DEVELOPMENT

The proposal is to construct a large detached dwelling and triple garage on the site. The dwelling would be of a Georgian style, constructed of brick and slate, with traditional sash windows. A new vehicular access would be formed through the existing boundary wall and the driveway would run between 2 Chapel Lane and the pub car park.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended during the course of its consideration, with the set-back of the wall now shown.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a statement in support of the application, which makes the following key points:

- The site lies within the Limits of Development of Upavon, where Policy HC22 permits residential development, subject to it being in harmony with the village in terms of its scale and character. The proposed development is also required to preserve or enhance the character and appearance of the conservation area.
- Pre-application consultation has taken place with the planning authority and a response from the Council dated 16 March 2005 outlines the main points of consideration. E-mail correspondence subsequent to the submission of the first application stated the requirements that the Council's Tree Officer would wish to

see taken into consideration in an amended scheme. The site layout which forms part of this re-submitted application has been re-designed so as to take on board these points.

- In relation to the form of development in and around High Street, Jarvis Street and Chapel Lane, the land behind the street frontage buildings no longer remains as undeveloped gardens and examples of recent development that have created a precedent for the application proposal can be found at 9A High Street, Elm Lodge (High Street) and the development in depth at Alexander Fields and The Gardens.
- In relation to the mature trees on the site, these have been accurately plotted by a surveyor and clearly indicated on the application site layout. The proposed house and garage have been sited a comfortable distance from the important trees, particularly the limes, thus avoiding damage.
- With regard to the highway issues, an existing dropped kerb from an earlier access would be re-used as the position of the proposed access. Cars using this access would emerge onto a one-way village road with traffic travelling right to left (west to east). Visibility is good to the right and would be further improved by setting part of the wall back as illustrated. This wall is not of any particularly historic value and is of relatively recent construction.
- The architectural style of the house is intended to reflect the late Georgian period. This would relate well to other nearby properties, in particular, 2 Chapel Lane and The Antelope hotel itself. The use of traditional brickwork, timber sash windows and a natural slate roof would blend in well with the surrounding buildings and would certainly preserve and enhance the character of the conservation area.

PARISH COUNCIL COMMENTS

No objections to the principle of the development, but raises the following concerns:

The Proposed Access

- Regarding the architect's comment at 3.3, the existing dropped kerb is not from an earlier access, but forms part of the pedestrian crossing and access across Devizes Road to and from Alexander Fields at this point. This crossing dates from the development of Alexander Fields and was designed specifically to allow wheelchair access to the surgery in Fairfield.
- The site proposed for the access is in our view undesirable. The exit from Chapel Lane is already 'dangerous', with restricted sight lines to traffic coming down Devizes Road. This is already a complex junction with Salisbury Road and the traffic both ways on Devizes Road.
- The proposal to set back the boundary wall at the access point will in fact make the ability to see traffic coming down Devizes Road worse. We understand that there was a previous proposal to site the access to The Antelope's car park at this point, which was rejected for this reason. The six photographs sent with our comments to application K/52411/F (the previous application for this site) show the various problems and, in an attempt to be constructive, an alternative suggested access to the site through The Antelope's car park.

The Drive

- The driveway, as proposed, will pass immediately up against the wall of 2 Chapel Lane and its principal bedrooms. We also understand that when planning permission was granted for The Antelope's car park, the existing bank and hedge (shown as 'screen planting' on the drawing sent with the previous

application K/52411/F) were required as a condition to the approval, to protect 2 Chapel Lane. This will be negated by the proposed route for the drive.

The House

- The proposed location for the house is close to the boundary and garden of 2 Chapel Lane and the three bedroom windows proposed for the western elevation will overlook the garden at this point, with an adverse impact on the privacy of the owners of 2 Chapel Lane.
- We have no comments on the style of the house proposed, which in our view would be appropriate for the conservation area, but would suggest that the finishes and materials are identified as part of any approval.

CONSULTATIONS

County highways – in respect of the original plans, no objection is raised, subject to planning conditions being imposed requiring a) the provision of a visibility splay; b) the first 4.5 metres of the access to be surfaced in a well-bound consolidated material; c) the setting back of any gates to a position at least 4.5 metres from the carriageway edge; and d) the gradient of the access over the first 4.5 metres not exceeding 1 in 15.

No comments have yet been received in respect of the amended plans. Any that are subsequently received shall be reported verbally at the committee meeting.

County archaeology - no objection.

English Heritage – have been consulted as the site is within a conservation area and exceeds 1000 square metres. No comments have yet been received. Any that are subsequently received shall be reported verbally at the committee meeting.

REPRESENTATIONS

Eleven letters of objection and a petition containing 57 signatories have been submitted in respect of the application. The key concerns raised are as follows:

- The proposed access will present a hazard to both road users and pedestrians, being so close to an already dangerous junction.
- The statement that the lowered kerb relates to an earlier vehicular access is untrue; the kerb was lowered to allow the passage of pushchairs and invalid cars across the busy crossroads after the building of the Alexander Fields estate on the opposite side of the road.
- The scale of the proposal is inappropriate for its surroundings.
- Large green areas like this within the village should be preserved, not built upon.
- The dwelling would directly overlook neighbouring properties, which would result in a loss of privacy, as well as shutting out light.
- The proposed driveway would be positioned immediately beneath the main bedrooms of the adjacent property (The White House) and its grade II listed wall. This would cause a noise disturbance and the vibration of the traffic may damage the listed wall.
- The proposal would result in the loss of the pub garden, which is an important facility.
- The surface of the driveway should be tarmac, not gravel. The integrity of the boundary wall to The White House and the buffer earth bank on this property's side of the car park should not be altered in any way. The mature beech trees should not be cut back or altered in any way.

POLICY CONSIDERATIONS

The site lies within the Limits of Development for Upavon and within its designated conservation area. Policies PD1, HC22 and HH5 in the 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 addressed in turn.

Principle of Development

The site lies within the Limits of Development for Upavon, to which Policy HC22 of the Kennet Local Plan relates. This policy permits, in principle, limited additional housing development consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses within the Limits of Development for the larger settlements. Whilst the site is not a traditional infill plot, the proposal would fall within the definition of 'limited additional housing' and consequently, it is considered that it accords with Policy HC22 of the Kennet Local Plan.

Impact on Character and Appearance of Conservation Area

In terms of impact on the character and appearance of the conservation area, the key consideration is whether the form of development proposed, along with the scale and design of the dwelling and garage, are acceptable.

The proposal would essentially involve the construction of a large dwelling on a generous garden plot. The part of the conservation area within which the site is located is predominantly characterised by frontage development, however, some development to the rear has also taken place. Elm Lodge and 9A High Street, which lie to the rear of the site, are both examples of developments that are sited behind the traditional building line. As this precedent has been set, it would be difficult to argue that the form of development proposed would be out of character.

Although the proposed dwelling is large, it fits comfortably within the plot and does not appear cramped. Furthermore, being set back from the road, it would not be particularly prominent when viewed from public vantage points.

The design of the dwelling is in keeping with other nearby Georgian properties. The proposed garage, although large, is considered to be acceptable in visual terms. Traditional materials and joinery details are proposed, which can be ensured through the imposition of a condition requiring the submission of further details prior to the commencement of development.

The trees on the site make a positive contribution to the character and appearance of the conservation area. The applicant has submitted an accurate survey drawing which demonstrates that the trees which are of high amenity value would not be adversely affected by the proposal.

For these reasons, it is not considered that the proposal would have a detrimental impact on the character and appearance of the conservation area.

Impact on Highway Safety

The proposed access would be formed onto a one-way village road with traffic travelling in a west to east direction. It is not considered that the proposal would have a detrimental impact on highway safety for the following reasons: (a) the

existing wall would be re-aligned, thus ensuring that adequate visibility is afforded; (b) the road onto which the access would be formed is one-way only (c) the A345/A342 junction is a satisfactory distance away; and (d) the amount of traffic using the access would be minimal as only one dwelling is proposed.

The scheme has been amended so that it provides a similar visibility splay to that proposed for the previous scheme, to which the highway authority raised no objection.

The parish council have suggested that the access should be via the existing pub car park. This has been considered, but it is clearly not ideal to have access to a private dwelling through a pub car park, as operationally any such access would run the risk of being obstructed by users of the car park and would reduce the capacity of the car park. In addition, the applicants clearly want the two accesses to be separate, avoiding any issues of private rights of way. In these circumstances, where there is no objection from the local highway authority to the use of a separate access, the council cannot insist on a shared one on road safety grounds.

Impact on Residential Amenity

It is not considered that the proposal would have a detrimental impact on the reasonable living conditions of the occupants of the neighbouring properties. No blocking of light would occur as the proposed dwelling is a considerable distance away from the windows of the neighbouring properties.

The positioning of the neighbouring property to the west in relation to the proposed dwelling is such that none of its windows would be directly overlooked. Furthermore, the existence of a row of mature trees on the site boundary will help ameliorate any overlooking of the garden area to that property. Although there would be first-floor windows facing towards the properties in the High Street, the window-to-window distance would be at least 30 metres. For these reasons, it is not considered that significant overlooking problems would occur.

It is not considered that the traffic levels connected with the dwelling would be such that they would give rise to significant disturbance problems to the occupants of the neighbouring property.

Other Issues

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

Reference has been made to a previous application for a car park at The Antelope Hotel and specifically to the fact that a) the access to the car park was intended to be in the same location as this proposal, but was rejected; and b) when planning permission was granted for the car park scheme, there was a requirement for a bank and hedge to be provided, to protect the amenities of the occupants of 2 Chapel Lane.

No record can be found of an application whereby the access to the car park would have been in the same location as that proposed as part of this application. The most recent application for a car park on the site (reference K/15877) was allowed on appeal in November 1990 and involved the creation of the access that now exists across the existing forecourt and through the outbuilding. The concern in the previous appeal was to protect the amenity of 2 Chapel Lane from disturbance created by a 13 space car park. This was achieved by reduction in ground level of the car park and the provision of a landscaped bank. This proposal does not change

the level of the existing car park and does not require drastic changes to the bank that would reduce the protection of the amenity of this property.

The impact of traffic on the neighbouring listed wall, by virtue of vibration, is not a planning consideration. There is no policy in the Kennet Local Plan which seeks to retain pub gardens and therefore, its retention cannot be insisted upon.

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 2428.01B received on 9 November 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 depths of reveals) and roofs of the dwelling and garage and the brick boundary wall (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 detail the boundary treatment of the new property, including the details of the boundary with the car park area (for the avoidance of doubt, no approval is granted for the proposed close boarded fencing shown on the plans to the north of the existing car park, details of the boundary treatment of which shall be included in the landscaping scheme). The scheme shall also set out the proposed treatment of the existing landscaped bank to the existing pub car park, alterations to which shall be kept to a minimum.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - The trees on the site which are to be retained shall, before any works commence, be protected at 7.5 metres from the trunk centres or the outer edge of their canopies (whichever is the greater), by a braced chestnut paling or Heras type fence. Before the fence is erected, its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building, or materials, including stacking of soil, shall be allowed within it.

REASON:

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

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

REASON:

To protect the amenities of this primarily residential area.

8 - Prior to the first use of the access, the new boundary wall shown on the approved plans shall be provided. The area between the new wall and the rear edge of the highway footway shall be kept free of all obstructions to height above 600 millimetres above ground level.

REASON:

In the interests of visual amenity and highway safety.

9 - The first 4.5 metres of the access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

10 - Any gates shall be set back at least 4.5 metres from the carriageway edge, with the gates made to open inwards only.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

12 - INFORMATIVE TO APPLICANT:

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

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

Item 10:

APPLICATION:	K/53099/CAC
PARISH:	UPAVON
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of part of brick boundary wall
SITE:	Land to the rear of The Antelope Hotel, Upavon
GRID REF:	13422 55035
APPLICANT:	Wadworth And Co. Ltd
AGENT:	Mathewson Whittaker Waters
DATE REGISTERED:	12th October 2005
CASE OFFICER:	Miss K Whittington

BACKGROUND

This is the counterpart conservation area consent application to planning application K/53098, which is also on this agenda. The site description and planning history are as previously reported.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish an 18 metre long section of the existing brick boundary wall to enable the creation of a vehicular access to the dwelling proposed under K/53098 and the associated visibility splay. (All except the 4.1 metre opening will be rebuilt along the new visibility splay line)

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended to show a slight alteration to the position of the new section of wall, to ensure adequate visibility.

PARISH COUNCIL COMMENTS

Upavon Parish Council has objected to the application on the ground that the proposed formation of an opening in the existing wall would have a detrimental impact on the character and appearance of the conservation area.

CONSULTATIONS

None undertaken.

REPRESENTATIONS

No letters of representation have been received. Any that are subsequently submitted shall be reported verbally at the committee meeting.

POLICY CONSIDERATIONS

The advice contained in PPG 15: Planning and the Historic Environment is relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

PPG 15 advises that local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area when determining an application for conservation area consent.

In order to create a vehicular access to the dwelling proposed under K/53098 and the associated visibility splay, the application proposes the removal of a length of the existing brick boundary wall. The roadside wall is of modern construction and consequently, in principle, it is not considered that the demolition of a section of it

would be harmful in visual terms. The wall does, however, have some importance in maintaining the sense of enclosure of the road. This sense of enclosure would potentially be lost if the entire 18 metre section of wall were to be demolished and not replaced. However, the counterpart planning application proposes the construction of a new wall behind the required visibility splay and consequently, only a 4.1 metre gap would be visible along this boundary. The construction of the new wall can be ensured through the imposition of a condition on the counterpart planning permission. Under these circumstances, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the conservation area.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 2428.01 B received on 9 November 2005.

REASON:

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

3 - INFORMATIVE TO APPLICANT:

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

The proposed demolition works will not be detrimental to the character and appearance of the conservation area.

Item 11:

APPLICATION:	K/52958/F
PARISH:	RAMSBURY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of change to roof line to accommodate french door
SITE:	Pear Tree Cottage Axford, Ramsbury
GRID REF:	23836 70096
APPLICANT:	Mr J Lappin
AGENT:	Mr D G Norcross
DATE REGISTERED:	15th September 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Pear Tree Cottage is a detached two storey dwelling located towards the centre of Axford on the southern side of the Marlborough road adjacent to the Red Lion Public House. To the rear of the site and at a lower level lies Riverside House, a Grade II* listed building.

SITE HISTORY

K/15486 – Planning permission approved in February 1990 for a two storey extension.

K/39530 – Planning permission approved in August 2000 for the erection of a conservatory.

K/47349 - Planning permission approved in May 2004 for the erection of a two storey side extension, single storey side extension and vehicular access.

DESCRIPTION OF DEVELOPMENT

This application is for an amendment to planning permission K/47349 granted in May 2004. The proposal is for a change to the roofline by cutting into the eaves level to accommodate a French door below. This would replace the originally approved casement window in this elevation. Works have already begun on site making this application retrospective.

PARISH COUNCIL COMMENTS

Ramsbury Parish Council have no objection to this application subject to the approval clearly indicating the roof area concerned.

CONSULTATIONS

English Heritage (Thomas Dalton) – No comment but recommend that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

REPRESENTATIONS

Four letters of objection have been received, two from the owners of Riverside House and two from other residents of the village. They raise the following concerns;

1. No justification has been put forwards for the French doors and the proposal is ugly, intrusive and unnecessary.

2. The proposed French windows which break the roofline are visually demanding and inappropriate to the village setting and its surroundings. It will make an ugly alteration to the roofline which is alien to a village house/cottage and is very visible being set so high above Riverside House.
3. The site is in an Area of Outstanding Natural Beauty and no justification has been put forward to satisfy policy NR8. The rear of the village houses can be seen from the Kennet Valley and the proposal will have an adverse impact on such views.
4. Any development to the rear of Pear Tree Cottage affects the setting of Riverside House, a Grade II* listed building, contrary to policy HH8.
5. Pear Tree Cottage sits up above Riverside House at a much higher level and this proposal increases overlooking of the house and gardens, resulting in a loss of privacy.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – the relevant policy is PD1.

PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are the impact of the proposal on the character and appearance of the area; whether it affects the setting of the Grade II* listed building to the rear of the site; and loss of amenity through overlooking.

In terms of the impact on the appearance of the area, the alteration only affects a small proportion of the rear roof and first floor of the cottage and is not considered to be poorly designed or visually obtrusive. It is not widely visible to public view, except in distant views across the valley and does not adversely affect the character or appearance of the existing cottage or surrounding area.

Concerns have been raised about the impact of the development on the setting of the Grade II* listed building at Riverside House. The site has been inspected by the Council's Conservation Officer and access to the grounds of Riverside House enabled the impact of the works on the setting of the listed building to be fully assessed. Although the works are visible from the grounds of Riverside House, this change to the roof and first floor wall has no impact on the setting of the listed building, which is some 40m distant and set on a considerably lower level.

Finally, there is the issue of overlooking and loss of privacy to the garden of Riverside House. Whilst parts of the extensive garden of Riverside House can be seen from the French doors, the back to back distance of approximately 40 metres between the two properties, the change in levels, the intervening vegetation and boundary features and the distance to the boundary (at least 17 metres) is well within the normal council standards for separation between properties. Refusal on these grounds is therefore not justified. Furthermore, a casement window in the same position has already been approved.

RECOMMENDATION

Approve with Conditions

1 - 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 balcony shall be erected outside of this opening hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

2 - INFORMATIVE TO APPLICANT:

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

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

Item 12:

APPLICATION:	K/53029/F
PARISH:	SHALBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Proposed removal of single garage and erection of utility room
SITE:	Oak Tree Cottage, Stype, Shalbourne
GRID REF:	31695 65336
APPLICANT:	Mrs R B Magor
AGENT:	TS Design Group
DATE REGISTERED:	27th September 2005
CASE OFFICER:	Miss G Salisbury

SITE & LOCATION

Oak Tree Cottage is a detached three storey thatched and rendered cottage located on the northern side of the Little Bedwyn road close to the Church of the Good Shepherd. To access the site from the A338 Burbage to Hungerford road turn left onto Six Acre Lane, signed Bagshot. Follow the road around to the right up Annett's Lane and where the road forks take the left hand road. Oak Tree Cottage is the second dwelling on the right.

SITE HISTORY

K/11896 – Erection of two storey extension to side approved in April 1988

K/13406 – Erection of purpose made conservatory approved in January 1989

K/31153 – Planning permission was approved in March 1995 for an extension to the existing hall to form a study room

K/52050/F – Planning permission was refused in June 2005 to demolish the existing garage and erect a side garage and stores. This was on the grounds that the extension, by reason of its size, siting and design would create a bulky and incongruous addition that would dominate the side elevation of the existing dwelling, to the detriment of the character and appearance of the existing dwelling and the appearance of the surrounding area.

DESCRIPTION OF DEVELOPMENT

This is a revised application following the refusal of K/52050/F and subsequent pre-application discussions. The proposal is to demolish the existing detached single garage and erect a single storey extension to the side of the dwelling to create a laundry, boot room and boiler room. The proposed building measures 5.95m in length by 3.45m wide and 5.15 to the ridge, and is to be built in materials to match the existing dwelling, i.e. cream painted render and red/brown roof tiles. It is also proposed to erect a lean-to porch hood over the front door that will connect to the existing converted study. Again, roof materials are to match.

PARISH COUNCIL COMMENTS

Shalbourne Parish Council do not object in principle to this extension. However, they object to the proposed materials commenting that the extension should be thatched, in keeping with the main building and the neighbouring cottage. The only tiled roof associated with this property is on the study and this should not be used as a precedent for the new extension to be tiled.

CONSULTATIONS

County Highways (Mark Wiltshire) – no objection.

REPRESENTATIONS

One letter of objection has been received from the immediate neighbour on the grounds that any further extensions to the already extended dwelling would change the whole character of the two houses by the bulk of Oak Tree. While the proposals address some of their previous concerns with K/52050/F, particularly regarding the position and massing of the extension, they still have some issues as follows;

1. The current side addition is thatched and it would be more in keeping with the original appearance to remain thatched otherwise both side wings that were thatched would be lost. If not thatched it should be part thatched and part hand made clay tile as a modern tile would look out of place.
2. The roof massing is still substantial.
3. There will be no garage which is unusual for such a large house.
4. We would prefer to see the extension at the rear of the house which would keep the frontage as it is.

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are the design of the extension and its impact on the character and appearance of the existing dwelling and street scene. Objections to this proposal have been received on the grounds that the roof massing is substantial, the materials are not in keeping and that the development would change the character of Oak Tree Cottage and its neighbour Owl Cottage, to the detriment of the appearance of the area.

With regards to size, the extension is considered to be well designed and in keeping with the size of the existing dwelling and site. Plain tiles can be seen on the front elevation of the existing dwelling as well as on the garage that this structure replaces. They can also be found on parts of the neighbouring house. They are not considered to be harmful to the character or appearance of the house. The extension is also slightly set back behind the main building line of the property and would be screened to an extent by existing vegetation to the front of the site. As such it is considered that the development would not have an adverse impact on the character and appearance of the existing dwelling and would not adversely affect the character of the street scene at this point. No objection has been raised to the porch hood which is in keeping with the house in terms of size and materials.

There are no neighbour amenity concerns with this application but concern has been raised about the loss of the garage. However, sufficient parking space will remain on site and no objection has been raised by the local highway authority.

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 tiles to be used on the roofs of the development hereby permitted shall be plain tiles to match in colour and texture those used in the existing structure.

REASON:

To secure harmonious architectural treatment.

3 - INFORMATIVE TO APPLICANT:

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

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

Item 13:

APPLICATION:	K/53058/F
PARISH:	COLLINGBOURNE KINGSTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey front and two storey side extension
SITE:	14 Cuckoo Pen Close Collingbourne Kingston
GRID REF:	24024 56229
APPLICANT:	Mr and Mrs T Seymour
AGENT:	Mr K Halson
DATE REGISTERED:	4th October 2005
CASE OFFICER:	Mr N Britton

SITE & LOCATION

Cuckoo Pen Close is a cul-de-sac of modern development on the southern edge of Aughton, between the main A338 road and the line of the old Marlborough to Andover railway. Number 14 is a semi-detached house at the end of the close. It is bounded on its north side by a small grassed amenity area which also gives access to an adventure play area located in the old railway cutting. A public footway leads into the adjacent Ham Close.

The village lies in the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

SITE HISTORY

None relevant

DESCRIPTION OF DEVELOPMENT

It is proposed to erect a two-storey extension to the left hand side of the existing dwelling, in a space currently used for parking and open storage. Its roof line will be set slightly lower than the main roof, and the upper floor front will be set slightly back from the face of the building. The ground floor front will project under a sloping roof to incorporate an integral garage entrance, porch and front room extension.

PARISH COUNCIL COMMENTS

Feels that the proposed extension to the front of the house would be visually unbalanced and not in keeping with the rest of the surrounding properties.

REPRESENTATIONS

None

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 requires a high standard of design in all new development, including consideration of scale, height, massing, relationship to townscape and landscape context, and elevational treatment.

PLANNING OFFICER'S COMMENTS

The bulk of the extension will be to the side of the house, where there is a protected open area which will preserve a sense of space. No objections have been raised in relation to this aspect, which is wholly unobjectionable. The sole issue concerns the ground floor front extension, which will be two metres deep, and will extend across the width of the house to the boundary with the attached house.

This is a small modern development which, although it has a pleasant residential character, does not have any special architectural or layout qualities that would be adversely affected by the development. The property is at the low end of the cul-de-sac, where the extension will not be prominent in the street scene, and it will not affect the landscape qualities of the AONB. A similar front extension has been constructed at No 10 and it is not considered that there are grounds for refusal of this extension.

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 - INFORMATIVE TO APPLICANT:

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

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

4 - INFORMATIVE TO APPLICANT

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

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