

## **Regulatory Committee**

**5th January 2006**

### **Planning Services**

#### **List of Applications for Consideration**

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Reserved Matters application for : Residential development comprising 165 dwellings together with associated roads and landscape works including provision of public open space  
Former Kverneland Factory site Folly Road ROUNDWAY

RECOMMENDATION: Grant approval of reserved matters

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Full Planning Permission for : Construction of golf course and associated parkland including 18 hole and 9 hole par 3 practice ground, clubhouse and associated works.  
Land at Great Shoddesden, LUDGERSHALL

RECOMMENDATION: Grant full planning permission

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Pudley Wharf Barn, Castle Street, ALDBOURNE

RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION:	K/53073/RM
PARISH:	ROUNDWAY
APPLICATION TYPE:	Reserved Matters
PROPOSAL:	Residential development comprising 165 dwellings together with associated roads and landscape works including provision of public open space
SITE:	Former Kverneland Factory site Folly Road Devizes
GRID REF:	01531 62474
APPLICANT:	Kingsoak South West
AGENT:	Terence O' Rourke Ltd
DATE REGISTERED:	6th October 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The application site lies on the north-eastern side of Devizes and extends to 3.29 hectares in size. It is accessed via Folly Road, which branches off London Road and leads to the hamlet of Roundway. The site is bounded to the north and west by open countryside and to the south by the Garden Trading Estate, which comprises a range of industrial and retail uses. Beyond this, to the south-east and south-west, the area is predominantly residential in nature. The south-west corner of the site is abutted by the back gardens of approximately 7 houses in Roundway Park. The land to the east of the site, on the opposite side of Folly Road, with the exception of three residential properties, contains industrial buildings.

The site has been levelled, but formally contained a large asbestos sheet clad building with a red brick office extension and a separate storage block.

The boundaries of the site are lined with mature trees, which are protected by tree preservation orders. The trees on the road frontage and the northern boundary are protected by virtue of Tree Preservation Order 393, which was made in October 2003. The trees on the north-west and south-west boundaries are protected by virtue of Tree Preservation Order 404, which was made in August 2002.

#### SITE HISTORY

K/50281 – an outline application for the construction of approximately 150 dwellings on the site was refused in September 2004. The appeal that was subsequently lodged was allowed in March 2005.

K/46720 – an outline application for about 120 dwellings and 2000 square metres of B1 floorspace was also allowed on appeal in March 2005.

#### DESCRIPTION OF DEVELOPMENT

Outline planning permission was granted on appeal under K/50281/O for the construction of approximately 150 dwellings on the site. The only matter for approval at this stage was means of access to the site. The outline planning permission was subject to a Section 106 legal agreement which set out the agreed level and mechanism for providing affordable housing on the site. It also set out the financial contributions to be made in respect of sustainable transport provision, the updating of

the Devizes traffic model, education needs, community facilities and recreation/open space provision.

This application is a reserved matters submission following on from the outline planning permission and seeks approval for siting, design, external appearance and landscaping. The number of dwellings proposed is 165.

The proposal would comprise a mix of 2, 3 and 4 bedroom properties of varying heights (a mix of 2 and 3 storey).

A total of 240 parking spaces would be provided in connection with the development ie 228 spaces for the residential properties and 12 visitor spaces. This amounts to 1.46 parking spaces per dwelling.

In accordance with the Section 106 legal agreement on the outline planning permission, 50% affordable housing would be provided on the site ie. 30% subsidised dwelling units and 20% low-cost dwellings.

The proposal includes provision for 1116 square metres of equipped play space and 1476 square metres of equipped casual play space in the form of a central 'village green' area and a linear park/'trim trail' along the northern edge of the site.

Full landscaping details have been submitted with the application.

The application has been accompanied by the following supporting information:

- A statement of consultation, which contains details of the pre-application consultation that was undertaken, the responses received and how the issues raised have been incorporated within the final submission.
- A landscape strategy statement, which explains the concept behind the landscaping scheme.
- A landscape impact statement, which examines the potential impact of the proposal upon the existing townscape and the open countryside to the west and north of the site, and in particular the North Wessex Downs Area of Outstanding Natural Beauty.
- A vehicle tracking plan, which illustrates the accessibility of the site to refuse/emergency vehicles.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant has submitted the following amendments at the request of officers:

- A change to the distribution of affordable housing on the site. Under the original scheme, the affordable housing would have been concentrated in one block in the centre of the site. Although there is still a concentration of affordable housing in this area, some of the units have been relocated elsewhere. A total of 11 affordable units would be in the south-west corner, amongst open market housing; a group of 10 affordable units would be located to the east of the main affordable block, just past a cluster of open market units; and a single affordable unit would be sited in the north-east corner of the site. The two 4 bedroom affordable units (which were referred to in the legal agreement but omitted from the original plans) have been reinstated.

- The poplar trees, which are protected by a tree preservation order, are to be removed and replaced, along with the conifers on the north-west boundary (which are also protected). A native hedge and a mix of semi-mature ash and field maple would be planted along the north-west boundary. The conifers on the south-west boundary would be retained and infilled with a 2 metre high beech hedge and a mix of semi-mature field maple and birch.
- A tree management plan has been submitted.
- The road layout has been amended, with the main change being the omission of the 'home zones' ie. the residential streets in which the road space would be shared between drivers and other road users with the wider needs of residents (including people who walk and cycle) in mind. The 'home zones' have been omitted because they would not have allowed access by refuse vehicles or fire engines, they made no provision for services other than in the carriageway, they had many points of poor pedestrian and vehicular visibility and would have regularly led to parked vehicles being damaged as a result of parking areas being located adjacent to narrow carriageways.
- A 2.5 metre wide footpath/cyclepath has been incorporated at the western end of the site.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a detailed supporting letter summarising the amendments to the scheme. A copy of this letter is attached to the rear of the agenda.

#### PARISH COUNCIL COMMENTS

Roundway Parish Council has raised no objections to the original plans but have raised three points;

1. There is insufficient parking;
2. All traffic entering London Road should be made to turn left and use the nearby roundabout
3. All builders vehicles should use Folly Road and London Road not Conscience Lane from Rowde

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

#### CONSULTATIONS

County highways – objected to the original plans as the site layout failed to make adequate provision for safe and convenient access, but did suggest how the layout could be amended to overcome the key concerns.

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

KDC Housing Services Manager – in respect of the original plans, commented that the overall number of affordable units is acceptable. However, the terms used to describe the breakdown do not coincide exactly with the content of the Section 106 legal agreement. In relation to the low cost market/home ownership, it will be necessary to establish that these will be sold subject to the Council's criteria ie. at

discounted prices so as to be affordable to people on average incomes. For the subsidised provision (rent and shared ownership), the breakdown of units does not correspond with that which is set out in the legal agreement. The four-bedroom units for rent should therefore be reinstated.

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

KDC Leisure Services Manager – no objections to layout proposals.

KDC Legal Services Manager – the number of dwellings proposed ie. 165, falls within the scope of the outline planning permission.

## REPRESENTATIONS

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

- The applicants have ignored the fact that the junction with the main A361 road is continually used by the industrial estate adjacent to their site. The large quantity of articulated vehicles delivering to the estate on a daily basis will not blend well with over 200 vehicles, which a site of this size will produce after completion.
- The companies on the industrial estate employ many people in the area and access to it is paramount. Extra traffic without changing the junction will cause delays and frustration.
- It is surprising that the junction to Folly Road has not been enlarged to cope with the increased traffic. If changes are not made, serious accidents will happen.
- With only one access into the site, there are concerns that residents and members of the public will seek alternative pedestrian routes to exit the development. This will be via a short cut through the Garden Trading Estate, by gaining access through Devizes Textiles to reach London Road. There is also a health and safety concern regarding children accessing and playing on the premises.
- There are concerns about how emergency vehicles would enter the site should access be blocked at any point on the access road.
- There are concerns regarding members of the public entering the neighbouring premises, for the purposes of pilfering and looting. Devizes Textiles is relatively secure at the moment, but with the new development surrounding the north and west boundary, this will change and significantly increase the security risk.
- There should be an additional pedestrian and/or vehicle access into the site, or at the very least, another pedestrian access point into the opposite end of the development, to allow easy pedestrian access and eliminate trespassing onto the Garden Trading Estate.
- Residential dwellings number 18 -29 are located only 4 metres from the site boundary. It is assumed that the windows along the southern elevation will consist of windows to principal rooms. However, due to the proximity of this

residential block to the boundary of the site, the proposal would hinder potential development on sites adjoining this boundary. The proximity of this residential block so close to the boundary would severely restrict any potential development on the site adjacent to this boundary. If the adjacent site was to be developed in the future for residential purposes, it would have to develop more than 16 metres away from the boundary to protect the outlook and privacy of the residents on both sides. An acceptable scheme would ensure that all windows to principal rooms are at least 10 metres away from the boundary of the site.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Devizes and adjacent to the Devizes Landscape Setting and the North Wessex Downs Area of Outstanding Natural Beauty. Policies PD1, HC31 and NR10 and the advice contained in PPG 3 are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

The principle of constructing approximately 150 dwellings on the site has already been established, by virtue of outline planning permission K/50281. The following matters have yet to be agreed and will therefore be considered in turn: exact number of units on the site, siting and design of buildings, affordable housing distribution; landscaping and trees; internal road layout/parking provision and impact on residential amenity.

##### Number of Dwellings on the Site

Outline planning permission K/50281 allowed for the construction of approximately 150 dwellings on the site. This application seeks approval for 165 dwellings on the site. The advice given by the Council's Legal Department is that the figure of 165 would fall within the scope of the outline planning permission, as it would not exceed 10% of 150. The proposed number of dwellings is therefore considered to be acceptable.

##### Siting and Design of Buildings

The proposed scheme is of relatively high density (at 50 dwellings per hectare). However, the individual plots are well-spaced and have adequate gardens. Consequently, the proposed layout does not appear cramped.

The design of the houses is considered appropriate to the site's context. Where the site borders open countryside, those units facing north have been restricted to two-storey in height. It is considered that this would ensure that the Devizes Landscape Setting and the North Wessex Downs Area of Outstanding Natural Beauty, which are adjacent to the site, are not adversely affected. There are a limited amount of three-storey apartment blocks, the majority of which would be located towards the southern end of the site, where they would be less prominent. Furthermore, most of the three-storey blocks have been orientated so that the shorter elevations face north, thereby limiting their mass when they are viewed from the open countryside.

Overall, the layout is considered appropriate, achieving a balanced mix of house types and styles, which fits into the site's context without harm to the wider landscape setting.

##### Affordable Housing Distribution

Policy HC31 seeks to prevent affordable housing being concentrated within one area on large housing sites and goes as far as to say that it should not be clustered in groups of 'more than about 10'. The legal agreement on the outline planning

permission (K/50281), which the reserved matters proposal is required to conform with, stipulates that the affordable housing should be grouped in 'a minimum of four areas within the application site'. The original scheme conflicted with both Policy HC31 and the wording of the legal agreement, as the affordable housing was concentrated in one central area within the site. The amended proposal still features quite a large concentration of affordable housing in the centre of the site. However, the remaining units (a total of 22) have been relocated to three other parts of the site and are interspersed with the open market units. This accords with the wording of the legal agreement, which requires the distribution to be within a minimum of four areas within the application site. Three of the areas accord with policy HC31 as they are not clustered in groups of more than 'about 10'. The central area does exceed this number and whilst this does not strictly accord with one of the criteria in policy HC31, it is considered to be justified as it has resulted in the best layout solution. It is considered that breaking-up this central block further would result in a less satisfactory layout, which potentially would have been unacceptable in visual terms. Members should also that in this central area there is still a wide mix of tenure including, affordable rented, shared equity and low cost market dwellings.

#### Landscaping and Trees

The existing row of poplars and conifers along the north-west and south-west boundaries are protected by a tree preservation order. These trees were afforded this protected status August 2002 because of their visual prominence. A recent re-assessment, however, has revealed that the poplars are declining rapidly and for this reason, the Council's Landscape and Countryside Officer has recommended that they are removed and replaced with specimens of a suitable size and species before development commences at the western end of the site. Once full details of the species and size at planting of each of the trees, together with the tree protection zone, are confirmed, a tree preservation order will be prepared. This will cover the whole row, thus ensuring that the replacement trees are protected from the day of planting. This control will ensure that the replacement trees eventually provide an adequate buffer to the adjacent countryside and are the most appropriate species to be planted next to residential properties (which poplars are not). The replacement of the inappropriate and deteriorating trees on the site with more suitable specimens is considered, in the long-term, to be the most beneficial solution in visual terms.

The landscaping scheme for the site is considered to be acceptable, as is the proposed siting of the equipped play area and casual play space. These would be located at the northern end of the site, where they would provide an important transition between the development and the countryside beyond.

#### Road Layout and Parking Provision

The parish council has raised concerns about the level of parking provision in connection with the development. The level of parking provision amounts to 1.46 spaces per dwelling, which is considered to be acceptable as it is in accordance with the approach set out in PPG 3 and PPG 13, which aims to discourage the use of motor cars. For this reason, it is not considered that a refusal on lack of parking grounds could be substantiated.

The road layout has been amended in line with the highway authority's requirements, which has necessitated the omission of the 'home zones', in favour of a more traditional road layout. It is now considered to be acceptable in highway safety terms.



### Impact on Residential Amenity

The only residential properties adjacent to the site are those in Roundway Park, which abut the south-west boundary. The gardens of these properties are a minimum of 12 metres from the principal windows of the proposed dwellings, which is considered to be a satisfactory distance. In addition, the conifers along this boundary are to be retained and any gaps between these trees filled with additional planting, which will provide an additional visual screen to the occupants of the properties in Roundway Park.

Concerns have been raised by a third party about the proximity of the proposed dwellings to the Garden Trading Estate and the fact that this could hinder the future residential development of that site. It is not considered reasonable to assess an application on the basis of what might happen in the future. At the present time, the land in question is used for industrial purposes. It is therefore not considered that any residential amenity issues would arise as a result of the proposed development.

Concerns have been raised by the occupants of the neighbouring premises on the Garden Trading Estate about the potential increased security risk that would result if the site is developed for residential purposes. This is not considered to be a valid reason for withholding planning permission. Notwithstanding this, it is considered that the residential development of the site would actually reduce the security risk as there would be a greater degree of overlooking.

In summary, the scheme is considered to be acceptable in all respects and consequently, the approval of planning permission is recommended.

### **RECOMMENDATION**

Approve with Conditions

#### **1 - INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the outline planning permission reference K/50281 dated 4 March 2005.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 737/01E, 737/10/00-01A, 737/10/00-02A, 737/10/00-03A, 737/10/10-01A, 737/10/10-02A, 737/10/10-03A, 737/10/10-04A, 737/11/00-01A, 737/11/00-02A, 737/11/00-03A, 737/11/10-01A, 737/11/10-02A, 737/11/10-03A, 737/11/10-04A, 737/20/00-01A, 737/20/00-02A, 737/20/00-03A, 737/20/10-01A, 737/20/10-02A, 737/20/10-03A, 737/20/10-04A, 737/21/00-01A, 737/21/10-01A, 737/28/00-01A, 737/28/10-01A, 171005/PL/L/500, 737/02E7304/12/A, 7304/13/A, 7304/03C, 7304/04/B, the amended parking schedule, the amended Landscape Strategy Statement and the additional plan 737/60, the Landscape Impact Statement and the Arboricultural Site Appraisal, all of which were received on the 12th December 2005.

#### **REASON:**

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

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

#### **REASON:**

To secure harmonious architectural treatment.

4 - Prior to the construction of units 78 - 127, the trees that are to be made the subject of a Tree Preservation Order, shall be planted along the north-west and south-west boundaries of the site.

REASON:

To ensure a satisfactory landscape setting for the development.

5 - Prior to the commencement of development, details of the exact positioning of the service runs shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

REASON:

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

6 - The trees on the site which are to be retained shall, before any work commences, be enclosed at the outer edge of the overhang of their branches, by a protective fence that has been erected in accordance with the approved plans and the 'Tree Protection and Associated Arboricultural Method Statement'. After the fence has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

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 fences, gates or walls or other means of enclosure (other than those shown on the approved drawing 171005/PL/L500 Rev A) shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which front on to any road, driveway, courtyard or parking area.

REASON:

In the interests of visual amenity.

8 - No dwelling shall be occupied until the parking space(s) shown for it on the approved plans, together with the access thereto, have been provided.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

9 - Prior to the installation of any external lighting, full details of its siting and appearance shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details.

REASON:

In the interests of visual and residential amenity.

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, HC31 and NR10.

Item 2:

APPLICATION:	K/53303/F
PARISH:	LUDGERSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construction of golf course and associated parkland including 18 hole and 9 hole par 3 practice ground, clubhouse and associated works.
SITE:	Land at Great Shoddesden, Ludgershall
GRID REF:	26954 49637
APPLICANT:	GWDL
AGENT:	WPB
DATE REGISTERED:	15th November 2005
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

This application relates to a 94 hectare area of existing farmland, containing a wastewater treatment works and woodland that extends to the east and west of Shoddesden Lane. This lane marks the administrative boundary between the districts of Kennet and Test Valley. Approximately two-thirds of the site falls within Test Valley district. Shoddesden Lane is accessed off the Andover Road. If travelling through Ludgershall in the Andover direction along this road, Shoddesden Lane is the first turning on the right, approximately 250 metres beyond the turning (on the left hand side of the road) for Meade Road. The landscape consists of large open fields (classified as Grade 3 agricultural land), interspersed with mature hedgerows and woodland copses.

#### SITE HISTORY

K/47056 – an application for the construction of an 18 hole golf course and associated parkland, practice ground, clubhouse, maintenance workshop, storage buildings and greenkeeper's accommodation was withdrawn in April 2004.

K/50750/F – an application for the construction of an 18 hole golf course and associated parkland, practice ground, clubhouse, maintenance workshop, storage buildings and greenkeeper's accommodation was refused in November 2004. This was for the following reasons;

- a) the level of staff accommodation proposed exceeds what is justifiably required to enable the efficient functioning of the golf course and the size of the greenkeeper's dwelling is not of a size commensurate with the applicant's stated functional requirement;
- b) insufficient information has been provided to assess the impact of the proposed development on any buried archaeology in the area;
- c) the clubhouse would be located in a prominent elevated location, within an area which is presently open and undeveloped. By virtue of its scale and massing, it would therefore appear as an incongruous feature, which would be detrimental to the character of the landscape and the visual amenity of the area;

- d) the extensions to the barn and the formation of the yard area and storage compound would be detrimental to the character and appearance of the area and would adversely affect the mature oak trees in the vicinity of the site;
- e) the removal of the roadside hedge to enable the creation of visibility splays in connection with the Shoddesden Lane crossing point would have a detrimental impact on the character and appearance of the area.

K/51879 – an application for the construction of a golf course and associated parkland, including an 18 hole and a 9 hole par 3 practice ground, clubhouse and associated works was withdrawn in June 2005, as further archaeological survey work needed to be undertaken.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to construct an 18 hole public golf course (approximately 52 hectares); a 9 hole academy/pitching course (approximately 5 hectares), a practice ground (approximately 2.5 hectares), ancillary buildings including a clubhouse, a car park, a new access road and associated country park/woodland.

The area to the west of Shoddesden Lane would contain two of the 18 holes of the public golf course; the 9 hole academy/pitching course; a practice ground, the clubhouse and the vehicular access. The remaining 16 holes and a new reservoir would be on the western side of the lane, within Test Valley district. A planning application for this element of the scheme has therefore been submitted to Test Valley Borough Council.

The clubhouse would be sited approximately 40 metres to the north of the existing barn on the western side of Shoddesden Lane. This would have a footprint of approximately 1600 square metres. The slab level would be +106 metres, which is commensurate with that of the adjacent barn. It would be set back approximately 30 metres from the road and the car park area (containing 120 parking spaces) would be to the front of this building. The clubhouse would contain a function room, bar, shop, offices and a two-bedroom caretaker's flat. It would be constructed of timber weatherboarding, with a clay tile roof. To help screen the development, there would be planting along the site frontage and to the north of the clubhouse and car park. A pedestrian crossing point is proposed at the southern end of Shoddesden Lane. The main access to the golf complex would be off the Perham Down road, which is approximately 750 metres west of Shoddesden Lane. Full landscaping details have been submitted with the application.

Further to the previous refusal under K/50750, the scheme has been amended significantly. The key amendments are summarised as follows:

- The proposed greenkeeper's dwelling has been omitted from the scheme. Consequently, the existing barn fronting Shoddesden Lane would not be converted or altered in any way.
- The clubhouse has been repositioned so that it fronts Shoddesden Lane. The size and design of the building remains unchanged. The access would still be off the Perham Down Road.
- Further information has been provided on buried archaeology in the area.

- The hedge that would be lost to enable the visibility splays to be formed would be replaced ie. a hedge would be planted behind the visibility splay.
- The extent of re-grading works has been reduced.
- The layout of the golf course has been amended, with two additional holes moved to the west of Shoddesden Lane.
- Further information on the importation of fill material has been provided, to clarify the issues surrounding the landscape earthworks.

In addition, since the most recent application (K/51879) was withdrawn, further archaeological fieldwork has been undertaken. Cotswold Archaeology was appointed to undertake this task in a phased manner. The stages involved included the undertaking of an archaeological desk-based assessment, the preparation of a method statement for geophysical survey and an archaeological field evaluation. A report of the findings has been submitted in support of the application.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The application has been supported by numerous documents, which are available for viewing on the application file. These documents are as follows:

- Supporting Statement (prepared by Weller Designs Golf Course Architects) – this covers matters of siting, design, drainage and construction.
- Illustrations of Key Views
- Provision of Golf in the Area of Ludgershall (a demand study prepared by PGS Design) – this is a commercial study of existing and proposed golf facilities in the area and considers existing and future demand for golf facilities in the wider area based on demographic surveys.
- Transport Assessment (prepared by Mouchel Parkman) – this covers the means of access to the site, likely traffic generation and parking associated with the mixture of land uses.
- Planning Statement (prepared by WPB)
- Hydrological Assessment (prepared by Hydro-Logic Ltd)
- Archaeological Evaluation (prepared by Cotswold Archaeology)

In addition, the applicant's agent has submitted a statement in response to Ludgershall Parish Council's comments on the proposal. With regard to the concerns raised about construction traffic, local traffic generation, the crossing of Shoddesden Lane, landscape impact, traffic management and the type of imported material, the applicant's agent has advised that these matters have been the subject of detailed technical analysis and findings, the results of which are annexed to the supporting documentation to this current application and have been thoroughly appraised by Wiltshire County Council and Kennet District Council. With regard to the parish council's comments about the potential detrimental impact of the proposal on Ludgershall, the applicant's agent has stated that no basis for this conclusion can be found, given the conclusions of the statutory consultees. The agent has also pointed out the following:

- This is a cross-boundary application with Test Valley Borough Council and whilst Kimpton Parish Council previously raised an objection, they have now withdrawn this.

- Whilst there have been no major changes to the previous application for a golf course facility on the site, additional information has been provided on archaeological matters.
- Ludgershall Parish Council raised no objection to the original proposal and is currently the only objector to the current scheme in either district. Mr Hewick, a Test Valley resident has queried the position of the clubhouse with Test Valley as he favours its original proposed location. The revised location was accepted by the applicant, at the specific request of Kennet District Council's Landscape and Countryside Officer.

#### PARISH COUNCIL COMMENTS

Ludgershall Parish Council has made the following observations on the application:

The original objections to application K/51879/F still stand as follows:

- We have concerns with regard to the construction phase, which will generate huge amounts of heavy traffic. It is proposed that between the hours of 7.30am and 5.30 pm Monday to Friday and 7.30am to 1pm on Saturday up to six heavy vehicles will travel to and from the site per hour. This will generate congestion, dust, debris and noise at the very least.
- Once built, there will be car parking for 120 vehicles and a significant increase in traffic pulling onto and off the A342 and Perham Down roads. We have grave concerns over the number of vehicles that will use the Shoddiesden Lane as a cut through.
- It would appear that players and buggies will have to cross Shoddiesden Lane at a certain point. The increase in pedestrians and traffic are an accident waiting to happen.
- In the long term, we feel that the development will have a detrimental impact on our village.

The new observations to application K/53303/F are as follows:

- We request an assessment of the magnitude of the impact of the development on the surrounding landscapes (Kennet Local Plan Policy NR7)
- Traffic management has not been addressed and the impact of people walking/cycling to the golf course is not feasible.
- Assurance is sought that water and water abstraction will not affect the water supply to Ludgershall (Kennet Local Plan Policies NR14, 15, 16 and 18).
- The parish council would appreciate confirmation of the type of material to be imported to site and request that no contaminated material be used as landfill.
- In the long-term, it is felt that the development will have a detrimental impact on our village.

#### CONSULTATIONS

KDC Environmental Health Officer – no adverse comments. However, consideration from a health and safety aspect should be given with respect to holes 15 and 18, the greens of which are in close proximity to the road and access road. The potential for golf balls to overshoot the greens should be considered. Detailed plans of the

catering facilities should be forwarded to the Environmental Health department prior to extensive work being undertaken. Details of any proposed floodlighting should also be forwarded to this section for consideration.

In addition, to the above comments, it has been recommended that an acoustic barrier with a density of at least 8 kilogrammes per square metre and a height of at least 2 metres be constructed to the rear of the car parking area. This barrier should extend from the hedgerow at the north-east corner of the car park round to a point opposite the front edge of the function room. This will screen neighbouring properties from potential noise from the car park and the doors at the end of the function room. The barrier should be located on the edge of the car parking area to allow the planned hedgerow planting to face the neighbouring residential properties. The opening hours of the clubhouse can be considered during the licensing application.

WCC Highways (Mark Wiltshire) – the submitted traffic information has satisfied me that the generated traffic movements along Andover Road should be low and not such that a highway objection could be justified. The proposed dwelling unit is appropriate under policy HC27.

If the fill material is brought in as planned over 2 years, there will be an average of one 8-wheel tipper lorry about every 20 minutes along Station Road, Tidworth during the operating hours. If smaller lorries are used, then at times, this average frequency must increase. Given the temporary nature of the operation, I am not opposed to this level of lorry movements.

I note that it has been agreed that a staff travel plan would not be required, however, given the rural location it is considered that this would be a useful benefit and should be included.

There is no objection to the proposal, subject to conditions requiring the following:

- The revised access to South Park Barn being laid out as detailed on the Mouchel Parkman plan number 1001632/T/08/B, surfaced over the first 10 metres of the access in a well-bound consolidated material (not loose stone or gravel) and any gates set back at least 6 metres from the carriageway edge and made to open inwards only.
- The revised access to South Park Barn being provided with visibility with nothing to exceed the height of 600 millimetres above carriageway edge level between the carriageway edge and a line drawn from a point 2.4 metres back along the centre-line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north and 120 metres to the south-east.
- Pedestrian crossing 1 being provided with visibility as follows:

West side of Andover Lane

The provision of visibility with nothing to exceed the height of 600 millimetres above carriageway level between the carriageway edge and a line drawn from a point 2 metres back along the centre-line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north and 120 metres to the south.



#### East side of Andover Lane

The provision of visibility with nothing to exceed the height of 600 millimetres above carriageway level between the carriageway edge and a line drawn from a point 2 metres back along the centre-line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the north and 90 metres to the south.

- The provision of the vehicle parking and turning areas prior to first use of the development and these areas being maintained and kept available thereafter for the parking and turning of vehicles.
- Prevention of any future access being made to Andover Lane other than the access points detailed in the application.
- Prevention of public, non-greenkeeping staff and service vehicular access to and from the site via the South Park Barn access.

There should be informatives stating that construction traffic is not to use Andover Lane other than to cross the lane and that prior to works commencing, the applicants should contact Wiltshire County Council to agree the condition of Station Road, Tidworth, Perham Down Road and Andover Lane. The county council will seek reparation for any damage caused to the highway by the construction traffic under the provisions of Section 59 of the Highways Act 1980.

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

Environment Agency – no objection, but requests that conditions are imposed requiring a) the provision and implementation of foul drainage works; b) the provision and implementation of surface water drainage works; c) the siting of any facilities on impervious bases and surrounded by impervious bund walls. The imposition of informatives relating to pollution prevention, water resources, groundwater and biodiversity is also requested.

Wessex Water – the proposal is not located within a Wessex Water sewered area. The Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development.

Wiltshire Fire Brigade – no objection in principle.

#### REPRESENTATIONS

Two letters of objection have been received by the Council, which raise the following key concerns:

- The proposed position of the clubhouse is in a location just over 20 metres away from a nearby property.
- The erection of such a large building and an 120 space car park will have a severe impact on the small, rural community of Great Shoddesden as a result of daily noise and light pollution. Whilst there appears to be substantial screening, this will not stop the constant noise of cars parking and doors slamming.

- The proposed function room adjacent to the clubhouse is also of concern, as it will eventually be used for late night or weekend dinner dances etc. which would severely affect the present quiet rural character of the area.
- If the clubhouse were to be situated in the originally proposed location, then there would be no objection as it would be much further away from residential properties.
- The volume of traffic already using the road from the A343 to Tidworth is quite heavy and the formation of an access would be detrimental to highway safety.
- There will be a huge volume of construction traffic, which will present a threat to road safety if it is allowed to come off the A338 and travel east up Station Road to Tidworth.
- Golfers and visitors will park along the lane, making the single track road more dangerous to pedestrians and causing congestion.
- The reason given for moving the location of the clubhouse was *'in response to concerns expressed by Kennet District Council regarding the visibility of the proposed clubhouse we have reviewed its location.....to ensure very limited visual impact.'* It is once again asked, 'visual impact for whom? It can only be the casual driver passing by on Perham Road as there are no properties which overlooked the previously proposed location for the clubhouse.

#### POLICY CONSIDERATIONS

Kennet local Plan 2011 - policies PD1, HC26, HC27, HH2 and NR7 and the advice contained in PPS 7 are relevant to the consideration of the planning application.

#### PLANNING OFFICERS COMMENTS

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

##### Principle of Development

There are no policies in the Kennet Local Plan which preclude golf course development in the countryside. Furthermore, it is recognised that a facility of this nature would need to be sited in such a location, as it is a space-extensive land use. The principle of constructing a golf course and associated facilities in the proposed location is therefore considered to be acceptable.

##### Visual Impact

Concerns have been raised about the visual implications of the proposal, with the parish council requesting a full assessment of the likely impact on the surrounding landscape, in accordance with Policy NR7 of the Kennet Local Plan. The visual impact of the proposal has been given careful consideration during the course of the various applications. Application K/50750/F was refused for a number of reasons, including the detrimental impact that the clubhouse would have on the character and appearance of the surrounding landscape. The clubhouse location was considered to be unacceptable as it was prominent, elevated, open and undeveloped. The clubhouse would therefore have appeared as an incongruous feature in the landscape.

The clubhouse has now been repositioned to a location outside of this highly visible area, where it would be close to Shoddesden Lane and existing landscape features

and buildings. This location is considered to be acceptable, as the clubhouse would no longer appear as an isolated, incongruous feature.

The proposed re-grading works, required for the construction of the golf course itself, are also considered to be acceptable in visual terms.

#### Impact on Residential Amenity

The nearest neighbour to the proposed clubhouse has raised concerns about potential disturbance as a result of noise from late night events and comings and goings (eg. vehicles parking, car doors slamming). The objector's property is located approximately 60 metres from the front of the clubhouse building and approximately 40 metres from the proposed car parking area. To help reduce the potential disturbance from vehicle movements etc, the Council's Environmental Health Officer has recommended that a 2 metre high acoustic barrier be constructed in front of the car parking area and behind the proposed planting area, which will help provide a noise buffer. The provision of such a barrier can be ensured through the imposition of a condition if planning permission is granted. It is considered that this level of noise attenuation will be adequate, particularly as vehicles will not be able to enter and leave the site via Shoddesden Lane (along which the residential properties are located). It is also recommended that a condition is imposed restricting construction hours to 07.30 – 17.30 Mondays to Fridays and 07.30 – 13.00 on Saturdays, to ensure that noise levels and disturbance are kept to a minimum.

It is not considered necessary to impose a condition controlling the opening hours of the clubhouse. The function room and bar would be positioned at the rear of the clubhouse building, which would be approximately 70 metres from the boundary of the nearest neighbour's property and is considered to be an adequate distance. Members may also wish to note that the Council's Environmental Health Officer has advised that the opening hours of the clubhouse will be considered when a licensing application is submitted.

Concerns have also been raised about the potential implications of light pollution. The applicant's agent has provided no details of how the clubhouse would be lit, but has confirmed that the practice ground would not be floodlit. Notwithstanding this, it is recommended that any external lighting associated with the development is controlled by way of condition. This will ensure that lighting levels are kept to a minimum, in the interests of residential amenity.

#### Impact on Highway Safety

Concerns have been raised about the potential highway safety implications resulting from the number of vehicles (including construction traffic) pulling onto and off the A342. A full assessment has been made of the traffic implications of the proposed development, particularly with regard to construction traffic, and the findings have been submitted in the form of a report. This report states that some 187,000 cubic metres of material would be transported to the site over a 2 year period, which would amount to, on average, one 8-wheel tipper lorry every 20 minutes along Station Road. This is not considered to be excessive and in view of the temporary nature of the operation, it is not considered that a highway objection could be substantiated. Similarly, it is not considered that the vehicle movements associated with the golf course development itself would be such as to warrant a highway refusal. For these reasons, the local highway authority has raised no objections to the proposal.

#### Archaeological Impact

Application K/51879/F (which preceded the current application) was withdrawn because insufficient archaeological fieldwork had been undertaken. Subsequent to

this, Cotswold Archaeology was appointed by the applicant to undertake a phased programme involving the undertaking of an archaeological desk-based assessment, a method statement for geophysical survey and an archaeological field evaluation. Wiltshire County Council's Archaeological Officer has raised no objection to the proposal, but does recommend that an archaeological watching brief is conducted during any groundworks associated with the project as further evidence of prehistoric activity may be revealed during the construction of the golf course. It has therefore been recommended that a condition is imposed requiring the implementation of a programme of archaeological work to be secured in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

#### Hydrological Impact

The applicant has submitted a hydrological assessment, prepared by a water monitoring and management consultancy in response to the original concerns raised by the Environment Agency. The Environment Agency is satisfied with the contents of the report and has therefore raised no objections to the proposal, subject to a number of conditions.

In conclusion, the proposal is considered to be acceptable in all respects and consequently, the approval of planning permission is recommended.

#### **RECOMMENDATION**

Approve with Conditions –

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

#### **REASON:**

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

2 - No development shall take place until details of the materials to be used for the external walls and roofs of the clubhouse (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 - 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 walls (other than the wall to be constructed in accordance with condition 8), fence, or other means of enclosure shall be erected or placed on the application site.

#### **REASON:**

In the interests of visual amenity.

4 - Prior to the first use of the golf course, the highway visibility area on the west side of Andover Lane shall be cleared and kept free of all obstructions to sight above 600 millimetres above the adjoining carriageway level between the carriageway edge and a line drawn from a point 2 metres back from the carriageway edge along the centre-line of the access, to points on the nearside carriageway edge 120 metres to the north and 120 metres to the south. The highway visibility area on the east side of

Andover Lane shall be cleared and kept free of all obstructions to sight above 600 millimetres above the adjoining carriageway level between the carriageway edge and a line drawn from a point 2 metres back from the carriageway edge along the centre-line of the access, to points on the nearside carriageway edge 120 metres to the north and 90 metres to the south.

**REASON:**

In the interests of highway safety.

5 - Prior to the first use of the golf course and clubhouse, the parking and turning areas shall be provided in accordance with the approved plans and shall thereafter be maintained and kept available for the parking and turning of vehicles.

**REASON:**

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

6 - There shall be no vehicular access to the golf course off Shoddesden Lane other than for the purposes of construction vehicles crossing the lane.

**REASON:**

In the interests of highway safety.

7 - Prior to the first use of the clubhouse, an acoustic barrier shall be constructed to the front of the car parking area in accordance with details (including siting, height and materials) that have first been submitted to and approved in writing by the local planning authority.

**REASON:**

To ensure that adequate provision is made for noise attenuation, in the interests of protecting the reasonable living conditions of the occupants of the neighbouring properties.

**8 - INFORMATIVE TO APPLICANT:**

The applicant is advised that the acoustic barrier should be a wall with a density of at least 8 kilogrammes per square metre and a height of 2 metres. The wall should be constructed in front of the car parking area and behind the proposed planting screen (H10), from the point where the hedgerow is to be planted at the north-eastern end of the car park to a point opposite the front edge of the function room.

9 - Notwithstanding the submitted information, 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.

**10 - INFORMATIVE TO APPLICANT:**

The applicant is advised that the following additional information needs to be included as part of the landscaping scheme:

1. Details of more substantial planting in area W26, with species similar to those proposed for areas W2 to W25.

2. Confirmation of which trees are to be standards and which are to be feathered (they are currently erroneously referred to on the submitted plans as 'feathered standards'). The feathered trees should generally be 1.2 - 1.5 metres in height. The standards should comprise 10% of the total.
3. The landscape design for the car park and the car park surfacing should be fully detailed.
4. The extent of woodland areas W20 and W21 should be detailed on the drawings.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

12 - A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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.

13 - The trees at the edge of the woodland to the south of the clubhouse shall, before the construction of this building and the car parking area, be enclosed at the outer edge of their branches by a protective fence. Before the fence is erected, the type of fence and its location shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building, or materials, including stacking of soil, shall be allowed within it.

REASON:

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

14 - 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 development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

15 - Any facilities for the storage of chemicals (including waste oil) shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall have been submitted to and approved in writing by the local planning authority. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON:

To prevent pollution of the water environment.

16 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site. The development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory foul water drainage.

17 - The residential accommodation hereby permitted shall not be occupied at any time other than by persons employed at the golf club or for purposes ancillary to the functioning of the golf course hereby permitted.

REASON:

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

18 - Prior to the installation of any external lighting, details of its exact location, design and appearance shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Thereafter no other form of external lighting shall be installed or erect on the site without the prior written consent of the local planning authority.

REASON:

In the interests of protecting the character and appearance of the area and the reasonable living conditions of the occupants of the neighbouring properties.

19 - Prior to works commencing, details of the spoil importation and spreading (including the composition of the spoil, the location and height of the spoil storage and the time period over which the spoil importation and spreading would take place) shall be submitted to and approved in writing by the local planning authority. The spoil importation and spreading shall be undertaken in accordance with the approved details unless otherwise approved in writing by the local planning authority.

REASON:

In the interests of visual amenity.

20 - Before development commences, details of any service runs shall be submitted to and approved by the local authority in writing. The works shall be carried out in accordance with the approved details.

**REASON:**

To ensure that existing trees and hedges on the site are not damaged, in the interests of visual amenity.

21 - 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.

22 - The external works involved in the construction of the golf course, clubhouse and parking area shall only be carried out during the periods 07.30 - 17.30 hours Mondays to Fridays and 07.30 - 13.00 hours on Saturdays. No external works shall be carried out on Sundays and Bank Holidays.

**REASON:**

To minimise the impact of the works on local residents, by reason of noise and general disturbance.

23 - Prior to works commencing, details of the measures to be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details for the duration of the operations and until the golf course, clubhouse and car parking area have been completed.

**REASON:**

In the interests of highway safety.

**24 - INFORMATIVE TO APPLICANT:**

The applicant is advised that before works commence, it will be necessary to contact Wiltshire County Council to agree the condition of Station Road, Tidworth, Perham Down Road and Andover Lane. It should be noted that Wiltshire County Council will seek reparation for any damage caused to the highway by the construction traffic under the provisions of Section 59 of the Highway Act, 1980.

**25 - INFORMATIVE TO APPLICANT**

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

**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.



Item 3:

APPLICATION:	K/52483/F
PARISH:	POTTERNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construction of 13 new homes
SITE:	St Mary's House, St Mary's Close, Potterne
GRID REF:	99898 58703
APPLICANT:	Sarsen Housing Association
AGENT:	Mr N Dyer
DATE REGISTERED:	8th July 2005
CASE OFFICER:	Miss K Whittington

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#### BACKGROUND

Members will recall that this application was considered at the Council's Regulatory Committee meeting on 24 November 2005, with the resolution being to defer the decision, pending negotiations with the applicant to achieve bungalows in lieu of two storey dwellings on plots 11 to 14. Further to negotiations with the applicant's agent, the scheme has been amended as requested, with plots 11 to 14 being replaced with 3 bungalows. As a result of the amendments, the total number of dwellings on the site will now be 13 instead of 14. The bungalows will be positioned in the same location as the two storey dwellings proposed but would have a wider span (10.4 metres instead of 8.8 metres).

As revised plans have been received, condition number 2 (the amended plan condition) has been amended. Potterne Parish Council has been consulted on the amended plans and has raised no objection. Those people that made representations on the earlier plans have also been reconsulted.

#### SITE & LOCATION

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

#### SITE HISTORY

There is no relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

The revised proposal is to demolish the existing building on the site and construct 13 affordable units, which would be made available for shared ownership and rent. These would comprise two terraced blocks of four two-storey dwellings, largely on the footprint of the existing building, a pair of semi-detached two-storey dwellings adjacent to the existing two-storey houses in St. Mary's Close and a terrace of three bungalows enclosing the existing courtyard of single storey units. This block would front the open space area in front of the existing bungalows, thereby forming an enclosed courtyard. A total of 25 parking spaces would be provided in connection with the development. The existing hedge on the eastern boundary, bordering open countryside, would be retained and reinforced with new planting.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The following amendments have been incorporated into the scheme:

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

## ADDITIONAL STATEMENT BY THE APPLICANT

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

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

## PARISH COUNCIL COMMENTS

Potterne Parish Council has no objection to the amended plans.

## CONSULTATIONS

County highways – no objection to amended plans.

County archaeology – no objection.

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

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

## REPRESENTATIONS

Fourteen letters of objection have been received to the original plans, which raised the following key points:

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

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

Comments on the amended plans are awaited and any received will be reported to the committee.

#### POLICY CONSIDERATIONS

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

#### PLANNING OFFICERS COMMENTS

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

##### Principle of Development

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

##### Impact on Character and Appearance of Area

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

The replacement of four of the houses with three bungalows has addressed the concerns raised by the committee at the previous meeting.

##### Impact on Highway Safety

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

Concerns have been raised about the level of parking proposed in connection with the development. The level of parking proposed amounts to between 1.5 and 2 spaces per dwelling (25 spaces for 13 houses). The parking standard in the Kennet Local Plan, for dwellings with up to 4 bedrooms, is two per dwelling. As this is a maximum standard, aimed at reducing the parking provision associated with housing developments, the proposed number of parking spaces is considered to be acceptable. The local highway authority has raised no objections the level of parking proposed in connection with the proposed development and central government advice would not support a refusal on lack of parking grounds as it seeks to reduce car use by restricting the number of parking spaces in locations that are accessible by public transport.

#### Impact on Residential Amenity

It is not considered that the proposal would have a significantly greater impact on the reasonable living conditions of the occupants of the neighbouring properties than the existing sheltered accommodation. The dwellings that would be sited in the vicinity of the existing bungalows (ie. plots 11 to 13) would be on the same footprint as St. Mary's House and are now designed as bungalows. That would be lower than the existing building. Consequently, there would be no greater impact on the neighbours' living conditions, by reason of overlooking or overbearing impact. Equally, the other proposed dwellings would not have an adverse impact on residential amenity.

#### Other Issues

Local residents have raised a number of other issues, which will be considered in turn.

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

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

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

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

With regard to the comments made about lack of consultation, Sarsen Housing Association has confirmed that it undertook an extensive period of consultation with the residents of the adjacent bungalows, at which stage it was agreed that the bungalows would not be included within the redevelopment as they are fully occupied

and in a good condition. The scheme was therefore amended to incorporate this change. Sarsen Housing Association has also confirmed that a further consultation exercise was undertaken in May 2005, at which time the residents of St. Mary's Close and the parish council were invited to make comments which, where possible, were incorporated into the scheme.

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

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 23071-01 Rev G and 23071-99 received on 2 December 2005.

### **REASON:**

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

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

### **REASON:**

To secure harmonious architectural treatment.

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

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

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

### **REASON:**

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

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

**REASON:**

To ensure satisfactory surface water drainage.

**7 - INFORMATIVE TO APPLICANT:**

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

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

Item 4:

APPLICATION:	K/53196/F
PARISH:	SEEND
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of a new dwelling and access
SITE:	Land to the rear of 1 Perry's Lane, Seend Cleeve.
GRID REF:	93188 61029
APPLICANT:	Mr B Davison
AGENT:	Bob Packer
DATE REGISTERED:	26th October 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

Seend Cleeve is a small settlement west of Seend village. The site can be reached by taking the right hand turning towards Seend Cleeve when travelling eastwards through Seend (towards Trowbridge). After approximately half a kilometre, the road forks. Following the right hand side of the fork, the road continues to a junction where on the left (north) side is Perry's Lane (an unmade road). The bungalow on the left side at this corner is no.1 Perry's Lane and the application site is directly to the south-west of this, formerly being part of the garden of no.1. It has now been separated by a fence from this property and a gap in the hedge has been made to provide pedestrian access to the site. The site is surrounded on all sides by residential development.

#### SITE HISTORY

K/43071 – planning permission was granted, at committee, on the 25<sup>th</sup> April 2002 for a single-storey bungalow on the site.

#### DESCRIPTION OF DEVELOPMENT

A one and a half storey dormer style bungalow is proposed on the site with associated access and parking arrangement.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended so that:

- (a) The front boundary hedge has been correctly plotted.
- (b) The rear first-floor window (north elevation) has been removed and rooflights have been inserted on the western (side) roofslope of the rear wing.

#### PARISH COUNCIL COMMENTS

The previous permission was for a single-storey dwelling. This application is for a two-storey, four bedroom house. The proposed house will be higher than that originally approved, overlook a number of properties and will be out of keeping with neighbouring properties.

#### CONSULTATIONS

Environment Agency: P. Crane – No objection.

Wiltshire Highways: P. Galpin – No objection subject to conditions requiring the first 4.5 metres of the access to be properly consolidated and surfaced (not loose stone or gravel) and any entrance gates to be set back at least 4.5 metres from the carriageway edge and to be hung so they open away from the carriageway.

## REPRESENTATIONS

Nine letters of objection from 7 individuals have been received to the scheme. These are summarised as:

1. This application is for a two-storey four bedroom house despite the original covenant on the land stating that all the surrounding dwellings should be bungalows.
2. In the original application for a dwelling on the site the planning officer stated in the report to committee that because of privacy issues the land would be unsuitable for a two-storey dwelling.
3. The proposed house, if erected on sloping land, would be considerably higher than the original bungalow on the site and will overlook a number of other houses in the vicinity.
4. Planning permission for a two-storey dwelling in this area has already been rejected.
5. It will totally change the character of the area as all the surrounding dwellings are bungalows.
6. This is a small narrow plot that is only suitable for a small single storey dwelling.
7. The owners of Cleeve Farm House hold a covenant on surrounding land, which includes the application site. The covenant restricts building unless allowed by the owners of Cleeve Farm House and it must be a single storey dwelling.
8. The proposal is for a family house which would bring more vehicles, possibly four cars, which need to be parked. The lane is narrow and roadside parking makes access more difficult, spoils grass verges and disturbs the environment.

## POLICY CONSIDERATIONS

Kennet Local Plan 21011 - policy HC24 regarding new residential development in villages with limited facilities and PD1 regarding general development and design principles are relevant to the consideration of this application.

## PLANNING OFFICERS COMMENTS

There are a number of issues to consider in determining this application. These are the principle of development; the suitability of the site for the design of the dwelling and highway safety.

### **Principle of the development**

The principle of residential development on this site has already been established through planning permission K/43071 which permitted a bungalow on the land in 2002. This permission is still valid. The Local Plan 2011 does not alter the policy position with respect to the principle of residential development on this site and the principle of residential development is therefore considered acceptable in principle.

### **Suitability of the site for a two-storey dwelling**

The dwelling that was previously permitted on the site under K/43071 was a single storey bungalow with no rooms in the roof. The officer's report to committee stated that

*"The site lies at a higher level than the property to the rear which is also a bungalow. For this reason, it is considered that the site would not be suitable for a two-storey dwelling. A single storey dwelling such as that proposed will ensure that the property to the rear is not overlooked to a significant extent".*

The current proposal is for a one and a half storey dormer style bungalow with all the dormers on the front (southern) elevation. The previous report referred to the implications of a two-storey dwelling with rear facing windows on the privacy of the



neighbour to the rear (no.3 Perrys Lane). In its amended form, the dwelling will have no first floor windows, rooflights or dormers facing towards no.3 and is therefore considered acceptable in terms of privacy. The other dormers and rooflights are also considered satisfactory in terms of their relationship with the neighbouring properties. The front dormers will be more than 21 metres away from the windows of the property opposite and the two rooflights on the western elevation are considered acceptable if they are conditioned so that they are positioned at least 1.7 metres above the finished first-floor level. In terms of its size and positioning the dwelling is also considered acceptable in respect of neighbour amenity.

Visually, the property is considered acceptable in terms of its height and appearance. It will be no taller than no.1 Perrys Lane adjacent and on the south side of Perrys Lane there are a number of two-storey dwellings. The dwelling would retain a bungalow appearance overall and would not be out of keeping with the surrounding built form.

A number of objectors have referred to a covenant on the land which restricts new residential development to bungalows. This is a private matter and not a planning consideration to justify refusal of the scheme.

### **Highway Safety**

A number of objectors have referred to the impact of the scheme upon the surrounding highway network. As the principle of residential development has already been established on the site it is not considered reasonable or necessary to object on highway grounds. It is your officer's view that the change from a bungalow to a dormer bungalow would not give rise to an adverse impact upon highway safety. Furthermore, the highway authority has raised no objection in principle to the scheme.

### **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 11065/1B received on the 30th 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 provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the north, east or west elevations or in the eastern or western roofslopes of the dwelling hereby permitted.

#### **REASON:**

In the interests of the privacy of the neighbouring properties.

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

REASON: To secure harmonious architectural treatment.

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

REASON: To ensure a satisfactory landscaped setting for the development.

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

8 - Prior to the occupation of the dwelling hereby approved, the first 4.5 metres of the access shall be properly consolidated and surfaced (not loose stone or gravel) and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9 - Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

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 HC24 & PD1.

Item 5:

APPLICATION:	K/53164/F
PARISH:	WEST LAVINGTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New single storey dwelling
SITE:	32 High Street West Lavington
GRID REF:	00334 53408
APPLICANT:	Columbus Property Investments
AGENT:	Digby Rowsell Associates
DATE REGISTERED:	20th October 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

This report relates to part of the rear garden of no.32 High Street (unlisted thatched cottage) in West Lavington. No.32 can be found on the right-hand side of the road when travelling through the village in a south-easterly direction and is opposite the car park which serves the Churchill Public House. Access to the site is proposed from Orchard Place, a cul-de-sac to the south of the site.

To the north of the site is no.4 Sunnyside, a two-storey house; to the east is no.32 itself; to the south is 9 Orchard Place, a bungalow and immediately to the west is a public footpath with further residential properties beyond this.

#### SITE HISTORY

No directly relevant history.

#### DESCRIPTION OF DEVELOPMENT

The proposed dwelling is a one and a half storey bungalow style property with rooms in the roofspace (served by rooflights). There is a single-storey wing projecting off the west elevation. It is proposed to be constructed of brick and plain tiles.

The site is currently landlocked and the intention is to create a new vehicular and pedestrian access to the site along the western edge of 9 Orchard Place (alterations to the existing access arrangement for no.9). This will be the only access to the property and will be shared with no.9. A small brick building will have to be demolished to make way for the new access arrangement.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has not been amended.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement.

#### PARISH COUNCIL COMMENTS

The Parish Council raises no objection to the scheme.

#### CONSULTATIONS

Wiltshire Highways: Paul Galpin – No objection subject to the application of conditions regarding the provision of a turning area; 2m wide visibility strip across the entire site frontage facing Orchard Place and provision of means of discharge of surface water disposal.

Wessex Water: Paul Hayward – No objection in principle to the scheme.

#### REPRESENTATIONS

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

1. This is money making exercise only and will do nothing for the environment and is not of help to housing in general or the residents in the immediate area.
2. A nearby development caused disturbance to neighbouring residents and this would do the same.
3. The demolition of the old coach house is objected to as this is an old building of great character and architectural interest. It once belonged to no.34 High Street.
4. The access to the property will be through a plot that is also a form of infill development.
5. The property will overlook 8 Orchard Place and its garden as well as other neighbouring properties, being an invasion of privacy. The house will also spoil the visual outlook from neighbouring properties.
6. The property is not single storey.
7. The property appears rather large for the small size of the plot.
8. The application is misleading as it is only advertised with reference to 32 High Street and not 9 Orchard Place.
9. The traffic will double at 9 Orchard Place driveway and will be very congested which will lead to parking on the roadway and obstruct the view of any person leaving the public footpath running between numbers 8 and 9 Orchard Place. Any parking on the road will restrict access to the driveways of other properties.
10. The footpath adjacent to the site is used constantly for young and old and extra traffic and parking will make this unsafe.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site is located within the Limits of Development of West Lavington and the designated conservation area. Policies HC22, PD1 and HH5 are the pertinent planning policy considerations.

#### PLANNING OFFICERS COMMENTS

It is considered that the key issues in determining this application are the principle of the development; the design of the scheme and its impact upon the Conservation Area; the impact upon highway safety and neighbour amenity. Each of these issues are addressed below:

##### **Principle of development**

The application site lies within the West Lavington Limits of Development where policy HC22 permits, in principle, new types of residential development such as infill. This scheme is an infill development. A similar, but two-storey, property already exists to the north within the former rear garden of no.30 High Street, a listed building.

The scheme is therefore considered acceptable in principle and not uncharacteristic of nearby forms of development.

### **Design and impact upon the Conservation Area**

The design proposed is a one and a half storey bungalow. Although this does not particularly reflect the historic character or appearance of the conservation area, the site is adjacent to and will be accessed from Orchard Place, an existing bungalow cul-de-sac development. The new property will be mainly read in this context and the site is not considered to be prominent within the conservation area. Furthermore, there is a significant amount of vegetation on its southern and western boundaries which will help to soften the appearance of the dwelling and help assimilate it into its setting. Given this context, the design of the dwelling is considered acceptable and it would have no adverse impact upon the character and appearance of the conservation area or have an adverse impact upon the footpath running along the back of the site. Neither conservation area consent nor planning permission would be required for the demolition of the small brick building to the south of the site.

### **Highway Safety**

A number of objectors have referred to the impact of the new access arrangement upon highway safety. The property will use the existing access of no.9 Orchard Place (also in the ownership of the applicant) and it is considered that the additional car movements associated with this proposal would have no adverse impact on highway safety. It should be noted that the highway authority has raised no objection to the proposal subject to a number of conditions. As the applicant owns no.9 Orchard Place it is considered acceptable to apply these conditions.

### **Neighbour Amenity**

In terms of its size and siting, the dwelling will not result in any adverse overbearing or dominant impact upon the amenity of the occupiers of the neighbouring properties. The key issue is that of overlooking from the first-floor windows and rooflights. The only first-floor window is that on the northern elevation looking towards no.4 Sunnyside. This will be approximately 7 metres from the boundary of that property and 16.3 metres from the end gable wall of the property which contains a first-floor window. Although the proposed window is only a small window, because of the distance from no.4 it is considered reasonable to apply a condition requiring this to be obscurely glazed. In terms of the rooflights, those on the western roofslope are considered an acceptable distance away from the properties to the west (at least 18 metres away from the boundary with the garden of these properties which are well treed) but those on the eastern roofslope will only be approximately 7 metres from the boundary with no.32. These are considered acceptable if a condition requiring their positioning at least 1.7 metres above the finished floor-level is applied to any permission.

The impact of the access arrangement upon the amenity of the future occupiers of no.9 Orchard Place is also considered acceptable. Your officers do not feel that the car movements alongside the western boundary would have such an adverse impact to justify refusal of the application.

## **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 email from the agent dated the 15th December 2005.

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

4 - The rooflights shown on the approved plans shall be flush fitting.

REASON:

In the interests of preserving the character and appearance of the Conservation Area.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(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 - The dwelling hereby approved shall not be occupied or otherwise used for any purpose until a properly consolidated and surfaced turning space for vehicles has been constructed within the curtilage of its site in accordance with details which shall be submitted to and approved by the local planning authority, and such turning space shall be retained and kept clear of obstruction at all times.

REASON:

To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

8 - The dwelling hereby approved shall not be occupied until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire frontage of 9 Orchard Place is cleared of any obstruction to visibility at and above a height of 0.9 metres above the nearside carriageway level. The visibility splay shall thereafter be maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

10 - The first-floor window on the northern elevation of the dwelling hereby approved shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

11 - Notwithstanding the submitted details, the rooflights on the eastern roofslope shall be positioned so that their cill level is at least 1.7 metres above the finished floor level of the first floor.

REASON:

In the interests of the privacy of the neighbouring property.

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

REASON:

In the interests of the privacy of the neighbouring properties.

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

REASON:

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

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

REASON:

In the interests of visual amenity within the Conservation Area and residential amenity.

15 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated the 24th November 2005.

16 - INFORMATIVE TO APPLICANT:

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

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



Item 6:

APPLICATION:	K/53179/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of 2 bungalows with private access drive.
SITE:	Old Dairy Hawk Street Bromham
GRID REF:	96796 64525
APPLICANT:	South Western Industrial Plasters
AGENT:	Packer Design Partnership
DATE REGISTERED:	25th October 2005
CASE OFFICER:	Mr R Parker

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#### BACKGROUND

This application has been brought to committee at the request of the local ward member, Cllr Mrs Giles.

#### SITE & LOCATION

Hawk Street is a turning on the left hand side of the A342 between St. Ediths Marsh and Bromham when approaching from Devizes. This site is on the right hand side after approximately half a mile. The access is to the side of no.51 Hawk Street, a detached house on the road frontage. The main part of the site lies to the rear of this building and is currently occupied by a single storey commercial building. Originally used as a dairy, the last use was by a local firm of industrial plasterers who have now relocated to another site in the village. To the rear of the site, and served by the same access, is a bungalow (no.53 Hawk Street), whilst to the side is a detached dwelling (no.49 Hawk Street).

#### RELEVANT SITE HISTORY

84/0293 – Change of use from retail shop, dairy, garage and stores to light industrial units, granted planning permission in 1984.

K/041438 – Erection of 4 dwelling houses with private access drive, refused planning permission in October 2001 and subsequently dismissed on appeal.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect 2 bungalows with private access drive.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a supporting statement which is available to view on the working file. The applicant has advised that the property has been on the market as workshop/storage premises since July 2002, without success. Details of the marketing particulars have been submitted and are available to view on file.

#### PARISH COUNCIL

No objection

#### CONSULTATIONS

Environment Agency – No comments.

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

Wessex Water – No objections.

Wiltshire County Highways (Mr Wiltshire) – No objections subject to a condition requiring visibility splays. The proposed development of two dwellings will generate significantly less traffic than the existing permitted commercial use of the site. Lorry movements will also be reduced.

#### REPRESENTATIONS

Representations have been received from the occupiers of three neighbouring properties:

- a) The occupants of no.49 Hawk Street support the proposals, provided that the 2.0 metre high brick wall shown on the plans is constructed **and** extended a couple of metres towards Hawk Street in order to prevent a view into their property from a proposed bay window.
- b) The occupants of no.51 Hawk Street raise no objection to the proposals, provided that they are permitted to comment upon any landscaping scheme.
- c) The occupants of no.53 have no objection in principle to redevelopment of the site but raise the following objections regarding the current scheme:
  - Overdevelopment of the site. A single large bungalow would be more appropriate given the limited access to the site.
  - Highway safety in Hawk Street will be compromised. The exit onto Hawk Street has restricted visibility and Hawk Street is narrow.
  - Access to the objector's property will be compromised by there being only two parking spaces for each bungalow. Parked vehicles will block the access.
  - The proposed 3 metre wide access will prevent emergency vehicles, oil tankers, delivery vehicles and horse boxes from reaching the objector's property.
  - The applicant has no legal right to change the objector's access.
  - The proposals will be out of character and proportion to surrounding properties.
  - Concerns are raised regarding the responsibility for maintenance of landscaping, given that much of it lies outside of the proposed gardens.
  - The post and rail fence shown on the northern edge of the access driveway cannot be erected as it is not on land owned by the applicant.
  - The roof of the existing building is constructed of asbestos sheeting and therefore the Council's Environmental Health Department should be involved prior to demolition taking place.
  - No maintenance has taken place to the building since the previous appeal decision and had maintenance taken place the chances of selling the building for commercial purposes would have increased.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the countryside, outside of the Limits of Development defined for settlements in the plan. Policies HC26 & PD1 of the local plan are relevant to the consideration of this application.

#### OFFICER COMMENTS

In policy terms the site lies in the countryside where Policy HC26 of the Kennet Local Plan restricts residential development to:

- a) dwellings required for the essential needs of agriculture, forestry or other employment essential to the countryside;
- b) the conversion of existing buildings to holiday accommodation; and
- c) where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.

The proposal does not fall within any of the above categories and is therefore unacceptable in principle.

The site has been the subject of an earlier application for four dwellings which was dismissed on appeal in 2002 (KDC reference K/041438). The conclusions of the appeal inspector are relevant material considerations. The inspector identified a number of key issues:

**a) Employment Provision**

The inspector concluded that the appellants had not demonstrated by a suitable marketing exercise or otherwise a lack of demand from other occupiers for the continued productive use of the employment premises. He also concluded that there was insufficient evidence to demonstrate that redevelopment would result in the removal of an incompatible neighbouring land use.

The inspector concluded on this issue by stating that, by reducing local employment opportunities, the proposal would conflict with the guiding principle of PPG7 that development should benefit economic activity in the countryside.

**Officer Comments:** *The inspector's comments were made against the background of Policy EP4 of the former Kennet Local Plan. There is no longer an equivalent policy in the Kennet Local Plan 2011.*

**b) Character and Appearance**

The appeal proposal related to a terrace of three houses and one detached house, all of two storeys with a typical ridge height of 7.75 metres. The inspector concluded that the proposed dwellings would be significantly taller than the existing single storey shallow-roofed building and hence more widely seen. He felt that the greater height of the dwellings and the location of development, projecting away from the lane into open fields, would tend to consolidate the existing built development and exacerbate the harmfully fragmented character of development in this area. The inspector also considered that the proposed layout did not provide significant opportunities to mitigate the visual impact by planting. Overall, he felt that the bulk and siting of the dwellings, combined with the lack of screening opportunities, would harm the character and appearance of the surroundings in the open countryside.

**Officer Comments:** *Although the general location of development is similar, the visual impact of the latest proposal has been reduced by the change to a pair of detached bungalows. These have a typical ridge height of 5.75 metres, some 2 less than the previous scheme. That scheme was largely terraced with full gables and the change to a pair of detached units with hipped roofs has also helped to reduce the visual impact. The Council's Landscape & Countryside Officer is satisfied that the latest proposals are acceptable in visual terms and that they are capable of being landscaped in order to create a strong landscape boundary on the northern, currently open, boundary. Such landscaping is required in order to integrate the development into the wider landscape.*

**c) Living Conditions of Neighbouring Occupiers**

The inspector concluded that the proposed development would have an unacceptable impact on the living conditions of adjoining occupiers, such harm outweighing the claimed benefits from removing HGV traffic from the site. The inspector identified the following problems:

- The presence of a number of small first floor windows would create a perception for all three neighbours (nos. 49,51 & 53) of being overlooked.
- The main bedroom window of the detached house would directly overlook the main living room window of no.53 at a distance of 19 metres.
- The greater height of the detached dwelling and its siting in front of the main elevation of no.53 would be unneighbourly and overbearing and the terrace would harm the open outlook from nos. 49 & 51. This impact would not be mitigated by planting in the proposed gardens due to the shallow rear garden depths.

**Officer Comments** - *These problems have been overcome due to the reduction in the height of the dwellings and the fact that they are now single storey with no first floor windows.*

**d) Access and Parking Provision**

The inspector concluded that proposed parking provision (2 spaces per dwelling) would be inadequate and would risk serious harm to the free flow of traffic and the safety of highway users. The inspector considered that, although 2 spaces per dwelling would be adequate for the future occupiers, no provision was made for visitor parking and therefore parked cars would either obstruct the shared access drive and turning area or obstruct through traffic on the narrow and relatively busy lane. Alternatively, future occupiers would be tempted to provide additional parking by removing the already small areas of proposed planting in front of the dwellings, thereby harming the appearance of the development.

**Officer Comments** – *The applicants have largely overcome the inspector's concerns by reducing the number of dwellings to two, reducing the size of the units (down from 3 to 2-bedrooms) and providing both a garage and space to park two cars on the driveway of each unit. However, some of the inspector's comments are worth noting in respect of the development's sustainability. The following comments are of note:*

*"The nearest bus stops are over 800m away and there is no footway along the lane. A variety of services and facilities are available in Bromham but access on foot would involve a long round trip of about 2km walking on muddy unlit paths or the carriageway. Occupiers of the proposed dwellings and their visitors are thus likely to rely more heavily on access by car than would those in a village or town."*

The inspector acknowledged that the proposed development would be on previously developed land but he also pointed out that PPG3 is seeking a sustainable pattern of development, concentrating housing in areas with good accessibility by means other than the car. He concluded that this site has poor accessibility and, by replacing rural employment with new housing, the proposal would be likely to encourage commuting to urban areas by car – contrary to the objective of achieving a sustainable development pattern.

Officers consider that the latest proposal has overcome the inspector's concerns regarding the impact upon the character and appearance of the area, the lack of parking and the impact upon the living conditions of neighbouring occupiers.

However, this does not change the fact that this is an unsustainable location for new housing and development would be contrary to Policy HC26 of the Kennet Local Plan 2011. The recommendation is therefore for refusal.

## **RECOMMENDATION**

Refuse for the following reasons;

1 - The proposed development lies in the countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Policy HC26 of the local plan restricts residential development in the countryside to the following circumstances:

- a) dwellings required for the essential needs of agriculture, forestry or other employment essential to the countryside;
- b) the conversion of existing buildings to holiday accommodation; and
- c) where the conversion of a listed building to residential use is the only economic means of retaining the historic structure.

The proposed development does not fall within any of the above categories and therefore the proposals are contrary to Policy HC26 of the Kennet Local Plan 2011.

2 - The proposed development is remote from public transport and in a location where access on foot to services and facilities in the nearest settlement would involve a long round trip of about 2km walking on muddy unlit paths or the carriageway. Occupiers of the proposed dwellings and their visitors are thus likely to rely more heavily on access by car. The proposals would therefore be contrary to the objectives of Planning Policy Guidance notes 3 and 13 which seeks a sustainable pattern of development, concentrating housing in areas with good accessibility by means other than the car. This site has poor accessibility and, by replacing rural employment with new housing, the proposal would be likely to encourage commuting to urban areas by car - contrary to the objective of achieving a sustainable development pattern.

Item 7:

APPLICATION:	K/53294/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retention of existing building for use as office / barn and retention of access track.
SITE:	77 Netherstreet Bromham
GRID REF:	97879 64890
APPLICANT:	Mr and Mrs A C & D A Turner
AGENT:	
DATE REGISTERED:	14th November 2005
CASE OFFICER:	Mr R Parker

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#### BACKGROUND

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

#### SITE & LOCATION

This application relates to a site in Netherstreet, Bromham. When travelling on the A342 from the direction of Devizes turn right into Netherstreet immediately before the Oliver Cromwell public house. The site lies in a field to the rear of no.77 Netherstreet which lies on the left hand side, approximately 600 metres further on. There is a separate access in between nos. 73 & 75 Netherstreet which leads into the field to the rear.

#### SITE HISTORY

K/045016 – Erection of stable, barn and covered store with loft, granted planning permission in April 2003.

#### DESCRIPTION OF DEVELOPMENT

The proposal is for the retention of an existing building for use as an office/barn and the retention of an access track.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicants have submitted a supporting statement which is available to view on the working file. However, in essence the applicants state that the building has been erected for the purposes of their business which was established in 2002 and currently operates from a small office in Devizes. The building would be used as a professional office with low visitor and traffic generation and no noise or external activity likely to affect neighbouring occupiers. The applicants accept that they were wrong to erect the building without planning permission and have offered to enter into a Section 106 legal agreement which makes any planning permission specific to their business and/or restricts the sale of the office so that it can only be sold with no.77 Netherstreet.

#### PARISH COUNCIL COMMENTS

No comments had been received at the time this report was prepared. Any that are subsequently received will be reported verbally to members at committee.

## CONSULTATIONS

Wiltshire County Highways (Mr Galpin) – Recommends refusal on the following grounds:

“The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.”

Wessex Water – No objections, the development may be connected to the foul sewer. The Council is advised to satisfy itself regarding the suitability of the proposed means of disposal of surface water.

KDC Environment & Amenity Services (Steve Ibbetson) – Queries the location of the pond to which surface water is being discharged.

Environment Agency – No objections.

## REPRESENTATIONS

Five letters of objection have been received raising the following issues:

- The proposal is not a conversion, as claimed by the applicant, and is simply a blatant and cynical attempt to evade strict development controls in the countryside. The applicant is an experienced builder by trade and should be familiar with planning controls;
- The proposed employment use is completely unsustainable in this open countryside location and is contrary to local plan policy and government guidance contained in PPS7 which seeks to protect the countryside for its own sake;
- The building contains living accommodation with heating, double glazing, stairs and a kitchen. Concerns are expressed that a grant of planning permission will set a precedent for the building to be converted to a dwelling and the adjacent land developed for housing;
- The development would increase traffic on Netherstreet. It would also lead to increased activity and vehicle movements to the detriment of the residential amenity of neighbouring residents; *and*
- The design of the building with its patio doors is inappropriate for the site's rural location.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Policies NR6 & PD1 are relevant to the consideration of this application, as are the contents of the Kennet Landscape Conservation Strategy.

Government guidance contained in PPS 7 is also relevant.

## PLANNING OFFICERS COMMENTS

In 2003, the applicants were granted planning permission for a stable in this location. This had two open storage areas at each end, with the central area enclosed to provide a stable and small barn. What they have built instead is an office building that

is entirely enclosed, with large windows at the front and laid out inside as an office with a first floor internal balcony area lit by rooflights at the rear.

The question in all such retrospective applications is whether, had the plans been submitted to the Council prior to work commencing, permission would have been granted. The answer in this case is clearly no as the development conflicts with the policies of the adopted local plan that do not promote new office developments in fields in the open countryside.

In policy terms the site lies in open countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Policy NR6 of the local plan states that, in the interests of promoting sustainable development and the protection of the countryside, development will be restricted to locations within the Limits of Development defined for the towns and villages unless:

- a) the development is demonstrated to be of benefit either to the rural economy in the locality or to the social well-being of the rural community in the locality. (Any such development must comply with other relevant policies including PD1 and NR7); *or*
- b) the development is permitted by other policies of the Local Plan.

This policy is designed to allow development directly related to the rural economy, such as agricultural and equestrian developments that cannot be located within built-up areas. It is not considered that the proposal meets either of these criteria in this instance and therefore the proposal to retain the building for employment use is contrary to local plan policy.

Policy ED10 of the local plan would permit development for small scale businesses “within or adjacent to the Limits of Development” of those villages with a range of facilities and “within or adjacent to the built-up area” of other specified villages. However, the nearest village falling within either of these categories is Bromham, the Limits of Development of which lie approximately ½ mile from the site. This is not “adjacent”.

Policy ED14 would permit the re-use of existing buildings in the countryside subject to a range of criteria. Although a stable has previously been permitted on the same footprint (reference K/045016), that permission was never implemented and the current proposal cannot be considered as a conversion.

An additional problem is the building’s impact upon the character of the area. The building has been constructed in a field behind the road frontage development on Netherstreet. The barn permitted under K/045016 was designed to service the agricultural/equestrian needs associated with the field. The appearance is now not so much as a barn, but as a business premises with no relation to the land use. The building has a very domesticated appearance with a heavily glazed front elevation and a large expanse of roofslope (the building is approximately 0.15 metres taller than the approved stable). The access track is out of character with the area and meanders across the field to the building and its large parking area, giving a very urban appearance in the countryside, with the field forming a subservient role to the building. Filtered views of the site are available from the footpaths to the north and west. Planting carried out in association with the track construction is of a domestic nature and is not compatible with the character of the landscape in this area.



Despite the site not being located in a designated landscape (i.e. Area of Outstanding Natural Beauty or Special Landscape Area), and the level of screening afforded by surrounding trees and hedges, officers do not consider that this development is acceptable in terms of landscape policy and the guidance contained in the Landscape Conservation Strategy SPG. In policy terms the development falls foul of Policy NR6. In terms of the SPG the Council's objectives for protecting the landscape (see page 27 of the strategy) are of relevance, and it is considered that allowing such development in the countryside would undermine the principles of landscape conservation and guiding development in such a way as to conserve and enhance the landscape character and settlement setting.

Another relevant issue is the impact of the proposals upon the residential amenities of neighbouring occupiers. The office building would be accessed by a hardcore track which leads into the field from Netherstreet, between nos. 73 & 75. Notwithstanding the applicants' comments about the low number of visitors and traffic movements, the proposed commercial use is likely to result in a material increase in vehicle movements over and above the permitted stable use. Furthermore, the size of the office is such that it cannot be considered to be ancillary to the use of the adjacent dwelling. The applicants already employ one person who would presumably need to travel to the site daily and the building is large enough to accommodate further employee(s). It is considered that the additional vehicle movements generated by the proposed use would cause disturbance to neighbouring occupiers due to the proximity of the access to their properties.

The applicants have offered to enter into a legal agreement which ties the ownership and/or occupancy of the building to no.77 Netherstreet. However, this would not overcome the harm that would be caused by permitting an employment building in this location, the associated visual harm and the impact upon the amenities of neighbouring occupiers. The building is simply too large to be considered truly ancillary to the existing dwelling and this argument is strengthened by the fact that it lies outside of the domestic curtilage with its own separate access. If permitted with a tie, officers consider that it would be very difficult to resist any future application to vary the condition or legal agreement. This is especially relevant given that it is extremely unlikely that future occupiers of no.77 Netherstreet would have a requirement for a specialist building of this nature.

Members may recall that at Ramsbury surgery they took a firm line with a development that was simply a few inches higher than shown on the approved plans. In this case, a building has been erected that not just differs from the approved plans in terms of its height, design and appearance, but is also for a completely different purpose.

In conclusion, it is considered that the proposal fails to comply with local plan policy and therefore the recommendation is for refusal.

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1 - The building lies in open countryside, outside of the Limits of Development defined for settlements in the Kennet Local Plan 2011. Policy NR6 of the local plan states that, in the interests of promoting sustainable development and the protection of the countryside, development will be restricted to locations within the Limits of Development defined for the towns and villages unless:

a) the development is demonstrated to be of benefit either to the rural economy in the locality or to the social well-being of the rural community in the locality; or

b) the development is permitted by other policies of the Local Plan.

It is not considered that either of these circumstances apply in this instance and therefore the proposal to retain the building for employment use is an unsustainable form of development, contrary to Policy NR6 of the Kennet Local Plan 2011.

2 - The building, by virtue of its domesticated appearance and associated access track and parking area, has an urban appearance which is out of character with the surrounding rural area. The proposal is therefore contrary to Policy PD1 of the Kennet Local Plan and the Kennet Landscape Conservation Strategy.

3 - The proposed commercial use would generate a material increase in vehicle movements which would disturb the occupants of neighbouring dwellings. The proposal is therefore contrary to Policy PD1 of the Kennet Local Plan 2011.

Item 8:

APPLICATION:	K/53310/F
PARISH:	BROMHAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of steel framed extension to existing factory to provide timber store - revised design to approved scheme K/41241.
SITE:	Clackersbrook Farm, The Common, Bromham,
GRID REF:	95679 64933
APPLICANT:	Mr and Mrs M Wilkinson
AGENT:	Peter Kent Architect
DATE REGISTERED:	16th November 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to the site occupied by Mark Wilkinson Furniture Ltd. on the former farm site south-west of Bromham. On exiting the village towards Sandridge the site lies on the right hand side approximately 400 metres beyond the built-up area.

#### RELEVANT SITE HISTORY

The site itself has had numerous planning permissions since the original conversion of the farm buildings to commercial use. The most relevant one in relation to this application is K/041241 – Erection of replacement WC's and workshop, granted planning permission in June 2001. There is also an extant permission for a new factory on the land to the west (K/51159).

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a steel framed extension to the existing factory to provide a timber store. The extension would replace an existing lean-to structure. It would have a footprint of 18.1m x 6.4m and a height of 6.8m and would be at the south end of the existing run of buildings.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant advises that this is a revision to the design approved under reference K/041241. The imminent construction of the new factory unit on the land to the west has necessitated a reorganisation of activities on the site. The WC's formerly approved under K/041241 are no longer required as these will be in the new adjacent unit. Moving the timber store from the northern end of the factory to this location will offer significant improvements to efficiency, health, safety and welfare.

#### PARISH COUNCIL COMMENTS

No comments had been received at the time this report was prepared. Any which are subsequently received will be reported verbally at committee.

#### CONSULTATIONS

No comments had been received at the time this report was prepared. Any which are subsequently received will be reported verbally at committee.

## REPRESENTATIONS

Three letters of objection have been received on the grounds that this proposal is yet another industrial development in front of the objector's property (Elms Farm) and is yet again violating the objector's right of way as other buildings, etc. are already doing. The latter issue is currently a source of contention between the applicant and the objectors. The objectors also argue that the proposal would add to the existing incremental industrial development that is ruining the peaceful enjoyment of a rural area.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies in the countryside, outside of the Limits of Development defined for Bromham in the Kennet Local Plan 2011. Policy PD1 is relevant to the consideration of this application.

## PLANNING OFFICERS COMMENTS

The proposal is for a modest industrial extension in the existing complex of buildings operated by Mark Wilkinson Furniture Ltd. Although visible from the public highway, the building would be seen against a backdrop of much larger industrial buildings. The proposed design is considered to be acceptable.

It is not considered that the proposal would have an adverse impact upon the amenities of nearby residents (the objector's dwelling is 50m away and separated by other industrial buildings).

The main objection from the neighbour is the alleged obstruction of their right of way to their property. Whilst it is clear that to reach the objector's property you have to pass across the applicant's land, there is no public right of way involved and the dispute between the parties is a private matter that has to be resolved between the parties concerned. It is not a planning matter.

## 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/53363/F
PARISH:	PEWSEY
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Construction of hitting wall and associated court markings
SITE:	Pewsey Tennis Club, Pewsey Recreation Ground, Pewsey
GRID REF:	16747 59988
APPLICANT:	Pewsey Tennis Club
AGENT:	Michael Fowler Architects
DATE REGISTERED:	24th November 2005
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

Pewsey Tennis Club forms part of the recreational ground located to the west of Easterton Lane. The site can be accessed from the Co-op car park and via the Bowling Green or from the Easterton Lane side.

The tennis club has two banks of courts. The first is to the south of the bowling club and the second is located between the pavilion and the play area. It is the second set of courts to which this application relates.

#### SITE HISTORY

- K/52979: Floodlighting at three existing courts. Planning permission granted 28 October 2005.
- K/32470: The conversion of existing open space to hard surface tennis court with fencing. Planning permission granted 7 March 2000.
- K/13966: Lighting of two tennis courts. Planning permission refused and appeal dismissed 1 February 1990.

#### DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a hitting wall constructed of reinforced blockwork on the eastern side of court number 6. The proposed wall is 6 metres wide and 3 metres in height. An additional 1.6 metres of netting is proposed on top of the solid block wall. It is proposed to render the wall, paint it green with white tennis let lines.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The size of the wall has been reduced since the application was originally submitted. The original submission proposed a wall of 9 metres in length as opposed to the 6 metres now put forward. The agent has commented that the applicant is aware of the concerns raised by local residents and the parish council with regards to potential noise disturbance. The applicant has sought advice from a specialist firm in this regard. The agent states that due to the reduced width and the positioning of the wall, the noise levels are unlikely to be any different than the current use of the court. Any wall covering is not likely to reduce noise as the material would encourage the player to hit the wall harder and racquet noise would increase.

#### PARISH COUNCIL COMMENTS

Pewsey Parish Council objected to the plans originally submitted as part of this application. In respect of the now superseded plans, the parish council commented that they were concerned about the potential for noise pollution to local residents.

No comments had been received at the time of writing this report in respect of the amended plans. Any comments subsequently received will be reported verbally at the meeting

#### CONSULTATIONS

KDC Environmental Health Officer – no objections. The EHO comments that the frequency of a ball hitting this hard surface will be no greater than if the tennis court were being played upon. It will not be possible to utilise the tennis court and the hitting wall at the same time.

KDC Leisure Services – support the proposal. It will provide more physical and participation opportunities as well as developing a skill base. The proposal is in line with the Leisure & Arts Strategy 2005 – 2008.

#### REPRESENTATIONS

Four letters of objection have been received from local residents in respect of the now superseded plans.

The main issues raised by local residents can be summarised as:

- Increased noise and disturbance to the residential properties in the vicinity;
- Increased noise resulting from players and coaches. This would bounce off the wall and travel to neighbouring properties;
- There are more satisfactory alternative sites for the wall. The wall could be sited on the court closer to the bowling green. This is further away from residential properties and is better screened;
- Other sites include the single court opposite the front of the club;
- The facility will be available for club members rather than the community in general;
- The wall will have an adverse visual impact.

No comments had been received at the time of writing this report in respect of the amended plans. Any comments subsequently received will be given verbally at the meeting.

#### POLICY CONSIDERATIONS

Kennet local Plan 2011 - the site lies within the Pewsey Conservation Area and is a protected recreation site. Policies PD1, HH5, TR19 are applicable.

#### PLANNING OFFICERS COMMENTS

The application makes provision for an additional recreational/ training facility on this existing site. The main issues to consider relate to the impact of the development upon residential amenity and the appearance of the area.

##### Residential amenity

A number of dwellings surround the recreational ground. Numbers 9-23 Easterton Lane face towards the application site and are in the region of 50-60 metres distance of the application site. The nearest residential property, 20 Easterton Lane is located to the north of the site and is approximately 40 metres away.

Residents are concerned that the proposed wall will result in increased noise pollution. They consider that this will result from the balls hitting the wall and also verbal noise resulting from players and any coaching.

The Environmental Health Officer has considered the proposal and does not consider that the noise resulting from this proposal will be significantly greater than if the existing court was in use. No objections have therefore been raised. It is therefore considered that it would be difficult to substantiate a refusal on this basis.

#### Visual appearance of the wall

The proposed wall is set in front of a backdrop of a raised bank containing existing trees and shrubs. It is considered that this backdrop will integrate the development into the landscape and that as a result, the overall impact upon the appearance of the area will be limited. The amended plans submitted indicate that the wall will now be painted green with white tennis let lines. Provided that the paint is a dark green colour, then the wall is likely to disappear into its surroundings. As such, it is considered that the development will not result in an adverse impact upon the character or appearance of this conservation area.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans received on the 14 December 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 for the colour of the netting and the render to be applied on both sides of the wall together with the design of any let lines to be applied has been submitted to and approved in writing by the local planning authority. The netting and render shall be of a dark green colour. The development shall be carried out in accordance with the approved details.

#### **REASON:**

In the interests of visual amenity.

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

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HH5, TR19

Item 10:

APPLICATION:	K/53235/F
PARISH:	BURBAGE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of two storey front extension and single storey rear extension
SITE:	4 Ailesbury Way Burbage
GRID REF:	23174 61153
APPLICANT:	Mr and Mrs Reeves
AGENT:	Mr D Wooldridge
DATE REGISTERED:	2nd November 2005
CASE OFFICER:	Miss G Salisbury

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#### SITE & LOCATION

When driving south along Burbage High Street turn left into Suthmere Drive. Take the second left into Ailesbury Way. No. 4 is the fourth detached dwelling on the right.

#### SITE HISTORY

There is no relevant site history

#### DESCRIPTION OF DEVELOPMENT

This application proposes a two storey front extension with a pitched roof and single storey rear extension. The front extension measures 1.95m deep, by 6.6m wide and 6.65m high and the rear extension 7.5m long by 3.25m wide and 3.1m high. Materials proposed are brick and tiles to match.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with the applicant the rear extension has been reduced in depth to the dimensions specified above.

#### PARISH COUNCIL COMMENTS

Burbage Parish Council object to this application on the grounds that it is an overdevelopment at the rear of the dwelling.

#### REPRESENTATIONS

One letter of objection has been received from the immediate neighbour on the grounds that:

- a) it will be an overdevelopment of the site; and
- b) it will considerably restrict light from the southern boundary.

#### POLICY CONSIDERATIONS

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

#### PLANNING OFFICERS COMMENTS

Objections have been received to the rear extension on the grounds that the addition would be an overdevelopment of the site and would restrict light to 6 Ailesbury Way. While the extension is no doubt deep, it is considered that the extension would have no greater impact on amenity than the existing hedge which sits between the two properties which is, for the most part, higher than the proposed extension and is closer to the boundary. While the extension is likely to affect the hedge and result in



some die back, the extension is relatively low in height (2.1m to the eaves) and pitched away from No.6. As a result the extension would not result in any significant loss of light or harm to amenity. Furthermore, the extension is not considered to be overdevelopment given the overall size of the site and the amount of garden land that would remain.

No objection is raised to the two storey front extension. While the extension will be prominent and will change the shape of the dwelling, the development is in scale with the original house and does raise any concerns over amenity. A similar extension has been approved and built at No. 10 Ailesbury Way.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

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

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

### **REASON:**

To secure harmonious architectural treatment.

3 - 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 north or east elevations of the building hereby permitted.

### **REASON:**

In the interests of the privacy of the neighbouring properties.

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

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

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

Item 11:

APPLICATION:	K/53362/F
PARISH:	BISHOPS CANNINGS
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey side extension with room in the roof.
SITE:	24 Wyvern Close Devizes SN10 2UE
GRID REF:	02511 62684
APPLICANT:	Mr F Rossi
AGENT:	Tim Weeding Building Design
DATE REGISTERED:	24th November 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

This application relates to no.24 Wyvern Close, a modern red-brick link-detached dwelling. It is located on the south eastern edge of Devizes, near the Marina. 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). Take a left turn at the next mini roundabout and Wyvern Close is the second turning on the left after this. No. 24 is the third house on the right hand side of the road.

#### SITE HISTORY

There is no directly relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

This application proposes to erect a two-storey hipped side extension with the ridge of the extension being 1 metre higher than that of the main house.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The scheme has been amended to address the highway authority's concerns regarding insufficient parking provision. As such, the internal arrangement of the ground floor has been altered to provide a garage of sufficient size and a roll-over garage door is to be used to leave sufficient space for an off-street parking space in front of the garage.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted an additional statement.

#### PARISH COUNCIL COMMENTS

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

- (a) The extension would be out of keeping with surrounding properties and the estate as a whole.
- (b) The new roof is higher than the original building causing concerns about reduction of light for neighbouring properties.

#### CONSULTATIONS

Wiltshire Highways: P. Galpin – objected to the original plans on the grounds that the erection of the extension would result in insufficient parking provision for two vehicles in a satisfactory manner. However, comments on the amended plans have still yet to be received and these will be reported verbally at the meeting.

## REPRESENTATIONS

One letter of support has been received. This is from the occupiers of the neighbouring property opposite who state that the application will introduce some diversity to the properties in the Close, which at the moment all look much the same.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - there are no specific area designations. Policy PD1 regarding general development and design principles is the pertinent consideration.

## PLANNING OFFICERS COMMENTS

It is considered that the key issues in determining this application are the design of the scheme and its impact upon the amenity of the occupiers of the neighbouring properties. Both of these issues are addressed below:

### **Design**

The existing dwelling is a link detached modern red brick house. It is a gabled style property with the main gable facing the roadside. Wyvern Close has a mix of properties with both gabled and hipped elements.

In two dimensional plan form, the two-storey side extension does appear at odds with the host dwelling with its ridge height being 1 metre taller. However, this appearance is exaggerated in plan form and when built this height difference would not appear pronounced or prominent because of the hipped design of the extension. There are a number of other properties in Wyvern Close which are characterised by a main gable with a taller hipped side element. These taller hipped elements are all approximately 0.5 – 0.7 metres taller than the main gable. Given this context, your officer's believe the extension would be in keeping with the appearance of the estate as a whole and the 1 metre higher extension is not considered to be significantly different from the neighbouring properties to justify refusal on design or height grounds.

### **Amenity**

The extension is considered to have an acceptable relationship with the neighbouring properties in terms of dominance and loss of light and will not significantly differ from the existing relationship of mutual overlooking between properties.

## 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 2004-3 03A and 2004-3 04A received on the 21st December 2005.

### REASON:

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

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

REASON:

To secure harmonious architectural treatment.

4 - The garage door shall be fitted so that its leading edge does not project forward of the front wall of the garage when it is being opened or closed.

REASON:

In the interest of highway safety.

5 - The garage hereby approved shall be kept clear of obstruction and be available for the parking of a car at all times.

REASON:

In the interests of highway safety.

6 - INFORMATIVE TO APPLICANT

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

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

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: policy PD1.

Item 12:

APPLICATION:	K/53124/F
PARISH:	ALDBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Variation of condition 8 on permission K/40901 to allow formation of pedestrian access and erection of a garden shed
SITE:	Pudley Wharf Barn, Castle Street, Aldbourne
GRID REF:	26254 75549
APPLICANT:	Mr C Faulkner
DATE REGISTERED:	14th October 2005
CASE OFFICER:	Mr P Horton

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#### BACKGROUND

This application is presented to the Committee at the request of the local member.

#### SITE & LOCATION

This site is located on Castle Street, which runs from the centre of Aldbourne towards Ogbourne St George. Pudley Wharf Barn lies on the northern side of the road, before the junction with Whitley Road (on the opposite side) is reached.

#### SITE HISTORY

K/39406: Planning permission was granted in 2000 to convert the barn into a dwelling.

K/40901: An alternative permission was granted in 2001 for the same. Condition no.8 to that permission required the existing vehicular access to the west of the barn to be permanently closed, and for the gap to be planted with a hedge. The subsequent planting failed, though the applicant has stated he will be re-planting it during December 2005.

#### DESCRIPTION OF DEVELOPMENT

This application has two distinct elements:

- (a) The erection of a small prefabricated shed, 2.55m by 2.56m by 2.17m high, to be constructed of green plastic with a grey roof;
- (b) The variation of the condition referred to above to allow the formation of a pedestrian access. This would be via a pedestrian 5 bar gate 1.22m wide by 1.25m high.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application initially proposed a 1.8m wide by 1.8m high vertical close boarded gate. This has been reduced in size.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The property has no access from the rear to allow collection of garden waste etc, except through the interior of the house. There is no access from the front to the rear as the original planning permission had the external walls on the boundaries with neighbouring properties.

The applicant intends to grow the hedge over the top of the gate which would provide a continuous hedgerow at the top.

#### PARISH COUNCIL COMMENTS

No objection to the shed. Objected to the originally submitted plan for the 1.8m wide pedestrian gate, but no objection to the revised plans for the smaller 5 bar gate.

#### CONSULTATIONS

County Highways – Mr Wiltshire: No objection to a pedestrian access.

#### REPRESENTATIONS

One neighbour objection has been received, expressing lack of clarity as to why planning permission is required and misgivings about what planning permission for the gate might mean in practical terms.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within both the Aldbourne Conservation Area and the AONB. The main policies are HH5, NR8 and PD1.

#### PLANNING OFFICERS COMMENTS

The shed only requires a planning application because it is approximately 2 cubic metres above the 'permitted development' size of 10 cubic metres in the AONB. It is screened from public view by existing vegetation, and hence there are no grounds to withhold planning permission for it and no objections have been received to it.

The position of the proposed pedestrian gate would be on the site of the previous vehicular access, now partly obscured by the hedge planting.

The proposed gate is modest in scale and of traditional design. It will be even less conspicuous within the hedgerow and will not harm the character of the conservation area or the AONB. Neither will it compromise road safety as it opens onto a grass verge.

The purpose of the previous condition was to ensure the permanent closure of the vehicular access, in the interests of road safety and visual amenity. The proposed pedestrian gate will compromise neither of these objectives. It is therefore recommended that planning permission be granted.

#### 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 drawing received on the 24th November 2005 showing the design of the gate to be for a 1.22m wide by 1.25m high 5 bar gate.

#### REASON:

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

3 - The gate hereby permitted shall be of timber construction and be permanently so maintained.

REASON:

In the interests of visual amenity.

4 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HH5 and NR8.

