

Regulatory Committee

15th December 2005

Planning Services

List of Applications for Consideration

1 K/52761/O (page 7)

Outline Planning Permission for : Residential development (about 230 units), new primary school and creation of new access on to the A361 London Road
Land off Quakers Walk ROUNDWAY

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant outline planning permission subject to the prior completion of a legal agreement(s)

2 K/53022/F (page 24)

Full Planning Permission for : Construction of public house and associated car park
Land at Horton Avenue, BISHOPS CANNINGS

RECOMMENDATION: Grant full planning permission

3 K/53031/F (page 35)

Full Planning Permission for : Partial demolition of the existing school (including removal of toilet block). Conversion and extension of retained building to provide ten 1 bedroom flats and erection of terrace of five 2 bedroom cottages.
The Old School St. James Street LUDGERSHALL

RECOMMENDATION: Grant full planning permission

4 K/53180/F (page 44)

Full Planning Permission for : Six new staff houses
Barton Dene, Marlborough College, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

5 K/52720/R3 (page 50)

Kennet DC Reg 3 for : Demolition of existing public conveniences, rebuild of new enlarged public conveniences with streetscape works
West Central car park, off New Park Street, DEVIZES

RECOMMENDATION: Grant full planning permission

6 K/52828/CAC (page 55)

Conservation Area Consent for : Demolition of existing public conveniences with offices
The Wharf public car park, off New Park Street, DEVIZES

RECOMMENDATION: Request the Secretary of State to grant conservation area consent

7 K/52721/R3 (page 57)

Kennet DC Reg 3 for : Replacement of existing toilet block with new streetscape works

The Wharf car park, off New Park Street, DEVIZES

RECOMMENDATION: Grant full planning permission

8 K/52722/R3 (page 59)

Kennet DC Reg 3 for : Replacement of existing toilet block, with new streetscape works

Station Road car park, Station Road, DEVIZES

RECOMMENDATION: Grant full planning permission

9 K/52932/F (page 61)

Full Planning Permission for : New Green Keepers building including all other associated works

Erlestoke Sands Golf Club, ERLESTOKE

RECOMMENDATION: Grant full planning permission

10 K/53136/F (page 67)

Full Planning Permission for : Temporary residential accommodation.

Moonraker Farm, Bottlesford NORTH NEWNTON

RECOMMENDATION: Grant temporary planning permission

11 K/53205/F (page 73)

Full Planning Permission for : Amendments to planning permission K/52126/F :- Variation in height of extension & details of windows.

1 Park Road NORTH NEWNTON

RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION:	K/52761/O
PARISH:	ROUNDWAY
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Residential development (about 230 units), new primary school and creation of new access on to the A361 London Road
SITE:	Land off Quakers Walk Devizes
GRID REF:	01106 62270
APPLICANT:	The Society Of Merchant Venturers
AGENT:	Carter Jonas LLP
DATE REGISTERED:	9th August 2005
CASE OFFICER:	Mr R C Cosker

SITE & LOCATION

The application site, which extends to some 11.9 hectares, is situated to the north east of Devizes. The main site is bounded to the north and east by residential development (Roundway Park and Parkfields), to the south by agricultural land (with a sports club and allotments beyond) and to the west by Quakers Walk. The Police headquarters lie to the south east of the site and it across their land that vehicular access is gained off London Road.

Members are advised to view the access of the site from London Road whilst the best views of the main part of the site are from Quakers Walk accessed off Roundway Park.

SITE HISTORY

There are no relevant historical planning applications relating to this site but members will be aware of the lengthy history of this site which included the allocation of this site for residential development in the Kennet Local Plan 2011 which was adopted in April 2004. This site is also included within the Devizes Strategic Development Brief (DSDB) which contains guidance on the level of contributions anticipated from housing allocations in Devizes. Most recently the Quakers Walk Planning Brief was approved by the council on 26th May 2005 which contains more detailed guidance on the form and content of the proposed development on this site.

Following the appeals being allowed for residential development at the former Spitalcroft allotments site and the former Kverneland employment site, both of which are off the London Road, the option of reviewing housing provision in Devizes was considered at the Planning Policies Executive Committee on 26th May 2005. The decision taken was that no changes were needed due to the low level of housing completion in the district, an issue which was noted by the planning inspector in his decision allowing the Spitalcroft appeal.

DESCRIPTION OF DEVELOPMENT

The application is an outline application for residential development (about 230 units), a new primary school and the creation of a new access onto the London Road. A secondary emergency and bus access would be provided onto Roundway Park. A 7 form school was originally proposed for the site, which was sufficient to

serve the proposed residential development in Devizes, but it has since been agreed with the education authority that St Peter's School would close and merge on this site. The resulting larger school would be a 10 form school. Sufficient space has been set aside for the larger school.

As stated the application has been submitted as an 'outline' with all matters other than means of access being 'reserved'. The planning brief contains a concept plan on how the development could be laid out. The final detailed layout will be considered as part of any subsequent reserved matters application. However, as part of the planning brief, and following detailed discussions with key stakeholders and local residents, it has been decided that the school should be located in the south east corner of the site.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicants have provided larger scale drawings of the proposed access road off London Road and an arboricultural report and method statement concerning the works close to the protected trees. The application site has also been increased along the access road to accommodate landscaping alongside it and also along Quakers Walk to include the areas to be improved.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted the planning brief as part of the application along with a landscape strategy, archaeological evaluation report, transportation impact appraisal and flood risk assessment.

TOWN/PARISH COUNCIL COMMENTS

Devizes Town Council – Following the consultation with the town council they responded by stating that;

“A decision should be deferred until information has been received on traffic modelling, education information and safeguarding of flora and fauna”

Following discussions with Town Council officers, your officers wrote to address their points of concern. The contents of that letter were considered by the Town Council and their further comments were received stating that;

“Such an important decision should be deferred until such time as a full traffic model has been submitted to the committee”.

Roundway Parish Council – No objections but make the following comments and raise questions on the plan;

1. The parish council does not believe that the parking arrangements for the school are adequate. We support the travel plan and attempts to cut down car journeys but parents drive their children to school and the space allowed is inadequate. We are also concerned that when the school is used as a community facility in the evening the parking will again be found to be inadequate.
2. The parish council believes that the plan fails to appreciate the amount of traffic what will now enter London Road. The traffic from this site and other approved plans will bring gridlock to London Road. We think that traffic management measures need to be considered as a matter of urgency.

3. The plan talks about a noise assessment. The parish council would like to see the factual detail of the assessment.
4. The plan talks about flood surveys and again the parish council would like to see what surveys were done.

CONSULTATIONS

County highways (Ian Postlethwaite/Mark Wiltshire) - the highway authority have raised no objections to the application stating that the layout of the new junction onto London Road has been agreed as meeting contemporary standards and safely accommodating the development traffic.

In their consultation response they have also set out their requirements for the planning legal agreement and planning conditions. These include the requirements for the provision of the access to the site; details of the bus gate/barrier; improvements to Quakers Walk; access to the sports club; a traffic regulation order for parking restrictions on Roundway Park; a school travel plan; a financial contribution towards the SATURN traffic model and further contributions towards off site sustainable transport improvements as required by the DSB.

KDC Housing Services Manager – the affordable housing provision proposed of 70 subsidised dwellings and 45 low cost market dwellings (based on 230 dwellings) is considered acceptable subject to being secured through an appropriate section 106 agreement.

County Archaeologist – have advised that, in light of the findings of the archaeological evaluation report submitted no further archaeological work will be necessary.

Environment Agency – the applicant has submitted the surface water drainage strategy to the environment agency for their approval. No formal response had been received at the time of writing the report, any response received will be reported verbally to the committee.

Wessex Water – no objections subject to details being agreed.

REPRESENTATIONS

A total of 34 Letters of objection have been received concerning this application, the points raised in the letters have been summarised below;

1. Is the development necessary now that there are a number of unplanned developments in the area?
2. Why has Kennet District Council not revisited its decision to build on this green field site as suggest by the Government Inspector?
3. There seems to be a number of wasteland sites where houses could go.
4. The additional houses and school will put an intolerable burden on London Road which is already gridlocked, how will the area cope with more traffic.
5. The traffic appraisal says London Road is capable of absorbing the extra traffic, they obviously don't live on the London Road as even now the noise, pollution and congestion is probably higher than anywhere else in Devizes. There is also the continual speeding, vandalism and anti-social behaviour.
6. Was the ever increasing Hopton Industrial estate and other developments taken into account in the traffic appraisal?

7. Why build a new access, can't access been gained onto Roundway Park and save the Police Headquarters Field and prevent the traffic problems that would be created by having another junction onto London Road?
8. The flight path of the police helicopter will go very low over the new access road resulting in a further distraction/hazard.
9. The access across the police field will be aesthetically damaging to the appearance of the area and it is difficult to see how the junction could be achieved without removal of at least two of the protected mature trees and damage to the root systems of others.
10. The new junction will immediately produce a high or very high accident risk area being directly opposite or near to; a nursery school, a mews development with an average of 14 cars coming and go on a regular basis, another new townhouse development and a B&B establishment. All this adds up to a much higher number of vehicle movements than elsewhere along London Road.
11. Why is no traffic control shown for the new junction? It will be very difficult to turn right out of the junction onto London Road.
12. Devizes needs a bypass.
13. Concern that the emergency access road will be higher than surrounding properties and cause drainage problems.
14. What will be done to stop parents using the driveway of nearby houses as a dropping off point for parents with school children?
15. Are there any measures to prevent the emergency access into Roundway Park being used as a drop off point for school children?
16. The brief talks of school traffic needing to avoid new residential areas, what about existing residents near the new junction?
17. The creation of an area of open land between the access road and the current housing on Roundway Park can only be described as phase 2.
18. The development, floodlit playing fields, new road and the headlights of the traffic using the road will add to the light pollution already suffered by residents.
19. Quakers Walk is a gloriously natural rural walk, the plans seem to suggest that it will be paved and lit.
20. Thirty five metres is not a wide enough buffer for Quakers Walk.
21. Why is St Peter school being replaced, it is madness to close one and build another, is it because this is another prime development site?
22. The noise, disturbance and fumes from the police helicopter is unacceptable for a school to be located near to it.
23. Loss of this green area so close to the heart of Devizes is another step down the slippery slope towards Devizes becoming another clone town.
24. This area is a much needed lung for the busy London Road area.
25. The field borders an area of special scientific interest.
26. Para 4.18 states that the proposal needs to respect the residents of Roundway Park and Parkfields, what about the residents of London Road?
27. This is agricultural land and not a true brown field site.
28. Residents in Roundway Park thought the separation distance between them and new houses would be 'fence to fence' rather than 'wall of the house to wall of a house' as shown. The proposal will result in the new house looking straight into our houses and gardens. The buffer zone is totally inadequate.
29. The land to the rear of Roundway Park actually rises up and is not level as stated.
30. The buildings adjacent to existing bungalows should also be bungalows.
31. There should be as much screening as possible between the school and existing houses.
32. How will the services in the town cope?

33. As an outline plan why is there no layout drawing to view, only a worthless document?
34. The development will just attract vandalism as has happened at Brickley Lane.

The Trust for Devizes has submitted a letter where they make a number of points on highway matters, these can be summarised as follows;

1. The trust is very concerned at the impact which the additional traffic generated by this proposed development will have on London Road, which is already congested for most of the day. The continuing development of housing along London Road means not only more traffic movements but also an increasing number of vehicles seeking to join or leave London Road with all the restrictions on flow that imposes.
2. The construction of the school will also generate considerable peak hour traffic added to which will be the large numbers of residents using their cars to commute to other towns for work.
3. Quakers Walk is not the only proposed housing development in the area and we also understand that plans may well come forward for housing at Bureau West and on the skid pan site, all these will use London Road as the main route south.
4. London Road is the main feeder road into Devizes used by a good deal of traffic that have no alternative route to Chippenham, Melksham or Trowbridge. The worst case scenario is gridlock on London Road, spreading north of the Windsor Drive junction.
5. It remains to be seen what damage further traffic delays will do to businesses in Devizes, but it can only be negative and the proposed shopping development will achieve nothing without reasonable access to the town.
6. There is a further issue of air quality on London Road as slow moving traffic pollutes more than in free flowing traffic and it is entirely possible that the levels of pollution will exceed government standards as a result. In view of the likely increase in congestion, it is difficult to equate the forecast improvement in NO2 shown in the Council's air quality report. It is essential to produce a forecast of pollution levels once the degree of congestion is estimated from the traffic model, prior to planning consent being granted.
7. The traffic assessment for each development shows there will be little impact on traffic, whether this is the case or not, the aggregated increase in traffic from 800 houses will be very considerable. The impact will be impossible to forecast since there is no up to date traffic model to assess the degree of each site, let alone the combined impact of them all.
8. We are aware of the claims that these are sustainable developments and will not generate large volumes of traffic, national traffic statistics show car use continues to increase, particularly in rural areas. Ownership up 15% from 2000 to 2010 and use by 23% in the same period. Whatever the benefits of the sustainability elements in the developments this will be negated by the increase in car ownership and use. Over reliance on the degree of sustainability would certainly be unwise.

9. All the points lead to the need for a comprehensive modelling of the traffic on and around London Road before determining this application.

A letter has also been received on behalf of the Devizes Guardians which states they object to the planning application for the following reasons;

1. Traffic - WCC approved the allocation of the site at the time of the Local Plan on the grounds which are no longer relevant or accurate. Since that time numerous other sites have been proposed for housing along London Road and more is likely to follow. It is consequently invalid to consider the traffic impact without up to date modelling capable of testing a variety of different development case along London Road.
2. Air quality – We understand the nearest air quality records demonstrate pollution levels close to the maximum permitted. The council should quantify the expected level of traffic related pollution including the proposed development and others before considering the approval of the application.
3. Number of units – We understand that the inspector for the local plan specified a maximum of 230 units for the site, if this is the case the application for about 230 units should be rejected.
4. Conclusion – the core of our objection relates to traffic impacts, congestion and associated pollution. The granting of permission in the absence of an accurate synthesis of all relevant developments affecting the London Road corridor, which is projected from up to date traffic data would be incorrectly assessed and invalid in principle. This raises questions of quality of administration which would not be favourable to the council. Approval should therefore be withheld unless and until this analysis is done.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC2, HC5, HC7, HC9, HC28, HC29, HC30, HC31, HC34, HC37, HC38, HC42, HC43, AT1 and AT10 are relevant in the consideration of the application.

Also relevant to the determination of this application is the Devizes Strategic Development Brief and the Quakers Walk Planning Brief. Whilst the former was adopted as supplementary planning guidance (SPG) in March 2004 the status of the planning brief is slightly different in that it was approved as emerging supplementary planning document (SPD) for the purposes of development control in May 2005. With the introduction of the new planning system it was no longer appropriate to adopt SPG. Instead, SPD were to be prepared. This will be part of the local development framework.

PLANNING OFFICERS COMMENTS

As noted above the Quakers Walk site has a lengthy history which resulted in it being allocated for housing within the local plan, a decision which was endorsed by the planning inspector at the local plan inquiry. The key starting point in considering this application is therefore the policies of the local plan, in particular policy HC9 which allocates the site for housing and lists seven criteria which need to be addressed when considering any application. The supporting text to that policy also sets out further issues that need to be addressed. In this committee report it is then proposed to consider the further issues that have been raised by this proposal.

Policy HC9

Policy HC9 of the local plan allocates land for housing on a 9.8ha site at Quakers Walk. The overall application site area is however larger than this as the planning inspector allocated a net area for housing (i.e. not including the landscape buffer, access road or other areas of open space). The seven criteria against which the development needs to be considered are as follows;

- a) *Retain and respect the quality and appearance of Quakers walk by providing a buffer of minimum width 35 metres between the footpath and development*

Both the planning brief and the comprehensive landscape strategy submitted show how a landscape buffer could be achieved along Quakers Walk. It is proposed that this would provide an informal edge along the interface between Quakers Walk and the new development, in this area the open setting to Quakers Walk in which the avenue of trees remains dominant would be maintained. Subtle ground modelling would be used away from the trees whilst any additional planting will remain subservient to the existing ones with informal groups of parkland trees planted away from Quakers Walk. Areas of both formal and informal grassland would be used within the landscape buffer to help maintain the rural character. It is considered that the overall approach outlined in the landscape strategy would ensure the rural feel to Quakers Walk will not be materially reduced.

In addition to the above, concerns have been raised over the impact on the rural character of Quakers Walk itself by the changes proposed in the planning brief, namely the resurfacing and lighting of the southern section. It should however be remembered that when allocating this site for residential development it was clear that the options that Quakers Walk provided for easy pedestrian and cycle access into the town centre was an important factor in determining the sustainability of the site. Clearly whilst the proposals will need to be undertaken as sympathetically as possible the works will have an impact on the rural character of the Walk, albeit this can be minimised by carefully considering the specification and materials. This must however be balanced with the need to ensure this essential link is both safe and convenient to use, indeed under Section 17 of The Crime and Disorder Act 1998 states that;

"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can, to prevent crime and disorder in its area".

This means that the council, in provision of their daily functions and services, must consider the impact that they will have on crime and disorder. The aim is to anticipate the likely consequences of their decisions on crime, and to look to ensure that any negative impact is avoided and positive outcomes promoted. Specifically in this instance it is considered that the council needs to ensure that that this section of Quakers Walk is properly lit and safe to use.

- b) *Include a comprehensive landscaping scheme to minimise the potential external impact of the development on the wider landscape of Roundway Hill and the potential impact on Quakers Walk*

As stated above a comprehensive landscape strategy has been submitted with this outline application. This adequately deals with, not only the impact of the development from Quakers Walk, but the landscape concept for this site to minimise the impact on the wider landscape as well as more detailed issues of

possible landscape treatment on boundaries with existing properties. A full landscaping scheme will be required as part of any 'reserved matters' or 'detailed' planning application and this will need to follow the concepts and principles set out on the landscape strategy.

c) Ensure that the use of the allotments to the south of the site is not compromised

The development site itself is some way north of the allotments. The issue however is to ensure access to the allotments is maintained from the agricultural land to the west of Quakers Walk to allow the continued delivery of manure. It is proposed that vehicular access will be maintained by providing a crossing point across Quakers Walk to the south of the development site.

d) Provide a main vehicular access from London Road and a secondary access for bus services and emergency purposes from between 52 and 53 Roundway Park

The main vehicular access is provided via a new junction with London Road and secondary emergency/bus access is also provided as required by the policy. The access on London Road will be uncontrolled but does include a 'right turn' central lane. The access road leaving the site will also be three lanes wide for a distance to provide a left and right turn lane as well as a pedestrian refuge. The inclusion of an extra lane on London Road will result in the footway on the west side of London Road being diverted around the retained trees. The secondary access onto Roundway Park will be restricted by the use of some form of controlled barrier, such as a bus gate or rising bollards, to prevent unauthorised vehicles using it. The exact details will be secured by way of a planning condition and/or legal agreement.

The exact position of the proposed access off London Road was considered having regard to the need to provide sufficient visibility at the junction on land in the control of the applicant, whilst attempting to preserve existing mature trees along London Road. The proposed access will however result in the loss of a chestnut tree, a cherry tree and one poor quality copper beech on the London Road frontage to provide a 23 metre wide gap for the access between the two retained chestnut trees. The footpath and cycleway on the north western side of London Road will be re-directed into the site around the retained trees. Officers propose a planning condition concerning the construction of the access road to ensure the protection of the retained trees.

e) Ensure the potential disturbance to residents from the use of the helipad is minimised through the design and layout of the scheme

A noise assessment was submitted at the time of the local plan inquiry principally to address the noise issues associated with the police helipad. As a result of this report and the consultation carried out for the planning brief a 150 metre exclusion zone has been applied to the helipad which includes a small area of the site. No residential or school buildings will be possible on this area of land. Other buildings near to the exclusion zone will need to be carefully designed and laid out to minimise the potential disturbance arising from the incoming and outgoing helicopter flights. These matters will be addressed at the detailed planning stage.

f) Respect the amenity of adjacent land uses and residents

The main amenity issues are raised by the relationship between proposed dwellings and school and those existing dwellings that form the northern and part

of the eastern boundaries of the site. There are bungalows on Roundway Park to the north, whilst there are two storey dwellings in Parkfields to the east where the proposed school would be sited.

The planning brief states that there should be a separation distance of 25-30 metres between the back of the Roundway Park bungalows and the properties within Quakers Walk. A number of options for the use of the land between the properties and the boundary treatment, including a landscape buffer were considered during initial consultation for the planning brief. No clear preference emerged and there are concerns that the planting of such an area should not become an overly dominant wall of vegetation. There would also be difficulties in managing this planting. The exact solution will therefore be a matter that will be considered further at the detail stage following further consultation. Whilst the residents of those properties consider the separation distance proposed to be wholly unacceptable it must be recognised that in past appeal decisions a distance of 21 metres from the back of a proposed property to the back of an existing property (that is the back wall to back wall distance) has been considered acceptable to ensure that the level of privacy is maintained to an acceptable degree. However, in this instance, having regard to the fact that the relationship is likely to be two storey dwellings to single storey dwellings and the shallow depth of the rear gardens of those single storey dwellings, the brief has set out an increased separation distance of between 25 and 30 metres. Your officers therefore consider that if the landscaping buffer is not provided along this boundary then the separation distance alone will be sufficient to ensure an acceptable level of privacy is maintained at the existing bungalows.

With regard to the relationship of the school with the existing dwellings, many of the existing dwellings will bound the associated playing fields where a landscaping buffer is proposed. At the southern end of the site, adjacent to the school buildings, a minimum separation distance of 30 metres will be maintained between the new school buildings and existing residential properties in Parkfields. Officers again consider this type of boundary treatment and separation distance is acceptable.

g) Not commence on more than 150 of the houses prior to April 2008

This matter will be controlled by a phasing condition.

With regard to the points raised in the supporting text of Policy HC9, this expands on some of the above criteria whilst also raising issues needing to be addressed by the planning brief for the site. One such issue is the opportunity to improve access through the site to what will be an extended sports club on the London Road. This will in turn allow for the stopping up of the existing access to the sports club next to the canal bridge. The provision for an access to be taken from the southern boundary of the site to the sports club is set out within the brief and its provision can be made subject of a planning condition.

As stated above, outside of the requirements of policy HC9 a number of further issues are raised by this proposal, many of which have been raised in the representations received by the council. These will be considered below.

The need for the development

As stated in the 'site history' section of the report whilst this site is allocated within the local plan the issue of the need for the site to be developed has been raised following the appeals being allowed for residential development at the former Spitalcroft

allotments site and the former Kverneland employment site, both of which are off the London Road. The option of reviewing housing provision in Devizes following those appeal decisions was considered at the Planning Policies Executive Committee on 26th May 2005 but the decision was taken that no changes were needed due to the low level of housing completion in the district, an issue which was noted by the Planning Inspector in his decision allowing the Spitalcroft appeal.

Highway issues

As noted above, the proposed development provides main vehicular access onto London Road and a secondary access onto Roundway Park as required by policy HC9. Concern is however still being expressed about the appropriateness of the proposed junction, the capacity of London Road for further traffic and the impact of the proposed school on the local road network.

With regard to the junction design, the highway authority has confirmed that the design has been agreed as meeting contemporary standards and can safely accommodate the development traffic. A number of parties have raised the need for some form of traffic control at the junction but the highway authority does not consider this is necessary. The wider issue of the impact that the traffic from this site together with the others proposed along London Road will have on the traffic conditions on London Road is a well reported issue. At the time of the Local Plan Inquiry a key consideration for the planning inspector was the impact of this site, and the others being considered at that time, on the traffic conditions on London Road. He observed that there are times of the day when traffic was slow moving or congested but that, generally, it appeared no more congested than is frequently the case at peak times on main roads leading into towns throughout the country. Whilst this viewpoint may not be a particularly popular one amongst those objecting to this application it should be noted that this observation was repeated by the planning inspector in his decision letter for Spitalcroft. It should also be noted that whilst the inspector at the Local Plan Inquiry was unable to take account of the two further sites subsequently allowed on appeal when considering the traffic implication of the allocations along London Road, the inspector's conclusions at those two appeals on the highway matters were reached in the knowledge of the proposed local plan allocations.

With regard to the specific traffic modelling issues raised by Devizes Town Council, this refers to the updating work on the S.A.T.U.R.N traffic model for Devizes which was developed in 1995 and updated in 1997 and 2001 to assist with the proposed land uses of the local plan. The requirement of developers to fund the updating of the traffic model has been incorporated as an annex to the Devizes Strategic Brief. The contents of that annex, including the timing for the undertaking of the model were agreed at the Planning Policies Executive Committee on 26th May 2005. In this report it was stated that works were likely to commence only when sufficient funds (estimated at that time to be £60,000) were achieved from the developments in Devizes to fund the work. The payments towards the modelling already agreed on the three sites in Devizes which already have planning permission (Le Merchant, Spitalcroft and Kvernerland) will not be received until development commences on those sites. Members should note that the updated modelling is not intended to determine the acceptability of the existing allocated sites, such as Quakers Walk. That matter was considered at the time of the Local Plan Inquiry and by the transport assessments submitted at that time and updated as required. Instead the modelling is intended to look beyond the current proposed developments and establish a base level of traffic information to determine what, if any, future growth could occur in Devizes and if so what highway measures would need to be taken for such growth to be acceptable.

The final highway issue concerns the potential impact the proposed school will have on the local highway network. The main concerns raised are that insufficient car parking is being provided for the school and that as a result parents will park on Roundway Park and access the school on foot via the secondary access. The details of the layout of the school will not be decided upon until the submission of the 'reserved matters application. At that stage a detailed layout will be submitted and the parking and/or dropping off provision will be considered against the Council's adopted maximum car parking standards. With regard to issue of parking on Roundway Park one of the requirements of the section 106 agreement proposed is the introduction of parking restrictions on Roundway Park. This was originally proposed to prevent parking in and around the immediate vicinity of the secondary access in order to prevent it being blocked. However, the highway authority have advised that once the final layout of the school is decided at the 'reserved matters' stage the option to extend parking restrictions further along Roundway Park can be considered.

Ecology

The site is currently used for arable crops. As a consequence there is limited ecological interest with no significant vegetation on the site itself. A previously carried out ecological survey has confirmed this. The most important landscape interests are the trees on Quaker's Walk, those along London Road and those on the boundary of the housing site and the police authority land, where the main access will be routed. Having regard to the 35 metre wide landscape buffer proposed, it is considered that there will be no detrimental impact on the trees along Quaker's Walk.

As already stated above under criteria d) of policy HC9 the proposed access will result in the loss of three trees between the two large horse chestnut trees. Whilst the loss is unfortunate the location of the access was crucial to ensure the necessary visibility splays across the applicants land. It is considered that the loss of these trees would not have any adverse impact on the character of London Road particularly having regard to the retained trees and the avenue planting proposed along the access road.

Drainage

The applicant has prepared a surface water drainage strategy for the site in consultation with the Environment Agency. The strategy is to use soakaways and other sustainable urban drainage systems to control surface water run-off from the site to 'greenfield rates' and to deal with the 1:100 year flood event. The formal comments of the Environment Agency are awaited.

Education

The provision of a 7 form school on the site is a requirement of the Devizes Strategic Brief to cater for the pupils generated by the proposed development sites in Devizes. The location on this site is central to the other development sites, and is therefore considered sustainable. The issue of increasing the school to a 10 form is based solely on whether St Peters school is to relocate, and is not a matter to be decided as part of this application, the only requirement is to ensure the application provides for sufficient land to accommodate the 10 form school if it is required.

The actual position of the school was decided upon following the public consultation for the planning brief. It will be in the south east of the site with the playing fields running north along the Parkfields boundary.

Public open space and recreation

The section 106 legal agreement will set out the criteria for public open space and recreation provision on the site which will consist of younger childrens equipped play areas and a multi use games area (MUGA) as part of the casual equipped play provision. A further financial contribution will also be made to provide an 'off-site' MUGA (probably at the sports club) and towards formal playing pitches.

Affordable housing

The applicant proposes 50% affordable housing on the site consisting of 30% subsidised and 20% low cost market housing as per the requirements of the local plan. The mechanism for the provision will be covered by the S106 legal agreement.

Conclusion

Yours officers consider that the principle for this redevelopment has been well established and that there are no planning reasons to justify a change in this position, or a delay in the determination of the application. It is further considered that the application as submitted in outline form is acceptable and that the details provided to date will form a good foundation upon which the future development of this site can be based to ensure a quality development is achieved. The recommendation therefore is for approval subject to a Section 106 agreement (or agreements) relating to;

1. affordable housing provision
2. sustainable transport contributions
3. off site highway works
4. contribution towards SATURN modelling
5. the provision and maintenance of the bus gate/barrier
6. on-site open space provision/maintenance
7. off site contributions for a MUGA and adult recreation facilities
8. transfer of the school site to the education authority
9. contributions towards primary and secondary education
10. the provision of a neighbourhood recycling centre

RECOMMENDATION

Grant outline planning permission, subject to the prior completion of section 106 legal agreements covering the areas outlined above, and subject to the following conditions –

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

REASON:

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

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

REASON:

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

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

REASON:

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

4 - This permission relates to the scheme of development as submitted except insofar as amended by the revised location plan received on 10 November 2005 and the additional plans 30077/GA-01 Rev B and 30077/PR-01 Rev A received on 30 September 2005 and the arboricultural report received on 10 September 2005.

REASON:

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

5 - 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 *****.

6 - Development shall not commence on the construction of more than 150 dwellings prior to April 2008.

REASON:

In order to comply with Policy HC9 of the Kennet Local Plan 2011.

7 - INFORMATIVE TO THE APPLICANT:

The detailed landscaping scheme submitted as part of the reserved matters application should accord with the landscape strategy submitted with this application.

8 - All hard and soft landscaping comprised in the approved landscaping scheme shall be carried out in accordance with a scheme of phasing to be agreed in writing by the local planning authority before development commences on the site. The soft landscaping shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner within that particular phase; 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.

9 - The plans required to be submitted as part of the reserved matters application shall include details of the location, species, and spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works.

REASON:

To establish the relationship between existing features and the proposed development so as to secure the retention of the maximum number of trees and lengths of hedgerow in the interests of the visual amenities of the area.

10 - The detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any trees proposed to be retained and of all pipes, drains, sewers, and public services, including gas, electricity, telephone, water. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

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

11 - The trees on the site which are protected by a Tree Preservation Order or shown as retained as part of the submission of the reserved matters, together with any retained hedgerows, shall, before any work commences, be enclosed at the outer edge of the overhang of their branches, by a protective fence. Before any fencing is erected the positions and specification shall be agreed in writing by 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, unless otherwise agreed in writing by 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.

12 - Prior to the commencement of development a method statement shall be submitted to and approved in writing by the local planning authority concerning the construction of the new junction onto London Road (including the re-routed footpath/cyclepath) and the access road through the trees on the eastern boundary of the main site where the access road enters. The method statement shall include large scale working drawings of the construction works in relation to existing trees and hedgerows together, details of the method of construction and details of the temporary movement of any protective fencing if so required. The works shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority.

REASON:

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

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

REASON:

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

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

REASON:

To ensure a satisfactory landscaped setting for the development.

15 - Prior to the commencement of development full details of a scheme to improve Quakers Walk from Park Bridge to the footpath/cycleway exiting the southern end of the landscape buffer shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the surfacing treatment of Quakers Walk and the lighting proposed (including the cable and service runs to the lighting) together with a method statement for these works including details of the method of construction and installation. The improvements shall be carried out in accordance with the approved details and approved method statement prior to the occupation of the 50th dwelling on the site.

REASON:

To ensure a safe and convenient pedestrian and cyclist route is created into the town centre and to ensure the rural character of Quakers Walk is maintained and to protect the health of the adjacent trees.

16 - INFORMATIVE TO THE APPLICANT:

The details submitted as part of the reserved matters shall include a lit footpath/cycleway running north to south through the landscape buffer running broadly parallel to Quakers Walk. This footpath/cycleway shall link up with the northern end of the improvements on Quakers Walk.

17 - Prior to the commencement of development details of a scheme to open up the lower gates of Quakers Walk shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of how the gates will be fixed and maintained in an open position and details of the measures proposed to prevent unauthorised vehicular access to Quakers Walk. The scheme shall be carried out in accordance with the approved details prior to the occupation of the 50th dwelling on the site.

REASON:

To provide improved access for pedestrians and cyclists into and out of Quakers Walk.

18 - Unless otherwise agreed in writing by the local planning authority the access road shall be constructed at the levels shown on the approved drawings 30077/PR-01 Rev A and 30077/GA-01 Rev B received on 30 September 2005.

REASON:

In order to minimise the visual impact of the access road.

19 - The approved layout shall make provision for a bus/emergency link through the site onto Roundway Park between numbers 52 and 53 Roundway Park. The access onto Roundway Park shall include controls/barriers to prevent general through traffic. Details of these controls/barriers, together with the timing of their installation, shall first be submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

20 - Prior to the commencement of development, other than development associated with the construction of the vehicular access itself, the main access onto London Road shall be provided in accordance with the approved drawing 30077/GA-01 Rev B received on 20th September 2005. The highway visibility area at the junction of the access road onto London Road shall be cleared and kept free of all obstructions to sight above 60 centimetres above the adjoining carriageway from a point of 4.5 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north east and 90 metres to the south west from the centre of the access.

REASON:

In the interests of highway safety.

21 - The details submitted as part of the reserved matters application shall include the provision of an access from an adoptable road within the development to the southern boundary to allow vehicular access to the London Road Sports Club. The details of that access and the timing of its provision shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall be carried out in accordance with those approved details.

REASON:

To ensure a safer and more appropriate access is provided to the sports club in accordance with the Quakers Walk Planning Brief.

22 - Before the school building is brought into use a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request together with any changes to the plan arising from those results.

REASON:

In the interests of road safety and reducing vehicular traffic to the school.

23 - Prior to the commencement of development details of the provision of an agricultural vehicle access across Quakers Walk to allow continued access to the allotments shall be submitted to and approved in writing by the local planning authority. Those details shall include the proposed surface treatment of Quakers Walk at that point, the bollards to be used across Quakers Walk to prevent further vehicular access along Quakers Walk and the timing of the works. The development shall be carried out in accordance with the approved details.

REASON:

To ensure adequate vehicular access is maintained to service the established allotments.

24 - 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. The details submitted shall accord with the Indicative Drainage Strategy submitted as part of this application and the development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

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

REASON:

In the interests of residential amenity.

26 - 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, HC2, HC5, HC7, HC9, HC28, HC29, HC30, HC31, HC34, HC37, HC38, HC42, HC43, AT1 and AT10.

Item 2:

APPLICATION:	K/53022/F
PARISH:	BISHOPS CANNINGS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construction of public house and associated car park
SITE:	Land at Horton Avenue, Devizes
GRID REF:	02391 62506
APPLICANT:	Mr and Mrs R Perkins
AGENT:	Mr D Carpendale
DATE REGISTERED:	27th September 2005
CASE OFFICER:	Miss V Longdon

SITE & LOCATION

This application relates to a vacant plot of land adjacent to Devizes Marina at Horton Avenue, Devizes. It is located on the south eastern edge of the town, opposite the Kennet and Avon Canal. The site can be accessed by turning right at the last roundabout in Devizes (opposite All Cannings garage) when heading out of the town in a north-easterly direction (towards Marlborough). This takes you onto Horton Avenue and the site can be found at the very end of this road, opposite the canal. Alternatively, the site can be found by following signs to Devizes Marina.

The site is currently a vacant grassed area. To the north is Horton Avenue and residential properties; to the east is Devizes Marina; to the south is the canal and to the west the site abuts a footpath with the residential properties of Waterside Park directly beyond this.

SITE HISTORY

The site forms part of a much larger area that was originally a housing allocation that was developed during the late 1990's. Outline planning permission K/30843 for a marina and ancillary facilities, housing development and open space was approved in 1995. A public house formed part of this consent and was partly on the site now under consideration. However, all other matters were left to the reserved matters stage and this application only established the principle of a public house on the site. This outline consent has, however, now expired in respect of the public house.

For reasons unknown, the public house never came to fruition and whilst the housing estate, open space and marina have all been developed, the plot of land which this current application relates to has remained vacant.

DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a public house and associated car park. The site has become slightly reduced in size from that indicated in the outline planning application and as a result, the building has moved closer to the properties of Waterside Park to the west. The car park is sited between the public house and the adjacent marina.

The pub will face the canal and the terrace area leads directly down to the canal. There is, however, no direct access from the canal towpath to the site at this point. The scheme now under consideration has been subject to detailed pre-application discussions.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended and further details provided during its consideration.

The key changes are:

1. Additional information regarding the ventilation and extraction equipment has been provided.
2. A baseline ecological assessment was carried out and the results provided to support the application.
3. The site area has been amended to include the access to the site and details of right of access over this land have been submitted in support of this.
4. The site area has been amended to remove a strip of land along the canal edge owned by British Waterways.
5. The plans have been revised to show a 2 metre high wall around the internal yard area.
6. The store building abutting and forming part of the western boundary wall has been reduced in height.
7. A cross-section through the site has also been provided as supplementary information for the application. This information also provides details of existing levels and proposed finished floor levels.
8. The method of disposal of surface water has also been amended. It is now to be discharged off site to the existing surface water sewer to the north and permeable surfaces will be used for the car park and drive areas.

ADDITIONAL STATEMENT BY THE APPLICANT

A covering letter from the agent and separate design statement state that this application follows the granting of outline permission K/30843 in 1994 which included consent for a public house. No reserved matters submission was ever made with respect to the public house. The indicative layout submitted with the original outline consent showed a possible siting for the pub immediately to the west of the slip adjacent to the marina workshop. The car park was sited to the west of this position. However, after undertaking a detailed site survey, it has been established that the area of land shown as a possible siting of the pub is considerably narrower than that shown on the original plan. Additionally, there is a 6 metre easement running through the site which cannot be built on. The remaining space on the eastern side of the site is so small that any public house sited on this site would be very small and appear too cramped on the site.

In the letter the applicant also states that as the building has moved to the west of the site it creates a much larger area and the building can take full advantage of and address its canal side location. The building has been designed to reflect the industrial past of the canal, taking historic references to create the feeling of a converted building that once served the canal.

The applicant also advises that, in respect of this revised location, the public house has been specifically designed both externally and internally to ensure public areas are located away from the western residential boundary and are screened from the adjacent houses. The car park has also been sited to the east giving the maximum level of separation from the residential boundary. The site also allows for planting and soft landscaping to further enhance the area.

PARISH COUNCIL COMMENTS

Bishop Cannings Parish Council - no objection to the scheme.

CONSULTATIONS

Wessex Water – no objection but recommends a condition or informative stating that the developer should agree with Wessex Water, prior to the commencement of

development on the site, a point of connection to Wessex systems for the disposal of foul and surface water flows as well as water supply.

The Kennet & Avon Canal Trust – no comments to make on matters concerning the Canal.

British Waterways – no objection in principle to the development. It will make an important contribution to canalside facilities for visitors and local people. Concerns raised over land ownership and surface water discharge have been addressed.

Environment Agency – no objection to the proposal subject to conditions controlling surface water drainage. Other suggestions are made regarding sustainable construction; pollution prevention during construction; land drainage consent and water efficiency.

English Nature – no objection. Advise that a buffer strip is maintained along the edge of the bank as there are water voles in the area.

Wiltshire Highways (P Galpin) - no objection subject to conditions ensuring visitor spaces are provided; the first five metres of the access into the pub being properly consolidated and details of surface water disposal to be agreed.

REPRESENTATIONS

Sixteen letters of comment and objection have been received to the scheme and many of these address similar issues. One letter of support has also been received. The comments are summarised as:

1. The pub will bring down the value of nearby surrounding residential properties.
2. The proposal would result in significant noise disturbance from people leaving the pub, cars leaving the pub and possible drunkenness, swearing and violence. Lights from vehicles leaving the pub will also cause disturbance.
3. The public house living quarters upstairs will look directly into the gardens and houses of people living directly adjacent to the site. This will be an intrusion of privacy.
4. The chemicals stored at the Marina could be a fire hazard.
5. Views of the canal and countryside beyond will be lost.
6. Residents bought these houses because they were out of town and in a quiet location.
7. The store is too high and too near the neighbouring boundary fence. This should be drastically reduced in height or relocated as it will be very overpowering upon the occupiers of the nearby residential properties.
8. The footpath between the public house and the houses should be brought up to a reasonable standard.
9. Any outside lighting should be restricted to light only the public house area.
10. There will be significant disturbance to the surrounding road network with visitors to the pub parking outside of the site and in residents spaces. Car parking on Horton Avenue should be strictly controlled.
11. Boat moorings should be provided along the pub's canal frontage.
12. A footbridge should be constructed to provide easier access from the canal footbridge to the pub.
13. There are enough public houses in Devizes to cater for all of the inhabitants and The Bridge at Horton is very near.
14. There will be an increased volume of traffic which will endanger the lives of children who play in this area, particularly as it will be close to the play area

- which is used all year round by children.
15. There will be an increased volume of noise and almost certainly a higher risk of vandalism, especially at closing time.
 16. Given the recent changes in the law to allow 24 hour drinking, it is extremely ill-advised to build a pub in this area.
 17. A hedge should be created around the edge of the car park.
 18. Long opening hours should not be allowed.
 19. If a music licence were to be granted this would exacerbate the problem of noise pollution associated with the pub.
 20. The public house will be accessed by a single track road which will be shared by the marina. Already traffic to the marina amounts to over 50 cars per day. Additional traffic (including delivery vehicles) to the proposed development will be a substantial increase on this. The present access is not acceptable for this type of proposal.
 21. Car parking has been made for 18 cars. At popular times the demand for spaces will exceed this figure. This will inevitably result in the parking of cars on the approach road causing annoyance to the surrounding properties.
 22. This will be the only public house in the near vicinity. As such it will attract a great many "young people" who will just want to "hang out". This may lead to the damage of local property and cause further nuisance.
 23. If the scheme is approved, it should be part of the approval that mature trees are planted to the north west corner of the site as shown on the plan in order to provide an adequate and instant screen from 4 Waterside Park.
 24. The 2 metre high fence erected the other side of the footpath will create an "alleyway" effect making it dark and foreboding in the evenings. How can the Council ensure that the "alleyway" will not become a public toilet when people are meandering back from the pub late at night?
 25. Can Kennet ensure that the private garden will not be used as part of the outside area for the pub, e.g. children's play area?
 26. The number of boats in the vicinity may increase. The existing boat users already move at high speeds and during the night and this disturbance will be increased.
 27. The site is too small to accommodate a family sized pub that is needed by residents.
 28. There are no details of what is to be stored in the building abutting the footpath. There appears to be no restriction which means items could be stored which may have a health and safety impact on not only individuals walking by but also on nearby residents.
 29. Mature trees should be planted on the front boundary to protect the privacy of nearby neighbouring properties.
 30. Delivery vehicles to the pub will cause damage to the existing road network.
 31. The extraction systems would pollute the atmosphere and also create further unwanted noise.
 32. There will most probably be an infestation of rodents caused by waste materials being kept in the refuse bins awaiting collection.
 33. The public house should be moved further away from Waterside Park to protect the privacy of local residents.
 34. Another access route to the pub should be found and not the road adjacent to Waterside Park.
 35. Parking restrictions should be imposed in the immediate vicinity for any overspill of vehicles.

POLICY CONSIDERATIONS

Kennet Local Plan - policy PD1 (regarding general development and design principles), AT9 (regarding motor vehicle standards) and TR1 (regarding development affecting the Kennet & Avon Canal) are the pertinent policy considerations.

PLANNING OFFICERS COMMENTS

It is considered that this proposal for a new public house and associated car park raises a number of key issues, these being: the principle of the development; scale, siting and design; neighbour amenity; access and highways implications; the store building and the public footpath.

Principle of Development

In essence, the principle of a public house at the Le Marchant residential estate was established at the original outline consent stage (K/30843/O) for the entire development. This permission also encompassed consent for the new dwellings, marina and open space. The outline consent for the public house element has now lapsed but there has been no material change in planning policy which would now make a public house in this location unacceptable. Le Marchant is a large residential estate adjacent to the canal and the public house would be of great community benefit to the residents of this part of Devizes as well as providing for tourist and visitors to the area.

The main change in circumstances since the original outline consent is that the site available for the public house has been reduced in size and as a result of this, and the easement running through the eastern end of the site, the public house has been relocated to the western side of the site, nearer to the residential properties and the car park is now sited on the eastern side of the site. The impact of this resiting is discussed in the relevant sections.

Scale, Siting and Design

The site holds a prominent location on the canal side and will also be visible from Horton Avenue and the surrounding development. In terms of its siting, the building is set back from but addresses its canal side location with the main glazed elevation facing the canal. The building is well proportioned and sits well within its context and is considered to be an attractive addition to this built up area of the canalside.

In terms of its scale and siting, the building is appropriate for the size of the site and in keeping with that of the surrounding development. It will be the same height as those properties of Waterside Park to the west with which it will be read. It is your officer's view that with an appropriate landscaping scheme, the building and its car park would sit comfortably on the site and relate well to both its natural and built environment.

Neighbour Amenity

The site has now moved nearer to the properties of Waterside Park than initially shown in the outline application. In terms of its proximity to those dwellings abutting the site boundary, the application is finely balanced but in conclusion, your officer's consider it acceptable in terms of amenity. Significant pre-application advice was given by both planning and environmental health officers addressing the issues of noise disturbance and the scheme has been specifically designed to address this issue. For example, the solid boundary wall on the western edge of the site will help with noise reduction, no windows or doors on the western elevation and the extraction equipment for the cooking fumes and smells have been located away from the western boundary. Furthermore, the car park, which can often be the noisier

element of a public house, is sited away from the residential properties.

With regard to the physical impact of the building on the occupiers of the neighbouring dwellings, as stated above the building would be no higher than the adjacent dwellings, a separation distance of over 19 metres has also been achieved between the gable wall of the pub and the back walls of those adjacent dwellings. The distance from the gable wall of the pub to the garden boundaries of those dwellings is over 7 metres. Your officers therefore consider that there would be no adverse impact on the amenities of the occupiers of those adjacent dwellings. The relationship between the properties will also ensure that there will be no adverse impact upon the privacy of neighbouring properties.

Members are also advised that if the scheme is considered acceptable, then relevant conditions restricting opening hours and activities on the terrace should be applied. This will ensure that activities late into the night do not occur or cause disturbance to the neighbouring properties.

In terms of associated anti-social behaviour, it is considered that the perception of this is perhaps greater than the reality. This will be a small canalside pub and significant effort has already been made to address officer's concerns regarding the impact upon amenity. Conditions regarding opening hours and music, for example, will also help to reinforce the type of public house that develops on the site. Members will also be aware that this authority will also be able to control such matters by way of the Licensing Act 2003.

Access and highway implications

There is no objection from the highways authority to the scheme, subject to the application of various conditions. The public house will use an existing access which serves the marina and in terms of car parking provision, the maximum number of spaces has been provided in accordance with the car parking standards as set out in the local plan. Furthermore, the site is well located in terms of public transport and in walking distance for the surrounding residential properties.

Store building and Boundary Wall/Fence

The footpath which runs along the western edge of the site and abuts the gardens of Waterside Park is a private footpath but is available for public access. In order to form a noise barrier between the public house and the neighbouring properties, a 2 metre high wall and fence have been constructed on the edge of the footpath. The store building forms part of this boundary wall and is only 2.1 metres to the eaves and 4m to the ridge. Given that a 2 metre high wall or fence could be erected on this boundary without the requirement for planning permission then it is not considered reasonable to object to the boundary treatment or store building, particularly as it has been proposed, at the request of the council's environmental health officers, to help protect neighbouring properties from noise disturbance.

It is, however, recognised that this could create an "alleyway" effect on the footpath. It is your officer's view that the north-western corner of fencing could be lowered in height and set back further into the site. This would allow clearer views around the corner of the footpath. It is recommended that this be secured by way of condition if the scheme is approved.

Conclusion

In conclusion, the scheme is considered to be an acceptable addition to this area of the town which will be of benefit to the community and tourism in the immediate area. It is unfortunate that the site area has been reduced which has resulted in the

repositioning of the public house but the scheme has been designed to address this new location. The scheme is considered acceptable and members are recommended to approve the application subject to the relevant conditions.

RECOMMENDATION

Approve with Conditions -

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans received on the 9th November 2005; the agents letter dated the 11th October 2005 and accompanying letter and plans from Roundstone dated the 29th September 2005 regarding ventilation and extraction equipment; the letter from Brown and Vautier dated the 1st November 2005 detailing of rights of access to the site and the letter from the agent regarding surface.

REASON:

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

3 - No development shall take place until details of the materials to be used for the external walls, windows and roofs (including samples if requested) of both the public house and store building 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 details of all eaves; verges; windows (including header and cill details and reveal depths); doors; dormers and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

7 - Before the construction of any boundary wall, fence or other means of enclosure (including any retaining wall or structure) is commenced details of the height position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

8 - Before the public house hereby approved is first brought into use, the 18 visitor spaces shown on drawing number 0554-3 Revision A shall be provided and made available in perpetuity thereafter.

REASON:

In the interests of highway safety.

9 - Before the public house is first brought into use, the first 5 metres into the access of the public house shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

10 - No development shall take place until details of the method for the disposal of surface water so as to prevent its discharge onto the highway have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of the amenity and privacy of the neighbouring properties.

12 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure (other than those approved under condition 07 of this permission) shall be erected or placed on that part of the site shown coloured red on the plan attached hereto.

REASON:

In the interests of visual amenity.

13 - Notwithstanding the submitted details, no development shall commence on the site until details of the means of disposal of surface waters from the site has 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 ensure satisfactory surface water drainage.

14 - The premises to which this permission relate shall be used solely for purposes within Class A4 of the Schedule to the Town and Country Planning Use Classes Amendment Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class, having regard to the circumstances of the case.

15 - The public house shall only be open for the sale of drinks to the public between the hours of 1000 and 2300 from Sundays to Wednesdays (inclusive) and between 1000 and 2400 Thursdays to Saturdays (inclusive). The use shall not take place at any other time.

REASON:

To protect the amenities of the adjacent residential properties.

16 - The terrace shall not be used by patrons of the public house after 2300 from Mondays to Saturdays (inclusive) and after 22.30 on Sundays and Bank Holiday Mondays.

REASON:

To protect the amenities of the adjacent residential properties.

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

REASON:

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

18 - No development shall commence on the site until a method statement detailing the method of pollution prevention during construction has been submitted to and approved in writing by the Local Planning Authority. The statement should include details of the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The development shall be carried out in accordance with the approved method statement

REASON:

In the interests of the protection of the surrounding natural environment.

19 - The kitchen extract/re-vent system on the east elevation should discharge in a downwards direction and any noise from this system (or any other ventilation or air cooling system installed elsewhere on the site) should be designed to ensure that the equivalent continuous A-weighted sound pressure level (L_{aeq}) should not exceed the background noise level (LA₉₀) during the hours of operation by more than 10db at the site boundary.

REASON:

In the interests of residential amenity.

20 - There shall be no sorting of glass bottles externally on the site. This should take place in either the store building or in the main public house building.

REASON:

In the interests of residential amenity.

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

REASON:

In the interests of residential amenity.

22 - Any music played at the site must be have its volume controlled to ensure that the continuous A-weighted sound pressure level (L_{aeq}) should not exceed the background noise level (LA₉₀) by more than 10db at the site boundary.

REASON:

In the interests of residential amenity.

23 - No rubbish, containers or waste materials whatsoever shall be stored externally on the site outside of the yard/bins area or the store building.

REASON:

To safeguard the amenities and character of the area.

24 - The private garden area shown to the west of the public house shall not be used by customers of the public house.

REASON:

In the interests of residential amenity.

25 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated the 29th September 2005 and the Environment Agency dated the 17th October 2005.

26 - INFORMATIVE TO THE APPLICANT:

The applicant is advised that any contractor on the site should employ the best practicable means on the site to ensure that all works are carried out in such a manner so as to minimise nuisance from noise and dust to the nearby residential properties.

27 - 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, AT9 & TR1.

Item 3:

APPLICATION:	K/53031/F
PARISH:	LUDGERSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Partial demolition of the existing school (including removal of toilet block). Conversion and extension of retained building to provide ten 1 bedroom flats and erection of terrace of five 2 bedroom cottages.
SITE:	The Old School St. James Street Ludgershall
GRID REF:	26346 50848
APPLICANT:	Thistledown Education Trust
AGENT:	Packer Design Partnership
DATE REGISTERED:	28th September 2005
CASE OFFICER:	Mr R Parker

SITE & LOCATION

This application relates to the former school in St. James Street, Ludgershall. The site lies immediately to the south of St. James Church and within approximately 20 metres of the public car park.

SITE HISTORY

- 76/0475 - Single mobile classroom, granted temporary planning permission in September 1976, expiring in September 1981.
- 79/0248 - Conversion and extensions to former school building to form electronics systems factory, granted planning permission in June 1979.
- K/040229 - Change of use from light industrial to school, granted planning permission in December 2000.
- K/040756 - Replacement of existing timber and metal windows with powder coated aluminium windows and entrance doors, granted planning permission in April 2001.
- K/50299/F - Installation of temporary classrooms, granted planning permission in September 2004.

DESCRIPTION OF DEVELOPMENT

The proposal is for the partial demolition of the existing school (including the removal of a detached toilet block in the playground), conversion and extension of the retained building to provide ten 1 bedroom flats and the erection of a terrace of five 2 bedroom cottages in the playground to the rear. The site currently has two vehicular accesses and the proposal is to access the development via a new one-way circulatory arrangement.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The plans have been amended since submission to provide refuse collection points at the front of the site. The applicant has also carried out an archaeological evaluation in accordance with the County Archaeologist's requirements.

PARISH COUNCIL COMMENTS

The parish council is happy in principle with the demolition and construction presented. However, it is very concerned about the proposed narrowing of St. James Street and queries whether emergency vehicles will be able to gain full access to the site and church hall at the back of the site. The parish council is also concerned that the proposal represents an overdevelopment of the site.

No objections have been raised to the amended plans, but the parish council's original objections still stand.

CONSULTATIONS

Environment Agency – no comments.

KDC Environment & Amenity Services (Steve Ibbetson) – no comments.

KDC Environment & Amenity Services (Eden Speller) – no objections to amended plans.

WCC Archaeology – no objections, subject to the imposition of an appropriate condition.

Wiltshire County Highways (Mr Wiltshire) – no objections subject to appropriate conditions.

REPRESENTATIONS

Four letters of representation have been received raising the following objections to the scheme:

- a) The proposals represent a gross overdevelopment of this conservation area site;
- b) The vehicle movements resulting from 15 new dwellings would have an adverse impact upon highway safety;
- c) The lack of on-site car parking would result in vehicles blocking the access to the Church Rooms, which has a legal right of way in perpetuity from St. James Street along the southern access. The Church Rooms are used on three days per week as a day centre for persons with mental health problems and/or physical disabilities. Easy access for ambulances and carers is therefore important. In particular:
 - Provision must be made to ensure unfettered access to the Church Rooms during construction works;
 - The new one-way circulatory system must be adequate for a wheelchair carrying minibus;
 - The access to the Church Rooms must not be obstructed by parked vehicles; *and*
 - St James Church should not be made liable for any contribution to the cost of upkeep of its right of access to the Church Rooms, except insofar as damage is caused by parishioners or other users of the Church Rooms.
- d) The overspill of car parking onto St James Street will adversely affect highway safety, particularly when there are services, concerts, weddings and funerals at the church. The situation will be exacerbated when part of the public car park is lost as part of the Erskine House redevelopment;

- e) Inadequate provision has been made for emergency vehicles to enter the site;
and
- f) No provision has been made within the site for recreation, resulting in danger to children. The lack of provision will encourage children to play in the churchyard, resulting in vandalism.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development defined for Ludgershall in the plan and within the designated conservation area. Policies HC3, HC4, HC5, HC21, HC35, ED29, HH5 and PD1 are relevant to the consideration of this application. Government guidance contained in PPG3 on *Housing* is also relevant.

PLANNING OFFICERS COMMENTS

Principle of Development

In policy terms the site lies within the Limits of Development defined for Ludgershall in the Kennet Local Plan 2011. Policy HC21 of the local plan would permit new housing on previously developed land not defined for other purposes provided that:-

- a) the scale of the proposal reflects the scale and character of the settlement in accordance with Policy PD1;
- b) the proposal does not conflict with other policies of the plan which seek to protect local services, amenity and employment;
- c) the site is well related to a range of services (including shops, education and health) and jobs; **and**
- d) there is easy access to the public transport, cycle and footpath networks.

Policy ED29, which also relates to the principle of development, seeks to protect buildings either currently or last used for a social or community use (including schools) for those uses. Alternative uses will only be permitted where:

- a) There is no long term need for the facility; **or**
- b) The existing commercial use is proved to be no longer viable; **or**
- c) An alternative social or community facility of comparable community value is provided.

Officers consider that a residential scheme on the old school site would meet the requirements of these policies. The site comprises previously developed land in a central village location with good access to public transport, shops, services, etc. Whilst the site is protected by policy ED29 it has not been part of the state education system for a considerable period of time and was in fact used for industrial purposes up until a few years ago. It was only returned to educational use fairly recently by the Thistledown Education Trust, effectively a private sector educational provider with no link to the Ludgershall area. The school serves a wide catchment and has recently relocated to Tisbury. For the above reasons, it is considered that a non-educational use would be acceptable on the basis that there is no longer a need for the site as a school.

Form of Development

a) Conversion

The former school fronting St James Street is one of the village's older buildings, the design of which makes a positive contribution to the character and appearance of the

conservation area. The retention and conversion of the building is therefore to be welcomed. Those parts of the building which are proposed to be demolished lie to the rear of the principal block and their replacement with an appropriately designed modern extension is considered to be acceptable. The retained building fronting St James Street would be re-roofed at a slightly increased pitch to accommodate the first floor accommodation. It is not considered that this would have an unacceptable impact upon the character or appearance of the building.

b) New Build

The proposed terrace of five mews cottages are considered to be acceptable in terms of their design, siting and neighbour impact. Their location to the rear of the principal building means that public views would be limited, although views would be possible from the adjacent churchyard.

c) Density of Development

It is not considered that the proposal would constitute an over-development of the site. Local plan policy, in accordance with government guidance, encourages higher densities in central locations that have easy access to shops, schools, services and public transport. The site measures 0.16 hectares and therefore this equates to an overall density of 94 dwellings per hectare. However, it must be recognised that this figure is reflective of the fact that 10 of the units would be flats. Development would not appear cramped.

d) Car Parking & Highways

Car parking is proposed at a level of one space per dwelling. This figure is in accordance with the Council's system of *maximum* parking standards which themselves accord with government guidance contained in PPG3. The site occupies a central location within the village, less than 20 metres from a public car park which could be used for visitor parking. It is not, therefore, considered that objector concerns regarding the lack of on-site parking would warrant refusal of planning permission.

Concerns have been raised that emergency vehicles would not be able to access the site. However, the applicant has adequately demonstrated that the proposal meets the requirements of the Building Regulations in respect of fire appliance access.

Objectors are also concerned that the proposed highway works, required in association with the development, would adversely affect highway safety in St. James Street. However, the scheme was drawn up in consultation with the Highway Authority which has raised no objections to the proposals. Notwithstanding this, it is not considered that parking on the highway should be necessary in this location, given the close proximity of the public car park. In relation to the level of traffic generated by the proposed development it is relevant to consider the fallback position – i.e. the number of vehicle movements likely to be generated by the use of the site as a school.

e) Recreation Provision

It is not considered that a scheme of this nature should provide on-site recreation provision. The Council's Supplementary Planning Guidance on *Community Benefits from Planning* exempts 1 bedroom units from having to make provision for children's recreation and therefore the requirements relate only to the five 2 bedroom units. A commuted sum is deemed appropriate in this instance, equating to £11,890. There is no evidence to suggest that failure to provide recreation space on site would lead to a material increase in vandalism in the churchyard.

f) Church Rooms

The proposals make satisfactory provision for vehicular access to the Church Rooms, albeit via a new one-way circulatory arrangement. Issues relating to the blocking of the access by parked cars, maintenance and access during construction are not planning matters. These would need to be resolved privately between the relevant parties. Nevertheless, the applicant makes the following comments in relation to the issues raised:

- The existing access to Church Rooms is 3.2 metres wide, narrowing to 2.6 metres at the gate. The access would be increased to 3.6 metres by the proposed development and users will also benefit from improved sight lines at the junction with St. James Street.
- Access to the Church Rooms will be maintained and protected during construction and after development is complete. This will be secured by a legal arrangement.

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 following revised plans:

Drawing nos. 0422/02A, 0422/03A & 0422/04A received on 20th October 2005;
Drawing no. 0422/01B received on 21st 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 - Notwithstanding the details shown on the submitted plans, no development shall take place until samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

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

4 - The development hereby permitted shall not be commenced until details of the iron railings to be installed on the St. James Street frontage (including elevations drawn at a scale of 1:10, sections drawn at a scale of 1:1 and details of finish) have been submitted to and approved by the local planning authority in writing. The railings shall be installed in accordance with the approved details prior to the first occupation of the development.

REASON:

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

5 - The development hereby permitted shall not be commenced until full details of all new windows (including elevations drawn at a scale of not less than 1:10, frame sections & glazing bars drawn at a scale of not less than 1:2, details of materials and reveals) have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details and the windows shall be retained as approved thereafter, unless otherwise agreed in writing with the local planning authority.

REASON:

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

6 - The development hereby permitted shall not be commenced until detailed working drawings of all eaves and verges have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

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

7 - Before any of the cottages hereby permitted are first occupied details of the boundary treatment proposed for the north boundary of the rear gardens, and the boundary treatment proposed for the boundaries between gardens (including details of height and materials in the case of walls and fences and details of species, planting heights and planting densities in the case of hedges) shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be erected and/or planted in accordance with the approved details.

REASON:

In the interests of visual amenity.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To safeguard the site of archaeological interest.

11 - Prior to any of the dwellings hereby permitted being first occupied a footway/ pedestrian refuge area demarcated by a white line and coloured tarmac surfacing, shall be provided along the western side of St James Street between the northern access and a point 26 metres to the south of the southern access, in accordance with details to be submitted to and approved by the local planning authority in writing.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

13 - Prior to any of the dwellings hereby permitted being first occupied the northern access shall be signed as IN only, and the southern access as OUT only, and "NO ENTRY" road markings and a one-way arrow road marking shall be applied to the access as detailed on the Site Layout plan (drawing no.0422/01B). The signs and road markings shall remain in place thereafter.

REASON:

In the interests of highway safety.

14 - Prior to the development hereby permitted being first occupied the two access points shall be altered as detailed on the Site Layout plan (Drawing no.0422/01B).

REASON:

In the interests of highway safety.

15 - Before the development hereby permitted is first brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 900mm above the adjoining carriageway from a point of 2.0 metres from the edge of the carriageway measured along the centre line of the southern access, to a point on the edge of the nearside carriageway at the northern end of the site frontage.

REASON:

In the interests of highway safety.

16 - Prior to any of the dwellings hereby permitted being first occupied the refuse collection points shall be laid out and surfaced in a well bound, consolidated material in accordance with the details shown on the approved plans (drawing no.0422/02A). The refuse collection points shall be retained thereafter.

REASON:

To ensure that satisfactory arrangements are made for the collection of refuse, in the interests of the general amenities of the area.

17 - INFORMATIVE TO APPLICANT:

The applicant is requested to make future occupiers of the development aware that they will be expected to deposit refuse at the designated refuse collection points on the day of collection. At other times of the week refuse shall be stored at the designated points within the site. Please note that the Council's refuse collection vehicles will not enter the site to collect refuse.

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

REASON:

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

19 - Prior to any of the five cottages being first occupied, the south-east facing panes of the first floor windows on the south elevation of each plot (serving "Bedroom 2") shall be glazed with obscured glass and fixed shut and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

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

REASON:

To enable the local planning authority to retain control over additional openings in the interests of preserving the character and appearance of the conservation area and protecting the privacy of neighbouring properties.

21 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure (apart from the iron railings approved under condition no.4 and the boundary treatments approved under condition no.7) shall be erected or placed on any part of the site.

REASON:

In the interests of preserving the character and appearance of the conservation area.

22 - The development shall make provision for equipped children's recreation space in accordance with Kennet District Council's guidance on "Community Benefits from Planning" before any dwelling is first occupied. Details of the proposed provision, its timing and its future management and maintenance shall be submitted to and agreed in writing by the Council before development commences.

REASON:

To ensure satisfactory provision of facilities, in accordance with Policy HC35 of the Kennet Local Plan 2011.

23 - INFORMATIVE TO THE APPLICANT

The applicant should note that it may be possible to commute the equipped children's recreation requirements set out above by the payment of an appropriate sum to the District Council which will then be used to either provide children's recreation facilities in the vicinity of the site at a later date and/or enhance existing facilities.

24 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC3, HC4, HC5, HC21, HC35, ED29, HH5 and PD1.

Item 4:

APPLICATION:	K/53180/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Six new staff houses
SITE:	Barton Dene, Marlborough College, Marlborough
GRID REF:	18129 69047
APPLICANT:	Marlborough College
AGENT:	Michael Fowler Architects
DATE REGISTERED:	25th October 2005
CASE OFFICER:	Mr A Guest

BACKGROUND

This planning application follows an earlier application for an identical proposal which was refused planning permission by the Regulatory Committee against officer recommendation on 13 October 2005. The reason for refusal was as follows:

“The site lies in the countryside outside the Limits of Development defined for Marlborough in the Kennet Local Plan 2011. Residential development in the countryside is restricted by Policy HC27 to dwellings required to meet the needs of agriculture, forestry or other employment essential to the countryside. The development does not meet these criteria and consequently the erection of these houses would conflict with this policy and would set a harmful precedent”.

The current application differs in that the applicant's agent has set out in detail the method by which occupancy of the proposed college workers houses would be controlled. This supporting statement is attached as an annex to the item.

SITE & LOCATION

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

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

SITE HISTORY

K/52868/F – Erection of six new staff houses – refused 13/10/05

DESCRIPTION OF DEVELOPMENT

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

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments.

ADDITIONAL STATEMENT BY THE APPLICANT

A letter from the applicant's agent is attached as an annex at the end of the agenda. The letter sets out how the college manages occupation of its staff accommodation. In particular, it states that the College does not give security of tenure to the staff and, as such, ex-staff always leave college property once employment ceases. The letter further states that the college does not own any other suitable land within the limits of development of Marlborough to satisfy its staff accommodation needs.

TOWN COUNCIL COMMENTS

Marlborough Town Council: no objection.

CONSULTATIONS

County Highways (Paul Galpin): - The highway authority would normally only accept up to five new dwellings served by a non-adoptable road. This issue can be resolved providing that a condition is applied that the six houses are only for staff and ancillary use of Marlborough College as the development is within the grounds of the College. This condition would also overcome why a likely highway objection on the grounds of sustainability has not been raised as the development is on the edge of the Limits of Development for Marlborough in the Kennet Local Plan.

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

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

REPRESENTATIONS

Nine objection letters have been received (including from CPRE) summarised as follows:

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

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

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

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

Notwithstanding this, it is acknowledged that there is acute pressure for 'affordable' housing in Marlborough in general. The College has demonstrated that it requires accommodation for staff, and it is reasonable to assume that an element of the staff would not necessarily be able to afford open market housing in Marlborough. For this reason it is considered sensible that the College should offer accommodation to staff. As much of the College's property lies outside the Limits of Development, the potential to provide the accommodation within the Limits of Development is restricted. The current site has, therefore, been proposed.

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

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

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

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

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

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

To summarise, although the proposal is strictly contrary to policy, special circumstances exist in this case which may override the usual presumption against development outside the Limits of Development. These circumstances are the need to provide staff accommodation at the college, and the limited harm, and actual enhancement, to the landscape which would result from development of this specific site. For this reason the application is recommended for approval although subject to prior referral to the Government Office as a departure from the development plan. It is also important to ensure that the houses remain available for their intended purpose, and for this reason, a condition restricting their occupancy is recommended.

The committee will appreciate that this application is virtually identical to an earlier application which it refused. The current application differs in that the applicant's agent has provided an additional statement which explains the method by which staff accommodation at the College is managed to ensure occupancy by staff only. The statement has been made to address the committee's previously expressed detailed concerns in relation to this specific point. The statement is a material consideration which needs to be taken into account, although the weight to be attached is a decision for the committee.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

In the interests of visual amenity.

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

REASON:

To safeguard the site of archaeological interest.

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

REASON:

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

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no buildings, or fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage s of the dwellings hereby permitted without the prior approval in writing of the local planning authority.

REASON:

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

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

10 - INFORMATIVE TO APPLICANT:

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

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

Item 5:

APPLICATION:	K/52720/R3
PARISH:	DEVIZES
APPLICATION TYPE:	Kennet DC Reg 3
PROPOSAL:	Demolition of existing public conveniences, rebuild of new enlarged public conveniences with streetscape works
SITE:	West Central Car Park, Off New Park Street, Devizes
GRID REF:	00506 61544
APPLICANT:	Mr S Ibbetson Kennet District Council
AGENT:	Mr J Legge
DATE REGISTERED:	3rd August 2005
CASE OFFICER:	Miss V Longdon

BACKGROUND

This is the first of four reports relating to a group of applications on the sites of three of the current public conveniences within Devizes town centre.

This report sets out the wider background to these proposals.

The separate applications are all related in that they form part of a larger scheme to rationalise and improve the public convenience provision in Devizes. The overall aim is to demolish the existing toilet blocks in the various car parks and erect a new, larger, modern block at West Central car park.

Planning permission is only required for the replacement streetscape works and car parking arrangements. It is not required for the actual demolition of the current toilet blocks. The only consent required for demolition is conservation area consent for the demolition of the toilet block at The Wharf car park because of its size and location within the designated conservation area.

For clarification, Members are reminded that it is the role of the Regulatory Committee to assess whether the replacement streetscape and parking arrangements are acceptable.

SITE & LOCATION

West Central car park is the central car park located to the rear of The Ginnel shopping arcade and shops on the northern side of The Brittox. The site can be accessed by turning right into the car park from New Park Street when heading in an easterly direction. The current toilet block is located in the middle of the vehicular access.

SITE HISTORY

There is no directly relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of the existing conveniences at the entrance to the car park and the replacement with a new toilet facility set further back into the car park

ADDITIONAL STATEMENT BY THE APPLICANT

No additional statement has been submitted.

TOWN COUNCIL COMMENTS

No objection subject to confirmation that the existing toilets would remain until the new block is built.

CONSULTATIONS

No consultee responses to report.

REPRESENTATIONS

There has been a high level of interest from the public on these applications and the numbers of objections have been received that relate to more than one of the proposals. Objections have been received to this proposal on the grounds of the large size of the building and loss of car parking spaces. It is argued that the existing toilet facilities throughout the town centre should be retained and refurbished.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the pertinent policy considerations are policies PD1 (regarding general development and design principles), HH2 (regarding development on sites with archaeological potential), HH5 (regarding development in Conservation Areas), HH6 (regarding demolition in Conservation Areas), HH8 (regarding development affecting a listed building) and AT5 (regarding public car parking capacity).

PLANNING OFFICERS COMMENTS

Background

As previously stated, this application is one of four on this agenda which form part of a wider overhaul of the Council's public convenience service within the Kennet district. Although it is not the role of the planning process to assess whether it is acceptable or not to close the existing toilets and provide one central toilet block, it is considered relevant to provide some background information to the scheme. This is also considered important given the level of public interest in proposals. After this has been briefly outlined, the report will move onto a discussion of the planning and conservation area issues that this proposal gives rise to.

In 2004, a Best Value Review of public conveniences was carried out by the Council. This review encompassed a review team; comparative exercise; public consultation and toilet exit interviews. An investigation into the various models of public convenience provision identified that the best practice would be to provide a high quality, centrally located, 'attended', public convenience. The key findings were:

- (1) Many of the existing public convenience buildings are in a poor condition and in need of extensive refurbishment and modernisation (some are indeed nearing the point of critical failure).
- (2) A large capital investment would be required to improve the current conveniences to an acceptable and sustainable standard and these are resources the Council does not have.
- (3) The quality of the facilities that could be offered, even after refurbishment, would be poor.

- (4) Anti-social behaviour is associated with unmanned public conveniences.
- (5) Consultations identified that users' perception of the existing conveniences was poor and the preference is for a well-maintained manned convenience.

It was therefore decided at the Community Development Committee on the 1st March 2005 to demolish the existing toilet facilities at The Wharf, Station Road and West Central Car Park and erect a new central toilet block within West Central Car Park. During the day the building will be attended by a Council operative(s) to allow continuous cleaning & customer service and shall have a separate access to provide a 24 hour facility. The demolition of the toilets at The Wharf and Station Road will make way for car parking spaces which will counteract the loss of spaces at the West Central car park.

A full copy of the Best Value Review document can be found on the planning application file.

K/52720: Erection of new public convenience and associated streetscaping

The key considerations in assessing this application for the new toilet block at West Central is its design, impact upon the conservation area and adjacent listed building (The Ginnel) as well as the impact upon the amenity of nearby residents. The impact upon public car parking provision is also a relevant consideration.

The new public convenience building is proposed on the southern edge of the car park, near the entrance to the Shambles market hall which is Grade II listed. As the new toilet block will only be viewed in the context of the rear entrance to the market hall, it is not considered that new building will unacceptably impact upon the setting of the Shambles.

In terms of its size and design, the building is considered appropriately designed and relatively modest in size for its function (single storey and 5.5 metres in height). It is proposed to be constructed of red-brick with bath stone quoins with a natural slate roof. The roof is broken up with hips and louvred dormers. Overall, the scale and design of the building are considered appropriate for its function and location within the conservation area. The surrounding built form is, on the whole, characterised by red-brick buildings with slate roofs of varying styles and it is not considered that the building will appear at odds with its surrounds nor harm the character or appearance of the conservation area, particularly given its 'backland' location. High quality materials and an appropriate scheme of hard and soft landscaping can also be secured by condition.

It is not considered that the new toilet block will give rise to an adverse impact upon the amenities of the surrounding residential properties, due to its siting and separation from any nearby dwellings.

Policy AT5 seeks to retain the existing level of public parking provision within Devizes and only allows this to be reduced in certain instances such as for highway safety purposes or when necessary improvements in non-car based travel have been established or when the removal of public parking can be reduced if it is necessary to enhance the character of the town. Given that the applications are inextricably linked, it is considered relevant and necessary to assess the impact upon public car parking provision in total. In total, 21 spaces will be lost at West Central to create space for the new public convenience block. However, 16 spaces are to be created at The

Wharf and 6 at Station Road. Overall, there will be a net gain of one space and the scheme is therefore considered acceptable in respect of policy AT5.

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 supplemented by the additional plan (drawing number 20-91-34/007) received on the 23rd August 2005 and as amended by the agent's emails received on the 16th November 2005 and 23rd 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 (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 in writing a scheme of hard and soft landscaping. The submitted information shall also include details of all paving and kerbing (including details of the materials). Development shall be carried out in accordance with the approved details.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - No development shall commence until details of all the eaves, verges, windows (including header and cill details), dormer windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of securing harmonious architectural treatment and in the interests of character and appearance of the Conservation Area.

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, HH2, HH5, HH6, HH8 & AT5.

Item 6:

APPLICATION:	K/52828/CAC
PARISH:	DEVIZES
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of existing public conveniences
SITE:	The Wharf Public Car Park, Off New Park Street, Devizes
GRID REF:	00361 61752
APPLICANT:	Mr S Ibbetson Kennet District Council
AGENT:	Mr J Legge
DATE REGISTERED:	24th August 2005
CASE OFFICER:	Miss V Longdon

BACKGROUND

This report refers to the second of four applications relating to the current public convenience arrangement within Devizes town centre. A report on the general background to these four applications is set out above in the report on K/52720/R3.

This application for conservation area consent cannot be approved by the Council as it relates to land in the Council's ownership. If members are minded to approve the proposal it will be referred to the Secretary of State for his decision.

An accompanying planning application for the replacement of the conveniences with car parking facilities has been received and is dealt with in the report following this application.

SITE & LOCATION

The Wharf car park is located directly to the south of the Kennet and Avon Canal which runs through Devizes and can be accessed by turning left into Wharf Street from New Park Street when travelling in an easterly direction. The existing toilet block is located almost immediately on the left hand side as you enter the car park.

SITE HISTORY

There is no directly relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of the existing toilet block at The Wharf. The impact upon the character and appearance of the conservation area from the loss of the building is the assessment to be made.

ADDITIONAL STATEMENT BY THE APPLICANT

The background to the proposal is set out in detail in the report on application K/52720/R3 above.

TOWN COUNCIL COMMENTS

Objection as this would be a change of use that has not been justified. It is also felt that this should be deferred until such a time as a decision regarding the development of the whole of this area has been decided.

CONSULTATIONS

No consultee responses to report.

REPRESENTATIONS

A number of objections have been received that refer to the loss of the toilet facilities at The Wharf car park. The Wharf toilets are well used by boaters, visitors (which often come by coach to Devizes), local residents and are used for local events (for example the canoe race, beer festival, Lions Club May Day fayre, Christmas festival) which are often held at the Wharf. Concern has been raised about the resulting impact on tourism in Devizes and visitors to the town centre if toilet facilities are not available or not available in convenient locations.

POLICY CONSIDERATIONS

The site lies in the Devizes Conservation Area. The issue to be examined is the impact on the character and appearance of the conservation area arising from the demolition of the building.

PLANNING OFFICERS COMMENTS

Conservation Area consent is required for the demolition of the existing toilet block at The Wharf. This is required because the building is located within the conservation area and its volume is over 115 cubic metres. Members are advised that the critical issue to assess is whether the building makes a positive contribution to the special architectural or historic interest of the conservation area.

The existing building is a modern structure in a relatively poor state of repair. From the point of view of the historic environment, the removal of the existing structure is not considered to be a significant loss. The building itself is of limited architectural or historic value and its isolated location within the car park results in it having a limited contribution to the townscape.

The subsequent planning application proposes replacing the structure with additional car parking spaces. This is considered to be acceptable as the site is located within the existing car park.

Members are therefore recommended to request that the Secretary of State grant consent for the demolition of the building.

RECOMMENDATION

Request the Secretary of State to approve with conditions -

1 - The works for which conservation area consent is hereby granted shall be begun within five years from the date of this consent.

REASON:

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

2 - INFORMATIVE TO APPLICANT:

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

The proposed demolition of the building would not be detrimental to the character and appearance of the Conservation Area.

Item 7:

APPLICATION:	K/52721/R3
PARISH:	DEVIZES
APPLICATION TYPE:	Kennet DC Reg 3
PROPOSAL:	Replacement of existing toilet block with new streetscape works
SITE:	The Wharf Car Park, Off New Park Street, Devizes
GRID REF:	00361 61752
APPLICANT:	Mr S Ibbetson Kennet District Council
AGENT:	Mr J Legge
DATE REGISTERED:	4th August 2005
CASE OFFICER:	Miss V Longdon

BACKGROUND

This is the third of four applications relating to the current public convenience arrangement within Devizes town centre. The general background has been set out in the first report on K/52720/R3 above.

SITE & LOCATION

The Wharf Car Park is located directly to the south of the Kennet and Avon Canal which runs through Devizes and can be accessed by turning left into Wharf Street from New Park Street when travelling in an easterly direction. The existing toilet block is located almost immediately on the left hand side as you enter the car park.

SITE HISTORY

There is no directly relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal is for the replacement of the existing toilet block with parking spaces.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended to include flush kerbing and surfacing to denote the original street line.

ADDITIONAL STATEMENT BY THE APPLICANT

No additional statement has been submitted.

TOWN COUNCIL COMMENTS

The Town Council asks that the District Council review this proposal on the grounds that these facilities are utilised by boaters, walkers, participants of Devizes to Westminster canoe race. The Town Council believes that this application is short sighted.

CONSULTATIONS

No consultee responses to report.

REPRESENTATIONS

Objections have been received on the grounds of the loss of the toilet facilities at The Wharf car park. The Wharf toilets are well used by boaters, visitors (which often come by coach to Devizes), local residents and are used for local events (for

example the canoe race, beer festival, Lions Club May Day fayre, Christmas festival) which are often held at the Wharf. Concern has been raised about the resulting impact on tourism in Devizes and visitors to the town centre if toilet facilities are not available or not available in convenient locations.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the pertinent policy considerations are policies PD1 (regarding general development and design principles), HH2 (regarding development on sites with archaeological potential), HH5 (regarding development in Conservation Areas), HH6 (regarding demolition in Conservation Areas), HH8 (regarding development affecting a listed building) and AT5 (regarding public car parking capacity).

PLANNING OFFICERS COMMENTS

The wider background to the Council's decision to replace the toilet facilities in the town has been set out in detail in the report on application K/52720/R3 above

The issue in this application is the impact on the appearance of the conservation area. In essence, the proposal will simply replace the existing 'island' toilet block in the car park with 16 additional parking spaces. This will not harm the character or appearance of the area as it is situated within the existing car park. The works will be in keeping with the car park as a whole and when viewed within their car park context they do not cause significant visual harm.

RECOMMENDATION

Approve with Conditions -

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

REASON:

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

2 - This permission relates only to the scheme of development shown on the revised plans drawing number 26-00-00/04 Revision A received on the 9th 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 and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HH5 HH6 & AT5.

Item 8:

APPLICATION:	K/52722/R3
PARISH:	DEVIZES
APPLICATION TYPE:	Kennet DC Reg 3
PROPOSAL:	Replacement of existing toilet block, with new streetscape works
SITE:	Station Road Car Park, Station Road, Devizes
GRID REF:	00210 61463
APPLICANT:	Mr S Ibbetson Kennet District Council
AGENT:	Mr J Legge
DATE REGISTERED:	4th August 2005
CASE OFFICER:	Miss V Longdon

BACKGROUND

This is the fourth of a group of applications relating to the current public convenience arrangement within Devizes town centre. Reports on the other three have been set out above. The general background to the application is set out in the first of the four reports, on application K/52720/R3

SITE & LOCATION

Station Road car park is located on the south-western edge of the town centre, to the rear of the Market Place. The car park is the largest serving the town and is at the bottom of Station Road. Station Road can be accessed from the Market Place, adjacent to the Corn Exchange.

SITE HISTORY

There is no directly relevant planning history.

DESCRIPTION OF DEVELOPMENT

The proposal at Station Road is to demolish the existing building and incorporate the site into the existing car park with 6 additional parking bays being created.

ADDITIONAL STATEMENT BY THE APPLICANT

No additional statement has been submitted.

TOWN COUNCIL COMMENTS

The Town Council asks that the District Council review this proposal on the grounds that these facilities are utilised by boaters, walkers, tourists and participants of Devizes to Westminster canoe race. Members feel that KDC are trying to encourage motorists to park at Station Road and that this application is short sighted.

CONSULTATIONS

No consultee responses to report.

REPRESENTATIONS

Eight objections have been received on the grounds that the loss of the toilet block will have an adverse impact on tourists and visitors to the town and those which are most reliant on the toilets such as the disabled, elderly and mothers with children.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the pertinent policy consideration are policies PD1 (regarding general development and design principles and AT5 (regarding public car parking capacity).

PLANNING OFFICERS COMMENTS

Neither planning permission nor conservation area consent is required for the demolition of the Station Road public convenience building. Planning permission is required for the streetscaping and new car parking layout which will replace the building. These works are considered acceptable visually and will be in keeping with the existing layout of the car park, adding an additional 6 parking bays overall.

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 - INFORMATIVE TO APPLICANT:

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

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

Item 9:

APPLICATION:	K/52932/F
PARISH:	ERLESTOKE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New Green Keepers building including all other associated works
SITE:	Erlestoke Sands Golf Club, Erlestoke
GRID REF:	95648 53830
APPLICANT:	Erlestoke Sands Golf Club
AGENT:	Mr K L Bennett
DATE REGISTERED:	12th September 2005
CASE OFFICER:	Miss K Whittington

SITE & LOCATION

Erlestoke Golf Club lies approximately 600 metres to the west of the built-up part of the village of Erlestoke. If heading out of the village in the Westbury direction, the entrance to the golf club is clearly signposted on the right-hand of the road.

SITE HISTORY

K/47283 – planning permission for a clubhouse extension was granted in March 2004.

02/00020/FUL – an appeal against West Wiltshire District Council's refusal to grant planning permission for a larger greenkeeper's building was dismissed in March 2003 (under reference APP/F3925/A/02/1103770). A copy of the appeal decision is attached to the rear of the agenda.

DESCRIPTION OF DEVELOPMENT

The proposal is to construct a 15 metre by 12 metre by 3.9 metre (high) greenkeeper's building to the north of the existing clubhouse. This would be constructed of 'Juniper Green' steel profile sheeting. The building would be served by a 400 metre long track running parallel to and 3 metres from the existing boundary hedge. There would be a parking and turning area immediately adjacent to the proposed building, which would contain parking and material bays. The latter would comprise 4 bays, with an overall height of 1.5 metres.

The applicant has advised that the proposed building is required because the existing facilities are not suitable and the lease is about to run out.

The existing 3 metre high hedge along the site boundary would be gapped-up with 90 centimetre hawthorn transplants.

Members should note that the proposed building and part of the access track would be within Kennet district, however, the majority of the track would be within West Wiltshire district. West Wiltshire District Council has therefore been consulted on the proposal. Furthermore, the applicant has been advised that an application for the section of track that falls outside of Kennet district will need to be submitted to West Wiltshire District Council.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has confirmed that he would be agreeable to using the 'Grassrings' product in the surfacing of the access track. This is a turf reinforcement product which involves the rolling-out of a plastic turf grid onto a base of crushed rock followed by the laying of turf upon this prepared surface.

PARISH COUNCIL COMMENTS

Erlestoke Parish Council – originally advised that as long as there is adequate screening, the application is welcomed as it will effectively reduce deliveries on Lower Road. However, it subsequently made the following comments:

- The materials bunkers appear to be very small compared to the size of loads being delivered by tri-axle trailers (44 tonnes size) currently using Lower Road.
- There is insufficient room to manoeuvre a 44 tonne trailer in the 'materials bay' area. If this is the case, will bulk materials still be delivered down Lower Road and then double-handled to the materials bay?
- The golf course should give an undertaking to have all materials delivered to their main entrance on the B3098 and not down Lower Road.

Coulston Parish Council – strongly objects to the proposal for the following reasons:

- It is unreasonable for our villagers, especially along the eastern edge of Coulston, to be subjected to this development of their skyline and the imposition of noise and light.
- The current facilities, which are housed away from Coulston, appear to be more appropriate for 'development', being less intrusive and without the inconvenience of works traffic, noise and night lighting affecting our village.
- This development is within the Kennet boundary and we would ask that it does not impose upon our quiet rural village through development or use.
- The existing facilities in the farm buildings at Brounckers Court Farm are still available to meet the greenkeeping requirements. The current owners have no wish to terminate the present leasing arrangement.
- A letter from Kennet District Council in April 2004, in response to a consultation on an application for a driving range which was submitted to West Wiltshire District Council, stated, *'the applicants were also advised when the original application was submitted that it should contain proposals for everything they were likely to need to make the course successful, as members were unlikely to be too happy about adding to the development in a piecemeal fashion'*.

CONSULTATIONS

County highways – no objection.

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

West Wiltshire District Council – advises that a similar application for a greenkeeper's building that was refused by West Wiltshire District Council in May 2002 was subsequently dismissed on appeal on the basis of harm to the character and appearance of the area.

REPRESENTATIONS

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

- The proposed location for the building is on raised ground approximately quarter of a mile from the clubhouse, where there is no existing building. It is a functional and not particularly attractive building, which will be seen from the surrounding area and will have a detrimental visual impact.
- The certainty of external lighting and the inevitable noise of machinery will cause a disturbance problem. External lighting has not been requested at this stage, however, this is sure to be the subject of a separate application on the grounds of health and safety at a future date.
- Objections have been raised on environmental and aesthetic grounds to 2 previous applications for a greenkeeper's building, which were turned down by the relevant planning authority. It appears that no significant changes have been made and therefore the proposal remains strongly opposed. In fact, the proposed location for the building is such that it would create even more of an eyesore.
- A roadway of approximately a quarter of a mile would be established, where no roadway currently exists, which will be used by machinery, would cause unnecessary noise and disturb nearby residents.
- There appears to be no reason to place the building in this remote location, other than to remove it from the clubhouse area. No objection would be raised if the building were to be located near the existing clubhouse and buildings.
- The application should not be determined by Kennet District Council until an application for the access road is submitted to West Wiltshire District Council.
- The application proposal includes storage for 4 tractors, plus silos for gravel and sand. Although on their application the owners state at question 9 of the forms that access is not applicable, how else will they expect to receive their deliveries? It can be assumed that there is likely to be at least one delivery of fuel/sand/gravel per week. At question 4 of the application forms, it is stated that approximately 2 vehicles per day will be accessing the site, yet parking for 6 vehicles is proposed. This conflicts with the claims that the amount of traffic on the service road would not amount to more than 1 or 2 vehicles per day. There is no reason why the greenkeepers cannot use the parking space available at the clubhouse.
- The public footpath that runs across the site (no. 6) will be affected by the proposal. This is well-used and walkers should not have to battle with delivery vehicles or the extra traffic that will be generated.
- An alternative site that has been suggested and could be considered is the field opposite the entrance to the golf club. This would need to be looked in to in some detail, as the land is not within the club's ownership. Another suggested alternative location is in the gully that forms the seventeenth tee.
- When the planning application for the golf course was originally approved, it was on the understanding that no further applications for buildings would be approved.

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

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

Visual Impact

Concerns have been raised about the visual impact of the proposal, with specific reference made to the fact that the suggested location for the building is elevated and remote from other buildings. Reference has also been made to the fact that another application for a greenkeeper's building was refused by West Wiltshire District Council and subsequently dismissed on appeal.

The appeal in question concerned a 24 metre by 12 metre by 3.9 metre (high) building which was to be constructed immediately to the south of Footpath number 16 (which bisects the golf course) and approximately 250 metres to the north of the clubhouse. In his decision, the Inspector concluded that although the building was sensitively designed and the visual impact of the building would not be harmful when viewed from the north-west, it would be an '*unduly conspicuous feature*', being so close to the public footpath and remote from existing buildings. He also concluded that the proposed driveway would appear as a '*scar within the landscape*.'

It is considered that the proposed scheme is a significant improvement on the appeal proposal for a number of reasons. Firstly, although the proposed building would be of the same width and height, it would be 9 metres shorter, this reducing its visual impact. Secondly, although it would be positioned approximately 100 metres further away from the clubhouse than the appeal proposal, this location would be less prominent as it would be further away from the public footpath that bisects the golf course and would be well-related to existing landscape features ie. the copse to the rear. It would therefore not appear as an isolated feature within the landscape. When viewed from the other public footpath (no. 5) that bisects the golf course (ie. from the north-west), the visual impact would be minimal, as a result of the building's low ridge height, the reduced ground levels and the existence of a mature boundary hedge.

Alternative locations for the proposed building, including the land opposite the site entrance and the gully next to the seventeenth tee, have been put forward by objectors. However, it is considered that the siting of the building in either of these suggested alternative locations would have a more harmful impact on the character and appearance of the surrounding area than if it were to be positioned in the location shown on the submitted drawings.

Only a small section of the proposed track and the parking/turning area would be within Kennet district and consequently, the applicant will need to obtain planning permission from West Wiltshire District Council for the majority of the track. If the track and parking/turning area are surfaced using a product which involves the use of a turf reinforcement product (such as 'Grassrings'), which essentially involves the laying of turf on a plastic grid, it is considered that the visual impact of these areas would be significantly reduced. Furthermore, the use of a suitable product can be ensured by way of a planning condition. This element of the proposal is therefore considered to be acceptable in visual terms.

Highway Implications

Concerns have been raised about the volume of traffic movements that would be associated with the proposal, resulting mainly from deliveries of fuel, sand etc. It is inevitable that a golf course by itself will generate a considerable number of vehicle movements. Consequently, it is not considered that the number of vehicle

movements resulting from the proposal would warrant the refusal of planning permission. This view is shared by the local highway authority, which has raised no objections to the proposal.

Impact on Residential Amenity

Concerns have been raised about the potential for disturbance resulting from noise and external lighting. Some limited external lighting may be required (although this has not been specified in the application) and there would inevitably be some noise associated with the proposal, however, it is not considered that the level of disturbance likely to be experienced by nearby residents would be so excessive as to justify the withholding of planning permission. This view was shared by the appeal inspector in his decision on the proposal for a greenkeeper's building in an alternative location on the golf course (reference APP/F3925/A/02/1103770).

Other Matters

Coulston Parish Council has commented that the existing facilities are still available to meet the greenkeeping requirement, as the current owners have no wish to terminate the present leasing arrangement. However, it is understood from the applicant that the lease is about to run out and the existing facilities are unsuitable, being located away from the golf course, thus increasing traffic movements.

Local residents have observed that planning permission was granted for the golf course on the understanding that no further applications for buildings on the site would be approved. This is not a reason in itself for refusing planning permission as each application must be assessed on its own merits.

Concerns have been raised that the proposed track would interfere with public footpath number 6. It would be necessary for the applicant to make an application to Wiltshire County Council if the proposal would involve the diversion, obstruction or stopping-up of any right of way that crosses the site. The applicant can be advised of this by way of an informative.

The proposal is considered to be acceptable in all respects and consequently, the approval of planning permission is recommended subject to a number of conditions.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

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

REASON:

To safeguard the site of archaeological interest.

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

REASON:

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

4 - Prior to the construction of the track and parking/turning area, details of the surfacing of those areas with a turf reinforcement product (such as 'Grassrings') shall be submitted to and approved in writing by the local planning authority. The construction works shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

5 - No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the site, except within the building and/or material bays hereby approved .

REASON:

To safeguard the amenities and character of the area.

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no rooflights shall be incorporated in building hereby approved without the prior grant of planning permission from the local planning authority.

REASON:

To protect the appearance of the area, particularly from light intrusion.

7 - INFORMATIVE TO APPLICANT:

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

8 - INFORMATIVE TO APPLICANT:

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

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

Item 10:

APPLICATION:	K/53136/F
PARISH:	NORTH NEWNTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Temporary residential accommodation.
SITE:	Moonraker Farm, Bottlesford, Pewsey, Wilts
GRID REF:	11261 59397
APPLICANT:	Mr and Mrs D Phillips
DATE REGISTERED:	18th October 2005
CASE OFFICER:	Mrs C Coombs

SITE & LOCATION

Moonraker Farm is located just to the north of the main road running through Bottlesford. The access into the site is located immediately adjacent to Field Cottage which lies on the northern side of the road. The application site is accessed via a private agricultural access and the farm buildings are located centrally on the land in a low lying area.

SITE HISTORY

K/38387: Erection of traditional farm building for the storage of crops, machinery and stock housing for production of organic vegetables. Planning permission granted 10 February 2000.

K/44751: The resiting of stables and store and erection of new greenhouse for propagation of organic vegetables . Planning permission granted 10 February 2003.

K/51807/F: Use of existing stables as poultry vicerating area and cold store. Use of existing parking shed as a commercial kitchen. Erection of polytunnel and chicken shed. Planning permission granted 19 May 2005.

DESCRIPTION OF DEVELOPMENT

The application proposes the stationing of a unit of temporary residential accommodation on the site to provide housing for an agricultural worker. The accommodation consists of 3 portacabin type buildings laid out in a square shape and clad in timber boarding. The resulting building which is approximately 9.2 metres square will have the appearance of a timber shed.

The proposed accommodation is to be sited at close proximity to the existing buildings at the site. Views of the building will only be gained from the north and west. From the other directions, the building is screened by the existing development at the site.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The design of the proposed building has been amended since the application was originally submitted. The original application proposed the laying of the portacabins in a different layout with 2 of the portacabins being attached end to end with another in front. The application has also been revised so to provide for the timber cladding to the structures.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted an agricultural appraisal setting out the justification for the proposed development. This document is available in full on the planning

application file. In sum, this document states that the business has now reached the stage where a full time residential presence is required to care for the livestock and horticultural elements.

PARISH COUNCIL COMMENTS

North Newton Parish Council: make the following observations to the application as originally submitted:

- There is local opposition to the siting of three portacabins in the countryside and AONB;
- There is a wish to support local business and the supporting documents appear to make a strong case for the need for the accommodation;
- The size and positioning of the portcabins is not unreasonable but they will be visible to some residents and are potentially an eyesore;
- It is suggested that the members of the Regulatory Committee visit the site;
- KDC should carry out a comprehensive review of the submitted documentation with regards to the viability of the proposal;
- That the planting of further screening trees be part of any recommendation.

CONSULTATIONS

County Highways (P Galpin) - no objections provided that KDC is satisfied that the accommodation proposed is justified. The dwelling will not lead to excessive additional use of the site access. If the justification for the dwelling is not accepted, then the highways authority would raise an objection on the grounds of sustainability and the inadequacy of the access to serve an independent unit of accommodation.

Environment Agency – no objections.

KDC Environmental Health Officer – no objections.

REPRESENTATIONS

Six letters of objection have been received from local residents to the original plans. Comments had not yet been received in respect of the amended proposals. Their reasons for concern can be summarised as:

- The impact of the development upon the appearance of the area, AONB and views from public rights of way;
- Size of holding and nature of business cannot justify the need for a worker to be present on site at most times;
- The application does not meet functional need and financial viability tests;
- There is accommodation available in the vicinity which would meet the needs of the business;
- Concern that an application for a permanent dwelling will follow;
- Concerns over the piecemeal development of the site;
- Any increase in livestock at the site would result in odour to local residents;
- Other applications made for residential facilities on land fronting the site and at the Seven Stars Public House have been refused on landscape grounds;
- Question how long the building will be retained;
- Questions raised over the siting of a compost/manure store and its proximity to a residential property.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the countryside for the purpose of planning policies. Policy HC27 of the Kennet Local Plan together with advice contained within Annex A of Planning Policy Statement 7 are relevant to this proposal.

PLANNING OFFICERS COMMENTS

It is considered that the main issues arising from this proposal relate to the 'need' for the proposed dwelling and the usual planning considerations including visual impact.

Principle of the development and assessment of 'need'.

The erection of dwellings within the countryside requires special justification. One of the few circumstances in which isolated new residential development can be justified is where the accommodation is required to enable an agricultural worker to live on site.

Government policy is clear that in the first instance, if a new dwelling is required to support either a new enterprise or an existing one, it should for the first three years be provided by a caravan, a wooden structure which can be easily dismantled or other temporary accommodation. This is the type of accommodation which is proposed by the applicant.

In assessing 'need', the proposal is required to be considered against the criteria set out in PPS7. These are:

- There must be clear evidence of a firm intention and ability to develop the enterprise concerned. Significant investment in new farm buildings is often a good indicator;
- There must be a functional need for a worker to be present on site at most times;
- There must be clear evidence that the business has been planned on a sound financial basis;
- The functional need could not be fulfilled by another existing dwelling on the unit, or existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- Other normal planning requirements are satisfied.

The Council's agricultural consultant has assessed the justification for the development proposed. He has visited the site and considered the case made by the applicant. His conclusions are summarised in the following paragraphs.

Existing business

The farm is at present run primarily as a horticultural and arable unit with a small flock of free range hens. The principal income from the farm is derived from the vegetable box scheme enterprise. The farm has 75 laying birds and eggs are sold at the farm gate and via the box scheme. There is also a honey enterprise based on an apiary of two hives.

Proposed business

The applicants plan to expand the business and the range of products that are sold to the consumer. A broiler chicken and pork enterprise is proposed and these will be utilised in the processing facility. Birds will be purchased in batches of 25 to 50 as day old chicks. These will be kept for approximately 4 weeks under heat and then as

free range birds. Birds will be finished at 12 -14 weeks, slaughtered and dressed on site for sale as part of the vegetable round.

A small herd of three sows will be kept to produce pork and bacon animals. These will be slaughtered and butchered off site with the jointed meat returned to the farm for sale as part of the vegetable boxes.

A small turkey enterprise is also proposed. Poults will be purchased and reared for sale for the Christmas market. 200 head are initially proposed. If this proves successful, the applicant may extend the turkey season, initially to the Easter market and possibly year round.

The honey enterprise is to be extended to 8 hives.

A small scale kitchen will be used to produce prepared food for sale.

Assessment of need

The Council's consultant comments that the present set of enterprises does not present a functional requirement for an essential presence on site at most times. However, the applicants propose a significant expansion of business and in particular, the broiler and pig unit will generate a functional requirement.

In terms of the proposed business, if the individual elements were to be considered in isolation they would not meet the functional need tests. However, the assessment of functional need relates to the overall business. The consultant is of the view that the overall composite nature of the proposed business does present a requirement for an essential presence on site at most times.

The consultant has examined the financial information provided by the applicant. At present the business is not financially viable. However, the business plan submitted appears to be sound and there is clear evidence of investment in buildings at the site.

The proposed use of temporary accommodation to support the proposed expanding enterprise complies with the tests set out in PPS7. The consultant is of the opinion that a dwelling off site would not meet the functional need of the proposed enterprise.

The consultant's conclusion is that the criteria in PPS7 are satisfied and that the proposed temporary dwelling is warranted under this guidance. A copy of his report is attached as an appendix to the rear of this agenda

It is therefore considered that the principle of stationing a temporary building to serve the proposed enterprise complies with government and local policy. The remaining issues to be considered relate to the impact of the development upon the appearance of the area and any neighbouring properties.

Impact upon the appearance of the area

The proposed building is set within a low lying area adjacent to existing buildings and structures. The site is well contained in landscape terms. The site is visible from the railway to the north and the public footpath to the east. Only very limited views of the building will be gained from the footpath due to the building being set within the existing complex of buildings.

The scheme has been significantly amended since it was originally submitted. Officers have negotiated a revised layout for the accommodation and this is now in a square shape. This ensures that the development is kept in a compact arrangement

and keeps the buildings as close to the existing farm buildings as possible. The accommodation would be clad with timber by attaching battens to the outside of the portacabins. The timber would then be stained in a dark colour to match the existing sheds at the site. While this solution may appear a little unusual, it is considered that the overall effect would give the impression of the building being a timber shed. The building is not intended to be a permanent addition to the premises and as such, the applicant does not wish to build a more costly structure on the site. Should a temporary permission be forthcoming, provided that the business has reached viability and there remains a functional need, it is likely that a further application will be submitted in three years time to construct a permanent dwelling. This is in accordance with PPS7.

Impact upon residential amenity

The site for the proposed dwelling is distant from any residential property. As a consequence it is considered that the development proposed would not have an adverse impact upon residential amenity. Much of the concern raised by local residents relates to the impacts of the farming enterprise upon amenity. The use of the land for the rearing of livestock does not require planning permission and therefore cannot be controlled through the planning process. This is a rural area and as such, the use of land for agricultural purposes and processes is to be expected. The land could be used for all manner of agricultural purposes including intensive livestock production without the need for consent. The siting of compost areas unless housed in structures requiring planning permission is, again, outside the scope of planning control. Recourse may be available if the site becomes unduly noisy or smelly through environmental health legislation.

To conclude, officers are satisfied that there is an agricultural justification for the proposed dwelling and that the details of the accommodation are satisfactory. A temporary planning permission is therefore recommended.

RECOMMENDATION

Approve with Conditions

1 - The building hereby permitted shall be removed and the land restored to its former condition as agricultural grassland on or before 31st December 2008.

REASON:

This permission is granted solely to meet the needs of the present applicant and because the site is in a location where the permanent retention of a building of temporary construction is considered to be inappropriate.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans received on the 28 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 - Within one month of the portacabins being placed on the site, either in whole or in part, the units shall be clad in timber and roofed with a pitched roof in accordance with the details shown on the sectional plan submitted. The buildings shall thereafter be maintained as such.

REASON:

In the interests of visual amenity.

4 – The occupation of the residential accommodation hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.

REASON:

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

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, HC27.

6 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Environment Agency and dated the 7 November 2005.

Item 11:

APPLICATION:	K/53205/F
PARISH:	NORTH NEWNTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Amendments to planning permission K/52126/F Variation in height of extension & details of windows.
SITE:	1 Park Road North Newnton, nr Pewsey
GRID REF:	13111 56838
APPLICANT:	Mr and Mrs E Chandler
AGENT:	Mr R A Ward
DATE REGISTERED:	27th October 2005
CASE OFFICER:	Mrs C Coombs

SITE & LOCATION

The site is located on the southern side of Park Road in North Newton, close to the junction with the main road, Rushall Road. The turning into Park Road is immediately to the south of North Newton Garage.

SITE HISTORY

K/47076: Erection of single storey extension to form double garage and conservatory and replace flat roofs with pitched roofs. Planning permission granted 5 April 2004.

K/52126: Demolition of existing side extension. Erection of side/front extension and conversion of roof to bedroom/ bathroom. Planning permission granted 30 June 2005.

This application was a resubmission of the earlier approval. This application authorised the following amendments to the original scheme:

- The replacement of a window in the side elevation with a door to serve the garage;
- The provision of an additional window in the side elevation to serve the proposed dining room;
- A single storey extension to the rear. This extension is approximately 3 metres in depth and 1.5 metres wide. The extension presents an eaves line view to the property to the south. The extension is approximately 2 metres from the boundary with the neighbouring property.

DESCRIPTION OF DEVELOPMENT

This retrospective application proposes further amendments to the schemes previously permitted. The development is nearing completion and the development has deviated from the approved scheme in respect of the following details:

- The ridge height of the dining room extension has increased by 200mm (8");
- The two windows contained within the ground floor of the southern elevation are larger than those originally permitted. The permitted scheme shows two windows which are 1.2 metres wide whereas the built scheme has two windows which are 1.8 metres wide.

PARISH COUNCIL COMMENTS

North Newton Parish Council object to the development proposed. They comment that they are concerned about the loss of privacy to the neighbouring property. It is suggested that the following amendments be made to overcome these concerns:

- Frosted glass to the garage window in south elevation
- Frosted glass to the upper windows in the dining room on the same elevation
- A site visit from the Regulatory Committee would be welcomed by neighbours

REPRESENTATIONS

One letter of objection has been received from the occupiers of 1 Rushall Road. Their reasons for concern can be summarised as:

- The windows in the southern elevation overlook the neighbouring property. Approximately 30% of the height of the windows is above the boundary fence. This results in a loss of privacy to the neighbouring property.
- Suggest that the window in the garage and the dining room be blocked up. The dining room window should be a maximum of 1200mm and in accordance with the previously permitted scheme.
- Suggest that the style of window is changed so that the windows have 3 small top opening sections fitted with obscure glass. At present only the middle section of the windows has a top opening and the other two sides can be fully open.
- Concerns raised over the height of the roof. This has resulted in a loss of morning sunlight due to the sun being lower in the autumn. The development has an overbearing impact upon the neighbouring property.
- The top of the chimney is now lower than the apex of the roof. This results in smoke and fumes being pushed downwards.
- There are discrepancies in the plans. The site plan is incorrect in that the extension is closer to the boundary than shown on the plans.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 is of relevance to this proposal.

PLANNING OFFICERS COMMENTS

This application seeks changes to an earlier permission. Only the changes now proposed can be considered as part of this application. The main issue to consider is the impact of the changes upon adjacent residential properties and it is clear that the most affected property is no. 1 Rushall Road.

The two changes to the design of the extension are considered in turn -

The impact of the revised window arrangements in the south west elevation.

The application results in the widening of two windows in the ground floor of the south elevation. The siting of these two windows is as previously approved albeit in a wider form. A small section of the tops of these windows is visible above the adjacent boundary fence line. This was also the case on the previous permission.

These windows are at ground floor level and are in most part screened by the existing boundary fence. It is considered that the degree of overlooking resulting from these widened windows over and above what has already been approved, is not significant. As such, it would be difficult to sustain a refusal decision on this basis.

Height of the development

The previous permissions provided for an extension on the rear of the property which was approximately 3 metres in depth and 1.5 metres wide. The extension was 6 metres in height to the ridge and presented an eaves line view to the neighbouring property. This part of the development is located approximately 15 metres away from the rear wall of the neighbours' house.

The current scheme deviates from this permission in respect of the height of the extension. Instead of being 6 metres in height, the development is now 6.2 metres in height. It is considered that this increase is not significant and that the impact on adjoining properties is minimal. This part of the development is at some distance from the rear wall of the neighbouring property and the roofline slopes away from the boundary. While the neighbour may experience some loss of winter light, this would be slight and would not warrant the refusal of planning permission.

The neighbours have also raised concerns about the chimney on the house. The efficiency of the chimney is not a matter that can be controlled through planning legislation. This chimney is original to the dwelling.

In conclusion, the changes proposed by this application are considered acceptable and a positive recommendation is therefore presented.

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 windows, doors or other openings, other than those shown on the approved plans shall be inserted in the south west elevation of the building 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: policy PD1.

