

**Regulatory Committee**

**26th January 2006**

**Planning Services**

**List of Applications for Consideration**

1 K/53421/F (page 7)

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

St Johns Comprehensive School Chopping Knife Lane MARLBOROUGH SN8 2AU

RECOMMENDATION: Refuse planning permission

2 K/52550/O (page 23)

Outline Planning Permission for : Proposed foodstore, unit shops, car parking, access and highway works, relocation of garages and sub-station.

Land on south side of Station Road, TIDWORTH

RECOMMENDATION: Defer and delegate to Planning Services Manager to grant outline planning permission subject to the prior completion of a legal agreement relating to off-site highway matters

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

3 K/53073/RM (page 44)

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 DEVIZES

RECOMMENDATION: Grant approval of reserved matters

4 K/52905/RM (page 53)

Reserved Matters application for : Erection of 18 dwellings, creation of play area and associated access and highway works.

Former Gaiger Builders Yard, Bath Road, DEVIZES

RECOMMENDATION: Defer and delegate to Planning Services Manager to grant approval of reserved matters subject to the prior completion of a legal agreement relating to the provision of an on-site recreational area.

5 K/53418/F (page 59)

Full Planning Permission for : Change of use of post office to allow residential use in association with existing residential use.

14 High Street ERLESTOKE SN10 5TZ

RECOMMENDATION: Grant full planning permission

6 K/53405/F (page 63)

Full Planning Permission for : Proposed 1 bed dwelling by conversion and extension of disused store.  
(previously consented as self contained office).  
Old Builders Yard, MARKET LAVINGTON

RECOMMENDATION: Grant full planning permission

7 K/53392/F (page 68)

Full Planning Permission for : Single storey dwelling  
Adjacent 29 Meadow Drive, DEVIZES

RECOMMENDATION: Grant full planning permission

8 K/53461/F (page 74)

Full Planning Permission for : Erection of detached house and garage  
Land at Dark Lane, EAST GRAFTON

RECOMMENDATION: Grant full planning permission

9 K/53020/F (page 79)

Full Planning Permission for : New dwelling in garden (amended siting and design).  
16 The Groves CHILTON FOLIAT RG17 0TR

RECOMMENDATION: Grant full planning permission

## Item 1

APPLICATION:	K/53421/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing buildings and erection of 174 dwellings together with alteration to Chopping Knife Lane and associated estate roads, landscaping, open space, play areas, drainage works and connection to existing systems.
SITE:	St Johns Comprehensive School Chopping Knife Lane Marlborough Wiltshire SN8 2AU
GRID REF:	20443 68933
APPLICANT:	St Johns Sch. & Com. College
AGENT:	Scott Brownrigg
DATE REGISTERED:	7th December 2005
CASE OFFICER:	Mr A Guest

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## BACKGROUND

On 24 November 2005 the Regulatory Committee considered two planning applications affecting St Johns School. The first of these applications for the erection of 45 residential units at the Stedman Campus achieved a positive resolution (subject to a legal agreement). The second application for 174 residential units at Chopping Knife Lane was refused planning permission for the following reasons:

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

*2. The number of houses proposed is significantly higher than the allocation set out in policy HC2 of the Kennet Local Plan 2011 and supported by the Inspector in his report on the Local Plan Inquiry. To allow this significantly higher number would conflict with policy HC2 and with the Inspector's stated views. It would as a consequence result in a development that would have a more cramped appearance that would detract from the character and appearance of the area where the integration between town and countryside on this edge of settlement site in the area of outstanding natural beauty is important.*

The current application is similar to the previously refused application in that it again proposes 174 units in an identical layout. The differences between this proposal and the refused application is that it is supported by a new 'Statement in Support' which refers specifically to issues previously discussed by the Committee. This statement also formalizes the position set out in the letter circulated by the applicants dated November 22<sup>nd</sup> and reported to the Committee that the price for the proposed low cost market houses be set at a value of £162,500. Previously the applicant proposed a price of £215,000 for these houses with no discount on the assumption that the open market price was already affordable. The Council's Housing Development Manager considers that affordability in accordance with the adopted local plan policies could only be achieved if the price of the houses is discounted to

approximately £115,000. The merits of the applicant's current proposal are considered in detail in the affordable housing section of the report. The applicant's Statement in Support is attached as an annex at the end of the agenda.

#### SITE & LOCATION

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

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

The site in combination with a second school site at Cherry Orchard Road (the Stedman Site) provides secondary education facilities for Marlborough. The school intends to consolidate its educational facilities at the Stedman Site (for which it has planning permission for a new school), and consequently no longer requires the Chopping Knife Lane site. As part of the proposed redevelopment of the Stedman Site to provide the new consolidated school, further land will also become surplus to requirements at the Stedman Site, and this land now benefits from the resolution to grant planning permission for 45 dwellings, to include 23 affordable units. Although the Stedman Site could be developed in its own right without conflict with the adopted affordable housing policies, in isolation the Chopping Knife Lane site does not comply. Potential compliance with the affordable housing policies can only be achieved at Chopping Knife Lane if, firstly, the off-site provision at the Stedman Site is taken into account *and*, secondly, Chopping Knife Lane provides genuinely affordable houses.

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

#### SITE HISTORY

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

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

#### DESCRIPTION OF DEVELOPMENT

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

The housing mix would be 72 x 2 bed; 25 x 3 bed; 75 x 4 bed; and 2 x 5 bed in the form of mixed 2, 3 and 3/4 storey houses and flats. The applicant proposes the majority (x68) of the 2 bed units to be “affordable” comprising a mixture of low cost market (32 units), shared ownership (24 units), and rented (12 units), (although the KDC Housing Development Manager does not agree that the applicant’s proposed terms of the low cost market units are, in fact, affordable). The affordable provision as proposed by the applicant amounts to 39% of the overall number of units on the site. In combination with the resolution to approve development of the surplus land at the Stedman Site the overall number of affordable units as proposed by the applicant is 91. This equates to 41.5% of the total number of units across both sites (219 units). These figures are set out in table 1.

	Low cost market	Rented/shared ownership	Total units	% affordable
Stedman Site	0	23	45	51%
CKL Site	32	36	174	39%
Totals	32	59	219	41.5%

Table 1: Affordable housing provision as proposed by applicant

As stated above, the KDC Housing Development Manager does not consider that the terms of the low cost market affordable units as proposed by the applicant are, in fact, affordable. This is discussed in detail in the affordable housing section of the Planning Officers Comments below.

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

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

#### ADDITIONAL STATEMENT BY THE APPLICANT

The covering letter with the application states the following:

“The application is submitted in the same terms as that considered by the Regulatory Committee, in respect of the low cost element of the affordable housing. It has been agreed that these units will be further discounted to a value of £162,500 and it is on this basis the applicant wishes for the proposals to be considered. The plans and reports submitted with the application are the same as those considered by the Regulatory Committee on 24 November”.

The Statement in Support is attached as an annex to the item.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments following submission.

## TOWN COUNCIL COMMENTS

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

Whilst sympathetic to the provision of a new St John's School, it is the duty of the Town Council to take all possible measures to ensure that the Local Plan is adhered to. The Town Council strongly objects on the following grounds –

- Dr Hazlewood's letter to Cllr Booth confirms that no adequate provision has been made for the replacement of lost playing field space, as required in the Local Plan. There is no documentary evidence to confirm that Sport England or KDC support the proposal, and no agreement from Marlborough College;
- The application fails to meet the specifications of the Local Plan and Local Plan Inspector in terms of low cost housing. There can be no compromise in terms of low cost housing – the proposal makes a mockery of the concept. The offer by the applicant is vague;
- The applicant was fully aware of the terms of the Local Plan when the applications were made. The special pleading associated with this application is reprehensible, particularly as it represents increased profits for the developer at the expense of the local community;
- The legal arguments are unimpressive. The quoted case is not apposite in this instance since it dealt with an application to build an office block and was not an attempt to subvert the housing or playing field requirements of the local plan;
- The number of houses continues to be 174, which is higher than the 150 accepted by the Local Plan Inspector and confirmed by the Regulatory Committee. The Inspector's view that this site should not be made to support the cost of the new school continues to apply;
- There is no assessment from Thames Water as to the viability of the this project, and it would be reckless to countenance this application until necessary conditions and safeguards are defined, both in terms of the site itself and the effect on the wider infrastructure;
- The applicant's consultations on the application were little more than a cosmetic exercise;
- If modifications are required to the new school proposal then a further planning application will be required.

## CONSULTATIONS

County Highways (Mark Wiltshire): - no objection, subject to any grant of planning permission being subject to a Section 106 agreement securing the following:-

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

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

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

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

KDC Housing Manager: - objects. On the assumption of “all tenure” totals of 174 units at Chopping Knife Lane and 45 units at the Stedman Site (219 units overall), the affordable percentage is 41.5% across the two sites or 39% of the Chopping Knife Lane total.

I did not think it was reasonable in the previous application to use the income levels, mortgage multipliers and deposit assumptions quoted. The discounted price for the low cost market housing now offered by the applicant as part of this planning application remains considerably in excess of the real affordable figure calculated by this Department based on average local incomes. The target buyers will continue to hardly feature at all on the Council’s Housing Register.

In point of fact as the 32 low cost market units do not meet the Council’s criteria they should not be treated as “affordable”. This means that the affordable package of rent and shared ownership totals 59 units across the two sites which is just under 27% of the total number of 219, (or, in isolation, 36 affordable units is 21% of the Chopping Knife Lane total number of 174).

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

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

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

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

With regard to surface water discharge, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water sewers. Surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. The applicant is recommended to ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

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

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

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

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

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

Wiltshire Wildlife Trust: notes that bat roosts will be lost as a consequence of demolition of the school buildings. Recommends condition requiring a mitigation strategy and informative advising applicant of need to obtain a DEFRA license.

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

## REPRESENTATIONS

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

- Circumstances have not changed since the last application was refused - still too many houses and insufficient affordable housing;
- Application is the same as the previously refused application. LPA has the power to decline to determine the application under these circumstances;
- Marlborough's infrastructure is unable to cope with significant additional housing development;
- Marlborough's housing needs adequately met by other sites - many windfall sites have been developed since the local plan inquiry;
- Too many houses - in excess of the recommendations of the Local Plan inquiry Inspector who stated about 150 dwellings. 174 houses plus 4 with existing permission equals 178 houses. 174 houses is 16% more than the 150 figure set out in the Local Plan. This is over development of the site at too high a density. This is essentially a green field site so different density standards should be applied. The purpose of the Local Plan figure is to



define the amount of the housing needed to meet the anticipated needs of the community while remaining sustainable – if the figure is negotiable then the entire status of the democratically agreed plan is undermined;

- Proportion of affordable housing is not in accordance with Local Plan. Discounted houses do not amount to affordable housing being too expensive. Off-site provision of affordable housing not in accordance with Circular advice. Inappropriate to link CKL and Stedman sites. If off-site provision accepted then still insufficient numbers of affordable houses;
- Traffic generated from the site would cause danger, inconvenience and congestion. Access from Chopping Knife Lane to A4 is inadequate to accommodate significant additional development. Traffic assessment with application is erroneous. Additional traffic in lane at all times (not just peak times) would be detrimental to amenity. Insufficient parking. Insufficient pavement;
- No adequate plans for improvements to public transport and access to town centre;
- Inadequate public consultation by the applicant;
- Application should be called-in by Central Government to ensure objective consideration of the issues;
- Unneighbourly relationships with adjoining houses resulting in overlooking and loss of light (partly due to height of buildings). Suitable boundary treatments required with adjoining properties. Play equipment should not be sited adjacent to established development;
- Harmful impact on landscape quality of wider area and AONB. Proposal will completely destroy character of this part of Marlborough;
- Loss of playing fields;
- Apartment blocks and 3 storey houses out of keeping with surroundings. House designs in general out of keeping with surroundings;
- Number of houses proposed is directly related to the financial requirements of the single site school project, contrary to the local plan inspector's findings. The local plan inspector specifically warned against any linkage between the school's plan for a single site school and the appropriate development of the site. Application agent wrong to justify proposals non-compliance with policy on 'particular costs' of developing new school – Circular 6/98 advises that only particular costs associated with development of *the site* should be taken into account.;
- Existing twin sites for schools is more sensible than single site proposal;
- Inadequate play facilities for children. Should be centrally located;
- Proposal should incorporate community building;
- Potential route to Elcot Lane misleading;
- Encroachment on to adjoining land.

The application has generated three letters of support summarized as follows:

- This is an excellent school hindered only by its old buildings and split site;
- Ample affordable housing is proposed – such housing should be provided by other bodies;
- Educational requirements should outweigh other considerations.

(The previous refused application generated 14 objection letters, an approx. 150 signature petition against the development, and 1 letter of support.)

## POLICY CONSIDERATIONS

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

Planning Guidance - PPG1, PPG3, PPS3 (Consultation Paper), PPG7, PPG13

## PLANNING OFFICERS COMMENTS

The main considerations in this case are firstly the principle of residential development, and if this is established the impact of the specific proposal on amenity, landscape, ecology, highway safety and sustainability, and the adequacy of the proposal to accommodate the needs of the existing and new community being formed. Affordable housing is also an important consideration having regard to the shortage of such housing in Marlborough and the few opportunities to enable provision.

Although an independent application to be considered on its own merits, the application is linked with the agreed Stedman Site developments in that, firstly, the proposals would fund the larger part of the construction of the new consolidated school; and secondly, the combined housing proposals do have the potential to satisfy the affordable housing aspirations of the local plan. These matters are both material to the consideration of the application, and are considered in greater detail in the other matters and affordable housing sections of this report.

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

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

### Principle of Residential Development

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

The previous planning application was refused by the Regulatory Committee partly in view of the excessive number of houses proposed on the site. The number of houses previously proposed was 174. The number of houses in this application remains at 174 with the same layout as before. To justify this figure the applicant has included with the application the Statement in Support which examines the appropriate number of dwellings for the site and the question of density.

In allocating the site for housing development the local plan inspector did not dictate a specific number of units but instead gave an indication that “about 150 units” would be acceptable. This is normal practice where principles of future land use are being established by the inspector and where there are no detailed layout drawings or

accompanying reports. Subsequent planning applications provide the detail to enable actual numbers to be finalised, and these are based on more thorough examination of all of the relevant detailed site and other material considerations including density, access and amenity. It follows that, within reason, the number of units on a given site may exceed an Inspector's approximation if no harm to all other detailed considerations can be demonstrated.

In this case, in the view of your officers, the application has demonstrated that no harm would be caused to other detailed considerations, in particular density, amenity, highway safety and the environment in general. For this reason it is not considered that an objection based solely on the concern that the number of units is in excess of the "about 150 units" indicated by the local plan Inspector would amount to a sustainable reason for objecting to the application.

Each of the detailed considerations will be addressed in turn.

#### Density

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

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

#### Housing Mix

The housing mix comprises 72 x 2 bed units, 25 x 3 bed units, 75 x 4 bed units and 2 x 5 bed units. The majority of the two bed units are proposed to be affordable housing. This overall mix of house types across the entire site is considered to be appropriate.

#### Layout, Design and Visual Impact

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

On all sides an appropriate transition has been achieved in the layout. Specifically, to the east and north sides of the site wide margins have been retained with the adjoining countryside to allow for strategic planting. A trim trail has also been

provided in this area as part of the open space requirements, this also maintaining the openness which is essential in this area. Adjacent to the countryside margins house types with lower overall heights are proposed. In combination these measures would, it is considered, achieve an appropriate transition between the site and the countryside and so protect the character and appearance of the landscape and AONB.

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

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

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

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

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

#### Affordable Housing

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

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

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

To address the shortfall the planning application relating to the Stedman Site was made, this providing a total of 45 units of which 23 would be affordable. Together the

two sites would provide 91 affordable units which is below the overall 50% expectation for housing sites in general but in excess of the Policy HC30 requirement for Chopping Knife Lane in isolation. Consequently, as the Chopping Knife Lane affordable housing requirement would be met and additional affordable housing is being achieved on the Stedman Site (which is an unexpected windfall site), the overall affordable housing provision of some 41.5% of the total number of houses is considered to be acceptable. This percentage is not dissimilar to what has been achieved on other sites, including Savernake Hospital. The acceptability of this combined contribution is dependent on the Stedman Site being developed on the terms agreed, and to ensure this a clause would be required in any Section 106 agreement(s) relating to both sites.

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

The assessment criteria for low cost market units is set out in the Affordable Housing Policy Guide (Second Draft) 2003. This states that affordability will be assessed by comparing projected market values with the typical mortgage advance available to households on average local incomes. The latest available average weekly income in Kennet District is £469.00 (from the Annual Survey of Hours and Earnings (ASHE)) giving an annual income of £24,388. Typical affordability for a couple purchasing a two bedroom unit is, therefore, £109,746 ( $£24,388 \times 4.5 = £109,746$  [mortgage] plus 5% deposit of £5,487 = £115,233). This figure is, therefore, the maximum permissible sale price of the low cost market housing to make it affordable in accordance with Policy HC29 and the Affordable Housing Policy Guide, and the projected market value must be discounted accordingly.

In the previous application the applicant initially proposed no discount on the price of the low cost market houses, claiming that the houses would be already affordable at the market price of £215,000. This approach was rejected by the Housing Development Manager, and was changed by the applicants shortly before the November Regulatory Committee meeting to the current proposal of £162,500.

This offer by the applicant is a significant improvement over the previous proposal. However, there remains a wide difference between the applicant's offer (that is, £162,500) and the requirement of the Housing Development Manager (approx. £115,000). The Housing Development Manager's analysis remains more realistic, applying a common sense approach to assessing average income. Specifically, it remains the case that a prospective purchaser earning the average local salary would not be able to afford the low cost market houses as discounted by the applicant, and this defeats their purpose and conflicts with the affordable housing policies.

Demand exists for low cost market units from those people whose aspirations go beyond social rented accommodation but only if housing is affordable to them, and this can only be achieved if the price is set/discouted in accordance with the

Affordable Housing Policy Guide criteria. If prices are set/discounted at higher rates as now offered by the applicant then there would still be demand, but the pool of local people who can benefit would be greatly reduced, and these people will be on higher incomes, not those in need of the affordable housing that the Council through its planning policies seeks to provide.

It is, therefore, considered that as a consequence of the applicant's proposal to not fully discount the price of the "low cost" market houses, these houses would not be truly low cost affordable market housing as envisaged by the Kennet Local Plan. Affordable low cost market housing is, by definition, housing which is offered for sale at or below the lower quartile or prevailing market values, *provided the proposed sale price is affordable based on average incomes at the time of application*. The proposal does not comply with this definition and is, therefore, unacceptable. Disregarding the low cost market housing from the calculations previously undertaken means that the actual number of affordable houses on the site is, in fact, 36. This equates to 21% of the 174 units proposed on the site in isolation (or 27% of the 219 units on both sites) which is too far removed from the 50%, or even the 41.5%, expectation, and as such, contrary to the affordable housing policy. For ease of reference these figures are set out in table 2.

	Low cost market	Rented/Shared Ownership	Totals	% Affordable
Stedman Site	0	23	45	51%
CKL Site	0	36	174	21%
Totals	0	59	219	27%

Table 2: Affordable housing provision as assessed by the KDC Housing Development Manager

In the Statement in Support the applicant refers to the affordable housing circular (Circular 6/98) and the Local Plan, noting in particular that the Local Plan recognises that provision is a matter for negotiation and flexibility leaving room for other material considerations to be taken into account. The degree to which flexibility can be exercised is a matter for the Regulatory Committee to decide having regard to the weight it attaches to each of the various material considerations. In this case it is the opinion of Officers that reasonable flexibility has already been exercised in that the percentage of affordable houses across the two sites is already well below the usual 50% policy expectation. Further compromise on the specific terms and conditions of the low cost market housing would result in measurable harm to the Council's aims of seeking to provide affordable housing in Marlborough. Significant weight must, therefore, be given to this particular shortcoming of the application.

Other material considerations are considered in the Other Matters section of this report.

#### Highway Safety

The application is supported by a Transportation Assessment which compares existing traffic flows to and from the school with predicted traffic flows to and from the

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

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

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

#### Open Space and Play Areas

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

Policy HC15 of the local plan relating to the Chopping Knife Lane housing allocation specifically states that development of the site will need to address the issue of loss of school playing pitches. This was referred to in the Local Plan Inspector's report wherein he states in response to objections that *"... it seems probable that the enhanced facilities at the Stedman Site, combined with the arrangements being made with Marlborough College, will be adequate"*. These facilities and arrangements comprise community access to the facilities to be provided as part of the new school development, and access to Marlborough College playing fields at certain times and in perpetuity. The specific details of the latter arrangements would be the subject of a legal agreement, the draft terms and conditions of which are satisfactory to the Council's Leisure Services Manager, Sport England and Marlborough College, (the College's letter of acceptance is attached at the end of the agenda). The terms and conditions of the public access to the new school would also need to be set out in a Section 106 agreement. On this basis it is considered that the loss of the school pitches at Chopping Knife Lane has been adequately taken into account in accordance with Policy HC15.

The new sports and community facilities to be provided as part of the new school project, and the access to the Marlborough College playing fields, would be beneficial to Marlborough as a whole. However, as these facilities are to make up for the loss of the school playing fields at Chopping Knife Lane they should be treated as a necessity rather than 'planning gain'. This fits in with the conclusions of the Local Plan Inspector.

### Drainage and Water Supply

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

Regarding foul water, the Drainage Strategy Report states that the school presently discharges by gravity to a public foul sewer manhole in Barnfield via a private drain. The proposal envisages a pumping station in the lower corner of the site with a rising main connecting to the existing public foul sewer in the gardens of the houses fronting Chopping Knife Lane. Thames Water recommends a condition and Section 106 agreement clause requiring no development to commence until details of on- and off-site drainage works have been submitted for approval, and that arrangements have been made to ensure adequate provision for the whole of the development. The reason for the condition is to ensure that the discharges from the site do not prejudice the existing sewerage system, the capacity of which has not been confirmed. In response to this the applicant has stated that the sewerage system does have adequate capacity, but problems do occur through infiltration of surface water into the main sewer link to the sewage treatment works which is "... the result of lack of investment and maintenance by the [water] Company over a number of years". Agreement between Thames Water and the applicant has not, as yet, been reached as to whether or not this is a capacity or condition issue (and Ofwat are now involved).

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

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

### Other Matters

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

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



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

During the Regulatory Committee's discussion on the first application reference was made to the 'Covent Garden case'. The case established that financial considerations can be a proper material factor in determining a planning application specifically where the enabling development and the enabled development form a composite project. The Statement in Support of the current planning application confirms that the new approved school can only be achieved through the sale of the Chopping Knife Lane site for housing, and only then if the development as specifically proposed gains planning approval. It is for the Regulatory Committee to determine what weight should be attached to the financial considerations in this particular case. In doing this the Committee must take into account all other material considerations, and in particular the shortfall in affordable housing referred to previously and the Local Plan Inspector's comments on the relevance of the site's allocation to the viability of the school project. Having particular regard to the Inspector's comments, the Committee should also take into account the nature, scale and estimated cost of the specific school project - no evidence has been submitted by the applicant to suggest a less elaborate new school could not be built at lower cost.

### Conclusion

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

Notwithstanding the positive aspects of the proposal, it is fundamentally flawed by its failure to adequately address the crucial issue of affordable housing. The policies of the local plan expect a high percentage of houses on allocated housing sites to be affordable, and the application fails to achieve this by virtue of the continued non-affordability of the proposed low cost market houses, this notwithstanding the applicant's discounting of the asking price. For this one reason, which must be given considerable weight having regard to the importance attached to the need to provide adequate affordable housing in Marlborough, the application is recommended for refusal. It is not considered that any other material consideration, including the enabling of the new school, should outweigh this fundamental policy consideration.

## **RECOMMENDATION**

Refuse

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

Item 2:

APPLICATION:	K/52550/O
PARISH:	TIDWORTH
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Proposed foodstore, unit shops, car parking, access and highway works, relocation of garages and sub-station.
SITE:	Land on south side of Station Road, Tidworth
GRID REF:	23743 48330
APPLICANT:	Tesco Stores Limited
AGENT:	Burnett Planning & Development
DATE REGISTERED:	15th July 2005
CASE OFFICER:	Mr R Parker

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#### SITE AND LOCATION

This application relates to a 3.5 hectare parcel of land south of Station Road in Tidworth. The majority of the site is undeveloped, although there is a public car park, communal garage court and electricity sub-station within the site boundaries. The rear gardens to properties in Ashdown Terrace bound the site to the south and east. The rear gardens of properties fronting the A338 (including Hampshire Cross) bound the site to the west. The site also takes in a small triangular area of grass at the junction of Station Road with Ashdown Terrace.

#### SITE HISTORY

There is no relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a supermarket with a gross floorspace of 47,190sqft (4,384sqm) together with five new retail units totalling 5,005sqft (465sqm) fronting onto Station Road. The net sales area of the supermarket would be 30,678sqft (2,850sqm) with two thirds being used for the sale of convenience goods and a third for non-convenience goods.

The application is submitted in outline with siting and access for consideration at this stage. Vehicular access to the site would be taken from Station Road in the north-west corner of the site. The supermarket and retail units would be sited to the eastern end of the site, almost opposite the junction of Station Road with Drummer Lane.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a comprehensive supporting statement which is available to view on the working file. It is estimated by the applicant that up to 350 retail jobs would be created by the new Tesco store together with additional jobs in the proposed retail units.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout has been amended since submission to secure the following:

- a) the retention of certain trees on the site;
- b) a small area of car parking (11 spaces) to the east of the store, designed to serve existing commercial premises towards the top end of Station Road;
- c) the deletion of a petrol filling station which was originally planned for the triangular piece of grass at the junction of Ashdown Terrace and Station Road;

- d) a set of steps and pedestrian link between the car park and Station Road in the north-west corner of the site; and
- e) steps to the south of the store linking the car park to the realigned footpath along the south-eastern site boundary.

The applicant has also carried out an archaeological evaluation to meet the requirements of Wiltshire County Council's Archaeologist and a flood risk assessment to address the concerns of the Environment Agency.

#### TOWN COUNCIL COMMENTS

##### Comments on Amended Plans

Tidworth Town Council has long deliberated on what was needed to ensure that Tidworth not only survived, but also thrived. There are two main strands in the town council's strategy for survival and growth:

1. More civilian houses (to even up the military/civilian imbalance in the town); *and*
2. A major national supermarket to revitalize the commercial centre by dramatically increasing the shoppers' footfall.

These conclusions have been endorsed, in turn, by three rigorous studies culminating in comprehensive reports:

- Shankland Cox in 1993
- Entec in 2001
- Halcrow in 2005

Tidworth Town Council holds no brief for Tesco *per se*, but it is happy to work with the company for a mutually satisfactory solution. The town council does not want Tesco "at any price" but having studied the amended plans (revision B) in some depth it can find little wrong with them. The proposed store is just what Tidworth and its surrounding community need, saving residents from having to travel to Andover, Salisbury, Amesbury, Marlborough, etc. to do the weekly shopping. It therefore sees no need to delay what would be of such clear advantage to Tidworth and its environs.

Tidworth Town Council makes the additional suggestion that the car park layout should be altered to enable the disabled parking bays to be clustered around the access to Station Road.

##### Comments on Further Amended Plans (Revision C)

No objections.

#### CONSULTATIONS

Wiltshire County Highways – No objections subject to appropriate conditions. Officers have examined these and concluded that some issues will need to be covered by a section 106 legal agreement. The matters covered by conditions/legal agreement include upgrading the junction layout and traffic lights at Hampshire Cross; public transport works, including provision of bus stops, traffic information, turning circle and route changes; improvements to Station Road; the layout of the car park; the closure to through traffic of Ashdown Terrace; the improvement of the footway along Drummers Lane and the provision of a transport plan.

Thames Water – No objections. The developer should note that there are public sewers crossing the site and no building will be permitted within 3 metres of the sewers without Thames Water's approval.

Environment Agency – No objection subject to appropriate conditions.

English Nature – Further information should be sought to ensure that no pollution occurs to the River Bourne and to ensure gains for biodiversity. This could be provided at the detailed application stage provided this can be secured by legally enforceable means.

KDC Environmental Health –

1. Satisfied that any noise issues that arise from the roof mounted plant can be easily resolved.
2. Noise from the delivery area is the primary concern and therefore an appropriate planning condition is recommended to ensure that noise does not exceed specified levels at the mid points of the adjacent gardens in Ashdown Terrace.
3. In order to improve protection for local residents it is recommended that:
  - the wall around the edge of the loading bay should be at least 1.82m high (preferably 2m); *and*
  - the fences facing the loading bay should be replaced with 1.82m close and vertically boarded fence panels with density no less than 5kg/m<sup>2</sup>.
4. The proposal for 24 hour operation is acceptable provided the noise controls in the planning document are followed plus the above two points. In the event of substantiated statutory noise complaints the authority may consider action to restrict the hours of operation.
5. The recycling facility should be relocated to a more central part of the site further away from residential properties.

KDC Environment & Amenity Services (Steve Ibbetson) – The River Bourne causes flooding upstream and downstream of this development. At present the site is an open permeable amenity area. The surface water run-off from the site must be restricted to no more than the greenfield run-off. Ideally there should be no run-off from the site at all. The applicant has not taken any account of PPG25. Before outline consent is granted there should be agreement in principle as to how the applicant is going to deal with the surface water from the site using the principles of PPG25.

WCC Archaeologist – No objections subject to a planning condition requiring further archaeological work to be carried out prior to development commencing.

WCC Strategic Planning:

1. Welcome the principle of development which will improve both the quantitative and qualitative retail provision of Tidworth service area and thereby enhance its vitality and viability.
2. However, neither the scale of the proposal nor the scale of spending attracted to the proposal are complementary to the role and function of Tidworth service area as required by PPS6. Consequently, the appropriateness of the type and scale of the proposal is called into question.
3. It is likely that retail impact will be greater than previously predicted. There is a need for retail impact to be more fully and properly assessed.
4. Reduction in the size of the proposal would overcome issues of appropriate scale and retail impact while still providing a major development appropriate for the improvement of retail facilities in Tidworth and the regeneration of the town.

Salisbury District Council – consulted but no comments received.

Test Valley Borough Council – consulted but no comments received.

## REPRESENTATIONS

A total of 50 letters of representation have been received from 60 individuals and businesses. Over half of the respondents have no objection to the principle of constructing a Tesco supermarket in Tidworth but the overwhelming majority are opposed to the site itself or the detail of the proposal. The following objections have been raised (in no particular order of significance):

- The site is an important green recreational space, the loss of which would be detrimental to the character and amenities of the area;
- A decision on the planning application should be delayed until the outcome of an application to register the site as a village green is known;
- There are alternative sites that would be more suitable for the siting of a supermarket in Tidworth;
- The proposal is not required as Tidworth already possesses a supermarket, petrol station and numerous empty shops;
- The loss of the free public car park would be detrimental to local businesses. The Tesco car park would not be as convenient for people visiting the existing Station Road shops, especially disabled and elderly persons;
- Local businesses will not survive alongside Tesco;
- There was no consultation with local residents before Defence Estates sold the land to Tesco;
- The development would result in litter, noise and light pollution and additional crime, vandalism and anti-social behaviour. Particular concerns are expressed regarding the potential for youths to congregate in the car park;
- The development would be detrimental to the amenities of nearby residents, eroding their quality of life;
- Local residents would suffer from noise, vibration, dust and danger from heavy plant during construction;
- Regular deliveries and 24 hour trading will disturb local residents, particularly those backing onto the service yard;
- The proposed recycling point is too close to properties in Hampshire Cross and will give rise to noise nuisance;
- The development would harm views from neighbouring dwellings;
- The proximity of the development to residential gardens will reduce privacy and increase the risk of child abduction;
- Development will devalue neighbouring residential properties;
- The site may have archaeological significance;
- The proposals will have an adverse impact upon the flora and fauna of the area;

- The large expanse of hard surfaced car park will exacerbate existing drainage problems at Hampshire Cross. Pollution control measures are required;
- Increased traffic would cause congestion and be detrimental to highway and pedestrian safety;
- The number of car parking spaces proposed is excessive. The Council should be encouraging greater public transport use;
- Ashdown Terrace will be used as a “rat-run” to avoid congestion at the Hampshire Cross junction;
- The plans to narrow the pavement on the north side of Station Road would be detrimental to existing businesses and would preclude the display of goods and the siting of tables and chairs in front of cafés;
- The size of the proposed store is excessive given the existing local amenities. Development will appear out of scale with existing shops and surrounding houses;
- The proposed communal garage block is distant from some of the properties served by it and would give rise to security concerns; and
- Various objections, including a petition containing 31 names, were received to the proposed petrol station *[NB: objections not reported in detail due to the fact that the petrol station has now been deleted from the plans]*

Objections have also been received from planning consultants acting on behalf of Somerfield and Co-operative Group who have interests in Ludgershall and Amesbury respectively. Both argue that the applicant has not justified the size of the proposed store as required by government guidance contained in PPS6.

Tidworth & District Chamber of Commerce welcomes the proposal, in principle, but would like to see additional car parking spaces provided to serve the upper end of Station Road, even if this is to the detriment of landscaping and TPO trees. A copy of the Chamber's comments is attached to the agenda.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within Tidworth's Service Centre as defined in the local plan. Policies ED23 & ED24 (which supports applications for planning permission for new shops) cover this site. Other relevant policies are AT1, AT2, AT3, AT6, AT7, AT9, AT10, AT12, AT21, AT22, NR18, HH2 & PD1.

Government guidance contained in PPS6 and PPG13 is also relevant.

Several trees on the site are protected by a Tree Preservation Order.

#### PLANNING OFFICER'S COMMENTS

##### ***Principle of Development***

In policy terms the site lies within the Service Centre defined for Tidworth in the Kennet Local Plan 2011. Policy ED24 of the local plan would permit new shops and

services (or extensions to existing shops or services) provided that service arrangements are adequate.

Paragraph 3.55 of the local plan states that policies for shopping in Tidworth seek to maintain the established local centre at Station Road, and avoid any further shopping development along the busy main road where traffic conditions would make additional shopping activity hazardous.

The principle of new retail development on the site is therefore acceptable in local plan policy terms. This is essentially a sustainable town centre site which is (i) well related to existing shops and services and (ii) easily accessible by public transport.

### ***General Layout***

The application includes details of siting and access for approval at this stage. The store has been sited towards the eastern end of the site, partly in response to site levels. The site slopes upwards from Hampshire Cross and there is a difference in levels of approximately 13 metres between the top and bottom of the site.

The siting of the store has enabled the service yard to be sunken into the ground. This minimises its visual impact and has the added advantage of reducing the impact of noise on surrounding residential properties.

The layout also makes provision for five retail units (1,000sqft each) fronting onto Station Road. This provides a street frontage, integrating the development into the existing streetscene and masking what would otherwise be a blank façade.

Amended plans have been submitted showing an additional set of steps from the car park to Station Road and an additional pedestrian linkage to the footpath running along the south-eastern boundary of the site, between Ashdown Terrace and the upper section of Station Road.

The application has also been amended during the course of its consideration to ensure the retention of important trees on the site, in particular those on the western boundary. The amendments have also resulted in the replacement of significant retaining walls, originally proposed for the western site boundary, with a graded slope which is capable of being properly landscaped. Although landscaping is a reserved matter, the Council's Landscape Officer is satisfied that the site is capable of being landscaped satisfactorily.

The application no longer includes provision for a petrol filling station which attracted objections from both officers and local residents.

### ***Car Parking***

The proposal makes provision for a total of 424 car parking spaces, equating to 326 spaces for the proposed retail floorspace (as per the Council's maximum standards) and an additional 98 spaces to replace the existing public car park.

Tidworth's Chamber of Commerce and various local traders have expressed serious concerns that the car parking would no longer be convenient for customers of existing businesses and in particular those at the eastern end of Station Road. In response to these concerns Tesco has amended the layout to show a small car park of 11 spaces to the east of the development, opposite the Spar convenience store. An alternative option to provide 21 spaces was considered but the Council's Landscape & Countryside Officer considered that this was unacceptable in terms of tree protection and the ability to landscape the area.



Officers consider that the provision made for car parking is acceptable, both for the development and for existing businesses. Whilst it is accepted that the existing public car park would effectively be relocated to a different position, it is not considered that this would have a material impact upon the vitality and viability of the existing centre. There would be no reduction in the number of spaces available to shoppers and the car park would remain convenient for Station Road, within easy walking distance and with ramped access for disabled persons and those with pushchairs. It is also worth noting that there is an existing car park to the rear of Spar, within 50 metres walking distance of Station Road, which can provide additional car parking (60+ spaces) for the centre.

Overall, whilst the Chamber of Commerce's comments in relation to car parking are noted, it is not considered that there are valid grounds for refusing planning permission on this issue.

### ***Retail Impact***

Although supportive of the principle of this development, Wiltshire County Council's Strategic Planning Team has expressed concerns regarding the size of the store and its compliance with government guidance contained in PPS6. The latter document advises that the scale of development should be directly related to the role and function of the centre in the wider hierarchy and its catchment. Similar objections have been submitted by planning consultants acting on behalf of two major retailers with interests in Ludgershall and Amesbury.

In response to the above concerns it is important to recognise that government policy is generally supportive of new retail development on town centre sites. In the search for new development opportunities government guidance advocates a sequential approach to site selection, starting with town centre sites, then edge-of-centre sites and finally out-of-centre sites. Station Road is therefore a preferable location to other sites that may be identified outside of the Tidworth Service Centre.

Tidworth is one of the district's three main settlements with a population similar to that of Devizes and Marlborough. However, it lacks the same level of shopping facilities as the latter settlements, with only two modest sized grocery retailers (Spar & Lidl). This compares poorly against Devizes, which has supermarkets operated by Morrisons, Sainsbury's, Tesco and Somerfield, and Marlborough, which has Somerfield and a recently extended Waitrose. The local plan recognises this situation, stating at paragraph 3.33 that *'Tidworth, which has the population of a small town but is lacking in the level of facilities one might expect to find in a settlement of that size, needs special consideration'*.

The above situation has resulted in a significant level of spending being leaked from the Tidworth catchment area. In other words, consumers are tending to travel outside of Tidworth for grocery shopping. The need to reduce retail spend leaking from the catchment was identified in the recently published Economic Development Strategy for Tidworth (Halcrow Report, June 2004). This document concluded that there was a need to "attract a quality supermarket to Tidworth to underpin its retail offer".

Data submitted by the applicant from the National Survey of Local Shopping Patterns (© CB Richard Ellis) indicates that in 2002 the location of the store most often used for main grocery shopping by residents of Tidworth and Ludgershall was as follows:

Andover	78%
Salisbury	14%

Tidworth	6%
Other Further Afield	2%

In fact, the survey results indicate that the store most commonly used is the Tesco store in River Way, Andover. By way of comparison this store has a gross floorspace of 5,114m<sup>2</sup>, 17% larger than that proposed in Tidworth. The most popular store used in Salisbury is Tesco, Bourne Centre (6,828sqm gross, 56% larger than that proposed in Tidworth).

The above data and the conclusions of the Halcrow Report indicate that there would be significant benefits to be gained in “clawing back” spending from the neighbouring catchments of Andover and Salisbury in order to benefit the vitality and viability of Tidworth Town Centre. The step change required in order to “rectify” the patterns of shopping behaviour illustrated above can only be achieved by providing a significant retail offer which will persuade consumers to shop within the catchment. The argument put forward by Tesco is that a store of lesser floorspace than that proposed would be insufficient to persuade customers to change their shopping habits. This is a persuasive argument, especially when you consider the advantages that neighbouring centres such as Andover and Salisbury would still hold in terms of their non-food (or comparison good) offer. Ultimately, the construction of a supermarket of the size proposed in Tidworth is unlikely to elevate the centre above its present position in the retail hierarchy. However, it would go some way towards meeting the aspirations of the Economic Development Strategy and the following strategic objectives contained in the Kennet Local Plan:

- (i) To promote a settlement pattern based upon the three main settlements of Devizes, Marlborough and Tidworth each of which should seek to become self contained as far as their size and capacity for growth will allow.
- (ii) Develop balanced communities with local employment opportunities available at a scale that is commensurate with the local working population in each of the three main settlements.
- (iii) Ensure that the three main settlements improve the vitality and viability of their Town Centres.
- (ix) Provide the means to reduce the dependence on private cars whilst improving access for all sections of society.

Turning to the issue of impact upon neighbouring centres, the adjacent districts of Test Valley and Salisbury have been consulted but neither has raised an objection to the proposals. The lack of objection would tend to imply that the neighbouring authorities have no concerns regarding the impact of the proposals upon their town centres, notably Andover and Amesbury.

Information submitted by the applicant from the National Survey of Local Shopping Patterns indicates that in 2002 there was no data to show that shoppers in the Tidworth/Ludgershall catchment used Amesbury as the destination for their main food shop. Additionally, the survey indicated that only 20% of convenience shopping trips are retained in Amesbury. This indicates that the Tidworth proposal is unlikely to have a material impact upon the vitality and viability of that centre. There is obviously considerable scope for improvement in Amesbury’s retail offer to achieve clawback from neighbouring centres, a very similar situation to Tidworth.

The only other centre likely to be affected is Ludgershall. The main grocery offers in Ludgershall are Somerfield and Tesco Express, both of which are extremely modest in size (they probably have no more than 30 car parking spaces between them) and neither of which is likely to be suitable for the main weekly, fortnightly or monthly grocery shop. In fact, public consultation carried out as part of the Entec Study (final report published March 2002) highlighted that the Somerfield store in Ludgershall is a popular “interim” shop in the area. The general impression was given that it is not used as the main source of food shopping for people i.e. the monthly shop, but as a good stopgap between going to shops in Andover or Marlborough. This evidence is supported by data from the 2002 National Survey of Local Shopping Patterns which does not record that anyone uses Ludgershall stores as their main choice of grocery store.

The impact of the Tesco proposal upon the vitality of both Tidworth and Ludgershall is a relevant material consideration. However, both centres have a retail/service offering that does not match the offering of Tesco and as indicated above, the convenience stores do not appear to be operating as destinations for the main food shop in their own right. It is also important to take account of the fact that the role of determining planning applications is not to stifle legitimate competition. In this case, it is not considered that there is any overwhelming evidence that the approval of this application would have a significant detrimental impact on the vitality of either Tidworth, Ludgershall or any centres further afield.

### ***Other Objections***

- ***Loss of Amenity & Recreation Space***

Apart from the existing public car park, an electricity substation and a small group of garages, the site is presently undeveloped and laid to grass. This undeveloped character undeniably contributes towards the appearance of the area and provides opportunities for informal recreation. However, it should be recognised that the site is not specifically protected for sport and recreation under Policy TR17 of the Kennet Local Plan, neither is it identified as an ‘Area of Minimum Change’. In fact, it is included as part of the service centre where policy ED24 provides a presumption in favour of granting permission for new shops provided that service arrangements are adequate. Furthermore, Tidworth is fortunate in that it has a large number of open spaces and therefore on this basis officers consider that the loss of this site for the purposes of a retail use serving the town centre is acceptable and in accordance with policy ED24. This is a prime town centre site, the development of which provides an opportunity to strengthen the existing commercial centre and improve the range of shopping facilities available.

Objectors have lodged an application with Wiltshire County Council to register the site as “village green” under the Commons Registration Act 1965. This will be dealt with by the country council under the relevant legislation. Officers have sought advice from the Council’s Legal Department regarding the implications of this application and it has been confirmed that there is no reason why the current planning application cannot be considered by Regulatory Committee.

- ***Alternative Sites***

Objectors have suggested that an alternative site for the development should be sought. However, the present application should be considered on its own merits and in any event the selection of an out-of-centre site is likely to be more harmful to the vitality and viability of the town centre than the present proposal and in conflict with government advice in PPS6.

- *Need for Proposal & Competition Issue*  
The Government is clear in its advice to local planning authorities that the planning system does not exist to prevent competition. The fact that Tidworth already possesses two small supermarkets and a petrol station are not valid grounds upon which to resist the current proposal. The Tesco proposal has the potential to revive the town centre and encourage further investment from other retailers, whether they be independent or national retailers.
- *Lack of Consultation*  
Objectors have expressed concerns that they were not consulted prior to Defence Estate's sale of the land to Tesco. However, this is not a planning matter and the appropriate consultations have been carried out as part of the planning application.
- *Neighbour Amenity*  
Objectors are concerned that development would be detrimental to the amenities of nearby residents, eroding their quality of life. In particular, they express concerns that regular deliveries and 24 hour trading will disturb local residents, particularly those backing onto the service yard. There is also anxiety that the proximity of the development to residential gardens will reduce privacy and increase the risk of child abduction.

Officers have examined these concerns and have concluded that the scheme would not have an adverse impact upon the amenities of neighbouring residents. The properties bounding the site have generous rear gardens which would provide an adequate buffer to the development. The properties most likely to be affected by heavy goods vehicle movements in the service yard are nos.1-8 Ashdown Terrace. These properties have 40 metre long back gardens and the acoustic impact would be minimised by the fact that the service yard would be sunken into the ground. A close boarded fence and additional soft landscaping would be provided on the boundary between the gardens and the adjacent footpath. The Council's Environmental Health Service is satisfied that these measures, together with an appropriately worded noise condition, would protect the amenities of the occupiers of these properties. He is also satisfied that neither opening hours nor deliveries should be subject to planning control and that environmental health controls are adequate to control any nuisance arising. The fence (required by a condition of the planning permission) would address the residents' concerns regarding privacy and the safety of children.

The impact upon the dwellings at Hampshire Cross will be mitigated by the retention of a substantial group of trees on the site boundary and additional landscaping on the boundary, both of which were secured by officers through the serving of a Tree Preservation Order and subsequent amendment to the plans.

Some objectors are concerned regarding the loss of views from their properties. However, this is not a material planning consideration.

- *Location of Recycling Point*  
Objectors have raised an issue regarding the location of the recycling point and the potential for noise nuisance. This matter was raised by the Council's Environmental Health Officers and therefore a condition is recommended requiring the location of the facility in the car park to be agreed with officers prior to development commencing.

- *Disturbance during construction*  
The construction process will inevitably result in some disturbance to local residents by way of noise, heavy plant movement, etc. However, the impact will be temporary. A condition can be imposed controlling the hours of work, together with a condition to require the submission of a method statement detailing various construction-related issues (e.g. the use of plant and machinery, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes). This should give some comfort to objectors.
- *Development will devalue neighbouring residential properties*  
The impact of development upon the value of neighbouring properties is not a material planning consideration.
- *Archaeology*  
The applicant has carried out an archaeological evaluation of the site and the results have been provided to Wiltshire County Council's archaeologist who is satisfied that development may proceed. She has recommended that a planning condition be imposed to secure further archaeological work prior to development commencing.
- *Highway Issues*  
The highway authority has had extensive discussions with the applicant's transportation consultant and it is now satisfied that development will not have an adverse impact upon either the local highway network or highway/pedestrian safety. Ashdown Terrace would be closed as a through road at its northern end in order to prevent its use as a "rat-run".

With regard to car parking, the Council operates a system of maximum standards in accordance with government guidance contained in PPG13. The development falls within these standards and therefore the level of car parking provided is considered to be acceptable. The development makes provision for a new bus lay-by immediately outside the store, plus a bus turning facility at the top of Station Road. It is considered that these facilities will improve public transport access to the centre of Tidworth.

The highway authority is satisfied with the applicant's proposals to alter the configuration of Station Road. The plans would result in some narrowing of the pavement on the north side of Station Road (between its junction with the A338 and Lloyds TSB Bank). This is a consequence of needing space for the junction into the site (where a right turn lane is required) and an additional lane for traffic leaving Station Road at Hampshire Cross. It is not considered that these essential highway improvements would be detrimental to existing businesses nor that they would preclude the display of goods or the siting of tables and chairs in front of cafés. Plans submitted by the applicant show that the pavement in the affected area would retain a *minimum* depth of 3.5 metres

- *Surface Water Drainage*  
The applicant has submitted a flood risk assessment in response to comments from the Environment Agency regarding the need for a sustainable drainage system. This would be designed to reduce surface water run-off to greenfield rates and ensure that any pre-existing flooding problems at Hampshire Cross (or

further downstream) are not exacerbated. The matter is dealt with by way of a planning condition.

- *Impact upon Flora and Fauna*

The applicant has submitted an ecological report as part of the planning application. There are no statutory or non-statutory designated sites of nature conservation value within or adjacent to the site. An ecological survey of the site has been carried out which showed that no protected species were present and that the site is of low ecological value. On this basis, officers consider that the proposals will not have an adverse impact upon the flora and fauna of the area.

- *Communal Garage Block*

The proposed communal garage block replaces a similar facility already on the site. There is no objection, in principle, to the replacement facility.

- *Impact upon general amenities of area*

Objectors have expressed concerns that development would result in litter, noise and light pollution and additional crime, vandalism and anti-social behaviour. They express particular concerns regarding the potential for youths to congregate in the car park.

*Noise* - Officers consider that, whilst the use of the car park may generate noise from vehicle movements, slamming of car doors, etc. this is not likely to be detrimental to the amenities of neighbouring occupiers due to the distances involved.

*Litter* - Supermarkets do not generally give rise to litter nuisance but any problems arising are capable of being resolved by Tesco, in partnership with the town and/or district councils if necessary.

*Light pollution* – Additional lighting will be required in connection with the development. However, provided that it is sensitively designed and sited, this is not likely to cause a nuisance. A planning condition is recommended requiring the submission of details of all external lighting for approval by the local planning authority.

*Crime, vandalism and anti-social behaviour* – It is not considered that the development will be the direct cause of additional crime, vandalism and anti-social behaviour. There is, of course, no guarantee that these impacts will not occur and therefore these matters would need to be monitored by the police, Tesco and the Council's Community Safety Officer with the appropriate action being taken. This is not a planning matter.

- *Scale of Development*

It must be accepted that the proposed building is large in physical terms; modern supermarkets are, by their very nature, large buildings. The five retail units provide a frontage onto Station Road and they hide what would otherwise be a blank frontage. The design of the store is not for consideration at this stage, although illustrative plans have been submitted as part of the application. Notwithstanding their illustrative nature, and without prejudice to the outcome of any future reserved matters application, officers consider that a building along the lines of that shown on the submitted drawings would be a relatively attractive addition to Station Road. Objectors express concerns that development will appear out of scale with existing shops and surrounding houses. However, it is

not unusual to find supermarkets of this nature in urban areas in close proximity to smaller scale development.

### ***Other Matters***

The highway authority has various requirements which cannot be dealt with by way of planning conditions. This includes the diversion of certain bus routes, the implementation of a one-way order for the bus turning circle, the closure of Ashdown Terrace and the amendment or creation of waiting restrictions along Station Road and Ashdown Terrace. These matters will need to be the subject of a Section 106 planning obligation, the wording of which the applicant is proposing to agree with officers.

### ***Conclusion***

The proposal to site a new supermarket and retail units on this site accords with planning policy contained in the Kennet Local Plan 2011 and adheres to the government's policy of siting such development in town centres wherever possible. The proposal also accords with the recommendations of recent studies, notably the Entec Report (published 2002) and the Economic Development Strategy (Halcrow, published June 2004). The proposal would contribute significantly to the regeneration of Tidworth, both physically and in terms of job creation.

In planning terms the development provides a reasonable degree of integration with the existing town centre and public car parking to replace that lost as a result of development. Amendments to the scheme have resulted in the retention of important trees on the site and the scheme is capable of being landscaped satisfactorily. The impact on the amenities of neighbouring residents has been assessed and is considered to be acceptable, provided that appropriate conditions are imposed to control noise impact and to secure the erection of fencing on property boundaries. The highway works required in connection with the application are considered by the highway authority to be acceptable and a new bus lay-by and turning facility will improve public transport in the town. Overall, it is considered that the proposals are acceptable and therefore the recommendation is to defer and delegate to officers to grant planning permission upon receipt of a satisfactory Section 106 unilateral planning obligation to deal with those highway matters that cannot be dealt with by way of planning conditions.

### **RECOMMENDATION**

Defer and delegate to officers to grant planning permission upon receipt of a satisfactory Section 106 unilateral planning obligation to deal with those highway matters that cannot be dealt with by way of planning conditions.

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

#### **REASON:**

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

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

REASON:

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

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

REASON:

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

4 - 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 - This permission relates to the scheme of development as submitted except insofar as amended by the following:

1) Flood Risk Assessment Report received on 26th September 2005.

2) Archaeological Evaluation received by email on 3rd October 2005.

2) Drawing nos. 6305-PL02 Revision C (Site Layout) & 6305/PL03 Revision C (Illustrative Elevations & Sections) received on 28th November 2005.

3) Drawing no. 0504-04/PL06 Revision A (Station Road Highway Improvements) received on 29th November 2005.

4) Technical Note (0504-04/TN/01, dated November 2005) received on 1st 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.



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

**REASON:**

To safeguard the site of archaeological interest.

8 - No development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

**REASON:**

To prevent the increased risk of flooding.

9 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles (including the service yard) shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**REASON:**

To prevent pollution of the water environment.

10 - No development shall commence until a desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. If the potential for significant ground contamination is confirmed this information should be used to produce:

a) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors.

b) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). The investigation must be comprehensive enough to enable:

- a suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- the refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The submitted details must be agreed in writing by the local planning authority and any remediation requirements shall be carried out in accordance with a timescale and programme to be agreed in writing with the local planning authority.

**REASON:**

To ensure the proposed development will not cause pollution of Controlled Waters.

11 - No development shall commence until there has been submitted to and approved in writing by the local planning authority a method statement detailing the programme of construction. The method statement shall include details of the use of

plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. Development works shall be carried out in accordance with the approved details.

**REASON:**

To minimise detrimental effects to the environment and to safeguard amenity.

12 - No development shall take place until there has been submitted to and approved in writing by the local planning authority details of a temporary town centre car park which shall be provided within the application site during the construction phase. The submitted information shall include details of size, location, surfacing and phasing of use. The car park shall be provided in accordance with the approved details.

**REASON:**

To ensure that public car parking is retained, in the interests of protecting the vitality and viability of the town centre.

13 - The development must be acoustically treated and/or machinery silenced to ensure that the equivalent continuous A-weighted sound pressure level (LAeq) from any plant or machinery should not exceed the background noise level (LA90) by more than +10dB at the mid-point of the rear gardens of nos.1-8 Ashdown Terrace and at the boundaries of all other domestic properties. The method of assessment to be carried out in accordance with British Standard 4142:1997:"Method for rating industrial noise affecting mixed residential and industrial areas".

**REASON:**

In order to protect the amenities of nearby residential properties.

14 - No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan showing a 1.82 metre (6 feet) high close boarded fence along the rear garden boundaries of nos.1-8 Ashdown Terrace. The fence shall be erected in accordance with the approved details prior to the development being first brought into use.

**REASON:**

To protect the amenities of neighbouring residential properties.

15 - No development shall take place until details of all exposed retaining walls on the site, including the walls on the east and south-east boundaries of the service yard, 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 and to protect the amenities of neighbouring residential properties.

16 - Details of all external lighting on the site shall be submitted to and approved in writing by the local planning authority before it is installed.

**REASON:**

In the interests of the visual amenity of this area.

17 - 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 external lighting (apart from that approved under condition no.17) shall be erected without the prior written approval of the local planning authority.

**REASON:**

In the interests of visual amenity.

18 - Notwithstanding the details shown on the submitted plans, no development shall take place until a plan showing the location of the recycling facilities within the car park has been submitted to and approved in writing by the local planning authority. The recycling facility shall be installed in accordance with the approved details prior to the development being first brought into use.

**REASON:**

In the interests of protecting the amenities of neighbouring residential properties and to ensure provision of appropriate recycling facilities in the interests of sustainable development.

19 - Notwithstanding the details shown on the submitted plans, no development shall take place until a revised plan showing the location of the disabled parking bays has been submitted to and approved in writing by the local planning authority. The car park shall be laid out in accordance with the approved details prior to the development being first brought into use.

**REASON:**

To ensure the satisfactory provision of disabled parking to serve both the development and existing shops and businesses along Station Road.

20 - Prior to the development being first brought into use the existing traffic signals at Hampshire Cross shall be upgraded in accordance with details which have been first agreed in writing with the local planning authority. The submitted details shall make provision for the following:

- 1) Changes to the junction layout including carriageway, footway and road marking alterations as detailed on plans 0504/04 PL05/A and PL06/C.
- 2) Signal equipment (new traffic signal poles will be required on Station Road).
- 3) Provision of Siemens MOVA full version.
- 4) All associated hardware to enable installation of MOVA.
- 5) All new loops and ducting for MOVA use.
- 6) Installation and validation costs for MOVA.

**REASON:**

In the interests of highway safety.

21 - Notwithstanding the details shown on the submitted plans, prior to the proposed development being first brought into use a bus turning circle shall be provided adjacent to the Station Road / Ashdown Terrace junction, in accordance with details which have been first approved in writing by the local planning authority. The submitted details shall make provision for the re-alignment of the bus turning circle to provide space for landscaping along the boundary with no.1 Ashdown Terrace.

REASON:

To secure a satisfactory landscaped setting to the development, to protect the amenities of neighbouring properties and to improve public transport access to the town centre.

22 - Prior to the proposed development being first brought into use the bus layby, new bus stops, and two new bus shelters with seating and bus passenger real time information systems shall be provided on Station Road. Details of the type and location of the bus shelters shall be agreed in writing with the local planning authority prior to their installation.

REASON:

To improve public transport access to the development, in the interests of promoting sustainable means of transport other than the private motor car.

23 - Within three months of the proposed food store being opened real time bus passenger information systems shall be provided within the store for the use of shoppers, in accordance with details which have been first agreed in writing by the local planning authority.

REASON:

To improve public transport access to the development, in the interests of promoting sustainable means of transport other than the private motor car.

24 - Prior to the proposed development being first brought into use the Highway improvements to Station Road partly detailed on plan numbers PL06/C and PL02/C, including carriageway widening and resurfacing, footway alterations and construction, a zebra crossing, visibility splays, bus and taxi laybys, highway drainage alterations, street lighting alterations, and road markings shall have been implemented to the satisfaction of the local planning authority.

REASON:

In the interests of highway safety.

25 - Notwithstanding the details shown on plans PL06/C and PL02/C, prior to the proposed development being first brought into use two pedestrian refuges with illuminated bollards shall be provided on Station Road (one at the position where the eastern zebra is detailed, and one just east of the main vehicular access), in accordance with details which have been first agreed in writing with the local planning authority.

REASON:

In the interests of highway safety.

26 - Prior to the proposed development being first brought into use the existing highway footway on the north side of Station Road between the Club access and the eastern side of number 6 Station Road shall be reconstructed at 2 metres width, in accordance with details which have been first agreed in writing with the local planning authority.

REASON:

In the interests of highway safety.

27 - Prior to the proposed development being first brought into use the street lighting along the whole length of Station Road detailed on plan number PL02/C shall be upgraded to meet the standards of BS 5489, in accordance with details which have been first agreed in writing with the local planning authority.

**REASON:**

In the interests of highway safety.

28 - Prior to the proposed development being first brought into use the main site access shall be provided with a 4.5 x 90 metre visibility splay to the east (as detailed on plan number PL06/C) with nothing to exceed the height of 600mm above carriageway level within the visibility splay.

**REASON:**

In the interests of highway safety.

29 - Prior to the proposed development being first brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above adjoining carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back from the carriageway edge along the centre-line of the service access, to points on the nearside carriageway edge 90 metres to the west and 90 metres to the east.

**REASON:**

In the interests of highway safety.

30 - Prior to the proposed development being first brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above adjoining carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back from the carriageway edge along the centre-line of the access to the small (11 space) town centre car park, to points on the nearside carriageway edge 90 metres to the west and 90 metres to the east.

**REASON:**

In the interests of highway safety.

31 - Prior to the proposed development being first brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above adjoining carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back from the carriageway edge along the centre-line of the egress from the bus turning circle to Station Road, to a point on the nearside carriageway edge 90 metres to the west.

**REASON:**

In the interests of highway safety.

32 - Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority details of a short footpath link (probably steps) between the diverted footpath and the footway along the southern side of the store (near the eastern end of the block of Parent Toddler spaces). Development shall be carried out in accordance with the approved details.

**REASON:**

To improve pedestrian access to the development and in the interests of pedestrian safety.

33 - Prior to the development being first brought into use the vehicle parking and turning areas, and the site accesses shall be provided in accordance with the approved plans.

**REASON:**

In the interests of highway safety.

34 - Prior to the proposed development being first brought into use 9 cycle racks shall be provided near to the store entrance in accordance with details to be first agreed in writing by the Local Planning Authority.

**REASON:**

To promote opportunities for cycling, in the interests of sustainable development.

**35 - INFORMATIVE TO APPLICANT:**

The applicant is advised that the proposed development requires the diversion of Public Footpath 11. The rights of public footpath users must at all times be safeguarded.

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

36 - Prior to the proposed development being first brought into use details of the diverted route of Public Footpath 11 shall be submitted to and approved in writing by the local planning authority. The submitted details shall include details of construction including street lighting. The footpath shall be provided in accordance with the approved details prior to the development being first brought into use.

**REASON:**

In the interests of providing adequate pedestrian access to the development and to ensure that the existing public footpath is re-routed satisfactorily.

37 - Prior to the commencement of development details of the proposed Ashdown Terrace turning head shall be submitted to and approved in writing by the local planning authority. The turning head shall be constructed and made available for public use in accordance with the approved details prior to the development being first brought into use.

**REASON:**

To prevent Ashdown Terrace from being used as a rat-run and to provide adequate facility for vehicles to turn, in the interests of highway safety.

38 - Prior to the proposed development being first brought into use the access to the 12 Ashdown Terrace garages shall be provided in accordance with details to be first agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of highway safety.

39 - Prior to the proposed development being first brought into use the existing footway alongside Drummer Lane between Station Road and the Doctors Surgery shall be upgraded and reconstructed in accordance with details to be first agreed in writing with the local planning authority.

REASON:

In the interests of highway safety.

40 - Prior to the development hereby permitted being first brought into use, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of how the plan will be implemented and monitored and the results of implementation and monitoring following occupation shall be made available to the local planning authority on request together with any changes to the Plan arising from those results.

REASON:

To ensure that the applicant has taken full account of the need to promote alternative modes of transport other than the private motor car, in accordance with sustainable development principles.

41 - The external works involved in the construction of the development on the site, including the store; service area, and car park (but not including any works within the public roads) shall only be carried out during the periods 07.30 - 18.00 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.

42 - INFORMATIVE TO APPLICANT:

The applicant is advised to contact The Environmental Services Department, Wiltshire County Council, County Hall, Trowbridge, BA14 8JD, Kevin O' Connor, telephone 01225 713432 for advice on the required contents of the Travel Plan.

43 - INFORMATIVE:

The applicant is advised that the highway works will require the completion of a Section 278 Agreement with Wiltshire County Council prior to commencement of the works.

44 - INFORMATIVE:

Thames Water has advised that there are large water mains adjacent to the site. Thames Water will not allow any building within 3 metres of these water mains and will require 24 hours access for maintenance purposes.

Thames Water has also advised that there are public sewers crossing the site. Thames Water will not allow building within 3 metres of the sewers without Thames Water's approval. For a building over application form or other information relating to the building work the applicant should contact Thames Water on 0845 850 2777.

45 - 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 ED24, AT1, AT2, AT3, AT6, AT7, AT9, AT10, AT12, AT21, AT22, NR18, HH2 & PD1.

Item 3:

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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#### BACKGROUND

Members will recall that this application was considered at the Council's Regulatory Committee meeting on 5 January 2006. The application was recommended by for approval by officers, subject to a number of conditions. Members raised concerns about the level of car parking proposed in relation to the scheme, which equated to 1.46 spaces per dwelling. As a result of these concerns, members resolved to defer the application, to enable officers to negotiate the provision of an average of 1.75 car parking spaces on the site. It was agreed that if the applicant could meet this level of provision then the application could be approved under delegated powers. However, if this level of provision could not be negotiated, the application would need to be considered again by the Regulatory Committee.

The applicant has revisited the scheme in response to the comments made by members. An additional 20 car parking spaces have been created, taking the average provision to 1.58 spaces per dwelling. The provision of the additional spaces has not resulted in any significant amendments to the layout of the scheme. The additional spaces have been achieved through the removal and reduction of some areas of planting and an electricity sub-station, which has become surplus to requirements. The orientation of units 112, 113, 149, 152 to 158 and the garage building for units 162, 164 and 165 have also been amended to accommodate the additional spaces, and minor revisions to individual parking areas across the site have been incorporated. The amendments made to the orientation of the buildings would not have a detrimental impact upon the site layout or the tree protection zone.

The revised layout drawing has been forwarded to the local highway authority for its comments. The contents of the consultation response will be reported verbally at the committee meeting as no comments have yet been received.

The revised layout does not fully meet the committee's requirement for an average of 1.75 car parking spaces per dwelling. To meet this with the 165 dwellings proposed would require increasing the number of parking spaces by a further 28 on top of the extra 20 now proposed.

Officers considered that the original level of parking provision was acceptable as it was in accordance with the approach set out in PPG3 and PPG13, which aims to discourage the use of motor cars. The applicant is now providing parking in excess of the level outlined within PPG3, which states at paragraph 62 that 'developments



with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments'. It should also be noted that paragraph 60 of PPG3 states that 'developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking when there is no need, particularly in urban areas where public transport is available...' Given the location of the site within the urban area of Devizes, and the proximity of the site to London Road, a public transport corridor, with bus stops located within 200-300m of the site providing regular services to Swindon, Bath, Chippenham, Trowbridge and Devizes town centre, it is considered that paragraph 60 is particularly relevant in this case. The location of the site makes it difficult to require higher levels of parking than those recommended in PPG3.

For the above reasons, it is not considered that a refusal on lack of parking grounds could be substantiated. Consequently, the approval of planning permission is recommended, subject to a number of conditions. As amended plans have been submitted, the amended plan condition has been changed so that it now refers to these drawings.

The report set out below is the one considered by the Regulatory Committee at the previous meeting. The only changes to this report that have been made relate to the sections on car parking, which have been updated to reflect the latest position.

#### 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 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).

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 bedroomed 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 lead 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.
- As noted above, the car parking arrangements have been revised, with the addition of a further 20 spaces.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a detailed supporting letter summarising the amendments to the scheme.

#### PARISH COUNCIL COMMENTS

Roundway Parish Council has raised no objections to the original plans but raised three points that were considered at the previous meeting:

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

#### 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 objection to the amended plans considered by the committee at the previous meeting.

No comments have yet been received in respect of the additional parking spaces proposed on the latest plans. Any that are subsequently received will 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-bedroomed 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 in the local plan 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 and impact on residential amenity. Parking has been dealt with above. Each of these matters will be considered in turn.

##### 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 even 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 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 have resulted 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 provide an adequate buffer to the adjacent countryside and are the most appropriate species to be planted next to residential properties (which incidentally 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. This was debated at the previous meeting and the outcome of post-committee negotiations has been summarised in the earlier part of this report under the heading 'Background'.

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 737/10/00-01A, 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 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 and the revised plans 737/01G, the amended parking schedule and the additional parking distribution layout plan (737/61), which were received on 12 January 2006.

### **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 4:

APPLICATION:	K/52905/RM
PARISH:	DEVIZES
APPLICATION TYPE:	Reserved Matters
PROPOSAL:	Erection of 18 dwellings, creation of play area and associated access and highway works.
SITE:	Former Gaiger Builders Yard, Bath Road, Devizes.
GRID REF:	99074 61449
APPLICANT:	Bridgewood Plc
AGENT:	Mr A Shores
DATE REGISTERED:	6th September 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to a 0.45 hectare site in Bath Road, Devizes. The majority of the site was formerly operated as a builder's yard by Gaiger Bros. Ltd. with the remainder (a former petrol filling station) having been used for van sales by Slades of Devizes. The site lies on the north side of Bath Road, immediately opposite its junction with Salisbury Street. The canal towpath bounds the site to the north. The Spar shop and a detached dwelling "Little Orchard" bound the site to the west. There is a building on the eastern boundary which comprises a shop at ground floor and separate dwelling above. There is also a vehicle repair workshop and MOT testing station to the east of the site. The site itself is currently occupied by various utilitarian buildings and structures used in connection with the builder's yard together with a canopied structure relating to the former petrol filling station use.

#### SITE HISTORY

K/046001/O – Outline planning permission for residential development was granted on 24<sup>th</sup> September 2003.

#### DESCRIPTION OF DEVELOPMENT

This is a reserved matters application for a scheme of 18 dwellings, including the creation of a play area and associated access and highway works. The application includes details of all reserved matters except landscaping which will need to be considered under a separate application.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The plans have been amended to secure improvements to the design of the dwellings and the highway layout.

#### ADDITIONAL STATEMENT BY APPLICANT

The applicant has submitted a supporting statement which is available to view on the working file.

#### PARISH COUNCIL COMMENTS

Rowde Parish Council – No objection raised but comments that the access and visibility are poor from the site onto Bath Road and towards Caen Hill. There are also concerns about the proximity of the play area to the canal.

Devizes Town Council – Object on the grounds of an over-development of the site and also the additional traffic congestion that would be created on an already congested road.

#### CONSULTATIONS

British Waterways – No objections.

Environment Agency – No objections, appropriate conditions were attached to the outline consent. Surface water run-off should be controlled using sustainable drainage principles.

KDC Environment & Amenity Services (Eden Speller) – No objections.

KDC Environment & Amenity Services (Steve Ibbetson) – Surface water should be discharged to soakaways and if these are not sufficient these then could be linked to the public sewer. The discharge from the site to be limited to green field flow.

KDC Environmental Health – No objections.

Kennet & Avon Canal Trust – No comments.

Wiltshire County Highways – No objections.

Wiltshire Fire Brigade – No objections.

#### REPRESENTATIONS

Two letters of representation have been received raising the following objections:

- a) Development would exacerbate traffic along Bath Road. A pedestrian crossing is required near the Spar shop on Bath Road and a mini roundabout is required at the junction of Bath Road and Salisbury Street.
- b) The courtyard parking proposed for units 13-18 would adversely affect the residential amenities of the occupants of the property “Little Orchard” immediately to the west of the site. The former builder’s yard caused nuisance to this property by virtue of noise and dust and the objectors are keen to retain the existing hedge which helped to mitigate the impact.

#### POLICY CONSIDERATIONS

Kennet Local Plan - the site lies within the Limits of Development defined for Devizes in the local plan. No specific designations apply to the site. Policies HC3, HC4, HC5, HC7, HC21, HC35, TR1 & PD1 are relevant to the consideration of this application. Government guidance contained in PPG3 on *Housing* is also relevant.

#### PLANNING OFFICER COMMENTS

The principle of residential on this site was established by the outline planning permission granted in 2003. This application deals with four out of the five reserved matters: siting, design, external appearance and means of access.

Officers have negotiated various amendments to the submitted scheme and consider that the amended proposals are now acceptable in planning terms. Key amendments include:

- a) The terrace on the Bath Road frontage has been set back to provide small front gardens to better reflect the character of the area;

- b) The design of the terrace has also been improved to ensure that it is in keeping with the many Victorian style properties in Bath Road. The design of various dwellings within the site has also been improved.
- c) A potential overlooking issue with Sunnyside House (the dwelling immediately to the east of the site, above the Moonraker dive shop) has been prevented by redesigning the first floor windows of Plot 7.
- d) The highway layout has been amended to highway authority requirements, including a vehicle turning head suitable for the Council's refuse collection vehicles.

The layout of the development means that the majority of buildings are kept away from the sensitive boundary with the Kennet & Avon Canal towpath, which in turn means that the attractive rural setting of the canal is maintained (Policy TR1 refers). This layout means that the development is providing an area of open space slightly larger than the Council's policies require. The area would benefit from passive surveillance from nine surrounding dwellings and it would be equipped to the local planning authority's specification, with the developer paying a commuted sum towards future maintenance. A footpath link would be provided to the canal towpath and details of this would be required by condition to ensure that its design was appropriate to the character and setting of the canal.

The Council's Landscape & Countryside Officer is satisfied that the site is capable of being landscaped satisfactorily although he has requested that a protected species survey be carried out prior to permission being granted. It is therefore recommended that, subject to the agreement of the Regulatory Committee, the application should be deferred and delegated to officers pending the completion of a Section 106 agreement (to secure the children's recreation requirements) and the submission of a protected species survey.

Turning to the objector's comments:

- a) Both Parish Councils have made reference to issues of highway safety. However, it should be recognised that: (1) the principle of residential development was established by the outline planning permission; (2) the site was formerly occupied by a busy builders yard and petrol filling station that generated a considerable amount of traffic; (3) the highway authority has no objections to the proposals. In these circumstances, it is not considered that a development of 18 dwellings would result in a material increase in traffic along Bath Road.
- b) The local highway authority has not required the provision of a mini roundabout or pedestrian crossing and it is unlikely that this could be justified on the back of the current scheme (see comments under (a) above). The issue of pedestrian safety and highway safety in general along Bath Road would need to be pursued separately with the highway authority.
- c) It is considered that a residential scheme would have no greater impact upon the amenities of the occupants of "Little Orchard" than the former builder's yard use. In many ways the impact of noise and dust is likely to be much reduced. Landscaping is not for consideration at this stage and will need to be dealt with under a separate reserved matters application.

## **RECOMMENDATION**

Defer and delegate to officers to approve following the submission by the applicant of a satisfactory protected species survey and the completion of a Section 106 legal agreement to secure the children's play area and monies for maintenance.

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

Your attention is also drawn to the conditions imposed on the outline planning permission reference K/046001/O and dated 24th September 2003.

The applicant is also reminded of the need to submit a reserved matters application for the landscaping of the site, which must be submitted by 24th September 2006.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the following revised plans:

1) Drawing nos. ASA05-300-001, ASA05-300-004A, ASA05-300-005A, ASA05-300-006A, ASA05-300-007B & ASA05-300-008B received on 13th December 2005.

2) Drawing no. ASA05-300-003C received on 15th December 2005.

3) Drawing no. ASA05-300-002C received on 4th January 2006.

### **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 samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **REASON:**

To secure harmonious architectural treatment.

4 - The development hereby permitted shall not be commenced until samples of the bricks to be used for the construction of the boundary walls within the development have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

### **REASON:**

To secure harmonious architectural treatment.

5 - The development hereby permitted shall not be commenced until details of all eaves, verges, windows (including details of heads, sills and depth of reveal), doors, rainwater goods, chimneys, porch canopies and dormers 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.

6 - Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced until full details of the footpath link to the canal towpath have been submitted to and approved by the local planning authority.

in writing. The footpath link shall be constructed in accordance with the approved details prior to any of the dwellings being occupied.

**REASON:**

In the interests of protecting the setting of the Kennet & Avon Canal and to secure the provision of the footpath link in the interests of providing a recreational amenity and encouraging more sustainable forms of transport.

7 - 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.

8 - The east facing pane of the first floor window serving bedroom 2 of Plot 7 shall be glazed with obscured glass and shall be so maintained. The first floor window serving bedroom 1 on the north east elevation of Plot 7 shall also be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of the neighbouring property.

9 - 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 elevation of Plot 7 and south-west elevation of Plot 1.

**REASON:**

In the interests of the privacy of the neighbouring properties.

10 - 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 plans) shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road or parking court.

**REASON:**

In the interests of visual amenity.

**11 - INFORMATIVE TO APPLICANT:**

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

**12 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of

acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: Policies HC3, HC4, HC5, HC7, HC21, HC35, TR1 & PD1.

### 13 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from the following:

- 1) Wiltshire Fire Brigade (dated 27th September 2005)
- 2) British Waterways (dated 29th September 2005)
- 3) Environment Agency (dated 30th September 2005)

Item 5:

APPLICATION:	K/53418/F
PARISH:	ERLESTOKE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Change of use of post office to allow residential use in association with existing residential use.
SITE:	14 High Street Erlestoke Devizes SN10 5TZ
GRID REF:	96404 53962
APPLICANT:	Mr and Mrs P Sinnett-Jones
DATE REGISTERED:	7th December 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

This application relates to Erlestoke Post Office in the High Street. On entering the village on the B3098 from the direction of West Lavington the site is on the right hand side, approximately 100 metres beyond the entrance to The Park and directly opposite the village pub.

#### RELEVANT SITE HISTORY

There is no relevant planning history.

#### DESCRIPTION OF DEVELOPMENT

The application proposes a change of use of the post office to allow the shop area to be integrated into the existing single dwelling at the site.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted extensive supporting documentation which is available to view on the working file.

#### PARISH COUNCIL COMMENTS

The parish council objects to this proposal as it would not be in the best interests of the village.

#### CONSULTATIONS

Wiltshire County Highways (Mr Galpin) – No objections.

#### REPRESENTATIONS

Four letters have been received objecting on the grounds that the proposal would result in the irrevocable loss of a valuable community facility.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development defined for Erlestoke in the local plan 2011 and within the designated conservation area. Policies ED29 & PD1 are relevant to the consideration of this application.

Government guidance contained in PPS7 is also relevant.

#### OFFICER COMMENTS

Policy ED29 of the Kennet Local Plan 2011 is the main policy consideration. This policy states that, outside of the Limits of Development defined for the three main towns, buildings either currently used or last used for a community function (including

shops and post offices) will be retained wherever possible. Planning permission for alternative uses will only be permitted where:

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

In this instance the applicant has provided evidence in an attempt to demonstrate that the existing commercial use is no longer viable (criterion b). The submitted data shows that average daily footfall to the shop and post office has fallen dramatically over the last seven years from 110 persons per day in summer 1998 to only 15 persons per day in summer 2005. The applicant identifies various key factors which have contributed towards this downward trend:

- The foot and mouth epidemic in 2001 had a major impact on the number of tourists, fishermen and military personnel using the post office and shop. There was little increase in footfall from these sectors once the foot and mouth ban was lifted. An application for compensation for reduction in trade was deemed to be outside the compensation scheme.
- A contract was signed with Sainsbury's under their SAVE (Sainsbury and Village Enterprise) Scheme, for the supply of their products through the shop. However, the opening of a Sainsbury's supermarket in Devizes and the introduction of internet / home delivery services by other supermarkets has reduced the number of customers using the shop.
- A planning application from the owner of the fishing lakes to expand his facilities to take in day fishermen was rejected. If successful the owner would have obtained all his refreshments through the shop and sold to the day fishermen. This was projected to increase footfall by 15%, particularly at weekends.
- In 2003 the Ministry of Defence introduced a programme of electronic tagging all military vehicles and personnel on Salisbury Plain, thus discouraging them from leaving the military training area to use the shop and post office. Currently no active military personnel use the shop.
- In March 2004 HM Prison at Erlestoke re-tendered for the supply of newspapers and periodicals. Erlestoke Post Office had been providing this service for over 10 years but lost the contract on this occasion, meaning that it was no longer viable to supply small numbers of newspapers and periodicals to local residents. An attempt was made to run the operation as a "not for profit" community enterprise but no volunteers were forthcoming.
- During the summer of 2004 the A360 was closed for resurfacing between Potterne and Littleton Panell. In the summer of 2005 the B3098 was closed between Erlestoke and Edington. Both road closures impacted heavily upon passing trade. Suppliers delivering fresh produce changed their routes during this period and did not revert back when the works were completed, leaving the shop without a regular supply of fresh goods.
- Many of the very elderly customers who regularly purchased fresh bread, dairy products and vegetables when they collected their pension each week, have died.



- The government's introduction of a new system whereby pensions and allowances are paid directly into bank accounts has reduced the number of persons using the post office from 70-80 payments per week to around 10 per week. This has led to a corresponding reduction in retail sales.
- A series of poor summers has led to a reduction in the number of customers requiring cold drinks and ice creams.

Post Office Ltd. has introduced a new range of financial services products to try and expand its business, but in the context of a small rural post office, the new product range has not attracted any new business.

A 50% Countryside Agency grant of £2500 was made available in 1999 to provide upgraded chillers and freezers, a new display counter and a replacement vinyl tiled floor. A submission to the Countryside Agency in 2002 for a further grant to expand the shop and storeroom was rejected on the grounds that there was insufficient local population utilising the shop and post office and limited turnover to economically justify the investment.

The applicant's current Justices' Licence was valid until April 2007, but was superseded in November 2005 by The Licensing Act 2003, whereby the responsibility now falls on Kennet District Council. The cost of obtaining the new premises licence and personal licence, when compared against the potential for licensed sales, means that it would not be economic to apply for a new licence.

The post office, store and house have been registered for sale with the Post Office's website and also on the website of newsagents for sale since June 2003. Interest has been shown by a number of potential sub-postmasters but this interest has fallen away when the enquirers have discovered that the Post Office is proposing to downgrade Erlestoke Post Office to "community status" on transfer of the business to new owners. This would reduce opening hours from 40 hours per week to just 22 hours, with a corresponding 40% reduction in remuneration from the Post Office. This has proven to be a barrier to a successful sale and no offers have been made to purchase the business.

In summary, the evidence submitted by the applicant demonstrates very convincingly that the post office is no longer a viable business. Various factors have led to a reduction in footfall and the current usage figures of 15 persons per day are clearly not sustainable from a financial perspective. The applicant has invested time, effort and money in the business over the years and has made efforts to make the business more attractive to customers (signing up to Sainsbury's SAVE scheme being a good example and gaining Countryside Agency grant aid to upgrade the shop being another). However, these efforts have been in vain and attempts at marketing the business have been unsuccessful. It seems that the failure to find a purchaser was partly due to the Post Office's stated intention to downgrade Erlestoke Post Office to "community status" which will reduce opening times to 22 hours per week and reduce the sub-postmaster's remuneration accordingly. The other significant factor is the loss of the contract to supply newspapers and periodicals to HM Erlestoke Prison which has impacted upon both the economic viability of the business and its ability to provide a newsagency service to the local community.

In conclusion, the applicant has demonstrated to the satisfaction of officers that the existing commercial use is no longer viable and therefore it is considered that the proposal complies with the requirements of Policy ED29(b) of the Kennet Local Plan 2011. A grant of planning permission is therefore 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 - The residential accommodation hereby approved shall be used solely as part of the existing residential accommodation forming a single dwelling unit at 14, High Street, Erlestoke and shall not be used as a separate dwelling.

### **REASON:**

To define the extent of the permission granted. The creation of an independent residential unit could have additional planning implications in terms of amenity, parking and recreational space that would require further assessment.

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

This permission authorises a Change of Use only and does not authorise any works or alterations that may require planning permission.

### **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 ED29 & PD1.

Item 6:

APPLICATION:	K/53405/F
PARISH:	MARKET LAVINGTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Proposed 1 bed dwelling by conversion and extension of disused store. (previously consented as self contained office).
SITE:	Old Builders Yard, Market Lavington
GRID REF:	01539 54076
APPLICANT:	Causeway Developments
AGENT:	Four Square Design Limited
DATE REGISTERED:	1st December 2005
CASE OFFICER:	Mr R C Cosker

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#### SITE & LOCATION

The site can be accessed by turning right off Church Street into White Street as you enter the village from the direction of West Lavington on the B3098. Vehicular access to the site is approximately 40 metres along White Street next to the hardware store.

The application concerns the original buildings on the White Street frontage, the three dwellings that were previously approved, which have now be built, are to the rear of these buildings.

#### SITE HISTORY

K/45935 – Conversion of existing buildings to two dwellings and construction of three new dwellings. This application was refused on 5 September 2003 under delegated powers for the following reasons;

1. The junction of White Street with the B3098 is inadequate and unsuitable by reason of its very restricted visibility in the easterly direction to safely and conveniently cater for the additional traffic movement generated by the proposed development.
2. Lack of information on any archaeology in the area.
3. The three new buildings would, by reason of their position and elevational treatment, be overdominant and detrimental features in the Conservation Areas.
4. The proposed unit A would, by reason of its height and position close to the boundary, have an unacceptably dominant and overbearing effect on the occupiers of the adjacent properties.
5. Windows and the balcony in units D and E would have an adverse impact on the occupiers of the adjacent properties. The ground floor windows of unit E would result in an unacceptable relationship between that property and the adjacent property.

K/46886 – This application was a resubmission of the above application with further information and amendments to overcome the previous reasons for refusal. The application was approved by the Regulatory Committee on 22 March 2004 following a committee site visit.

K/51574 – This was an amended application for alterations to the previously approved three dwellings.

K/52619 – This application was for amendments to one of the conversion units at the front of the site.

#### DESCRIPTION OF DEVELOPMENT

This application is to use the previously consented self contained office unit as a 1 bedroom dwelling and involves an amended single storey extension to that unit. The office unit, as approved, occupied the two floors of the original building on the right hand side of the entrance to the rear courtyard as you look at the site from White Street and the single storey extension to the front of that building.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant has submitted amended plans reducing the previously proposed two storey front extension back to single storey and the use of a dormer window to the front elevation. The applicant has also removed the rear dormer window and replaced this with a small rooflight.

#### PARISH COUNCIL COMMENTS

Market Lavington Parish Council objects to the application on the grounds of over-development of the site.

#### CONSULTATIONS

Highway Authority (Mr Galpin) – No highway objection.

#### REPRESENTATIONS

Five letters of observation have been received where the following points were raised;

1. This is an unnecessary increase in the density and (having no parking provision) will add to the parking congestion in the area of White Street. Had the original proposal been for 6 houses it would surely have been turned down?
2. Object because of the steadily growing amount of traffic in the area which this will add to. The High Street can be totally congested at times.
3. White Street is effectively single track because of parking and the access onto the High Street is dangerous, this problem will only be made worse by another dwelling.
4. The new development dominates the view and drastically compromises privacy. Already approved proposals will also restrict privacy in the garden. The new proposal with its proposed dormer window will result in further loss of privacy of the garden and the neighbour's garden.
5. The proposed dormer window will completely destroy the privacy in the small garden adjacent which is my only sitting out area.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, HC3, HC21, ED7a and HH5 of the local plan 2011 are considered relevant to this application.

#### PLANNING OFFICERS COMMENTS

The site lies within the limits of development of Market Lavington and as such policy HC21 of the Local Plan accepts the principle of residential development subject to a

number of criteria. The previous approvals for the site have also accepted the principle of residential development on the site. The main considerations of this application concern the loss of the office unit and the acceptability of its replacement by an additional residential unit (including the highway issues raised by this change); the impact of the proposed works on the character or appearance of the conservation area and the impact on residential amenity.

At the time of the original applications for residential development the application was considered against policy ED7a of the Kennet Local Plan 2011 but it was concluded that, having regard to the traffic generation concerns, residential development was preferable to the previous builder's yard use or other employment uses. The applicant did however propose a modest office unit within part of one of the converted original buildings, but this was not at the request of this council. As a class B1 office use it was considered compatible with the residential uses proposed provided that it was only used by persons whose main residence was in one of the dwellings approved on the site. Whilst such a use was considered acceptable its provision was not part of the original justification for the residential development and as such your officers have no objections to its loss now.

The main concerns raised about the proposed extra residential unit concern the over development of the site and the related highway concerns of increased traffic and the lack of parking. Whilst, as stated above, the occupation of the office was restricted to a person occupying one of the dwellings on site inevitably the office use would, if implemented, attract a number of vehicle movements from visitors, deliveries or possibly other members of staff employed there. It is on that basis your officers consider the extra residential unit, which is likely to be occupied by one or at most two persons, could not be rejected on the grounds of increased vehicle movements from the site. Members will also note that there has been no objection raised by the highway authority. With regard to the issue of car parking two spaces can be provided on site, as is the case for all the units.

The original proposal for this application was for a two storey extension to the front of the unit in place of the previous single storey structure but officers felt this was inappropriate and would harm the simple form of this courtyard of former commercial buildings. The applicant has since amended the extension to revert back to a single storey extension and a dormer window at first floor level. Your officers are satisfied that the amended proposal preserves the character and appearance of the conservation area.

With regard to the residential amenity issues, these relate to the dormer window which was proposed on the rear elevation and the concerns raised by two neighbours about overlooking of their gardens. Whilst a dormer window has previously been approved in this location under K/46886 for the office unit it is arguable that the overlooking from a window serving a bedroom would be more intensive than from one serving an office. Following negotiations your officers have secured the removal of this dormer window and in its place the applicant has proposed a small high level rooflight which would only serve the shower room. Having regard to the changes it is now considered that the proposal will have no adverse impact on the residential amenities of the occupiers of neighbouring 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.

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 4011.18A received on the 16th January 2006.

### **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 extension and dormer window hereby permitted shall match in colour and texture those used in the existing structure.

### **REASON:**

To secure harmonious architectural treatment.

4 - Prior to their installation full details of the external door and windows (including head, sill and reveal details) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

### **REASON:**

To secure a harmonious architectural treatment.

5 - Before the dwelling 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.

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

### **REASON:**

In the interests of the privacy of the neighbouring properties.

7 - The lowest part of the rooflight proposed in the west elevation for the wet room shall be a minimum of 1.7 metres above the finished floor level of the first floor.

### **REASON:**

In the interests of protecting the privacy of adjoining residents.

#### 8 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HC3, HC21, ED7a and HH5.

Item 7:

APPLICATION:	K/53392/F
PARISH:	DEVIZES
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Single storey dwelling
SITE:	Adjacent 29 Meadow Drive, Devizes.
GRID REF:	01304 61559
APPLICANT:	Mr R Scott
AGENT:	Mathewson Whittaker Waters
DATE REGISTERED:	1st December 2005
CASE OFFICER:	Mr R Parker

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#### SITE & LOCATION

The application site lies approximately half a mile to the north-east of Devizes town centre. To reach the site head out of Devizes on the A361 (London Road) in the direction of Marlborough. Turn right at the mini-roundabout adjacent to St. John's Church into Brickley Lane. Meadow Drive lies on the left hand side, approximately 300 metres further on. The application site is at the far end of the cul-de-sac on the right hand side. It formerly comprised the domestic garden of no.29 Meadow Drive, but has recently been fenced off to create a potential development plot of approximately 0.023 hectares.

#### RELEVANT SITE HISTORY

K/51055/O – Erection of detached house and garage, outline planning permission refused on 24<sup>th</sup> November 2004.

K/51805/F – New house, planning permission refused on 20<sup>th</sup> April 2005 and subsequently dismissed on appeal.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a single storey, flat roof dwelling. The dwelling would have a footprint of 51m<sup>2</sup> and would accommodate a combined living/kitchen area, two small bedrooms and a bathroom.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has not submitted a detailed supporting statement with the application. However, the covering letter submitted with the application advises that the latest proposal has been developed to overcome the previous appeal inspector's concerns.

#### TOWN COUNCIL COMMENTS

Devizes Town Council objects on the grounds that the proposal would result in a cramped form of development, out of keeping with other properties in Meadow Drive.

#### CONSULTATIONS

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

Wessex Water – No objections.

#### REPRESENTATIONS

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



- a) Vehicles parking in connection with the development would increase congestion in Meadow Drive and impede emergency access;
- b) The turning head is already blocked by a resident of Brickley Lane who has created a rear vehicular access. This development will exacerbate the situation;
- c) The development would interfere with access to the driveway of no.31 Brickley Lane;
- d) The design of the dwelling would be out of character with the surrounding area and development would appear cramped;
- e) Development will adversely affect the amenities of the occupants of no.45 The Croft by virtue of the site's elevated position and consequent overlooking. It will also harm the property's outlook and interfere with the occupants' quiet enjoyment of the property;
- f) The development will block a public footpath / right of way between Meadow Drive, The Croft and Brickley Lane. The applicant has already allowed this to become overgrown and impassable;
- g) This application has been submitted for the financial gain of the applicant who does not live at no.29 Meadow Drive;
- h) The proposal will set a precedent for similar proposals in Meadow Drive;
- i) The surrounding developments of The Croft and Jump Farm have already impacted upon the quiet, safe nature of Meadow Drive and development at Spitalcroft will make the situation much worse. This development will impact further upon the amenities of local residents; and
- j) Development cannot be permitted as the proposal has been rejected twice before, once on appeal.

#### POLICY CONSIDERATIONS

Kennet local plan 2011 - the site lies within the Limits of Development defined for Devizes in the local plan 2011. No specific designations apply to the site. Policies HC3, HC21 and PD1 of the local plan are relevant to the consideration of this application.

Government guidance contained in PPG 3 is also relevant.

#### OFFICER COMMENTS

In principle, Policy HC21 of the Kennet Local Plan 2011 is permissive of new housing development on previously developed sites within the Limits of Development of Devizes, provided that:

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

Previous proposals for this site have been refused planning permission on the grounds that they conflicted with policy PD1 of the local plan. The most recent application (reference K/51805/F) went to appeal and the inspector's conclusions are an important material consideration when considering this latest application.

The inspector's principal concern was the impact of development upon the character and appearance of the area. He described the existing situation as follows:

*"There are five houses on the western side of the cul-de-sac, of which nos 31/33 and 35/37 are linked by pairs of flat-roofed single garages. The visual effect in the streetscape is of separate two-storey detached houses generously spaced apart. No.29 is set well apart from no.31 and is also set back somewhat from the building line of the other houses, giving an open, spacious feel to the end of the cul-de-sac."*

In respect of the appeal proposal (a two storey dwelling) the inspector concluded as follows:

*"The proposed house would be sited very close to no.29. It would fill most of the frontage and would appear cramped on this small plot. The sense of spaciousness and the rhythm of the street scene would be harmed."*

In reaching this conclusion, the inspector put particular emphasis on the visual spacing of properties within Meadow Drive; the precise plot sizes of the various properties in relation to the appeal site were not considered important in this context. The inspector had sight of numerous letters from local residents raising various issues, including those relating to highways and residential amenity, but did not consider that these matters were so significant as to warrant inclusion as part of the reason for dismissing the appeal.

Officers consider that the latest proposals overcome the appeal inspector's principal concern, that of the impact of development upon the sense of spaciousness and rhythm of the street scene. Although of a similar footprint to that dismissed on appeal, the proposed dwelling is only single storey with a flat roof. The appearance from Meadow Drive would be of a 2.55 metre high boundary wall running parallel with the front elevation of no.29 Meadow Drive. This is not materially taller than the 2 metre boundary wall that could be erected under permitted development rights (The existing 1.8 metre high boundary fence is actually further forward on the plot, against the back edge of the pavement). The dwelling dismissed on appeal would have been 7.4 metres in height, some 4.85 metres taller than that currently being proposed.

In design terms, the front wall of the dwelling would be constructed of brick to match the existing dwelling with western red cedar panelling and only two small windows. The principal window openings would be to the rear, thus maintaining the garden wall appearance to the front.

Turning to other issues raised by objectors:

- a) The driveway to the proposed dwelling could accommodate two, possibly even three cars. This is perfectly acceptable to serve the development and it is not considered that the proposal would materially add to parking congestion in Meadow Drive. In fact, the positioning of the driveway is likely to discourage residents and visitors from parking in the cul-de-sac's vehicle turning head and thereby improving the existing highway situation;

- b) Officers do not consider that the proposal will have an adverse impact upon the amenities of neighbouring occupiers. The site is very slightly elevated above no.45 The Croft but this relationship is no different from the relationship to no.29 Meadow Drive and it is considered that fencing on the boundary would be sufficient to prevent overlooking. The development would not have an overbearing impact upon the neighbour due to the dwelling's modest height. It is not considered that development would have an adverse impact upon the residential amenities of the properties which back onto the site from Brickley Lane.
- c) One objector claims that the development will block a public footpath / right of way between Meadow Drive, The Croft and Brickley Lane. It can be confirmed that no footpath is shown in this location on the definitive public rights of way maps. If a footpath did exist in the location described then it must have been privately owned and maintained. This would not be a planning matter;
- d) The applicant's reasons for submitting this application are not relevant to the consideration of this application. The application must be assessed objectively against planning criteria;
- e) It is not considered that this proposal will set a precedent for similar proposals in Meadow Drive. Each proposal must be considered on its own individual merits;

In conclusion, officers consider that the proposal is acceptable, overcoming the concerns of the previous appeal inspector. A grant of planning permission is therefore 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 - The bricks to be used in the construction of the external walls of the dwelling hereby permitted shall match in colour and texture those used in the existing dwelling (no.29 Meadow Drive).

### **REASON:**

To secure harmonious architectural treatment.

3 - No development shall take place until details of the finish proposed for the western red cedar cladding (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 roof area of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON:

In order to protect the privacy of nearby residential properties

5 - The window at ground floor level shown on the approved plans on the south elevation shall be glazed with obscured glass and fixed shut and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

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

REASON:

In the interests of the privacy of the neighbouring properties.

7 - 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 extensions to the dwelling shall be erected without the prior grant of planning permission from the local planning authority.

REASON:

In the interests of the privacy of the neighbouring properties.

8 - 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

10 - Before the dwelling hereby permitted is first occupied a privacy fence shall be erected on the western boundary of the site, in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The fence shall be retained in position thereafter.

**REASON:**

In the interests of the privacy of the neighbouring property.

11 - Notwithstanding the details shown on the approved plans, before the dwelling hereby permitted is first occupied the access, parking and turning area shall be laid out and surfaced in a properly consolidated material (not loose stone or gravel), in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The access, parking and turning area shall be retained for these purposes thereafter.

**REASON:**

In the interests of highway safety.

12 - Before the dwelling hereby permitted is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details which shall be first submitted to and approved in writing by the local planning authority.

**REASON:**

In the interests of highway safety.

**13 - INFORMATIVE TO APPLICANT:**

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

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

Item 8:

APPLICATION:	K/53461/F
PARISH:	GRAFTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of detached house and garage
SITE:	Land at Dark Lane, East Grafton
GRID REF:	25609 60630
APPLICANT:	Mr and Mrs E Williams
AGENT:	Vines & Lipscombe Design Group
DATE REGISTERED:	19th December 2005
CASE OFFICER:	Mr P Horton

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#### SITE & LOCATION

Dark Lane is the second turning on the left when approaching East Grafton from the Burbage direction. The application site is 60m up Dark Lane on the left, sandwiched between an old listed cottage and the new houses of Barley Fields.

The site is unkempt in appearance and contains a pair of electricity poles and a transformer.

#### SITE HISTORY

K/42276: Planning permission was refused in 2001 for a large dwelling on the site.

K/43184: Planning permission was granted in 2002 for a 4 bedroom dwelling with integral garage. This has not been implemented.

K/51477: Planning permission was refused in 2005 for a 4 bedroom dwelling with large detached double garage, on the grounds of overdevelopment, harm to the Conservation Area and harm to the amenity of the neighbours.

#### DESCRIPTION OF DEVELOPMENT

This application is for a long narrow 8.0m high 4 bedroom detached dwelling with a 5.8m high detached double garage to the rear. The buildings would be constructed of brick and plain tiles.

#### ADDITIONAL STATEMENT BY THE APPLICANT

None.

#### PARISH COUNCIL COMMENTS

The proposal is not significantly different from that previously refused on the grounds of overdevelopment and bulk and height of the buildings. The proposal would therefore be detrimental to the character of the conservation area.

#### CONSULTATIONS

County Highways – Mr Galpin: No objection subject to various conditions.

Thames Water: There are public sewers crossing the site. Therefore no building will be permitted within 3 metres of the sewers without their approval.

## REPRESENTATIONS

Three letters of objection have been received. Their main concerns can be summarised as follows:

- The house is too big for the site;
- The amount of land given over to driveways and paths is out of proportion with the site;
- The proposal is out of keeping with the conservation area;
- The garage is too big and the 3 windows on its roof are unnecessary; it could easily be converted to a dwelling.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies partially (just over half) in East Grafton Conservation Area. Relevant policies are PD1, HC24 and HH5.

## PLANNING OFFICERS COMMENTS

The principle of constructing a single dwelling on this infill plot is in accordance with local plan policy, and has been established by the 2002 permission.

A major constraint affecting potential development at this site is a public sewer which runs the whole length of the site, and Thames Water will not allow development within 3m of it. This fact would not appear to have been known to the previous applicant who obtained the 2002 permission, so in fact that scheme would not have been implementable in its original form.

Because of the sewer, the dwelling has to hug the northern boundary of the site. The previously refused scheme was too close to that boundary, and to the boundary hedge planted as part of the landscaping scheme for Barley Fields. However the applicants now claim to have obtained a concession from Thames Water whereby a slight encroachment into the 3m exclusion zone will be tolerated. This has enabled the dwelling to be pulled an extra 0.5m away from the boundary hedge, overcoming the previous landscape objection.

Other improvements from the previously refused scheme are that: (a) the ridge of the garage has been reduced from 7.0m to 5.7m; (b) the garage is now located behind the dwelling rather than to the side, making it less conspicuous, and; (c) the dwelling has been brought forward in the plot such that its front elevation is now in line with no. 1 Barley Fields.

The proposed dwelling would have a ridge of 8.1m, with that of its garage being 5.7m. Although this is greater than the 6.9m high dwelling previously approved, it nevertheless compares favourably with the 9.0m ridges of the adjoining Barley Fields development. Likewise, the garages in Barley Fields have ridges of 6.0m to 6.2m.

On balance, the proposal is considered likely to have a neutral impact on the character of the conservation area. Only part of the site falls within it and visually the site relates more to the modern development to the north and west rather than to the older cottages to the south.

## **RECOMMENDATION**

Approve with Conditions

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

### **REASON:**

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

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

### **REASON:**

To secure harmonious architectural treatment.

3 - 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.

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

### **REASON:**

To ensure a satisfactory landscaped setting for the development.

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

### **REASON:**

To protect the amenities of this primarily residential area.

6 - Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and a line drawn 2.4 metres parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1 metre above the nearside carriageway level and thereafter maintained free of obstruction at all times.

### **REASON:**

In the interests of highway safety.



7 - Any entrance gates shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from the carriageway edge.

REASON:

In the interests of highway safety.

8 - Before the dwelling hereby permitted is first occupied, the first 4.5 metres of the driveway shall have been properly consolidated and surfaced (not loose stone or gravel).

REASON:

In the interests of highway safety.

9 - Before the dwelling hereby permitted is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. This should be in the form of a channel cut-off drain set back 4.5 metres from the carriageway edge across the access.

REASON:

To prevent surface water from the driveway from discharging on to the public highway.

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

REASON:

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

11 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, walls or other means of enclosure (other than any entrance gates across the access or post and rail fencing less than 1 metre high) shall be erected forward of the front elevation of the dwelling hereby permitted.

REASON:

In the interests of visual amenity.

12 - The first floor main bathroom window in the north elevation and the first floor ensuite bathroom window in the south elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of the neighbouring property.

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

REASON:

In the interests of visual amenity.

14 - INFORMATIVE TO APPLICANTS:

Thames Water advise that there are public sewers crossing the site and that no building will be permitted within 3 metres of the sewers without their approval. Should you require a building over application form, Thames Water can be contacted on 0845 850 2777.

15 - INFORMATIVE TO APPLICANTS:

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, HC24 and HH5.

Item 9:

APPLICATION:	K/53020/F
PARISH:	CHILTON FOLIAT
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New dwelling in garden (amended siting and design).
SITE:	16 The Groves Chilton Foliat Hungerford RG17 0TR
GRID REF:	32214 70756
APPLICANT:	Ms C Stubbington
AGENT:	Tuttle Architectural Services
DATE REGISTERED:	27th September 2005
CASE OFFICER:	Mr A Guest

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#### SITE & LOCATION

The 0.08 ha site lies on the east side of the B4001 within the Limits of Development of Chilton Foliat. To the north and south sides is established residential development (Glebe Place and The Groves respectively). To the west (on the opposite side of the road) is the primary school.

#### SITE HISTORY

K/o41723 – Erection of a detached dwelling – Refused 24/08/01; Appeal dismissed 26/04/02

#### DESCRIPTION OF DEVELOPMENT

The proposal is to demolish an existing single storey side addition at no. 16 The Groves and erect a detached two bedroom house. The house would be positioned on a similar building line to no. 16 with a minimum 2.5m wide gap retained to the boundary with Glebe Place and a 1.0m gap with no. 16 The Groves. A single access from the B4001 would be provided to serve both the new house and no. 16 The Groves, with a shared parking and turning area. To meet the requirements of Wiltshire County Council, the existing pavement on the road frontage would be extended across the site frontage, this requiring removal and replacement of the existing front boundary hedge.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Further details of the parking and turning area, and in particular its construction, have been submitted. Amendments have been made to the siting of the dwelling and design of the dwelling, including a reduction in the rear projection.

#### ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

#### PARISH COUNCIL COMMENTS

Chilton Foliat Parish Council: objects to the proposal for the following reasons:

- The new structure would have an unacceptable impact on the adjacent properties in Glebe Place;
- The new structure is unacceptably close both to the existing property and the boundary hedge and gives the impression of being crammed in to too small a space;
- The division of the garden results in two overly narrow, long plots.

## CONSULTATIONS

County Highways (Paul Galpin): no objection subject to conditions.

## REPRESENTATIONS

Two objection letters have been received from 15 The Groves and 6 Glebe Place summarised as follows:

- loss of light/overbearing;
- overlooking;
- Inadequate services;
- Overdevelopment.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - Policies PD1, HC24, NR8, NR9 are relevant.

## PLANNING OFFICERS COMMENTS

The main issues to be considered in this case are, firstly, the principle of new residential development, and if this is established, the impact of the specific proposal on the character of the area, residential amenity and highway safety.

Regarding the principle of residential development, the application site lies within the Limits of Development of Chilton Foliat. Within the Limits of Development Policy HC24 of the local plan allows new housing development in the form of infilling provided that this is within the existing built up part of the village, does not consolidate an existing sporadic, loose knit area of development, and is in harmony with the village in terms of its scale and character. In this case the proposal is considered to comprise an 'infill' being a small gap within a small group of houses. The widths of the proposed plot and the retained plot at no. 16 The Groves are slightly less than the average in the immediate vicinity, but are not considered to be so out of character as to appear cramped or overcrowded. For these reasons the proposal complies with Policy HC24 and is, therefore, acceptable development as a matter of principle.

Regarding character and amenity, the proposed house and the parking/turning areas have been carefully laid-out to respect existing features of the site, and in particular the boundary hedge with the adjacent properties in Glebe Place. The front boundary hedge is proposed to be removed and replaced with a new mixed native species hedge to allow construction of the extended pavement across the frontage. This is considered appropriate to ensure the 'rural' character of the road is maintained.

Sufficient gaps are retained between the proposed dwelling and existing development to ensure privacy is safeguarded. Specifically, some 13m is maintained between the rear elevation of 6 Glebe Place and the side elevation of the new house (with an intervening boundary hedge), and approximately 9.5m with no. 15 The Groves (with no. 16 in between). The new house has been designed to avoid direct back to back/side or side to back overlooking. As a consequence it is not considered that the development would adversely impact on residential amenity.

Regarding the planning history, the refused application related to a narrower plot than currently proposed, with separate accesses to the new and existing houses. As a consequence of the narrow width of the plot it was considered that the dwelling would have appeared cramped with a harmful impact on the hedge to the side. The current proposal sites the house on a wider plot (achieved by demolishing an existing side addition at no. 16), this allowing a wider gap to be maintained at the side to safeguard the hedge. These material differences between the current proposal and

the earlier refused scheme now make it acceptable, overcoming the earlier reasons for refusal.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

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

#### **REASON:**

To secure harmonious architectural treatment.

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

#### **REASON:**

To ensure a satisfactory landscaped setting for the development.

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

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

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

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence. The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in

accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**REASON:**

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

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

**REASON:**

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

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

**REASON:**

In the interests of the privacy of the neighbouring properties.

7 - The window at first floor level shown on the approved plans on the north facing side elevation shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

8 - Prior to the occupation of the dwelling hereby approved, the extension to the pavement across the front of the site as shown on drawing no. 0004/01B shall be constructed in accordance with a specification to be first agreed in writing with the local planning authority.

**REASON:**

In the interests of highway safety.

9 - Before the dwelling hereby approved is first occupied, the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and the extremity of the site frontage to the southern direction shall be cleared of all obstruction to visibility at and above a height of 0.6m above the nearside carriageway level and thereafter maintained free of obstruction at all times. In the northern direction the area between the nearside carriageway edge and a line drawn 2m parrallel thereto over the site frontage to the north shall be cleared of any obstruction to visibility at and above a height of 0.6m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

**REASON:**

In the interests of highway safety.

10 - Prior to the first occupation of the dwelling hereby approved, the post box to the north of the site shall be re-sited with the agreement of the post office to a position which does not obstruct visibility.

REASON:

In the interests of highway safety.

11 - 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.

12 - Prior to the first occupation of the dwelling hereby approved, the vehicular access for the first 5m shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety.

13 - 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.

14 - 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, HC24, NR7 & NR8.

