

## **Regulatory Committee**

**16th February 2006**

### **Planning Services**

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

1 K/53527/O (page 8)

Outline Planning Permission for : Development of 6 new houses  
Land at 10 Brunkards Lane, PEWSEY

RECOMMENDATION: Grant outline planning permission

2 K/043791/O (page 15)

Outline Planning Permission for : Redevelopment to provide 9 dwellings (3 affordable) and 1 live/work unit together with access road (amended drawings revised siting and access arrangements; live/work unit to replace business unit).

Farm Buildings, Village Street, RUSHALL

RECOMMENDATION: Defer & Delegate to Planning Services Manager to grant outline planning permission subject to the prior completion of a Section 106 legal agreement.

3 K/53552/F (page 25)

Full Planning Permission for : Semi detached dwelling with single garage  
Land adjacent 29 Stirling Road, MARKET LAVINGTON.

RECOMMENDATION: Grant full planning permission

4 K/53177/F (page 31)

Full Planning Permission for : Installation of a 22 metre high guyed monopole supporting 3 No dipola antennas, with a cabin and ground based equipment cabinets.

Great Botley Copse, Botley Down, Oxenwood, SHALBOURNE SN8 3NF

RECOMMENDATION: Grant temporary planning permission

5 K/53470/F (page 36)

Full Planning Permission for : Extension to house under construction  
Land adjacent to 1 Stonebridge Close, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

6 K/53256/F (page 39)

Full Planning Permission for : Erection of barn and creation of hardstanding.  
On right hand side of Bell Hill, Trowbridge Road, SEEND

RECOMMENDATION; Grant full planning permission

---

Item 1:

APPLICATION:	K/53527/O
PARISH:	PEWSEY
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Development of 6 new houses
SITE:	Land at 10 Brunkards Lane, Pewsey
GRID REF:	16700 60285
APPLICANT:	Mr and Mrs D T Russ
AGENT:	Matthewson Whittaker Waters
DATE REGISTERED:	9th January 2006
CASE OFFICER:	Mr P Horton

---

#### SITE & LOCATION

The site constitutes a field associated with 12 Brunkards Lane which has until recently been used for sheep rearing. It is surrounded by residential development on all sides, lying between Brunkards Lane, Middlemass Green and Walnut Close. The site also includes a strip of land currently forming part of the garden of 8 Middlemas Green, which is proposed to be used to form the vehicular access to the site. The trees along the eastern boundary of the site are protected by a group TPO. To gain access to the main core of the site, Members are advised that they will need to cross the private land at either 8, Middlemass Green or 10, Brunkards Lane.

#### SITE HISTORY

Two previous outline applications for 10 and 7 dwellings on the site were withdrawn in March 2005 and June 2005 respectively following indications from officers that they were likely to be refused (K/51556/O and K/52189/O refer).

#### DESCRIPTION OF DEVELOPMENT

This is an outline application for 6 dwellings. Siting of the dwellings and means of access are specified for approval at this stage, with all other matters to be reserved for subsequent approval. Access would be obtained via a drive running through the western-most part of the garden of 8 Middlemass Green. The 6 dwellings would be arranged around the access road, constituting 2 detached houses and 2 pairs of semi-detached. The southern-most dwelling is indicated to be of dormer-style design to minimise visual impact when the site is viewed from High Street.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None at the time of writing this report. However the agent is investigating the possibility of shifting the southern-most dwelling a little further away from the boundary trees, so revised plans are anticipated.

#### PARISH COUNCIL COMMENTS

Comments will be available at the meeting.

## CONSULTATIONS

County Highways – Mr Galpin: No objection subject to a condition requiring two parking spaces per dwelling to be provided prior to occupation, and completion of the highway works prior to completion.

County Archaeologist: No objection.

Wessex Water: No objection, but various detailed comments to be conveyed to the applicant as an informative.

KDC Engineering & Design Manager: Holding objection as the proposal does not demonstrate that surface water discharges can be managed in accordance with PPG25.

## REPRESENTATIONS

Objections have been received from 22 local residents, and also from Pewsey Meadows Management Ltd. The latter maintain the greens in the Pewsey Meadows estate. The main concerns raised can be summarised as follows:

- a) Traffic generated by the development would increase the highway hazard involved in negotiating the narrow and winding estate road (which lacks pavements) leading from Broomfield Road to the site;
- b) Avonleaze Road and Middlemass Green are unsuitable for use by construction traffic; damage to private property is bound to occur;
- c) Because the above roads are so narrow, construction traffic would most likely drive onto the greens to pass. These greens are maintained at residents' expense. Residents from the proposed development would benefit from the greens without contributing to their upkeep;
- d) The estate was set up to be a self-contained unit consisting of 3 greens and one site entrance. It was never considered that further development would be allowed on the site. The infrastructure was therefore established to allow solely for the number of homes already constructed and not to accommodate further development;
- e) The access would involve the loss of a lay-by which provides 2 parking spaces for the residents of Middlemass Green; no details are provided as to how the lay-by would be closed;
- f) The proposed access would breach a restrictive covenant prohibiting changes to front gardens on the existing estate;
- g) The bell-mouth of the access point intrudes on to the shared access drive serving nos. 7 and 8 Middlemass Green;
- h) It would be more appropriate to access the site from Walnut Close;
- i) Construction of the access would harm the adjoining hedge and tree of 10 Middlemass Green;
- j) The village does not require these extra homes as it already benefits from several large housing sites;
- k) The proposed layout allows scope for additional future development on the site of the applicants' lambing sheds, which are currently shown to be retained;

- l) The proposal is an overdevelopment which would be out of keeping with its surroundings, would harm the nearby conservation area and would be visible from High Street;
- m) The application site has been used for sheep rearing and is not “domestic garden” as stated on the application forms;
- n) Trees and wildlife will be lost; there may be bats on the site.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Pewsey Limits of Development and outside Pewsey Conservation Area. The most relevant policies are HC21, HC35, HC36 and PD1. There are trees on the site protected by a Tree Preservation Order.

#### PLANNING OFFICERS COMMENTS

The site lies well within the Pewsey Limits of Development and is surrounded by existing residential development. Hence no ‘in principle’ objection can be raised against developing the site for housing.

The applicants’ claim that the site constitutes domestic garden would appear to be false, with the evidence pointing to the site having been in agricultural use. However neither scenario would prejudice the presumption in favour of residential development outlined above.

The two previously withdrawn schemes both proposed unacceptable layouts, particularly with regard to density, proximity to boundaries and resultant harm to boundary trees. However these concerns have now been overcome and the current proposal is considered acceptable.

The proposed development is equivalent to a density of 26 units to the hectare. This is below the government guideline of achieving 30+ units to the hectare in order to achieve an efficient use of land. Hence the proposal cannot be considered to be an overdevelopment of the site. The reduced density is acceptable in this instance as it allows for the protection of boundary trees and is in keeping with the surrounding pattern of development.

The Landscape & Countryside Officer has confirmed that the proposal will not harm boundary trees, including those covered by the group TPO. Indeed, very little vegetation is being removed.

Local residents’ concerns about the highway implications of the proposal are noted. However the local highway authority does not consider that the proposal will materially worsen highway safety and therefore raise no highway objection. (Indeed they did not raise ‘in principle’ objections to the previous higher density schemes).

The points raised about potential damage to the green and to private property are not planning matters. Neither are the issues of financial provision for the upkeep of the greens nor the presence of restrictive covenants.

Potential damage to private property by construction traffic is neither a planning matter nor something which the local highway authority normally address when commenting on planning applications. However they did provide comments on this subject in response to public concern expressed during consultations on the previous withdrawn application K/52189/O.

It is acknowledged that the alignment of Middlemas Green would make access for larger construction traffic difficult. This is a matter for the developer to manage (by, for example, advising delivery firms to use smaller vehicles). It cannot be assumed that damage would occur, but in the event that this does happen it is a private between the parties concerned, or can be remedied by way of other legislation.

The applicants propose to drain both surface water and foul sewage into existing public mains sewers. Wessex Water confirm that these are present adjacent to the site entrance, and that the applicants would need to agree points of connection with them. However the Council's Engineering & Design Manager expresses concerns about the application. He considers that not all of the site could drain into the surface water sewer in Middlemass Green. He advocates that sustainable drainage methods be employed, as advocated in PPG25. These would include the use of permeable surfaces and linked soakaways etc. This concern is certainly valid, but in the absence of an objection from the water authority, does not allow that the application be refused on these grounds. Rather, drainage concerns can be safeguarded by imposing a drainage condition requiring that fully satisfactory drainage details are agreed prior to development commencing.

The application stands to be considered on the basis of the stated site boundaries and on the basis of the proposed access via Middlemass Green. Access via Walnut Close is not up for consideration. Equally, any future application for development of the land occupied by the lamb rearing sheds will stand to be determined on its own planning merits.

To conclude, an 'in principle' objection cannot reasonably be maintained against developing the site for housing. The layout now proposed by this latest application is considered acceptable and hence your officers recommend that it be approved subject to appropriate conditions.

## **RECOMMENDATION**

Approve with Conditions

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

## **REASON:**

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

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

REASON:

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

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

REASON:

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

4 - This permission relates to the scheme of development as submitted except insofar as amended by the revised site layout plan \*\*\*\*\* received on the \*\*\*\*\* February 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.

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

REASON:

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

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - The trees on the site which are protected by a Tree Preservation Order shall, before any work commences, be enclosed at the outer edge of the overhang of their branches, by a chestnut paling fence. Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

8 - Sufficient space for two car parking spaces (one can include a garage) together with a vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the local planning authority and finished to final surface as approved by the local planning authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON:

In the interests of amenity and road safety.

9 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site.

REASON:

To ensure satisfactory foul water drainage.

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

REASON:

To ensure satisfactory surface water drainage.

11 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order 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, to ensure the retention of adequately sized gardens and to ensure against damage to neighbouring trees.

12 - 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 shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which front on to any road.

**REASON:**

In the interests of visual amenity.

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:**

The applicants are advised that it may be possible to commute the equipped children's recreation requirements set out in condition 5 by the payment of an appropriate sum to the district council which will then be used to either provide children's recreational facilities in the vicinity of the site at a later date and/or enhance existing facilities.

**15 - INFORMATIVE TO APPLICANTS**

The attention of the applicants is drawn to the contents of the attached letter from Wessex Water and dated the 20th January 2006.

**16 - INFORMATIVE TO APPLICANTS:**

The developers should consider the use of small construction vehicles in order to avoid damage to both private property and to the communally owned greens along the narrow estate roads leading to the site.

**17 - INFORMATIVE TO APPLICANTS:**

The applicants are 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 their control. If such works are required it will be necessary for the applicants to obtain the landowner's consent before such works commence.

**18 - 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: policies PD1, HC21, HC35 and HC36.



Item 2:

APPLICATION:	K/043791/O
PARISH:	RUSHALL
APPLICATION TYPE:	Outline Planning Permission
PROPOSAL:	Redevelopment to provide 9 dwellings (3 affordable) and 1 live/work unit together with access road (amended drawings - revised siting and access arrangements; live/work unit to replace business unit).
SITE:	Farm Buildings, Village Street, Rushall
GRID REF:	12424 55759
APPLICANT:	Mr C N Wookey
AGENT:	G N Tipping
DATE REGISTERED:	22nd July 2002
CASE OFFICER:	Mr A Guest

---

#### BACKGROUND

This outline planning application was previously considered by the Regulatory Committee on 7 November 2002 and 26 July 2004 where it resolved to grant planning permission subject to the applicant entering into a Section 106 agreement to secure the three affordable housing units. The Section 106 agreement has not at this point in time been completed and consequently no planning permission has been issued. Although an outline application, siting and means of access are detailed in the application. The previous agenda item is set out below.

The site has now changed hands, and the new applicant has applied for amendments to the previously agreed scheme. These amendments are as follows:

- to change the siting of the proposed units;
- to reposition the access to the site (and retain an access to adjoining land);
- to replace an office unit with a 'live/work' unit; and
- to delete the pavement on part of the frontage.

The number of units remains similar to the approved scheme (previously 6 open market houses, 3 affordable houses (9 houses in total) and 1 office building; now 6 open market houses, 3 affordable houses and 1 live/work unit (10 in total)).

The amendments have generated an objection from Rushall Parish Council summarised as follows:

- Ten houses is excessive/too great in density and would significantly alter the character of Rushall placing severe strains on its infrastructure, car parking, traffic flow, road safety and amenities (or

lack of them). Reducing the number of houses to 9 would enable the extra land to ameliorate some of the problems;

- Insufficient parking (particularly for live/work unit) leading to on-street parking and congestion;
- Inadequate turning facilities for the Cottage (accessed through the site) leading to vehicles reversing through site;
- Proposed access to site is directly opposite the “Old House” giving rise to increased noise and pollution to the owners, and also poses highway safety concerns given the significant increase in traffic through village;
- Materials not in-keeping with village;
- Layout out of keeping with established ribbon/frontage development in village;
- Objection would be raised to significant additional street lighting having regard to low levels currently in village;
- Rushall suffers with surface water drainage problems and concern is expressed as to the adequacy of existing infrastructure.

The application has generated objections from 14 local residents summarised as follows:

- Withdrawal of office building generally supported in view of lack of need and potential nuisance to neighbours. Re-development of farmyard also supported but only if scale and detail is right;
- Density too high/too many units with resulting adverse impact on character of area and infrastructure/services, therefore unsustainable. Number of units should be reduced;
- Inadequate on-site parking. Inadequate turning for The Cottage;
- Materials should include some thatch, particularly on frontage units;
- The development would generate significant traffic. Inadequate on-site parking would lead to congestion. Access being directly opposite another access would be dangerous. Some support (on highway safety grounds) and some objection (on amenity grounds) to pavement along part of road frontage;
- Affordable housing must be provided, but high quality design appropriate for location is required;
- Inadequate surface water drainage systems in village;
- Wall on part of frontage would be out of keeping with surroundings;

An important change in circumstances since the first grant of planning permission is the adoption by the Council of the Kennet Local Plan 2011 (adopted 30 April 2004). This has changed the status of Rushall from a village subject to a ‘Village Policy Area’ to a ‘Village with Limited Facilities’ (policy HC24). The employment policies have also changed in that the previous emphasis on protecting former farmyards in villages for employment purposes has been removed, and consequently there is now no specific protection for this purpose (policy ED12). Under policy HC24 the redevelopment of existing buildings for residential purposes remains acceptable as a matter of principle subject to criteria which is met in this case.

Under policy ED12 loss of the farmyard to residential use could not be sustained; and what is more, the replacement of the agreed business unit is in accordance with current policy. Under policy HC35, recreation provision is also required. The Council's supplementary planning guidance on the topic, approved since the application was first considered, suggest that in developments of this size, it is better to commutte the sum to allow for off-site improvements to local facilities already established. This can be done via a Section 106 legal agreement. The sum required will be in the region of £16,470.

Regarding the specific amendments, the changed siting spreads the now larger new houses over a greater part of the site. Notwithstanding this, the development remains contained, and maintains its 'farmyard' concept (demonstrated by illustrative elevation drawings), and as such, no harm would be caused to amenity. Detailed design and materials remain reserved. Three units would remain affordable.

The proposed access to the site is shifted approximately 7m to the south of the existing approved position. This raises no highway safety issues as adequate visibility can continue to be provided. Wiltshire County Council raises no objections, including in relation to the proximilty to another access.

The proposed live/work unit maintains an employment use on the site in accordance with the spirit of the original application. Under the terms of current policy set out in the Kennet Local Plan 2011 farmyards are not protected as employment sites, and consequently the loss of the originally proposed small office building to a 'live/work' unit would not amount to a sustainable reason for refusing planning permission.

The pavement along part of the road frontage has been deleted from the proposal in the interest of maintaining the amenities of the village. Its deletion has resulted in an objection from Wiltshire County Council. Rushall is a largely unspoilt rural village with the edges of its through road defined largely by 'green' verges rather than pavements. A length of pavement constructed in front of part of the application site would, it is considered, appear alien and unduly suburban within this context, and consequently detrimental to the appearance of the village. In this particular case this amenity concern is considered to outweigh the limited benefit the pavement would provide. Should the Committee not agree with this then a further condition could be imposed requiring reinstatement of the pavement.

Regarding other issues raised by the Parish Council and neighbours, these were addressed when the application was originally considered by the Regulatory Committee in 2002. Circumstances have not changed so significantly to warrant a different decision now. In particular, the number of units effectively remains unchanged (the current proposal amends the siting and access only and replaces the office unit with a live/work unit, giving a total number of units of 10). The new position for the access is only slightly different to the agreed position, with no objection raised by Wiltshire County Council. Detailed design of the units and the external materials remain

reserved, as do the drainage arrangements. The reasonable objection raised by The Cottage in relation to the lack of a turning space can be resolved by an additional planning condition. For these reasons a positive recommendation is made, although subject to the completion of the Section 106 agreement relating to the provision of the affordable housing and a commuted sum for recreation provision.

The earlier Regulatory Committee agenda item follows:

#### SITE & LOCATION

Take the A342 from Devizes. At the Rushall T junction turn left and the site is the redundant farmyard 50m along on the left. The buildings on the site are predominantly utilitarian, although there is one small building on the frontage which is of more traditional scale and design. There is a brick and block wall along parts of the site frontage. At present there are 3 access points. One of these also gives access to Stocktree Cottage and The Cottage. The site is elevated above road level with the principal buildings occupying the centre of the site. Opposite the site is the Old House – a listed building. Rushall is characterised by frontage development with one or two larger buildings. The site has an area of 0.5 ha and 2000 sq m of agricultural buildings.

#### SITE HISTORY

K/039989/O – This was an application for 6 houses grouped in two terraces with a large central barn like structure giving 800 sq m of B1 use.

The application was refused by Sub-Committee on 10 January 2002, contrary to officer's recommendation, for the following reasons:

1. The scale of development proposed is not in keeping with the character and appearance of the village and would destroy the open aspect of it. This would conflict with Policy DP1 of the Kennet Local Plan and in particular criteria I and K.
2. The residential element of the scheme does not contain any element of affordable housing. The omission of this element, in an area of need, conflicts with Government advice set out in paragraph 5.4.5 of the Rural White Paper, "Our Countryside: The Future" published in November 2000.

Although Members refused permission they were not against the principle of mixed development on the site, but were concerned at the scale of B1 use proposed, the absence of any social housing and the lack of thatch within the scheme.

#### DESCRIPTION OF DEVELOPMENT

The application is in outline with details of the siting and access submitted for approval. Illustrative drawings accompany the application.

The proposal is to clear the site and erect 9 houses grouped in 3 blocks which form a courtyard with 2 of the blocks at the front. A single storey unit of B1

accommodation would be linked to the rear courtyard block to give 160 sq m of B1 use. Three of the houses would be social housing.

The illustrative drawings show traditional cottages and buildings with one of the terrace of 3 houses being thatched. The whole development will be served by a single access which would also serve the existing cottages. Extensive landscaping is proposed.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Additional elevations.

#### ADDITIONAL STATEMENT BY THE APPLICANT

Attached at the rear of the agenda is a cover letter from the applicant's agent which sets out the circumstances of the application.

#### PARISH COUNCIL COMMENTS

The Parish Council's comments on the latest amended plans are attached at the back of the agenda.

#### CONSULTATIONS

County Highways – M. Wiltshire: no objections subject to conditions.

County Archaeologists: no objections.

Technical Services: no objection.

Environmental Health: no objection subject to standard noise condition, standard hours of operation condition and restrictions on burning of waste.

#### REPRESENTATIONS

11 letters of objection have been received. The following were the main points raised:

- Additional congestion and traffic;
- No demand for B1 uses in the area;
- There is a lack of infrastructure and facilities in the village to serve the development;
- The proposal is out of keeping and scale with the village. The site would best be developed for a fewer number of houses;
- The design is not appropriate;
- In general, it is felt that the proposal was not in accordance with the local plan policy and not appropriate to the village. In particular it was pointed out that policy EP4 will not apply to agricultural yards in the replacement local plan.

#### POLICY CONSIDERATIONS

Kennet Local Plan – EP4 and H14; PPG3 is also relevant.

## **PLANNING OFFICERS COMMENTS**

In terms of policy this site is regarded as an EP4 site under Kennet Local Plan i.e. it should be retained for employment purposes. However, Kennet has already proposed to remove farmyards from the terms of Policy EP4 as part of the replacement Local Plan. Furthermore, it is unrealistic to expect this 0.5 ha, 2000 sq m site to be fully occupied by local businesses. To develop it fully therefore for employment purposes would draw in people from a distance to a remote area with relatively few facilities. This would be unsustainable. In terms of housing the site is within the village policy limits but Rushall does not have a full range of facilities to warrant development of small groups and therefore development of the whole site for housing is equally unsustainable. However, in terms of existing development, the erection of 9 houses, 3 of which are social houses, might be considered as falling within the terms of limited development, as allowed by Kennet Local Plan.

Taking a balanced view, the proposal fits comfortably with policy objectives since it secures a reasonable level of employment and housing on a brownfield site within the village policy limits. With regard to access, provision is made to serve the adjoining properties. Extensive landscaping is proposed, particularly at the back of the site which is open to long distance views. The illustrative designs are generally sympathetic but they do not form part of the application. Nevertheless they do demonstrate that a vernacular approach to design can achieve an acceptable scheme. The arrangement of residential development on the frontage with the small "barn" in the middle is generally in keeping.

In particular the application now reflects Members' concerns in that the amount of B1 use has been reduced from 800 sq m to 160, three social housing units have been introduced and thatch has also been introduced to cottages on the frontage.

No objection has been received by County Highways regarding traffic.

Environmental Health have suggested noise conditions to take account of any impact on neighbours.

It is therefore recommended that authority be delegated to the Planning Services Manager to determine this application once an appropriate legal agreement has been completed to secure the social housing.

## **RECOMMENDATION**

That authority be granted to the Planning Services Manager to again grant outline planning permission in accordance with the conditions set out below, subject to the prior completion of an appropriate legal agreement.

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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plan no. 482/1A received on 21 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

6 - Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site.

REASON:

To ensure satisfactory foul water drainage.

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

REASON:

To ensure satisfactory surface water drainage.

8 - No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the open parts of the site.

REASON:

To safeguard the amenities and character of the area.

9 - No industrial processes shall be carried on at the site except within house 7 ('live/work' unit) hereby approved.

REASON:

To safeguard the amenities and character of the area.

10 - House 7 ('live/work' unit) shall be used solely for purposes within both Classes C3 and B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:

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

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

REASON:

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

12 - 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.

13 - Houses 8, 9 and 10 (the affordable housing) shall be completed and be ready for occupation prior to the occupation of any other house on the site. House 7 ('live/work' unit) shall be completed and be ready for occupation prior to the occupation of any other open market house on the site.



**REASON:**

To ensure satisfactory phasing and completion of the development in accordance with the agreed scheme.

14 - Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the carriageway edge 90m to the south.

**REASON:**

In the interests of highway safety.

15 - Before any part of the development hereby permitted is first occupied visibility shall be provided at a height not exceeding 300mm above carriageway level over a strip 2.4m wide, parallel and adjacent to the carriageway edge between the centre line of the access and the northern end of the site frontage.

**REASON:**

In the interests of highway safety.

16 - 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.

17 – Before the development hereby permitted commences, a revised layout drawing shall be submitted to, and approved in writing by, the local planning authority showing a turning space on the site for The Cottage to enable vehicles to enter and leave this property in forward gear.

**REASON:**

In the interests of highway safety.

**18 - 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, HC24, HC29, HC32, and HC35.

19 - 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.

20 - 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  
\*\*\*\*\*.

Item 3:

APPLICATION:	K/53552/F
PARISH:	MARKET LAVINGTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Semi detached dwelling with single garage
SITE:	Land adjacent 29 Stirling Road, Market Lavington
GRID REF:	02182 54603
APPLICANT:	Mr S Taylor
AGENT:	Premier Design (Wiltshire) Ltd
DATE REGISTERED:	12th January 2006
CASE OFFICER:	Miss K Whittington

---

#### SITE & LOCATION

Stirling Road lies at the north-eastern edge of the village of Market Lavington. Upon entering Market Lavington from the Urchfont direction, it is necessary to take the first exit of the mini-roundabout into Fiddington Clay, then the second turning on the left. After the road bears to the left (at which point Fiddington Clay becomes Stirling Road), it is necessary to continue straight on until a turning head is reached. Number 29 Stirling Road can be seen straight ahead and is one of a pair of semi-detached houses. The application site comprises the garden area to the side of the property. The site is bounded by residential development, except to the rear, where it borders open countryside.

#### SITE HISTORY

K/52730 – an application for a detached dwelling on the site was withdrawn in September 2005.

#### DESCRIPTION OF DEVELOPMENT

The previous scheme (K/52370), which proposed a large dwelling on the site, was withdrawn due to concerns that the size, positioning and detached design would be out of keeping with surrounding residential properties and would completely block views through to the open countryside.

The revised application is for a smaller dwelling, which would be connected to the existing house by a link at first-floor level. This would have a frontage of 9.5 metres, which would be 2.5 metres less than that of the withdrawn proposal.

A single pitched roof garage would also be constructed, which would be attached to and set back (by 1.8 metres) from the flat-roofed garage belonging to number 29 Stirling Road.

#### PARISH COUNCIL COMMENTS

Market Lavington Parish Council has raised no objections to the proposal.

## CONSULTATIONS

County highways – recommends that the application is refused on the ground that vehicular access to the proposed dwelling would involve vehicles encroaching either across the garage forecourt of number 29 Stirling Road (where cars could be expected to be parked), or across the front lawn of this property. It therefore considers that, as submitted, the proposed development would not have satisfactory vehicular access.

## REPRESENTATIONS

Seven letters of objection and a petition containing 46 signatures have been submitted in respect of the application. These raise the following key concerns:

- The house will be so close to the garden of 22 Stirling Road that it will block out the sunlight to the plants and fish pond, causing them to die. It would also block the sun to the decking area.
- As the house will be so close to 22 Stirling Road, we will be faced with a brick wall in an area that offers a scenic view across fields. This will affect our quality of life.
- The proximity of the house to 15, 22 and 24 Stirling Road is such that it will result in an invasion of privacy, since its windows would face directly into the houses and gardens. It will also result in the blocking of light to the neighbouring properties.
- The proposal would result in noise from excess traffic/parking.
- The proposed dwelling is out of keeping with other properties on the estate, which are semi-detached and have a brick and tile frontage.
- The proposal would change the appearance of the estate, since all other properties have a substantial area of garden to the front and back. A planning application was turned down at 48 Stirling Road and the points raised apply to this site.
- The pitched roof garage is out of keeping with the other garages in the area.
- The site is not large enough, nor has the required access, for a semi-detached property.
- The appearance of a construction site will cause noise and dust, thus affecting the neighbours' quality of life. It will also present a hazard as a result of increased traffic and the presence of site equipment.
- The development would disrupt electricity and water supply as mains link-up will be required.
- If a house was meant to be built in the garden, this would have happened when the original development was constructed.
- It is difficult to understand why the applicant needs another house as he has not lived in it since it was purchased.
- The property would be terraced and not semi-detached, as described in the application.
- If the application is allowed, it will set a precedent for other similar applications, as many of the properties have large gardens.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Market Lavington. Policies PD1 and HC21 in the Kennet Local Plan are relevant to the consideration of the application.

## PLANNING OFFICERS COMMENTS

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

### Principle of Development

The site lies within the Limits of Development for Market Lavington and would fall within the definition of previously developed land. Consequently, the principle of constructing a single dwelling on the site would be in accordance with policy HC21 of the Kennet Local Plan.

### Impact on Character and Appearance of Surrounding Area

The withdrawn scheme (K/52730) was considered to be unacceptable as the size, positioning and detached design of the dwelling would be out of keeping with the surrounding residential development and would completely block views through to the countryside.

With the revised proposal, the size, design and positioning of the dwelling has been amended in an attempt to overcome these concerns. Its frontage has been reduced by 2.5 metres and the dwelling would now be linked to the existing house. As a consequence, it would be more in keeping with other properties on the estate, which are predominantly semi-detached. In addition, the proposed dwelling would not completely block views through to the open countryside, as it would only take up approximately 60% of the plot width.

Parallels have been drawn with an application for a new dwelling at 48 Stirling Road, which was dismissed on appeal. It is not considered that the two proposals are directly comparable. The appeal inspector concluded that the proposed development at 48 Stirling Road would be cramped because it would be in such close proximity to the existing dwelling and would therefore be out of keeping with the remainder of the estate. In contrast, the application proposal does not appear cramped, as there is a distance of approximately 21 metres between the side wall of the proposed dwelling and the front wall of the adjacent houses.

Concerns have also been raised about the appearance of the pitched roof garage, in that it would not be in keeping with the adjacent flat-roofed garages. It is considered the design of the proposed garage is acceptable and would not appear at odds with the existing garages, as it would be set back from them by 1.8 metres.

### Impact on Highway Safety

The highway authority has objected to the proposal on the ground that the proposed development would not have satisfactory access. This is a land ownership issue, typical of many shared drives/accesses rather than a highway safety matter and consequently, it is not considered reasonable to refuse the application for this reason.

### Impact on Residential Amenity

Concerns have been raised that the proposed dwelling would overlook and block light to the neighbouring properties. The windows above ground-floor level in the side elevation of the dwelling, facing towards the adjoining properties would serve an en-suite bathroom and landing. As the distance between these windows and the gardens of these properties would only be 7 metres, it is considered that they should be obscurely-glazed and fixed shut. This can be secured by way of condition. As there is a fence along the side boundary of the site, it is not considered that there would be any potential for overlooking from the proposed ground-floor window in the side elevation of the dwelling. The properties to the front are at least 15 metres away from the proposed dwelling and consequently, overlooking would not be a problem in this direction.

The neighbouring properties are considered to be a sufficient distance away to ensure that blocking of light will not be an issue of concern.

### Other Issues

Concerns have been raised about the potential for disturbance when construction works are underway. As the works would take place over a relatively short period of time, it is not considered that the neighbours' living conditions would be significantly affected.

The concerns raised about the applicant's decision to apply for planning permission for a dwelling and the fact that he does not live in the property and may sell it on in the future are not planning matters and therefore cannot be taken into consideration.

Any disruptions to electricity or water supply as a result of the proposed development are matters for Southern Electric and Wessex Water respectively and not the local planning authority.

In summary, the proposal is considered to be acceptable and accordingly, the approval of planning permission is recommended subject to a number of conditions.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - No development shall take place 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 - 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.

4 - The windows above ground-floor level shown on the approved plans on the north-west side elevation of the dwelling hereby permitted shall be glazed with obscured glass and permanently fixed shut and shall be so maintained.

**REASON:**

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

5 - 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-west side elevation of the dwelling hereby permitted.

**REASON:**

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

6 - 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.

**7 - 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.

**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: policies PD1 and HC21.



Item 4:

APPLICATION:	K/53177/F
PARISH:	SHALBOURNE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Installation of a 22 metre high guyed monopole supporting 3 No dipola antennas, with a cabin and ground based equipment cabinets.
SITE:	Great Botley Copse, Botley Down, Oxenwood, SN8 3NF
GRID REF:	29700 60082
APPLICANT:	O2 Airwave Ltd
AGENT:	Waldon Telecom
DATE REGISTERED:	25th October 2005
CASE OFFICER:	Mr A Guest

---

#### SITE & LOCATION

The application site is located in a small clearing within Great Botley Copse, approximately 15m from the carriageway of the Oxenwood to Great Bedwyn road. Although surrounded by trees, the site is visible from the road through a gateway and drive leading from the road to the clearing.

The site and surroundings lie within open countryside and the Area of Outstanding Natural Beauty.

#### SITE HISTORY

K/045827 – Erection of 22m high alifab temporary guyed monopole to accommodate three 4 stack dipole antennas, together with associated equipment cabin and fuel powered generator – refused 12 August 2003.

The apparatus the subject of the above planning application was installed during the processing of the application. Consequently following the refusal decision an enforcement notice was issued (effective from February 2004) with the resulting appeal dismissed in September 2004. The apparatus was eventually removed by the operator in May 2005 following prosecution proceedings by the local planning authority. The apparatus was re-erected on open land at Noon's Farm (approximately 300m to the north-east of the original site). Again, this re-siting does not benefit from planning permission and is subject to an enforcement investigation (which is in abeyance pending the determination of the current planning application).

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a 22m high guyed monopole supporting 3 no. dipola antennas, with a cabin and ground based equipment cabins. The siting and appearance of the proposed development is very similar to that previously refused under reference K/045827.

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

There have been no amendments made following submission. Discussions are on-going with the applicant with regard to alternative sites in the vicinity.

## ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent states the following:

"O2 Airwave Ltd is a Telecommunications Code System Operator licensed by the Home Office to provide telecommunications infrastructure for the Public Safety Radio Communications project within the UK. The service provided is known as Airwave and is used by the police as well as being available to other emergency services.

The Airwave network is based on the European TETRA standard and operates within the guidelines set out by the International Commission for Non-Ionising Radiation Protection (ICNIRP) and the National Radiological Protection Board (NRPB). A declaration of conformity to these guidelines is enclosed with this application.

Naturally, the police require substantial network coverage at a local and national level in order to avoid communication "black-spots" that could compromise the safety of local communities and police officers themselves. This requirement, in conjunction with the topography of an area, determine where transmitters need to be sited. Where possible we aim to share existing sites with other operators or use existing buildings or structures, and in border areas seek to use a neighbouring police authority's installation.

Only where these options are not available will Airwave seek to install a new development, and we aim to deliver the required coverage using the minimum number of sites. The location that is the subject of this application is identified as the most suitable option that balances operational need with local planning policies and national planning policy guidance".

## PARISH COUNCIL COMMENTS

Shalbourne Parish Council: strongly objects to the proposed mast. The proposed mast is situated in an elevated position within the North Wessex Downs Area of Outstanding Natural Beauty and will breach the skyline from several viewpoints. It is also close to the public highway and would be detrimental to the quality of the landscape. An earlier application K/045827 has already been refused. An alternative mast exists close by which could be used for the required purposes.

## REPRESENTATIONS

Two objection letters have been received from Hillbarn Farm Estate and CPRE summarised as follows:

- Botley Down is an area of outstanding beauty (and is classified as such) and is in danger of becoming festooned with transmitter mast;
- Action should be taken against unauthorised development, including the unauthorised mast on the open downs to the north-east.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 – Policies PD1, NR7, NR8 and HC44.  
National advice in PPG 8 is also relevant.

## PLANNING OFFICERS COMMENTS

The main consideration in this case is the impact of the proposed development on visual amenity, and in particular the character and appearance of the area of outstanding natural beauty. The planning history and the need for the emergency services to have an effective communications network are important material considerations.

Policy HC44 of the Local Plan relates specifically to telecommunications development stating that such development will be permitted where there is an operational requirement; the siting, design, materials and external appearance minimise visual impact; and an assessment of alternative sites has been carried out. Within the AONB the policy states that development will only be permitted where there are no satisfactory alternative locations available. Policy NR7 relates to the protection of the landscape, requiring development to protect and enhance its character and quality; and policy NR8 gives priority to the conservation of the character and scenic quality of the landscape, resisting inappropriate development unless proven to be in the national interest and incapable of being accommodated outside the AONB.

In this case the applicant has demonstrated using coverage plots that there is a need for network coverage in this area. The plots show a 'gap' in the network which would be filled by a mast in the proposed location. The applicant has also provided a list of other sites in the locality which have been considered but ruled out for technical, visual or amenity reasons, or as a consequence of unwilling land owners. The sites considered are the existing Orange mast at Noons Farm (the applicant's preferred option but unavailable in view of an unwilling landowner), the electricity pylons (ruled out for technical reasons due to problems with gaining access for servicing/repair in an emergency), land at Starveall Farm (open land and visually intrusive), and land at Rivar Farm (unwilling landowner and previous refusal decision). It is considered that there are no other less intrusive sites suitable for consideration.

It is evident from the applicant's assessment that this is a difficult area to find sites and, as far as the applicant is concerned, the application site offers the best solution. The appeal inspector in the earlier enforcement case had regard to the site availability issue stating, "... it is not shown that there are no satisfactory alternative sites and the visual impact is not minimised by keeping the number of masts and sites for such installations to a minimum as encouraged in national guidance". It is evident that the applicant has now addressed this earlier shortcoming by considering as part of the current application other sites (and, in particular, sharing of the Orange mast), but has been forced to rule these out for the reasons given. This leaves Botley Down Copse as perhaps the only option in this area.

Notwithstanding the non-availability of other sites, it remains necessary for the chosen site to be considered against all other relevant policies of the development plan and material considerations. Local plan policies NR7 and NR8 are pertinent, and it remains the case that the development would have a harmful impact on the quality of the landscape in the area by reason of its siting close to the road (from which it would be seen), and its visibility in distant views (the antennas projecting above the tree canopy). These potential objections to the site have been drawn to the attention of the applicant who is now assessing other sites in Botley Copse where local and distant views can be better screened.

The process of further assessment and application is relatively lengthy, and in the meantime the applicant is required to continue providing network coverage for the emergency services. This requirement is considered to be an important material consideration in view of the essential services provided by the emergency services. Having regard to this, it is considered that a temporary planning permission would be the best way forward, this allowing coverage to continue to be provided for the emergency services on a temporary basis whilst an alternative, more suitable permanent site (or sites) in Botley Downs Copse is found. This approach is justified because of the immediate requirement for network coverage and the expected change in planning circumstances, namely further applications for more suitable sites which are anticipated before the end of the temporary period. This approach is in accordance with the Circular relating to the application of planning conditions. To this end temporary planning permission for a six month period is recommended.

## **RECOMMENDATION**

Approve with Conditions

1 - The development hereby permitted shall be removed and the land restored to its former condition on or before 16 August 2006.

### **REASON:**

This temporary permission is granted exceptionally in view of the very special circumstances of the mast users, namely the police and other emergency services, who require substantial network coverage not otherwise available in this area at this time, and to enable the mast operator sufficient time to find an alternative, more acceptable permanent site to provide the required coverage.

### **2 - INFORMATIVE TO APPLICANT:**

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, NR7, NR8 and HC44.

### 3 - INFORMATIVE TO APPLICANT:

The applicant is reminded that this planning permission is for a temporary six month period only. This temporary period is considered sufficient to enable the applicant to find an alternative, more acceptable permanent site for the development, and a planning application (or applications) for the site(s) to be processed. For these reasons the applicant is advised that it is very unlikely that the local planning authority would grant a further temporary permission at the end of the temporary period.

Item 5:

APPLICATION:	K/53470/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Extension to house under construction
SITE:	Land adjacent to 1 Stonebridge Close, Marlborough
GRID REF:	19581 69174
APPLICANT:	Mark Lovelace Ltd
AGENT:	Mr L S Dobie
DATE REGISTERED:	19th December 2005
CASE OFFICER:	Miss G Salisbury

---

#### SITE & LOCATION

Stonebridge Close is accessed off the northern side of Elcot Lane, near its junction with London Road. The application site is situated just to the west of industrial premises occupied by the Tenable Screw Company and north-east of 1 Stonebridge Close.

#### SITE HISTORY

K/40672 – Planning permission was approved in May 2001 for the erection of a new house and garage. Construction work has started.

K/51909/F – Planning permission was refused in June 2005 for two houses and associated works on the site.

#### DESCRIPTION OF DEVELOPMENT

This is a full application for alterations to the house approved in May 2001 under K/40672. It is proposed to erect a two storey extension on the western side of the property measuring 3.2m wide by 6.6m deep and 6.15m in height. A dormer window is proposed on the south elevation of the extension and a rooflight in the north facing roofslope. Materials are to match those approved on the previous consent.

#### TOWN COUNCIL COMMENTS

Marlborough Town Council strongly object to this application on the grounds that it is an overdevelopment of the site.

#### REPRESENTATIONS

Seven letters of objection have been received from neighbouring residents for the following reasons:

1. Proximity of the development to 1 Stonebridge Close. The application site is on higher ground than neighbouring properties and the proposed development by reason of its size and scale will dominate, overshadow and overlook adjoining properties;

2. Object to the extension due to the extra roof height and a lack of privacy from second storey windows. The upstairs windows on the north, south and west elevations will overlook neighbouring properties;
3. It would be an overdevelopment of the site. The size of the plot is sufficient for a two bedroom property only. The site is quite small and the extension will nearly double the size of the existing house;
4. The extension is unsympathetic to its surroundings;
5. Concern over the size of the house in such close proximity to an electricity substation;
6. Object to extra parking requirement. The larger the size of the house the amount of vehicles and demand for parking space inevitably increases.

#### **POLICY CONSIDERATIONS**

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

#### **PLANNING OFFICERS COMMENTS**

The principal issues to be considered are the size, scale and design of the extension and the amenities of adjoining properties.

It is accepted that the site is small but the proposed extension would only increase the footprint of the dwelling by 12.3m<sup>2</sup>, equivalent to a 21% increase in floor area. This will still leave adequate garden space for the dwelling and therefore is not considered to be an overdevelopment of the site.

The extension itself is considered to be well designed, being subservient to the approved dwelling. While it will bring the two storey element of the dwelling closer to the boundary with 1 Stonebridge Close there is sufficient distance between the properties to ensure no significant adverse impact on neighbour amenity by reason of loss of light or overbearing impact. Given the position of the dwelling in relation to neighbouring properties and the angle of sight from the new dormer window and rooflight it is not considered that these additional windows would result in any significant overlooking or loss of privacy. No new windows are proposed at first floor level on the west elevation.

As regards parking, two off street spaces will remain available for the parking of vehicles in line with Council's Parking Guidelines.

#### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour and texture those previously approved under application reference K/40672.

**REASON:**

To secure harmonious architectural treatment.

3 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows or other openings shall be inserted above ground floor level in the west elevation of the extension hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

**4 - INFORMATIVE TO APPLICANT:**

Your attention is drawn to the conditions imposed on planning permission reference K/40672 and dated 10/05/01.

**5 - INFORMATIVE TO APPLICANT:**

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

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



Item 6:

APPLICATION:	K/53256/F
PARISH:	SEEND
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of barn and creation of hardstanding.
SITE:	On right hand side of Bell Hill, Trowbridge Road, Seend
GRID REF:	93661 60822
APPLICANT:	Mr M Drewett
DATE REGISTERED:	4th November 2005
CASE OFFICER:	Miss K Whittington

---

#### SITE & LOCATION

The site lies on the north side of the A361 Devizes-Trowbridge Road, approximately 400 metres beyond the western edge of the village of Seend. It comprises agricultural land which is presently laid to grass and contains no buildings. There is an existing field access off the A361.

#### SITE HISTORY

K/36355 – planning permission was granted in June 1999 for the construction of a Dutch barn on the site.

K/52351/F – planning permission was refused in July 2005 for the construction of a barn on the site. This was on the grounds that a) the proposed building, by virtue of its size and positioning, would have a detrimental on the character of the surrounding landscape and b) the applicant has failed to demonstrate that a building of the size proposed is justified in agricultural terms. (The barn proposed was, at 209 square metres, almost twice the size of the current proposal).

#### DESCRIPTION OF DEVELOPMENT

The proposal is to construct an 18 metre by 6 metre by 4.8 metre (high), open-sided barn. This would be used to store hay, straw, and agricultural machinery. The barn would be open on two sides, with the gable ends constructed of concrete blocks and profiled sheet roofing. The latter would also be used to clad the barn roof. A hardstanding area would be formed between the barn and the access.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

At the request of officers, the barn has been re-positioned so that it would be gable-end onto the road and 3 metres in from the existing bank. It would also now be approximately 25 metres east of the existing field access.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has confirmed that the field will be returned to agricultural use in the summer, with the bottom field ploughed and reseeded with grass, fencing erected and cows brought onto the land for grazing. The applicant has

advised that the estimated timescale for completing this exercise is the end of September 2006.

#### PARISH COUNCIL COMMENTS

Seend Parish Council has commented that, although the barn is smaller in size (110 square metres compared with 209 square metres), it is still of similar construction to that previously submitted (K/5235/F). It therefore feels that the building would have a detrimental impact on the character and appearance of the surrounding landscape. It also considers that it is unlikely to be sufficiently large for the declared purpose ie. storage of a tractor.

#### CONSULTATIONS

KDC agricultural consultant – the consultant's agricultural appraisal concludes that the building is warranted, provided that the proposed farming practice ie. the production of hay on the grassland and the use of the building to accommodate cattle and the applicant's machinery, is implemented.

A copy of the agricultural appraisal is attached to the rear of the agenda.

County highways – no objection, subject to conditions requiring the widening of the access over the first 10 metres from the carriageway edge to 4 metres width; the access being provided with radii of 5.5 metres either side, with the existing lowered kerbs on the road edge being extended to suit the revised radii; the surfacing of the first 10 metres in a well-bound consolidated material; and the setting back of any gates to a position at least 10 metres from the carriageway edge, with the gates made to open inwards only.

#### REPRESENTATIONS

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

- The area on the right-hand side (0.077 ha), adjacent to the A361 and below my orchard, is shown as being in the ownership of the applicant. This claim is rejected by Mr E Akerman, who purchased the whole field adjacent to my property off Mr Philip Awdrey in the 1970's. No doubt your records will confirm this.
- Access to the A361 is at a point where vehicles are normally travelling quickly and access to and from the field could prove to be a high risk factor.
- It is understood that the applicant has applied for planning permission to build another barn on a larger site in the Sells Green area of the village, which raises the question of "Why two barns?"
- I am sure the parish council will have views on this application after the unsightly and unauthorised introduction of two large caravan type structures on this field, which after due representation, have now been removed.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 & NR7 are relevant to the consideration of the application.

## PLANNING OFFICERS COMMENTS

This application raises a number of key issues, which will be addressed in turn:

### Impact on Character and Appearance of Surrounding Area

One of the reasons that planning permission was refused in July 2005 for the construction of a barn on the site (under K/52351) was that it would, by virtue of its size and positioning, have a detrimental impact on the character and appearance of the landscape. The size and location of the barn has therefore been amended, so that it now accords with the scheme that was approved in June 1999. The footprint of the proposed barn would now be 110 square metres, as opposed to 209 square metres, as previously proposed. Furthermore, the barn would be positioned gable end onto the road and east of the existing field access. It is considered that these changes would significantly reduce the visual impact of the proposed barn. In addition, the size and positioning of the barn would be identical to that which was approved under K/36355. Although this application was approved some six years ago, there has been no change in policy or circumstances which would now warrant the scheme unacceptable. For these reasons, the size and positioning of the proposed barn is considered to be acceptable.

The parish council has commented that the barn would be of a similar construction to that which was proposed under application reference K/52351 and it would therefore have a detrimental impact on the character and appearance of the landscape. The barn would be of a pitched roof design and on would be open on two sides. The gable ends would be constructed of blockwork, with green profiled sheeting above. The roof of the building would be clad with profiled green sheeting. As the barn would be fairly well-screened from view and is open to its main elevations, it is considered that the proposed design and materials would be acceptable. Notwithstanding this, it is recommended that the materials are conditioned to ensure that they are appropriate.

### Justification for the Building

Concerns have been raised that the proposed barn may not be justified and that it is unlikely to be the right size for its required purpose. An agricultural appraisal has been undertaken by a specialist consultant, to assess whether the barn would be justified. This report concludes that a building of the size and design proposed would be warranted, provided that the applicant implements his proposed farming practice ie. producing hay and stocking the holding with a small number of cattle. The applicant has confirmed in writing that he will be bringing the holding back into productivity by the end of September 2006. It would be unreasonable to withhold the granting of planning permission on the basis that the applicant's proposed farming practice might not happen and consequently, it is considered that the barn would be justified in agricultural terms.

### Impact on Highway Safety

Concerns have been raised that the utilising the access onto the A361 at this point would present a threat to highway safety. There is already a gated access to the field in which the barn would be sited and therefore, the question is whether the proposal would give rise to such a significant increase in vehicle movements that it would be prejudicial to road safety. It is not considered that this would be the case and in any event, the access affords adequate visibility in both directions. The highway authority has raised no objection to the proposal, subject to a number of conditions. Consequently, the proposal is considered to be acceptable in highway safety terms.

### Other Issues

Concerns have been raised that the applicant may not own a small part of the field to which the application relates. As land ownership is not a planning matter, it is not possible to withhold the granting of planning permission for this reason.

## **RECOMMENDATION**

Approve with Conditions

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

### REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans showing the barn with its gable end facing the A361 Devizes-Trowbridge Road, as received on the 20th 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 - Notwithstanding the submitted information, the development hereby permitted shall not be commenced until details of the materials to be used in the construction of the barn (including a sample) 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.

4 - Prior to the first use of the barn hereby permitted, the existing access shall be widened to 4 metres over the first 10 metres back from the carriageway edge.

REASON:

In the interests of highway safety.

5 - Prior to the first use of the barn, the access shall be provided with radii of 5 metres on either side, with the existing lowered kerbs at the road edge being extended to suit the revised radii.

REASON:

In the interests of highway safety.

6 - The first 10 metres of the access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

7 - Any gates shall be set back to a position at least 10 metres from the carriageway edge and shall be made to open inwards only.

REASON:

In the interests of highway safety.

8 – Prior to development commencing, a scaled plan shall be submitted to and approved by the local planning authority showing the extent of any proposed hardstanding adjacent to the barn and the slab level of the barn. Development shall be carried out in accordance with the approved details.

REASON:

To protect the appearance of the area.

9 - INFORMATIVE TO APPLICANT:

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

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



