

## **Regulatory Committee**

**9th March 2006**

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

1 K/52510/F (page 14)

Full Planning Permission for : Retain one outbuilding and cellars for employment use; reuse existing building and carry out alterations to form 8 dwellings; retain and refurbish existing house; build 9 new houses; demolish a barn and build 3 live/work units; retain an existing barn for employment canal side uses and construction of a new shop/post office; new access roads/drives and parking areas.

Honey Street Mill, -, Honeystreet, ALTON, SN9 5PS

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

2 K/53498/VAR (page 32)

Variation of Condition for : Amend condition no. 2 of planning permission K/39894/O to extend time to submit the reserved matters application by two years.

Land at Kings Road, EASTERTON

RECOMMENDATION: Grant planning permission for variation of condition

3 K/53560/F (page 36)

Full Planning Permission for : Demolition of existing dwelling, construction of replacement dwelling and garage. Enlargement of domestic curtilage.

Rosemead Cutting Hill HAM RG17 0RN

RECOMMENDATION: Grant planning permission

4 K/53629/F (page 42)

Full Planning Permission for : Demolition of garages and erection of one dwelling.

Chapel Lane COLLINGBOURNE KINGSTON

RECOMMENDATION: Grant planning permission

5 K/53637/F (page 48)

Full Planning Permission for : Erection of one two storey dwelling house.

651 Hales Road NETHERAVON SP4 9QE

RECOMMENDATION: Grant planning permission

6 K/53649/F (page 51)

Full Planning Permission for : Use of site for mixed residential and vehicle sales

Fauns Close OGBOURNE ST GEORGE SN8 1SU

RECOMMENDATION: Grant temporary planning permission

7 K/53620/F (page 56)

Full Planning Permission for : Proposed conservatories to unit 1 and unit 2

Pineland 78 London Road MARLBOROUGH SN8 2AN

RECOMMENDATION: Grant full planning permission

8 K/53245/F (page 59)

Full Planning Permission for : New vehicular access, entrance gates and piers and amended garage.

Hazel Grove CHUTE FOREST SP11 9DG

RECOMMENDATION: Grant planning permission

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Item 1:

APPLICATION:	K/52510/F
PARISH:	ALTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Retain one outbuilding and cellars for employment use; reuse existing building and carry out alterations to form 8 dwellings; retain and refurbish existing house; build 9 new houses; demolish a barn and build 3 live/work units; retain an existing barn for employment canal side uses and construction of a new shop/post office; new access roads/drives and parking areas.
SITE:	Honey Street Mill, Honeystreet, Pewsey, SN9 5PS
GRID REF:	10350 61597
APPLICANT:	Greatworth Properties Ltd
AGENT:	Barton Willmore Planning
DATE REGISTERED:	12th July 2005
CASE OFFICER:	Mr A Guest

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#### SITE & DESCRIPTION

The application site is located in Honey Street, to the north of the Kennet and Avon Canal and to the west of the Woodborough to Alton Barnes Road. The site is occupied by a number of employment buildings, two dwellings and associated yards. To the west, north and east sides of the site is established residential development; to the south side (on the opposite bank of the canal) is a wood mill.

Honey Street is defined in the Kennet Local Plan as a 'village with limited facilities'. It lies within the area of outstanding natural beauty.

#### SITE HISTORY

K/043369 – Demolition of modern buildings. Conversion of remaining buildings and vaults to provide employment uses, 4 no. subsidized dwellings, 2 no. further dwellings and barn for canal related use. Erection of 10 no. new dwellings, chandlery/coffee shop. Retention of 2 no. existing dwellings – withdrawn 02/07/02

K/044749 – Change of use of each of the existing buildings (except the two dwellings) to use for B1 purposes or B8 purposes in any combination – approved 12/02/03

#### DESCRIPTION OF DEVELOPMENT

The application is for full planning permission to retain one roadside building and one further building at the rear of the site for employment purposes; to retain a second building within the site for conversion to eight affordable houses; to retain and refurbish one of the existing dwellings; to erect a post office building; and to demolish the remainder of the buildings and erect nine new open market dwellings, three 'live/work' units and associated garages, parking courts and access roads.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The layout has been changed with the new houses now fronting the canal, this resulting in the number of open market houses reducing by one. The access roads have been re-designed to meet the requirements of Wiltshire County Council. The applicant has agreed to part fund works to the adjacent wood mill dust extraction equipment to reduce noise emissions.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The application is supported by a Planning and Design Statement. This states the following:

“The Kennet and Avon Canal lies to the south of the application site and provides an opportunity to maximise south facing views over the canal. The shape of the site provides an opportunity to maximise the frontage of the canal, thereby enhancing the view of the site from the canal and towpath.

The existing mature trees will be retained where possible and will contribute to the setting of the new development, however there are a number of leylandi, which are not indigenous and contribute little to the area and these will be removed”.

In conclusion the statement says the following:

“This historic site has strong links to the canal and hence the whole of Honeystreet. It is disused and neglected, and the existing buildings will decay to a point where none of them will be capable of restoration unless viable uses can be found as part of a comprehensive approach. Most of the buildings in the central part of the site have no historic value and are unsightly. The site was formerly in industrial use, and incorporates a number of hazardous changes in level. It is not suitable in its current form to support activity on the canal or to provide public access to the waterway. The site is an eyesore.

The development proposal will remove the unsightly sheds and restore locally important buildings. It will greatly improve the appearance of this prominent canal side site, and of Honeystreet as a whole. It will provide safe public access to the canal. It will facilitate the establishment of a local community post office. It will provide employment opportunities. It will provide much needed housing, some of which will be affordable for local needs. It will provide a viable use of the site and secure the restoration and future maintenance of local historic interest.

The development provides a mix of uses with a range of dwelling types and sizes, designed to provide an attractive setting for the canal, as well as regenerating and revitalising the site and will enhance enjoyment of the canal and the visual amenity of this part of the North Wessex Downs AONB.

The proposed development is a brownfield site in the settlement of Honeystreet and conforms to national and local policy and will enhance local amenities, improve visual amenity and provide affordable houses for local people.

The proposal will also improve safety at the access to the site not only for uses of this site but also for those people who live adjacent to the site and who use the same access”.

#### PARISH COUNCIL COMMENTS

Objects to the proposal for the following reasons:

- \* Although some form of improvement to the mill site would be welcomed, consider that this is an inappropriate location and contrary to Local Plan policy for the area (HC24, PD1, ED12, NR8, NR6, NR7, TR1 & TR2);
- \* There are too many houses proposed in the development. The hamlet would be almost doubled in size, completely altering its character, not only in the number of inhabitants but also in the form and style of development. The hamlet is defined in the local plan as being an area where infilling may be considered appropriate only where it 'does not consolidate an existing sporadic, loose knit area of development; and the development is in harmony with the village in terms of its scale and character' (HC24, b & c).
- \* The mill is an industrial site of some historic interest, adjacent to a narrow lane with houses of different styles and periods spaced out along it. The general design of the proposed new development is unimaginative and too many of the old industrial features would be removed or are suggested for industrial use even though this might not necessarily be taken up. Replication of terraced houses for canal/industrial workers is inappropriate since the houses built for this purpose already exist on the south bank of the canal. Not opposed to conversion and upgrading of existing buildings for housing on the site but consider that new and converted houses should be limited in number and of a high standard of design, and that ample space should be provided for parking and recreation. Particularly concerned about the potential impact of the proposed terrace wall alongside the canal and of the cramped development proposals for the eastern and northern areas of the site. In order to respect the 'loose-knit' nature of the hamlet and its small size, would prefer fewer houses, individually designed and some perhaps a little larger, with good sized gardens. Would like to see retention of Clock House with reinstatement of the clock to provide a visual link with the historic use of the site;
- \* The potential number of new inhabitants gives rise to a raft of legitimate anxieties concerning local services, road safety and travel, car parking and so on;
- \* The highway issue is of vital importance. When discussing the 2002 proposals a resident calculated that there would be in excess of 300 journeys in and out of the site per day. These would be on to a very fast dangerous road with a blind, hump-backed bridge. In the heart of Pewsey Vale and close to the canal, Honeystreet is, at certain times of the year, a honey pot for tourism. But the main road through Honeystreet is also much used by cyclists, horse-drawn caravans, horse riders, and pedestrians - including mothers with pushchairs and small children, throughout the year. Should the lpa be minded to grant permission for a development than would increase traffic at the Chimney Lane junction, we consider that a footbridge at some point west of the road bridge ought to be provided;
- \* There are concerns about the structural safety of the canal bridge, which appears to be sagging;
- \* In view of the importance of the area for tourism and the recognised attractions of the hamlet, the canal, and the surrounding countryside, the measures proposed by Wiltshire County Council Highways Department for making access to and from the proposed development safer would present a cluttered and extremely unattractive entry to Honeystreet and Alton Barnes, at a point where signage already detracts from the appearance of the AONB. The northward view from the canal bridge, in particular, is one of the most distinguishing features of the area, with the Alton White Horse in the distance. AONB considerations are especially pertinent here. The proposals are not in harmony with KLP policies NR8 and NR7. KLP para 5.25, bullet point 6, which deals with the 'effects of ancillary development such as access roads, visibility splays, signage, etc' is especially pertinent.

- \* It is essential to obtain a clear and detailed picture of the utility capacities. It is not sufficient for a blanket answer from the relevant utility companies to be considered satisfactory. Can the sewage pumps pump an extra 10,000 gallons of effluent per day? Water pressure in the area is generally low: can more water be supplied easily and in sufficient quantity?
- \* It is impractical for the industrial enterprise to be put at the back of the site and furthest from the road. This means that all visitors, collections and deliveries, would have to drive through the residential area - which would be dangerous, disruptive and unhealthy for residents. This illogical arrangement gives rise to concern about what might be proposed for this part of the site, should the industrial enterprise fail. Would prefer to see a more practical layout with space for commercial vehicles away from residential areas, more properly respecting the amenity of residents. More parking provision is needed for visitors to the new houses - and for walkers and others who may wish to enjoy the amenities of the area. More space is needed for children to play safely close to the houses. Little benefit is seen in terms of local employment in the proposals: most residents in the new dwellings would have to travel elsewhere to work, adding to the unsustainable nature of the development. KLP policies NR6(a), ED12 and PD1B are all relevant to matters raised above and show clear conflict with the proposals.
- \* Access for service and emergency vehicles would be difficult and sometimes impossible because the width of the roads on the development would be only 4.8m; parked vehicles would could exacerbate this problem. KLP policy PD1 is relevant;
- \* The nearest community facilities are some distance away in Alton Barnes: the playground in Rectory Close, the Church and the village hall. They are all within walking distance but along a very narrow and dangerous road. The developers should be asked to consider providing a footpath along the edge of one of the fields, if any development is permitted to go ahead;
- \* How are the houses to be heated? There does not appear to be space for oil tanks. Alternative sources of heating should be considered to avoid a plethora of unattractive oil tanks.

Additional comments in second letter summarised as follows:

- \* The number of dwellings proposed is excessive and beyond expectations of KLP which indicates less than 10 units;
- \* More than adequate housing is being built in Kennet District to satisfy housing targets;
- \* Proposal is short of Local Plan affordable housing target of 50% (only 24% of houses are proposed to be affordable);
- \* 21 additional dwellings is excessive in a hamlet where there is presently only 29 dwellings. Development is unsustainable;
- \* Contrary to policies for sustainable design;
- \* Contrary to Policy PD1 in its entirety - dull designs, not in harmony in terms of scale and character, no reflection of existing sporadic and loose-knit character of hamlet, inadequate quality in AONB, scale and character unacceptable, inappropriate massing and density, no attempt to relate the development to its context (AONB in particular and distant views), poor layout which is dangerous, inadequate utilities and services to support development, development would not contribute to a well used attractive and safe public realm, contributions towards local facilities would not assist people getting there, inadequate landscaping, no reflection of historic use of site, unexceptional materials, poor standards of amenity for residents.
- \* Precedent for other employment sites to be redeveloped.

## CONSULTATIONS

County Highways – (Mr R Witt): no objection subject to conditions.

County Archaeologist: no objection subject to condition.

County Planning: strategic planning objection raised. Concerned with the level of residential development proposed on the site. Structure Plan states that provision will be made for small housing developments within villages, to be on infill gap or redevelopment sites. The proposal would significantly increase the number of dwellings in the village/parish. Notwithstanding the reasonable level of community facilities at or near Honeystreet, this level of housing would not constitute 'small' or 'limited' development in the Honeystreet context, contrary to the Structure Plan. Proposal is also contrary to PPG's 3 and 13.

The Structure Plan supports the re-use of 'suitable' previously developed land in preference to greenfield sites. This site provides an opportunity for recreation and tourism development associated with the canal. While it is recognised that the proposal makes some provisions for this, it only forms a small part of the overall development.

The Structure Plan recognises that the re-use of land and buildings can improve the amenity of settlements by removing eyesores or restoring attractive buildings. This site is previously developed land well-related to the settlement of Honeystreet that could be improved through redevelopment. Any re-use need not therefore compromise the landscape quality of AONB and could enhance views across the landscape.

Wessex Water: no objection subject to conditions. As far as Wessex Water is aware, this area does not have a problem with existing low water pressure. We have liaised with our engineers and they confirm that the proposed development would not have a detrimental impact on the areas existing water pressure.

According to Sewers for Adoption guidelines, the proposed development will discharge approximately 2,500 gallons of effluent per day and not 10,000 gallons as suggested by the Parish Council. We can confirm that the existing infrastructure has the capacity for the proposed increase in discharge from the development.

KDC Engineering & Design Manager: no objection subject to condition.

KDC Environmental Managers: Regarding potential contamination, recommend condition requiring a full contaminated land survey to be carried out at the site prior to development commencing. This is in view of the historic uses of the site.

Regarding potential noise nuisance from the adjacent wood mill, concerned that noise readings taken by the applicant's noise consultant were taken during daytime hours during a weekday, and as such, the background noise readings are likely to be much higher than those recorded during the evenings or on Sundays. The attenuation measures the developer is proposing would reduce the noise from the wood cyclone to a level below the background noise reading as taken. However, during the mid evening or Sundays, for example, the background noise level will be much lower and, as such, the reduced noise level could still result in complaints. I consider that any acoustical attenuation measures should take into account the worst case scenario - that is, noise from the wood mill in late evenings or at weekends when the background noise level can be predicted to be much lower.

The works proposed to the wood mill comprise replacement of the existing fan (predicted to reduce noise emissions from the existing fan by some 60-70%), enclosure of the fan unit within an acoustic enclosure, and introduction of a new filtration system. Recommend condition to ensure that the works to be carried out to the extraction and filtration plant achieve a resultant noise level which does not exceed the background level when in operation by more than 10 dB at the sawmill boundary. Under this condition BS4142:1997 states that complaints would then be unlikely.

KDC Housing Development Manager: The Housing register shows 12 cases with a local connection to Alton Barnes Parish and a further 7 connected with Woodborough which is close by. There is therefore a need for an affordable contribution and our initial assessment shows the majority need is subsidised provision for rent.

The overall scheme would deliver 19 additional dwellings (including three 'live/work' units). The conversion of the north barn would give 8 affordable dwellings - one short of the potential 50% contribution envisaged in Policy HC32, but justifiable in the context.

Environment Agency: no objection subject to conditions relating to potential contamination and foul water drainage.

English Nature: regarding water voles, mitigation measures will be required to ensure their protection - conditions recommended accordingly. Holding objection in relation to bats until additional survey work is carried out. [An update in respect of the additional survey work now undertaken will be given at the Committee meeting].

Wiltshire Wildlife Trust: recommends condition in relation to water vole protection. Holding objection in relation to bats until additional survey work is carried out. [An update in respect of the additional survey work now undertaken will be given at the Committee meeting].

British Waterways: no objection.

The Kennet & Avon Canal Trust: no major objections. However, request consideration be given to facilities for the canal including 'nose-in' moorings which would give a stronger connection with the canal.

The site is of significant historical importance to the canal being once owned by Robbins, Lane and Pinneger who were responsible for the construction of a particular type of wide-beam barge unique to the canal. Consequently, request that an information board is displayed by the developer illustrating the history of the site for the benefit of canal users and the public.

## REPRESENTATIONS

Objection letters have been received from 13 local residents summarised as follows:

- \* Too many houses, over-development. Honeystreet presently supports 27 families - proposal will introduce 21 additional houses. Cramped and overcrowded, poor and unimaginative design, inadequate gardens, no play areas, no creative use of canal side, harmful to AONB, harmful to on-site trees. Communal areas should be provided to benefit new and existing residents;
- \* Inadequate supporting infrastructure for scale of development - specifically, water services, schools, public transport, etc. Post Office would be unviable, and in any event, too small;

- \* Insufficient details of building materials;
- \* No requirement for access to the canal as tow path is on opposite side;
- \* Proposal would result in significant increase in traffic movements to and from the site. Approach road to site is dangerous. The bridge is unsafe. Inadequate visibility at access to site. Access road too narrow. Possible conflict between traffic leaving new estate road and Chimney Lane. Inadequate parking (both private and public);
- \* Water pressure is already low in village - how will development impact on this?
- \* Light pollution from houses and street lights;
- \* Affordable housing welcomed but too cramped with inadequate parking;
- \* Development will set precedent. Remaining employment sites must be retained for employment use;
- \* Life lines/belts should be provided on canal side. There should not be public access to the canal side in view of dangerous bridge and no where to go;
- \* Will developer be responsible for maintenance of private Chimney Lane? Construction traffic and scaffolding, etc. should be banned in west end of the lane. Ownership of the lane should be 'gifted' to existing residents and gate erected to prevent unauthorised access;

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC3, HC4, HC5, HC7, HC24, HC28, HC29, HC32, HC35, HC43, ED12, AT14, NR5, NR6, NR7, NR8, NR15, HH2, TR1

Planning Policy Guidance - 1, 3, 7, 13, 24, 25

## PLANNING OFFICERS COMMENTS

The main considerations in this case are, firstly, the principle of re-development of the site (including the scale of the development proposed), and then, if this is established, the detailed impact of the specific design and layout on the character of the area, residential and visual amenity, affordable housing, highway safety and the canal.

### Principle of redevelopment

The application site lies within Honeystreet which is defined as a 'village with limited facilities' in the Kennet Local Plan. Policy HC24 states that in such villages new housing development will be restricted to infilling, the replacement of existing dwellings or the re-use of existing buildings, or the redevelopment of existing buildings provided that the development is, (a) within the existing built up area of the village, (b) does not consolidate an existing sporadic, loose knit area of development, and (c) the development is in harmony with the village in terms of its scale and character. Policy ED12, relating to the protection of employment sites within villages, states that such sites over 0.1 ha will be retained wherever possible, and planning permission will only be given for other uses where, in particular, it is clear that no demand exists for continued use for employment purposes.

Beginning with Policy ED12, the presumption is clearly in favour of retention for employment purposes. In this case, however, the site had been marketed for a considerable period prior to the current application (and promoted as an employment site by Kennet District Council) but with no serious interest. Under these circumstances Policy ED12 allows redevelopment for either affordable housing schemes, other non residential uses of benefit to the local community, or mixed use developments. The application in this case is for a mixed use development (comprising employment use, 'live/work' units and both open market and affordable housing), and this is in accordance with the policy.



Regarding policy HC24, the application site supports existing development and consequently is previously developed land, or 'brown field'. It is located within the village being surrounded on all sides by other established development. Its re-development, therefore, satisfies criteria (a) and (b) of the policy. In relation to criteria (c), the scale of development, in terms of its footprint is similar to what is already in situ and the two storey nature of most of the structures reflects the height of existing buildings on and around the site. Nineteen new dwellings is a significant number but this has been largely dictated by the size of this brownfield site in the heart of the settlement which is a circumstance of history. Having regard to the fact the site is previously developed land, and also having regard to the other guiding principles of the plan which seek efficient use of land, the scale of development proposed is considered to be harmonious with the village, in accordance with criteria (c). The issue of character is considered below.

The proposal is, therefore, considered to be in accordance with policies ED12 and HC24, and as a consequence, acceptable as a matter of principle.

#### Design and Layout

Policies PD1 and HC7 require new development to, in particular, achieve a high standard of design having regard to the context and the principles of sustainability. In this case the context is a relatively modest village comprising a loose knit group of houses and employment sites, centred primarily around the canal. Sweeping over the entire village and the land beyond is the area of outstanding natural beauty. The site itself supports various buildings which vary greatly in terms of their architectural and visual interest, and general condition.

The proposal seeks to retain, renovate and convert the more interesting buildings on the site, and remove and replace the intrusive buildings. Those to be retained comprise the traditional '1886' barn on the road frontage (to be renovated for continued employment use), the employment building at the west end of the site (to be retained as is), the North Barn (to be converted to affordable housing), and Anchor Cottage (to be altered and renovated as a private house). All other buildings are to be removed and replaced. Specifically, the barn adjacent to the access road and visible from the main road is to be replaced by the three 'live/work' units on a similar footprint, and the remaining employment buildings adjacent to the canal are to be replaced by open market housing and associated garaging.

The overall layout is governed to a larger degree by the positions of the buildings to be retained. This has ensured that the open frontage of the site with the main road is largely retained, as is the open frontage with the canal. Indeed, the appearance of the frontage with the canal would be significantly improved by removal of the existing buildings, re-contouring of ground levels and new landscaping, all of which would be the subject of conditions. The detailed design of the new and converted buildings is considered to be appropriate being traditional, and in a form and scale which reflects the historic, industrial character of the canal side location.

Regarding the parish council's concern that commercial traffic would have to pass through the residential area to reach the existing employment building at the west end of the site, this, again, is a consequence of the historic arrangement of the buildings on the site. Notwithstanding this, by definition a Class B1 'business' use must be capable of being undertaken in a residential area without nuisance to the residents. It follows, therefore, that the residential and commercial uses would be compatible.

Overall, the design and layout of the development is considered to be appropriate for the location, providing a mix of uses and building styles, and retaining the best of the existing buildings, in accordance with the design principles of the planning policies. There would be no resulting harm to the AONB or distant views of the site.

Regarding sustainability, the site is not located in a particularly sustainable location and it is inevitable that the owners/occupiers will be dependent on motor cars to a larger degree. However, this would be the case if the site was taken up for continued employment use, and consequently the impact of redevelopment on the principles of sustainability is considered to be largely neutral.

#### Highway Safety

The application is supported by a Statement on Highways which concludes that the proposal would generate less traffic than the use potential of the existing site. The report further notes that there are no actual records of any accidents at the existing junction. Notwithstanding this, the application proposes to improve visibility at the junction by providing visibility splays. County Highways concur with the conclusions of the report and raise no highway objections subject to conditions.

The proposed layout of the access road into the site should avoid the 'near miss' scenarios experienced by residents of Chimney Lane up to now. Future ownership and maintenance of Chimney Lane is a private matter between the applicant and other users of the lane. A requirement for the developer to erect a gate across the lane as part of the development is considered unreasonable, and again should be pursued as a private matter between the users of the lane and the applicant.

Parking is proposed at a level of 2 spaces each for the open market houses and 'live/work' units, and 1 space for each of the affordable units, together with 5 + 5 visitor spaces. This level of provision is in accordance with guidance and is considered satisfactory.

#### Noise

To the south of the site (on the opposite side of the canal) is a wood mill with a noise generating dust extraction and filtration unit. The Environmental Health Officer originally expressed concern that the noise from this unit would be likely to generate complaints from the owners/occupiers of the development. As a consequence the applicant commissioned a noise survey which now forms part of the application.

The noise survey concludes that disturbance would be caused to the owners/occupiers of the closest new houses and consequently mitigation is required. Mitigation is, therefore, proposed in the form of modifications to the unit at the wood mill itself (agreed with the owner of the mill), and additional insulation in the new houses positioned closest to the mill. This would benefit both the owners/occupiers of the new houses and the owners of existing adjoining properties as well. Conditions are recommended to ensure that the works to the wood mill are undertaken prior to occupation of the affected houses.

#### Affordable Housing

Policy ED12 seeks equal numbers of affordable houses and private houses in redevelopment proposals for mixed uses on employment sites. The proposal is for 19 new houses on the site (including 3 'live/work' units) of which 8 are proposed to be affordable. Eight units is one short of the policy expectation, but this is satisfactory to the Housing Development Manager having regard to local demand and the circumstances of the site. For this reason a shortfall of one unit would not amount to a sustainable reason for refusing planning permission in this case. The

terms and conditions of the affordable housing would form part of a Section 106 agreement.

#### Other matters

The application is accompanied by bat and water vole surveys which recommend mitigation to safeguard these protected species. English Nature and the Wildlife Trust have raised a holding objection in respect of the bat survey results, and as a consequence a further survey has been carried out. The final views from English Nature and the Wildlife Trust will be reported verbally at the meeting. A condition is recommended to ensure that the species are protected during construction.

The applicant has agreed to make a financial contribution towards off-site recreation/play space provision in accordance with Policy HC35 and the SPG. This would form part of the Section 106 agreement.

Concern has been raised regarding the small gardens of the affordable units. These units have small gardens because they are within an existing building (to be converted) which is positioned right against the northern edge of the site. Notwithstanding this, the amenity space is considered to be adequate, and the occupiers will still have access to communal areas and facilities elsewhere in the parish enhanced by the off-site financial contribution.

In view of the parish council's strong concerns, clarification has been obtained from Wessex Water as to the adequacy of services within the area, and it continues to maintain no objection to the development subject to conditions.

Regarding potential light pollution, a condition is recommended requiring details of street lighting to be submitted for approval prior to installation. This will ensure that only directed lights are approved for the site. The roof lights in the affordable units are considered unlikely to contribute to light pollution being few in number and small in size. A condition is, however, recommended requiring these to be of the conservation type and of a size to be agreed in writing with the local planning authority prior to installation. A further condition will also require obscured glass to avoid overlooking of the adjoining property to the north.

The viability of the proposed post office is a real concern, and it would be unreasonable to expect the applicant to provide this if it can be demonstrated that it would not be a viable or feasible proposition. No evidence has been submitted with the application to establish viability. A condition is, therefore, recommended to require the applicant to undertake a viability study prior to development commencing. Should the viability study demonstrate viability, then the condition will require the post office to be built-out prior to the occupation of the market houses.

The applicant has not provided any details of phasing of the development. A condition is also, therefore, recommended covering this important matter, requiring specifically the East Barn to be refurbished prior to occupation of the open market dwellings. Phasing for the affordable housing will be 'managed' through the Section 106 agreement.

#### Conclusion

This is an unusual site in that it comprises a relatively large area of previously developed land situated within this small 'village with limited facilities'. Local plan policy allows re-development of such sites subject to criteria which is met in this case. The actual scale of the redevelopment is governed by the size of the site and other policies of the plan which seek efficient use of land. Where, as in this case, a

site already impacts on, and defines, the character of a village by reason of the extent of its existing development, it is difficult to argue that re-development would be out of scale or unharmonious as a matter of principle.

The proposal makes the best use of the site in the form of a mixed use scheme in accordance with policy, and would have a neutral impact in terms of sustainability and positive impacts in terms of amenity and highway safety. The proposal would provide affordable housing in an area of need (where such housing could not otherwise be readily provided), and would remove an existing potential source of noise nuisance. This latter aspect of the proposal would benefit both occupiers of the development and the wider community.

For these reasons the application receives a positive recommendation, subject to a Section 106 agreement relating to the affordable housing and off-site open space/play area contributions, and conditions.

### **RECOMMENDATION**

Grant planning permission, subject to the prior completion of a Section 106 agreement covering the affordable housing provision and the financial contribution towards off-site open space/play areas, and subject to the following 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 plan nos. 05P received on 19 January 2006 and 08/D, 09, 10E, 11E, 13B, 39B, 41B, 45B, 48B, 49, 30B, 31B, 50B, 51A, 52B and 54 received on 12 December 2005, and the Bat Survey Report dated 20 February 2006, the Noise Assessment received 12 December 2005 and noise attenuation specification dated 21 December 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 details set out in the application particulars, 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 - 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, and details of any changes of levels within the site.

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

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

REASON:

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

7 - 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.

8 - 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.

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

REASON:

In the interests of visual amenity.

10 - No development approved by this permission shall be commenced until an investigation is undertaken to the satisfaction of the local planning authority in consultation with the Environment Agency to determine the nature and extent of contamination. In the event that contamination of the site is confirmed the developer shall liaise with the Environment Agency on measures to protect surface water and ground water interests.

The investigation should include the following stages:

- \* A desk study, which should 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, the information should be used to produce:

- \* A detailed water interest survey to identify all wells, boreholes, springs and watercourses within 250m of the site boundary.
- \* A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors.
- \* A site investigation, designed for the site, using the information and any diagrammatical representations (Conceptual Model) undertaken. 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, refinement of the conceptual model, and development of a Method Statement detailing the remediation requirement.

Reference should also be made to the Model Procedures for the Management of Land Contamination CLR11 Report.

REASON:

To ensure the development does not cause pollution of controlled waters.

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

REASON:

To ensure satisfactory foul water drainage.

12 - Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. The development shall be carried out in accordance with the approved plans.

REASON:

To ensure satisfactory surface water drainage.

13 - Foul and surface water shall be drained separately from the site. No surface water shall be drained to any foul sewer.

REASON:

To safeguard the public sewerage system.

14 - The development hereby approved shall be carried out strictly in accordance with the 'Proposed Mitigation and Recommendations' set out in the Bat Survey Report dated 20 February 2006.

REASON:

To safeguard bats which are a protected species.

15 - No works shall be carried out within 3m of the edge of the canal without prior permission in writing from the local planning authority. Should works be required within 3m of the edge of the canal, a further survey of water voles shall be carried out within 1 month of the works commencing. The survey shall be carried out by a qualified ecologist at the appropriate time and, should water voles be detected, shall specify mitigation measures to ensure their continued protection during and after the works. The survey shall be submitted to the local planning authority for approval in writing, and work shall then commence in accordance with the approval.

REASON:

To safeguard potential water voles which are a protected species.

16 - Prior to the commencement of the development hereby approved, full details of proposed measures to mitigate the loss of existing breeding facilities for birds on the site shall be submitted to the local planning authority for approval in writing. The development shall then be carried out in accordance with the approved details. No demolition works, or scrub, hedge or tree removal shall take place during bird breeding season (March-August).

REASON:

To safeguard wild birds which are protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000.

17 - Before any of the dwellings hereby approved are occupied, the existing sawdust cyclone located at Honeystreet Sawmill shall be modified in accordance with the full specification set out in the email from Western Airducts dated 21 December 2005. To clarify these modifications will involve the installation of a replacement high efficiency extract fan, the installation of an acoustic enclosure for mounting over the fan unit, and installation of a filter unit.

REASON:

To attenuate noise generated by the existing sawdust cyclone which would be harmful to the amenities of the owners/occupiers of the new development.

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

**REASON:**

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

19 - 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 elevation of the North Barn (affordable housing) hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

20 - Prior to the commencement of the conversion and refurbishment of the North Barn and Unit 18, full details of the size and design of the roof lights shall be submitted to the local planning authority for approval in writing. The details shall specify 'conservation' type roof lights. The development shall be carried out in accordance with the approved details.

**REASON:**

To ensure the detailed design and size of the roof lights is appropriate having regard to the site's location within the Area of Outstanding Natural Beauty.

21 - The windows at first floor level and roof lights shown on the approved plans on the north elevation of the North Barn (affordable housing) shall be glazed with obscured glass and shall be so maintained.

**REASON:**

In the interests of the privacy of neighbouring properties

22 - 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 east facing elevation of unit 18 hereby permitted, the west elevation of unit 17 hereby permitted, or the east elevation of unit 16 hereby permitted.

**REASON:**

In the interests of the privacy of the neighbouring properties.

23 - Notwithstanding the details shown on the approved layout drawing, the area between the canal side and the front elevations of units 9-17, and the area between the canal side and parking courts/garages shall remain open with no fences, walls or other means of enclosure being erected unless otherwise first agreed in writing with the local planning authority. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for these open areas, shall be submitted to and approved in writing by the local planning



authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

REASON:

To safeguard amenity and ensure the proper management of the landscaped areas.

24 - The buildings to be used for, or retained for, employment uses, and the 'workshop/home office' elements of the live/work units (units 19-21), shall be used for employment uses falling within Class B1 of 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) only and shall not be used for any other purpose.

REASON:

To ensure compatibility between the residential and employment uses.

25 - The 'workshop/home office' elements of the live/work units (units 19-21) shall at no time be owned/occupied separately from the 'live' elements.

REASON:

To safeguard the amenities of the owners/occupiers of the live/work units.

26 - Prior to the commencement of the development hereby approved, full details of any fences, walls or other means of enclosure to be erected on the site shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details

REASON:

The application contains insufficient information for the satisfactory consideration of this detail at this stage.

27 - Prior to the commencement of the development hereby approved, full details of the detailed design of the oil tanks shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.

REASON:

The application contains insufficient information for the satisfactory consideration of this detail at this stage.

28 - East Barn shall be renovated and made ready for occupation for employment use to the satisfaction of the local planning authority in accordance with drawing no. 52A before the occupation of any of the open market houses (units 9-18).

REASON:

The ensure the proper planning and phasing of the development in accordance with the agreed scheme.

29 - Prior to the commencement of the development hereby approved, a report into the potential viability of the post office shall be submitted to the local planning authority for approval in writing. The report shall assess the likely demand for the post office, and from this deduce its likely viability. The report shall also contain the views of the Post Office. Should the report conclude that a post office would be viable then the post office building shall be erected and made ready for occupation to the satisfaction of the local planning authority prior to the occupation of any of the

open market houses (units 9-18). Should the report conclude that the post office would not be viable then the site for the post office shall be left undeveloped and incorporated into the adjacent landscaped area.

**REASON:**

The application contains insufficient information for the satisfactory consideration of this detail at this stage.

30 - 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.

31 - The development hereby approved shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

**REASON:**

In the interests of highway safety.

32 - Prior to the commencement of the development hereby approved, a revised layout drawing and specification shall be submitted for approval in writing by the local planning authority showing a 'drying area' for the affordable housing. The specification shall list the drying facilities to be provided in the drying area, which shall include washing lines. The drying area shall be provided, fully equipped, before the affordable housing is occupied in accordance with the approved layout drawing and specification, unless otherwise agreed by the local planning authority.

**REASON:**

To ensure adequate space for the drying of washing for the occupants of the affordable housing.

33 - Details of any external lighting, including street lighting, shall be submitted to the local planning authority for approval in writing prior to installation. The external lighting shall be installed as approved.

**REASON:**

To safeguard amenity and minimise potential light pollution.

**34- 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, HC3, HC4, HC5, HC7, HC24, HC28, HC29, HC32, HC35, HC43, ED12, AT14, NR5, NR6, NR7, NR8, NR15, HH2, TR1.

35 - 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.

36 - 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 \*\*\*\*\*.

37 - INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds or bats will be disturbed. Likewise badgers are protected under the Badgers Act 1992 and if disturbance is likely, a licence may be required from the Ministry of Agriculture Fisheries and Food before any work is undertaken.

38 - The applicant's attention is drawn to the content of the attached letters from the Environment Agency and Wessex Water.

## Item 2

APPLICATION:	K/53498/VAR
PARISH:	EASTERTON
APPLICATION TYPE:	Variation of Condition
PROPOSAL:	Amend condition no. 2 of planning permission K/39894/O to extend time to submit the reserved matters application by two years.
SITE:	Land at Kings Road, Easterton.
GRID REF:	02012 55266
APPLICANT:	Hazelwood Foods
AGENT:	Dreweatt Neate
DATE REGISTERED:	3rd January 2006
CASE OFFICER:	Mr R C Cosker

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### SITE & LOCATION

The site comprises the former jam factory premises and is located on the western side of Kings Road at the eastern end of Easterton. The jam factory comprises a 1.6 hectare site with about 3700 sq. metres of industrial buildings together with an on-site bungalow. The buildings on the site are large, utilitarian and unattractive. The factory closed in 1998. The site is accessed from Kings Road opposite St. Barnabas Church. The ground rises steeply in a north-westerly direction.

The site is prominent and elevated and adjoins the Easterton Conservation Area.

### SITE HISTORY

K/39894/O – This was the original outline planning application, accompanied by an illustrative layout for the erection of 24 houses and the retention of approximately 1400 sq. metres of the existing buildings for employment use. The 24 houses comprised 8 subsidised social housing units, 4 low-cost open market houses, 3 work-from-home units and 9 open-market homes. The application was refused on 14<sup>th</sup> March 2002, contrary to the officer recommendation, due to the application making inadequate provision for safe pedestrian access to and from the site. The proposal was subsequently allowed on appeal on 13<sup>th</sup> March 2003.

### DESCRIPTION OF DEVELOPMENT

As stated above outline planning permission was granted on appeal on 13<sup>th</sup> March 2003, condition 2 of that permission required the approval of the 'reserved matters' within three years of the date of that permission. This application is to vary that condition to allow further time for the submission of the 'reserved matters' application.

### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following a request by officers the applicant has submitted a building condition report prepared by a chartered surveyor concerning the employment buildings to be retained on the site.

### PARISH COUNCIL COMMENTS

Easterton Parish Council objects to the application for the following reasons;

1. The site has physically changed, in that the buildings have been subjected to extensive vandalism since the original application and in our view, the original plan can not be adhered to.
2. Various Government bodies from central Government downwards have reviewed their rules and guidelines since the original application. These

- include 'brownfield' sites, development in small villages, traffic implications, small business opportunities in rural communities and probably a lot more.
3. Easterton now has an approved Village Design Statement.

The parish council considers that having regard to the above, a fresh application would be most appropriate. From a village perspective, the detail of the future content of the site is less important than the aspects of access and safety. The village is relatively small and development of the entire site is likely to increase the size of the village by up to 30%, access to which is along a road which is barely wide enough to take a pedestrian with a pushchair and a transit van. The parish council is not trying to be awkward or use delaying tactics rather it is conscious of a dangerous eyesore in the village that needs development and feels a new well thought out application will give a welcome impetus.

#### CONSULTATIONS

County highways (Mr Wiltshire) – no highway objections

#### POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1, PD2, HC24, ED12 are considered relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

Whilst this application is to vary a time limit condition of an existing outline planning permission it is in essence a request to renew an extant planning permission. Policy PD2 of the Kennet Local Plan states that;

*“Planning permission will be renewed before or after it has lapsed, providing there has been no material change in planning circumstances, including the publication of Government advice and adoption of updated documents forming the Development Plan”.*

Government advice on this matter can be found in circular 11/95 where it states that when a renewal application is made, such applications should be refused only where;

1. There has been some material change in planning circumstances since the original permission was granted (eg. A change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);
2. Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area;
3. The application is premature because the permission still has a reasonable time to run

Clearly the main issues raised in the consideration of whether this application should be allowed concern those raised under point 1 and policy PD2. These are also very much the main issues raised by the Parish Council. With regard to the other two points, the permission was only granted 3 years ago, and this is the first request to renew, therefore it cannot reasonably be considered to be a continued failure to begin development. The application also expires on 13 March this year and so the renewal request cannot be considered as premature.

In considering the issues raised under point 1 of circular 11/95 and policy PD2 your officers consider that, whilst the current local plan was not adopted at the time of the previous determination of this application, current policies still seek to retain employment uses in villages with policy ED12 allowing mixed use schemes where existing sites are unviable. Planning Policy Guidance note 3 (Housing) has also been amended to encourage the redevelopment of employment sites for housing where the existing use is unviable. In policy terms therefore, whilst policies and documents have changed since the original application, it is considered that the application would be considered and determined in the same way for a mixed use development incorporating employment floorspace, private housing and affordable housing. With regard to the specific points raised by the Parish Council;

1. The planning permission on this site includes the requirement to retain approximately 1400sq.metres of employment building for re-use for class B1 uses. The buildings on the site have been vacant since 1998 and certainly officers were concerned that they had deteriorated to an extent that they may not be capable of commercial re-use whilst complying with building regulations. If re-use was not possible and re-build was actually necessary then this would be outside of the scope of the planning permission. In that instance it would be unacceptable to renew an application where that planning permission could not be implemented. A condition report submitted by the applicant concluded that whilst the buildings were in a poor state of repair the basic structural elements were unaffected in terms of stability and integrity and as such they were capable of re-use subject to repair and maintenance work being carried out, as was the case at the time of determining the previous application. The applicant has also advised that, as the re-use of the building will not constitute a change of use for building regulation purposes, their consent will not be required. The condition report has been considered by the Council's Building Control officers and they have advised that they are satisfied with the findings and conclusions of the condition report. Officers are therefore satisfied that the existing planning permission could be implemented.
2. As stated above whilst the local plan and other guidance has been reviewed since the previous application was determined, the consideration and determination of this application would be unchanged. Indeed the Government drive towards maximising the re-use of 'brownfield' employment sites has probably increased. Whilst the development of this number of houses in a small village like Easterton is clearly an issue, having regard to sustainability concerns, it was an issue that was relevant and carefully considered at the time of the last application. At that time it was considered that, as is the case now, a balance needs to be struck between the need to redevelop this vacant site and the need to retain this large area of land for employment which is difficult to justify having regard to the population level in Easterton. The mixed use proposal was therefore, and still is, considered to be the best and most balanced option for this site.
3. The Village Design Statement (VDS) was approved in 2005 and members should also note that the latest Easterton Conservation Area Statement was adopted in September 2003, both of which are after the appeal decision was made. The position of this site on high ground immediately adjacent to the conservation area boundary, and the potential visual impact on any proposals, was a significant consideration at the time of the original planning application and was the reason for requiring an illustrative layout to be submitted as part of the outline application. It is of note that in the 'Summary

and Recommendations' part of the VDS the existing planning permission is noted and it states that;

*"The village would like to see residential development of mixed social types with recreational space and light industrial units all of which should be sympathetic to the surrounding area. Safety of vehicular access is an important consideration as Kings Road is unsuitable for any increased volume of traffic. Any development on this site would need to take into account the requirement for additional waste-water drainage provision. It should enhance the wildlife habitat of The Drove".*

Officers consider that the planning permission subject of this renewal accords with the VDS recommendations concerning the mix of uses and tenure, whilst the detailed design of the development will be considered when the 'reserved matters' application is submitted and existing planning conditions will control the foul and surface water drainage for the site. With regard to the traffic issue, the acceptability of the vehicular and pedestrian access to this site was agreed by the planning inspector. Again therefore officers conclude that presence of the VDS does not prevent the application being renewed.

In conclusion therefore, whilst the Parish Council feel that the renewal of this application is not the right way forward for this site your officers consider that there has been no material change in planning circumstances that would prevent this application from being approved and allowing the applicant a further two years to submit the 'reserved matters' application.

## **RECOMMENDATION**

Approve with Conditions

1 - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the 13<sup>th</sup> March 2006.

### **REASON:**

To comply with provisions of Section 92 of the Town and Country Planning Act 1990 as amended and to correspond with the dates set out in condition 3 of the original planning permission APP/E3905/A/01/1097564 (Planning Inspectorate reference) / K/39894/O (KDC reference).

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

Your attention is also drawn to the other conditions imposed on the outline planning permission reference APP/E3905/A/01/1097564 (Planning Inspectorate reference) / K/39894/O (KDC reference) and dated 13th March 2003 and the requirements of the Unilateral Deed of Planning Obligations dated 4th March 2003 made by Rowditch Properties.

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

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, PD2, HC24 and ED12.

### Item 3

APPLICATION:	K/53560/F
PARISH:	HAM
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of existing dwelling, construction of replacement dwelling and garage. Enlargement of domestic curtilage.
SITE:	Rosemead Cutting Hill Shalbourne RG17 0RN
GRID REF:	32308 63823
APPLICANT:	Mr N Shingley
AGENT:	Robert Adam Architects
DATE REGISTERED:	13th January 2006
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

The site lies on the western fork of Cutting Hill which runs between Shalbourne and up towards the A338. The site is located at the northern end of this fork of Cutting Hill. The site comprises of a large plot of land of approximately 2 hectares that houses a modest bungalow and previously, a range of outbuildings, which have now been demolished.

#### SITE HISTORY

There are a number of previous planning applications on this site that have established the principle of replacing the current dwelling with a house of a larger scale. The history of the site has a significant bearing upon the consideration of this proposal. Many of these applications are still valid and therefore remain implementable.

K/50343: Erection of replacement dwelling.

Planning permission was granted on the 6 August 2004 for this scheme and represents the last permitted scheme on the site. The application provided for a large dwelling on three floors, the third floor being attic accommodation together with accommodation in the basement. The design of the dwelling consisted of the main dwelling block with a single storey link to a further wing. The dimensions of this scheme are:

Height: 10.7 metres

Depth of main house: 11.5 metres narrowing to 8 metres

Length of main house: 14 metres

Wing: 6.5 metres wide by 24 metres in length. 7 metres in height.

The ground floor area of the dwelling is approximately 291 square metres

K/46664: Erection of replacement dwelling.

Planning permission granted 6 January 2004. The dimensions of this scheme are similar to K/50343 but the scheme does not provide for the basement element.

K/45758: Erection of a replacement dwelling.

Planning permission granted 14 August 2003. The dimensions of this scheme are similar to K/46664 but this proposal did not provide for any attic accommodation.

K/41795: Erection of replacement dwelling.



Planning permission granted 1 October 2001.

This permission constitutes the first permission at the site to replace the original bungalow with a dwelling of a larger scale. The proposal provided for a dwelling of the following dimensions:

Height: 9.4 metres

Length: 16.3 metres

Depth: 9.3 metres

A separate barn was proposed to accommodate garaging and storage. This barn is approximately 6 metres in depth and 12 metres in length. The ground floor of this scheme was approximately 223 square metres.

#### DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a replacement dwelling of a different design and slightly different siting to the previous proposals on the site. The proposal is comprehensive providing a full landscaping scheme to define and re-adjust slightly the residential garden curtilage and provides a setting for the dwelling together with details of an outdoor swimming pool and a tennis court.

The significant change with this application is the design of the house proposed. The dwelling is of a classical design and is square in its plan form with almost entirely identical facades to each of the sides. The dwelling is 3 storey in height with the third storey being formed in the roof space. A basement is also provided.

The dimensions of the proposed scheme are:

Length: 14.5 metres. This widens to a maximum of 17 metres where there are square projections housing the entrance points. (*Previous permission: 14 metres*)

Depth: 14.5 metres. Again this widens to a maximum of 17 metres where there are square projections housing the entrance points. (*Previous permission 11.5 narrowing to 8 metres*)

Height: 10 metres. (*Previous permission: 10.7 metres*)

Wing: 16 metres in length and 6 metres in depth. Height 6 metres. (*Previous permission 24 metres in length, 6.5 metres in depth and 7 metres in height*)

Ground floor area: 295 square metres (*Previous permission 291 square metres*)

The proposal also makes provision for the siting of an outdoor swimming pool to the north east of the house and a tennis court to the south of the dwelling.

#### PARISH COUNCIL COMMENTS

Ham Parish Council objects to the proposal. They comment that the development does not comply with Policy HC25 of the Kennet Local Plan and cannot therefore be considered a replacement for the existing bungalow within the terms of HC25. The bungalow has a floor area of some 160 square metres. The proposed house has three floors at ground level totalling 677 square metres.

The Parish Council comment that they are aware that earlier applications have been made on the site between July 2001 and June 2004 some of which have been approved. The application made in June 2003 (K/45768) received permission subject to conditions preserving and improving the landscape setting. The area of the house was 399 square metres. A basement was submitted later.

The house now proposed is a fine medium country house on a scale appropriate to its quality unlike the scale of the present modest bungalow. By comparison, application K/45758 was on two floors (excluding later basement) and contained 4 bedrooms. Its scale was somewhat larger than the existing bungalow and the Parish Council considers that it was at the limit of what could be considered not significantly larger.

The Parish Council comment that the conditions protecting the landscape attached to K/45758 should apply to any current or future application and that the tennis court on the current application should not be approved in its present position where it is too prominent.

#### CONSULTATIONS

County Highways (Paul Galpin) – no objections.

#### REPRESENTATIONS

No letters of objection have been received.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies HC25 (replacement dwellings), PD1, NR7 & NR8 (countryside protection policies) are relevant to the proposal. The site lies within the area of outstanding natural beauty that covers the whole of the parish.

Policy HC25 of the Kennet Local Plan states:

*'In the countryside, the replacement of an existing dwelling which has not been abandoned will be permitted where:*

- a) the siting is closely related to the footprint of the dwelling it replaces, unless the re-siting of the dwelling would remove a road safety hazard; and*
- b) the scale of the replacement dwelling is not significantly larger than the original structure.....'*

#### PLANNING OFFICERS COMMENTS

Members will be aware that decisions on planning applications should be taken in accordance with the policies contained within the development plan unless material considerations indicate otherwise.

It is clear that the proposal is significantly larger than the existing bungalow at the site. However, there are other material considerations that have to be taken into account in reaching a view upon the acceptability of this proposal. The first factor has to be the current permissions in place on the site, which do not lapse until 2009. The second consideration is whether the submitted scheme will result in a greater landscape impact than the permitted scheme and whether this increased impact is harmful to the appearance of the area.

#### Planning history

The planning history is considered to have significant bearing upon the consideration of this proposal. The applicant has chosen to depart from the style of the dwelling previously approved and has opted for a classical design of traditional detailing and proportion. The proposed dwelling could be said to have a more imposing appearance than the previous scheme. The shape of the dwelling is different to the previous scheme and is square in its form and has a much reduced wing element.

Despite having a different appearance, the actual dimensions of the proposal are very similar in footprint to the previous permission. In terms of height, the submitted scheme is now lower than the permission in place on the site. The height of the main roof drops by approximately 0.7 metres. The height of the wing element drops by about 1 metre. In terms of the ground floor area, this remains similar to the previous proposal. Instead of having a very long wing element, the current scheme is more squared off in its design. It is therefore considered that the size differential between permitted scheme and this proposal is very marginal. On this basis, it is considered that it would be difficult to sustain an outright objection to this proposal because the house is bigger than the existing dwelling. The local planning authority has already given permission for a dwelling of similar dimensions to that currently permitted.

#### Planning policy and impact upon the appearance of the area.

The proposal does not comply with the requirements of Policy HC25. It would be difficult to argue that the proposal was not significantly larger than the existing house on the site. This was also the case with the previous permission. While this policy is clearly a fundamental issue, it is also necessary to show that harm would result from the development if permitted. This test of 'harm' is one of the key factors to be taken into account in reaching a view on this proposal. This test of 'harm' was also one of the deciding factors taken into account in reaching previous decisions on this site.

It is considered that the redesigned scheme represents a fine country house that is well designed and proportioned. The house will be visible in the landscape but it is considered that the dwelling will sit well within this setting and that this will be further enhanced by the landscaping scheme which provides for a sensitive mix of native trees and dramatic non-native specimen trees. While the site is visible from the road, it is well contained to the wider landscape to the west and north by rising ground. There are some views of the site from the east but these are on the whole filtered by existing vegetation and hedgerows.

It is considered that the landscape impact of the proposed dwelling is limited and it will not be significantly greater than the previous permissions in place on the site. It is therefore considered that it would be difficult to argue that the proposal results in more harm than the permitted schemes.

The siting of the proposed tennis court into the southern side of the site, is considered to be acceptable in landscape terms. This area previously housed scrap and a number of dilapidated outbuildings. The landscape improvements in this area are significant and it is considered that the tennis court is not prominently located, it is in one of the lowest area of the site and is set behind landscaped boundaries. The tennis court will be screened by these landscaped boundaries.

The swimming pool is located to the north of the house and is screened by the proposed dwelling. It is not prominently located in landscape terms.

In summary, this proposal is considered to represent an acceptable alternative to the previous permissions in place at the site and it is considered that the impact of the scheme will not be significantly more harmful than the previous proposals.

#### **RECOMMENDATION**

Approve with Conditions - Recommendation

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 - Notwithstanding the details shown on the approved plans, no development shall take place until details of the materials to be used for the external walls and roofs, windows and doors (including samples if requested) have been submitted to and approved in writing by the local planning authority. The walls shall be constructed with bricks. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3 - 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.

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 - No development shall take place until full details of the materials to be used in the driveway and paved areas have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the details permitted.

**REASON:**

To secure a satisfactory appearance for the development.

6 - No development shall take place until full details of all fencing, entrance gates and walling to be installed at the site have been submitted and approved in writing by the local planning authority. The details shall include elevations of the walls/ fences/ gates together with details of their materials. There shall be no deviation from the approved details or any subsequent erection of any fencing, walling, gates or other means of enclosure unless first approved in writing by the Local Planning Authority.

**REASON:**

In the interests of visual amenity.

7 - 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(s) hereby approved shall be erected.

**REASON:**

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

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure shall be erected or placed on that part of the site shown coloured red on the location plan approved.

**REASON:**

In the interests of visual amenity.

9 - The residential curtilage of the dwelling hereby permitted shall relate to the land edged red on the location plan submitted (Drawing No. 5038/DL.01). The land edged blue shall remain in agricultural use.

**REASON:**

To protect the appearance of the landscape.

**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: policy PD1, HC25, NR7, NR8.

#### Item 4

APPLICATION:	K/53629/F
PARISH:	COLLINGBOURNE KINGSTON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Demolition of garages and erection of one dwelling.
SITE:	Chapel Lane, Collingbourne Kingston,
GRID REF:	23896 55596
APPLICANT:	Mr R Jones
AGENT:	Michael Fowler Architects
DATE REGISTERED:	24th January 2006
CASE OFFICER:	Miss K Whittington

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#### SITE & LOCATION

The site lies at the southern extreme of the village of Collingbourne Kingston. When heading through the village in the Collingbourne Ducis direction, Chapel Lane is the last turning on the left. The site lies between two existing dwellings, on the southern side of the lane, opposite The Old Chapel. It presently contains a row of five flat-roofed garages, set back approximately 5 metres from the road, with a tarmac hardstanding area in between. To the rear of the garages is a small fenced paddock, which is elevated above the road.

#### SITE HISTORY

K/21473 – an appeal against the Council's decision to construct a two-storey dwelling on the site was dismissed on appeal in October 1994. This was due to concerns that the proposal would block views through to the countryside and would consolidate the existing sporadic, loose-knit pattern of development in the area.

K/46063 – planning permission was refused in September 2003 for the construction of a bungalow, detached garage and oil storage tank on the site. This was on the ground that a) the proposed development would lead to the undesirable consolidation and extension of the loose-knit development on the very edge of the village, leading to the suburbanisation of this attractive rural area; and b) the height, design and positioning of the dwelling, the siting of the garage, the height and appearance of the fencing and the location of the oil tank would all be out of keeping with surrounding development.

K/50776 – an appeal against the Council's decision to refuse planning permission for a two-storey dwelling on the site was dismissed in May 2005. This was for the same reasons as given for the appeal against the refusal of application reference K/21473.

#### DESCRIPTION OF DEVELOPMENT

This application attempts to address the concerns raised by the inspector in his decision on the previous appeal relating to a two storey dwelling.

The proposal is to remove all but one of the existing garages and construct a single-storey dwelling on the site, built into and forming part of the existing landform. The proposed dwelling would have a glazed frontage, with rendered side elevations and a predominantly glazed rear elevation. It would have a grass, profiled roof which would be gently sloping. The proposed dwelling would be sited approximately 3 metres behind the current front elevation of the existing garages (that would be demolished) and would have a paved area with two parking spaces to the front.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended in line with the highway authority's recommendations ie. there would now be a distance of 6 metres to the rear of the car parking spaces, instead of 5 metres.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant's agent has submitted a design statement in support of the application, which is available for viewing on the application file.

#### PARISH COUNCIL COMMENTS

Collingbourne Kingston Parish Council objects to the application on the ground that the proposed dwelling is not in keeping with existing neighbouring buildings.

#### CONSULTATIONS

County highways (Paul Galpin) – no objection, provided that the driveway apron is finished in a well-bound consolidated material and there is a minimum of 6 metres to enable cars to reverse and turn.

County archaeology – no objection, as nothing of archaeological interest is likely to be affected by the proposal.

Wessex Water – no objection.

#### REPRESENTATIONS

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

- The plot of land is on two different levels, with the present garages below the level of the remainder of the plot. The proposed dwelling is deeper than the garages and there will be considerable excavation of the land at the higher level, which could result in slippage of soil from the neighbouring garden.
- The design of the property, being a bungalow, is at odds with the present houses, particularly because of the significant use of glass at the front and rear and the proposed grass roof. The use of glass means that the building would be unsightly when viewed if driving north into the village. The proposal would detract from two of the villages oldest buildings. The grass roof, which is higher in the middle than the garages, would stand out noticeably, as all the other dwellings in Chapel Lane and the village are either traditionally thatched or tiled. It is understood that grass roofs need at least 200mm of topsoil; this is not shown on the plans and would add height to the building. The rendering would not be in keeping as no other dwelling in Chapel Lane is finished in this manner.
- Previous planning applications (references K/46063 and K/50776/F) have been refused due to 'the undesirable consolidation and extension of the loose-knit development on the very edge of the village, leading to the suburbanisation of this attractive rural area.' This is in line with the Kennet Local Plan (policy HC24) and policies for the conservation area. The proposal would also be contrary to the Village Design Statement, which the Council adopted on 3 June 2004 and the two appeal decisions relating to the site.
- In the design statement, the applicant refers to government guidelines for infill on brownfield sites in urban situations and refers to the garages as such.

Collingbourne Kingston is a rural village and the dwelling would be two-thirds on a greenfield site.

- Grass roofs need a lot of irrigation and being a south-facing plot, it is likely that twice daily watering would be necessary in the summer. This would be an unwelcome extravagance in a climate of water shortages.
- The plans suggest that the bungalow will be no higher than the existing garages, but this is hard to believe, and it is still considered that the new dwelling will interrupt the views from the south.
- The building line at the front is in line with the neighbouring properties, however, this is not the case at the rear. A previous application for a bungalow this far out into the field was refused because of its size.
- The plans indicate new hedges to be grown, but give no indication as to what will happen on the remainder of the plot. The present fencing is open plan 'ranch style' and we would not wish to see this changed. A previous planning application called for close boarded fencing 2 metres high.
- There is no mention of an oil or gas tank or a suitable site for either.
- The proposal will mean additional traffic in this small narrow lane which is of particular concern to us, as our front garden has been damaged in the past. Recently there was a problem because the refuse vehicle could not get down the lane due to a parked car. It is lucky it was not an emergency vehicle.
- Up until May 2005, all of the garages were in use and in a good state of repair. The resulting loss of this amenity has added to congestion in the lane.
- The proposed dwelling is two-and-a-half times the length of the garages and the consequent loss of privacy to the occupants of the neighbouring property would be significant. In 1994, the appeal inspector made reference to the harm that would be caused to the occupants of the neighbouring properties.
- The existing garages are connected to the neighbouring garage by roof and brick walls. No mention has been made in the plans as to how the garage will be made stable and safe to use.

#### POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Collingbourne Kingston Conservation Area. Policies PD1, HC24 and HH5 and the contents of the Collingbourne Kingston Design Statement (which was adopted as supplementary planning guidance by the Council in June 2004) are relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

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

##### Principle of Development

As the site is an infill plot within the existing built-up part of Collingbourne Kingston, the principle of constructing a single dwelling in the proposed location would be in accordance with Policy HC24 of the Kennet Local Plan.



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

Two previous schemes for dwellings on the site have been dismissed on appeal because in both cases, the inspectors considered that the construction of a two-storey dwelling on the site would block views through to the countryside beyond and would consolidate the existing, sporadic loose-knit pattern of development in the area.

It is considered that the current proposal satisfactorily addresses the concerns raised by the appeal inspectors. The proposed dwelling would be single storey in height and, although slightly taller than the existing garage block, it would enable the views through to the countryside to be maintained. Furthermore, the minimal height of the building is such that it would still give the impression of a loose-knit development pattern. Consequently, the proposal would comply with Policy HC24 of the Kennet Local Plan.

In addition to the above, it is considered that the design of the proposed dwelling would be acceptable in terms of its impact on the character and appearance of the conservation area. The garages that presently occupy the site are visually intrusive and although the design of the proposed dwelling is somewhat unconventional, it is considered that it would have a beneficial impact on the appearance of the conservation area compared to the existing buildings. Furthermore, it is considered that the chosen design solution ie, a single storey building with a profiled grass roof, would help the dwelling blend in with the landscape and would therefore reduce its impact on both the conservation area and the surrounding area.

Reference has been made to the Collingbourne Kingston Design Statement and the fact that the proposal would be contrary to this. The statement requests that the local planning authority ensures that new development complies with policy HC24 of the Kennet Local Plan and that the materials, scale and proportion of new buildings are appropriate to their context. As advised above, it is considered that the proposal complies with policy HC24 of the Kennet Local Plan. It is also considered that the materials, scale and proportion of the proposed dwelling are appropriate to the site's location within the conservation area. Consequently, it is not considered that the proposal would conflict with the village design statement.

Some concerns have been raised about the proposed boundary treatment and that any fencing which is constructed may be visually obtrusive. If planning permission is granted for the scheme, it is recommended that a condition is imposed removing permitted development rights for the construction of walls, fences, buildings and structures on the application site. This would enable the local planning authority to ensure that any such development would not harm the character and appearance of the area.

#### Impact on Highway Safety

Concerns have been raised that the proposal would result in additional traffic using the narrow lane, which would cause congestion problems. Although the construction of a dwelling would result in a slight increase in the number of vehicles using the lane, it is not considered that this would present a threat to highway safety, particularly as there would be adequate parking and turning space. The highway authority has raised no objections to the proposal, subject to the amount of space to the rear of the car parking spaces being increased by 1 metre. Amended plans have been submitted which address these concerns and consequently, the proposal is now considered to be acceptable in highway safety terms.

### Impact on Residential Amenity

It is not considered that the proposal would adversely affect the neighbours' reasonable living conditions. Although the proposed dwelling would project further to the rear than the neighbouring properties, its low height and positioning in relation to these houses is such that problems would not arise with regard to blocking of light or overbearing impact. For the same reasons, it is not considered that overlooking issues would arise.

### Other Issues

Reference has been made to the fact that no details of a proposed oil or gas tank have been included in the application. It is not essential that this information is detailed at this stage. In any event, it is possible that the structure may not require planning permission, since this would depend on its size and location. If the oil or gas tank does need planning permission, consideration would be given at the application stage as to whether its size, positioning and appearance would be acceptable.

The concerns raised with regard to slippage of soil, the need for regular watering of the grass roof and the fact that no mention is made of how the garage will be made stable and safe to use are not planning matters and therefore would not justify 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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans 040206-10C received on 24th 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.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order) no buildings, or structure, or wall, fence, or other means of enclosure, other than those approved as part of the landscaping scheme required under condition 4 above shall be erected or placed within the application site.

REASON:

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

7 - The driveway apron shall be finished in a well-bound, consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

8 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 1st February 2006.

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: policies PD1, HH5 and HC24.

Item 5:

APPLICATION:	K/53637/F
PARISH:	NETHERAVON
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of one two storey dwelling house.
SITE:	651 Hales Road Netheravon SP4 9QE
GRID REF:	14471 49174
APPLICANT:	Mrs J Marrs
DATE REGISTERED:	25th January 2006
CASE OFFICER:	Mr N Britton

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#### SITE & LOCATION

Hales Road is a short cul-de-sac situated off Mill Road in a substantial area of mid 20<sup>th</sup> Century development in the north-west part of Netheravon. On the south side of the close is a series of semi-detached properties, while on the north side are two terraces of four houses. The application relates to the westernmost end terrace house which is situated on a corner plot as the road turns into a hammerhead with parking spaces. A footpath leads along the side of the site into Pigott Road to the north.

#### SITE HISTORY

K 53148 F - Two storey side extension which was permitted on 24<sup>th</sup> November 2005

#### DESCRIPTION OF DEVELOPMENT

It is proposed to construct a new end of terrace house, in place of the approved side extension. The dimensions of the house, and the accommodation to be provided on both floors, will match that of the existing house. The hipped roof of the existing house will be made up to ridge level and that of the new house will be fully hipped, matching the house at the other end of the terrace. The external materials will be render and tiles to match.

The garden will be subdivided so that the existing house retains the rear part, and the new house gains the nearer part where there is a corrugated metal garage or shed.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

None

#### ADDITIONAL STATEMENT BY THE APPLICANT

None

#### PARISH COUNCIL COMMENTS

Netheravon Parish Council has no objection subject to:

- Provision should be made for off road parking in this congested area,
- The path to the rear of properties 651 and 652 must be maintained.

#### CONSULTATIONS

County highways (Paul Galpin) - no objection subject to two car parking spaces being provided for the new house and one space for the existing house. The fence adjacent to the car parking spaces should not exceed 0.6 metres in height.

## REPRESENTATIONS

Four objections have been received from neighbouring residents, on the following grounds:

- excessive parking in the road,
- more traffic congestion,
- site is on a sharp bend, creating a hazard,
- obstruction of driveway,
- cramped form of development,
- out of keeping with the area,
- overlooking and loss of privacy
- loss of a walnut tree on the site.

## POLICY CONSIDERATIONS

Kennet local Plan 2011 -policy HC22 allows for limited additional housing in Netheravon, including infilling, provided that the development is in harmony with the village in terms of its scale and character. Policy PD1 requires a high standard of design in all new development, including scale and density of development, access arrangements, road safety and the impact on residential amenity.

## PLANNING OFFICER'S COMMENTS

The plot is considered to be large enough to accommodate a modest end of terrace house. There is also considered to be adequate space around the dwelling, and there would be no material loss of daylight, sunlight or privacy to any of the surrounding dwellings. The tree is situated at the end of the garden, well clear of the house.

The cul-de-sac is narrow, and although a hammerhead has been formed with parking spaces, there is known to be traffic congestion at times. However, the layout does enable vehicular access for the three new parking spaces required by the highway authority and parish council, either to the rear of the dwellings from the turning head or at the front. This can be dealt with by condition which will also require the removal of the existing garage/shed. Subject to this, the highway authority does not object to the proposal.

## 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 - 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(s) in the interests of the proper planning and amenity of the area.

3 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or

amending that Order) no buildings larger than 10 cubic metres in size, fences, walls or other means of enclosure shall be erected or placed within the curtilage of the new dwelling, other than those approved under condition 5 below.

**REASON:**

In the interests of the amenities of the area.

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

**REASON:**

To secure harmonious architectural treatment.

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

**REASON:**

In the interests of visual amenity and highway safety

6 - Before the first occupation of the dwelling house hereby permitted, the existing garage/shed shown on the approved plans shall be permanently removed from the site, and provision shall be made on the site for the provision of parking of two cars for the new house and one car for the existing house in accordance with details to be submitted to and approved by the local planning authority. The parking spaces shall be constructed with a consolidated surface (not loose stone or gravel) and provision shall be made for the disposal of surface water so as to prevent its discharge on to the highway. The parking spaces shall be kept available for car parking for the development all times thereafter.

**REASON:**

To ensure the adequate provision of parking space in the interests of highway safety.

**7 - INFORMATIVE TO APPLICANT:**

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

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

**8 - INFORMATIVE TO APPLICANT:**

A public water main crosses the site. Wessex Water normally requires a minimum 3 metre easement width on either side of the main, for the purpose of maintenance and repair. Prior to the commencement of works on the site, the applicant is advised to agree with Wessex Water arrangements for the protection of the main.

Item 6:

APPLICATION:	K/53649/F
PARISH:	OGBOURNE ST GEORGE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Use of site for mixed residential and vehicle sales business.
SITE:	Fauns Close Ogbourne St George SN8 1SU
GRID REF:	19649 74469
APPLICANT:	Mr and Mrs D Saunders
DATE REGISTERED:	26th January 2006
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

Fauns Close lies towards the western end of the High Street in Ogbourne St George. The property is a large detached rendered dwelling set well back from the road, with a large garden and driveway to the front of the property.

#### SITE HISTORY

There is no relevant planning history on this site.

#### DESCRIPTION OF DEVELOPMENT

The application seeks the change of use of this residential property to allow for the mixed use of the site for residential use and vehicle sales.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a supporting statement with the application. This states that the applicant has been trading in both cars and motor caravans from his home since July 2004. The applicant states that because of the space available at the site, the amount of cars and motor caravans kept at the premises has and will be limited.

Since July 2004, the applicant has purchased and sold a total of 61 vehicles. Of these:

- 29 motor caravans have been sold from the driveway – an average of 1 every 2.7 weeks.
- 9 motor caravans have been purchased privately or from another dealer and then delivered direct to a dealer elsewhere and have not been stored at the site.
- 23 motor cars have been purchased and delivered directly to another dealer without being stored on site.
- All vehicles purchased for retail sale are fully serviced/ repaired before being brought on site. The only exception to this is the one occasion when a vehicle would not start and a mobile fitter was called out to start the vehicle.
- The vehicles kept on the driveway are not advertised as being for sale. No prices are put within the windows of vehicles and the address of the property is not advertised. The vehicles are advertised on the internet on e-Bay and Autotrader. The location of the vehicles is stated as 'Marlborough'.

- At any time the applicant has never had more than 4 vehicles for sale at the property and given the seasonal nature of motor caravan sales, for quite long periods, none have been present. The applicant states that they seek permission to site no more than 4 vehicles at the property at any one time.

#### PARISH COUNCIL COMMENTS

The Parish Council objects to the proposal. They comment that vehicle retailing is not an activity which enhances the conservation area and it represents a threat to its quiet rural nature.

The current trading activity has resulted in concern being raised from a number of parishioners including the noise of vehicle valeting, worries over security and impact upon property values.

There are concerns that the grant of planning permission will encourage an increased level of business activity. The maximum number of vehicles for sale takes no account of vehicles awaiting delivery and those waiting to be put on sale. The number of vehicles at the premises could be in excess of the number for sale.

Concerns have also been raised that clients are likely to park outside the premises which is on a sharp bend on a small lane and is on a regular bus route. It is likely that there will be an increased level of traffic in the village. There is concern that signage will be required to advertise the business with obvious detrimental effect on the conservation area.

Business scale valeting and preparation may have an environmental impact on the adjacent river Og.

Should permission be attached to this property for a motor retailing business, the parish council are concerned that a future owner will seek to build the business with no regard for its location. This would be inappropriate in that part of a small rural village which the parishioners understand to be protected by its conservation area status.

#### CONSULTATIONS

County Highways (Mark Wiltshire) – no objections subject to conditions restricting the permission to a personal use; the number of vehicles to no more than 4 on site for sale at any one time; no on-site advertisement and the provision of a visibility splay.

KDC Environmental Health Officer – no objections provided that no repair or servicing of these vehicles is carried out at the site.

#### REPRESENTATIONS

8 letters of objection have been received from local residents. Their reasons for concern are summarised below:

- The proposed vehicle sales business is not an appropriate business in a small village.
- Visual impact of the development within a sensitive part of the conservation area;
- Adverse impact upon leisure users of the ridgeway and footpaths resulting from the visual and traffic impacts of the development;
- Traffic generation resulting in nuisance



- Introduction of a business could introduce a precedent for similar proposals
- There are adequate business parks within easy reach of the site
- Motor caravans because of their height and colouration are particularly visible.
- Concerned that effective conditions could not be imposed to control the site
- While the number of people visiting the site is small, they do tend to park and turn close to the bridge where visibility is limited.
- Impact upon residential amenity. The vehicles are visible to neighbouring properties and they are moved about the site and hosed and cleaned which can be disturbing in the summer.
- Concerns about security.

#### POLICY CONSIDERATIONS

Kennet Local plan 2011 - the site lies within the Ogbourne St George Conservation Area. Policy PD1 and HH5 are relevant to the proposal. The parish is wholly within the area of outstanding natural beauty.

#### PLANNING OFFICERS COMMENTS

It is understood that this business has developed since July 2004 and vehicle sales has now become a regular activity. Officers were contacted prior to the application being made to ascertain whether the level of vehicle sales from the property amounted to a material change of use requiring planning permission. It should be noted that it is often permissible to sell the occasional vehicle from a residential property without necessarily incurring a change of use. However given the regularity of these sales and the numbers involved, the view was taken that permission was required.

From the applicant's description of the sales that have taken place so far, over half of these appear to have occurred off site with transactions occurring over the internet. It may well be possible to run this element of the business without the need for planning permission. However it is the level of the vehicles for sale at the property together with any associated visits by purchasers that indicates that a material change of use has occurred here. Sales from the property appear to be limited by the size of the current driveway and the applicant has indicated that they do not wish to have more than 4 vehicles for sale at the property at any one time. It could therefore be argued that the sales element is low key and as such is unlikely to give rise to particular amenity problems particularly when servicing and repairs are carried on off site.

In terms of policy, there is no policy presumption against the operation of businesses in village locations. It could be argued that such small businesses play an important role in the local economy. The main issues to be considered are the impact of the proposed use upon the appearance of the area which is a conservation area, and amenity.

Officers have some concerns about certain elements of the proposal. The site is open from the road and is clearly visible. The suggested siting of up to 4 motor caravans together with any that the applicant may own, could be intrusive in this conservation area setting, although it has to be admitted that the vehicles would be seen against a backdrop of an undistinguished post-war dwelling of no great architectural merit. The applicant has suggested that he is willing to limit the number of vehicles to be stored for sale to 4. No split is suggested on how many of these vehicles may be motor caravans or motor vehicles.

In terms of residential amenity, the Council's Environmental Health Officer has no objections provided that all servicing and repairs are carried out off site. No highway objection has been raised subject to conditions limiting the number of vehicles and making the permission personal to the applicant.

If the business was to operate in a low key manner, it is considered that it is unlikely to give rise to significant amenity or visual concerns. It is suggested that in the circumstances, consideration should be given to granting a temporary permission for a period of 12 months. At the end of this trial run period, the local planning authority will be able to reassess whether the development has given rise to any problems and re-examine whether a permanent consent should be granted. It is also recommended that any permission should be made personal to the applicant with various conditions to limit the number of motor caravans and servicing/ repairs.

### **RECOMMENDATION**

Approve with Conditions –

1 - This permission is for a temporary period expiring on 30<sup>th</sup> March 2007 on or before which date the use of the land for a vehicle sales business shall cease and the land shall be revert to its former use as a single dwelling unless before that date permission has been granted for a continuation of the mixed use.

#### **REASON:**

This permission is granted on a trial one year basis to enable the local planning authority to consider whether the business can be run from the site without significant impact on the amenity of the locality.

2 - This permission shall enure for the benefit of the applicant only and shall not enure for the benefit of the land. Use of the land or premises shall revert to the previous single residential use lawful under the Planning Acts on cessation of the use by the applicant.

#### **REASON:**

The proposal is run in a specific manner by the current applicants that may minimise the impact on the amenities of the surrounding area. A different owner may not be able to run the business in the same way.

3 - The number of vehicles to be kept on site in association with the vehicle sales business, including any for sale, awaiting collection, in delivery, or pre-sale preparation shall not exceed 4 at any one time. Of these 4 vehicles, no more than 2 shall be motor caravans at any one time.

#### **REASON:**

The use of the land for the vehicle sales business is only considered acceptable provided that it is operated on a low key basis. The number of motor caravans to be kept at the property is further limited because of the impact that these vehicles have upon the appearance of the area.

4 - The vehicles kept at the site in connection with the vehicle sales business shall be parked solely within the confines of the existing gravel driveway as outlined in a dashed line on the site location plan submitted.

#### **REASON:**

To prevent the parking of vehicles on the grassed areas of the property in order to limit visual and amenity impact and to ensure that the parking area does not expand over the site.

5 - At no time shall any vehicle servicing, maintenance or repair take place on the site in connection with the vehicles being kept in association with the vehicle sales business.

**REASON:**

In the interests of residential amenity.

6 - No advertising or descriptive material shall be displayed within the vehicles kept in association with the vehicle sales business.

**REASON:**

This permission is granted solely on the basis that the development operates in a low key manner. The introduction of advertising material at the site would detract from the appearance of the property and would erode the low key nature of the development.

7 - Within one month of the date of this permission, highway visibility areas shall be cleared and kept free of all obstructions to sight at a height of 600mm above the adjoining carriageway over a strip 2.4 metres wide, parallel and adjacent to the carriageway edge, between the centre line of the access and the western end of the site frontage, with the exception that the telegraph pole may remain in place within the splay.

**REASON:**

In the interests of highway safety.

**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 for a temporary period has been taken on the grounds that the proposed development may not cause any significant harm to interests of acknowledged importance and can be reviewed in 12 months and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HH5.

Item 7:

APPLICATION:	K/53620/F
PARISH:	MARLBOROUGH
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Proposed conservatories to unit 1 and unit 2
SITE:	Pineland 78 London Road Marlborough SN8 2AN
GRID REF:	19845 68962
APPLICANT:	Mr and Mrs N Lampard
AGENT:	Parland Design
DATE REGISTERED:	23rd January 2006
CASE OFFICER:	Mrs C Coombs

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#### SITE & LOCATION

The site is located on the southern side of London Road almost opposite the recently constructed flats at Avalon Court. The site has recently been granted planning permission for the construction of 2 dwellings and this development is now well under way.

#### SITE HISTORY

K/50177/O: Erection of two dwellings. Outline planning permission granted 12 September 2004.

K/ 52780/RM: Erection of two dwellings. Approval of Reserved Matters granted 6 October 2005

#### DESCRIPTION OF DEVELOPMENT

The application proposes two extensions to the rear of the dwellings currently being constructed. The conservatory extension to unit 1 which is on the western side of the site, is 5.6 metres in width and 3.30 metres in depth. The conservatory extension to unit 2 is 5.6 metres in width and 3.54 metres in depth. Both extensions are 3.5 metres in height and present an eaves line view to adjacent properties. The extensions are constructed of brick and glazed areas under a tiled roof.

#### TOWN COUNCIL COMMENTS

Marlborough Town Council objects to the proposed development. They comment that the application represents an over-development of the site and that it is too close to neighbouring properties causing a loss of light and privacy.

#### REPRESENTATIONS

Three letters of objection have been received from local residents. Their comments are summarised below:

- Concerned that the roof of the conservatory is made of brick. Concerned that there may be future proposals to build on top of the conservatory or extend it.
- Comments raised over the history of the site and that previous applications met with objection from adjacent residents.
- Comments that the boundary fence is in a poor condition and that the lack of suitable boundary treatment will result in full light being gained into the development.

- Query whether the description of the development as a 'conservatory' is correct given that the dictionary definition is a room with glass roof and walls, attached to a house.
- The development already appears higher than the previous building at the site and it is wider as it blocks off views.
- Overdevelopment of the site.
- Size of the conservatory.
- Objections to design of the conservatory with a high apex roof.
- Loss of light and overshadowing.
- Loss of privacy and visual intrusion.
- The conservatory to unit 1 should be omitted.
- The roof design should be amended to be flat and a lower level.
- The size of the conservatory should be reduced.
- Any glazing facing the boundary should be obscurely glazed.

#### POLICY CONSIDERATIONS

Kennet Local Plan - policy PD1 is of relevance to the current proposal.

#### PLANNING OFFICERS COMMENTS

The application proposes the erection of two single storey extensions to the dwellings that are now under construction. The merits of the dwellings being built cannot be considered at this stage. The main issue to consider is whether these extensions are acceptable in terms of their appearance and the impact upon adjacent residential properties.

In terms of appearance, the extensions are modest in terms of depth and width and present an eaves line view to neighbouring properties. The properties most affected by these proposals are 75a to the east and Glenthorne Cottage to the west. In terms of impact upon the property to the west, this is considered to be limited. This property is at a higher level than the application site. There is a retaining wall running along the boundary which is approximately 1 metre high. On top of this there is a fence. The significant majority of the conservatory will sit below the fence line. Only the roof line, which slopes away from the boundary will be visible. It is considered that no loss of amenity will result.

In terms of the dwelling to the east, there is reasonable space between the conservatory and the rear wall of this dwelling so not to have a significant impact upon light or privacy. The rear wall of Glenthorne and the corner of the dwelling currently being constructed is in the region of 10 metres in distance. The conservatory is single storey and there is an existing 1.8 metre fence on the boundary line. It is considered that the development will not impinge upon privacy or amenity.

In terms of the size of the development and concerns that it represents an over-development of the site, the properties are still left with good sized gardens with in the region of 13 m– 18 m depth kept clear. This amount of garden is relatively generous by current standards and it is considered that these small additions do not constitute over-development.

The proposals do not result in any impact upon the wider appearance of the area.

**RECOMMENDATION**

Approve with Conditions

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

**REASON:**

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

**2 - 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 8:

APPLICATION:	K/53245/F
PARISH:	CHUTE FOREST
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	New vehicular access, entrance gates and piers and amended garage design.
SITE:	Hazel Grove Chute Forest SP11 9DG
GRID REF:	30885 51714
APPLICANT:	Mr S Parrott
AGENT:	Mr L Rose
DATE REGISTERED:	3rd November 2005
CASE OFFICER:	Miss V Longdon

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#### SITE & LOCATION

The site lies on the southern side of the main road which runs through the hamlet of Chute Forest. It lies opposite the Old Dairy and adjacent to the row of properties known as Orchard Cottages. The new dwelling sits in a very large plot and is set back from the road frontage by approximately 30m.

#### SITE HISTORY

K/52770 – Erection of a replacement dwelling was approved by the Regulatory Committee on the 6<sup>th</sup> October 2005.

K/51699 – Single and two-storey extensions and alterations to the main house and erection of detached triple garage was approved by the Regulatory Committee on the 11<sup>th</sup> April 2005.

#### DESCRIPTION OF DEVELOPMENT

This application proposes to (a) create a new access to the site on the northern boundary, including new entrance gates and (b) amend the size and design of the garage already approved. A landscaping plan has now also been submitted as part of this application.

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended so that:

1. The design of the roof of the garage has been altered so that the roof to the eastern and western elevations has been lowered and its overall mass reduced.
2. The access has also been altered to take account of the highway authority requirement for visibility. This has resulted in visibility splays being created to both the east and west of the access. The proposed landscaping scheme (agreed as part of planning permission K/52770) has therefore been set back further into the site and slightly altered.
3. The entrance piers have been reduced in height from 2.1 metres to 1.75 metres and are proposed to be constructed of timber rather than brick.
4. The entrance gates have been changed from 2 metre high metal gates to a curved timber entrance gates with a maximum height of 1.75 metres.

5. The road width change on the northern corner has also been amended to reflect the correct dimensions.

#### ADDITIONAL STATEMENT BY THE APPLICANT

The agent has sent a letter supporting the application. This is summarised as:

1. The plans have been amended to incorporate highway visibility splays agreed by the highways authority. These amendments should resolve the concerns of the parish council.
2. The north east corner hedge line and road width have been amended to the measurements identified by the parish council.
3. In response to local residents' concerns, the garage roof to the eastern and western elevations has been lowered.
4. The clock tower has been removed from the scheme as this was not proportional to the lowered roof.
5. The roof covering is slate.
6. The eastern boundary hedge line is not being replaced and a new herbaceous border will be planted to the triangle behind the garage, all in accordance with the approved landscaping plan.
7. The pedestrian access to the north side of the garage has been removed in response to the parish council's concerns.
8. The entrance gates have been amended.
9. The scheme has been unreservedly amended during the course of its development in response to local, parish and district council concerns and the proposals have now been thoroughly examined.

#### PARISH COUNCIL COMMENTS

The Parish Council objected to the original scheme on the following grounds:

- (a) The plans do not accurately represent the road through the villages: the plan indicates a smaller distance between the front hedge and the road than is actually the case. This is particularly relevant at the most northern edge of the junction between the lane from Chute Lodge and the road. The visibility from both this lane and the new entrance to the property should be given careful consideration.
- (b) By placing the new access closer to the driveway to Chute Lodge (serving about 10/11 properties) and more importantly, closer to the bend in the road at the top of the Lodge driveway, an additional unacceptable highway hazard is being introduced. A visibility splay should be introduced to remove the hazard.
- (c) The parish council are concerned about the impact of the proposal upon the landscaping scheme. The latest plans do not appear to indicate the landscaping as previously approved under K/52770.

No comments on the amended scheme had been received at the time of writing this report. Any which are subsequently received will be reported verbally at the meeting.

#### CONSULTATIONS

County highways (Mark Wiltshire) - no objection subject to conditions regarding (a) the provision and maintenance of visibility splays; (b) the provision of a consolidated access for the first 5 metres of the drive; (c) the provision of a vehicle turning space and (d) the access gates being set 5.5 metres into the site and made to open inwards only.



## REPRESENTATIONS

Two letters of objection have been received to the application. These are summarised as:

1. The gates and piers are too tall and the gates themselves are out of place. They are far too grand and will look incongruous.
2. There will be no room to landscape behind the garage as it is built virtually to the edge of the lane.
3. The vehicular entrance should remain in its original place.
4. The landscaping on the plans appears to be different from that shown on the original landscape plan approved for K/52770.

No comments on the amended scheme have been received at the time of writing this report. Any which are subsequently received will be reported verbally at the meeting.

## POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy PD1 regarding general development and design principles is the pertinent policy consideration.

## PLANNING OFFICERS COMMENTS

This application for a new vehicular access and an amendment to the garage approved under K/52770 raises a number of issues that are considered relevant to its determination: (a) impact upon highway safety; (b) impact upon visual amenity and (c) impact upon the landscape plan approved under K/52770.

### Background

Planning permission K/52770 granted consent for a replacement dwelling on the site in October 2005. A new detached garage on the eastern boundary also formed part of this approved scheme. This permission was subject to a condition requiring a landscaping scheme to be submitted and approved. This landscaping scheme has now been approved and incorporates landscaping on its northern boundary where the new access is now proposed.

This application seeks to close the existing vehicular access on the northern boundary and create a new access approximately 4 metres to the east. This new driveway leads up to the house and new entrance gates are included as part of this new access. It is also proposed to amend the design of the garage previously approved under K/52770. The main changes being an alteration to the design of the roof, the inclusion of brick supports and the removal of the clock tower.

### Highway safety

The highways authority is satisfied that the scheme is acceptable in terms of highway safety. The scheme has been amended to incorporate visibility splays and your officers are satisfied with the scheme in this respect.

### Visual amenity

It is considered that the amended garage design is acceptable. It is not significantly different from that previously approved and the site will be suitably landscaped to soften and partially screen the garage from public viewpoints.

The new access arrangement is also considered visually acceptable. The design of the entrance gates and piers has been changed from brick and iron railings to a simple timber gate and post entrance gate. This revised design is much more in keeping with the rural setting of the site and will not be unduly prominent. The

access, although slightly more formal in appearance than the previous, is considered visually acceptable. It is in keeping with the scale of the new dwelling and its appearance will be softened and assimilated into its rural context by the landscaping scheme.

#### Impact upon the landscaping scheme approved under K/52770

Perhaps the most pertinent issue in the assessment of this application is the impact of the new access upon the landscaping scheme which was approved as part of K/52770. Essentially, the new visibility splays cut through part of the landscape scheme on the northern boundary which incorporates hedging, trees and shrubs. This landscaped area is considered very important in relation to the replacement dwelling and is an integral part of the redevelopment of the site.

The scheme has therefore been amended so that the landscaped area sits behind the visibility splay, not interfering with the requirements of the highways authority. Beech hedges will be planted directly behind the splays with shrubs and trees further beyond this. This is a relatively minor alteration and the overall effect and purpose of the landscaping will not be lost.

The parish council and local residents have also raised concerns as to whether the landscaping scheme will be implemented as it is not shown on the original block plan. This is a justified concern and the agent has now submitted a full landscaping scheme as part of this application. It is also to be agreed as a minor amendment to the landscaping scheme previously approved under K/52770/F. In respect of all other planting, the scheme has remained the same.

#### Conclusion

Your officers are now satisfied that the proposed scheme is acceptable visually and, furthermore, will not harm the amenity of neighbouring residents. Highway concerns have been addressed and an appropriate landscaping scheme has been submitted. Members are therefore advised to approve this application subject to the relevant conditions.

### **RECOMMENDATION**

Approve with Conditions

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

#### **REASON:**

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

2 - This permission relates only to the scheme of development shown on the revised plan 04/134/06/ Rev C6 and additional plan 04/134/06L Rev C3 both received on the 23rd 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.

3 - Before any part of the development hereby permitted is first occupied the turning area 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.

4 - Before the access hereby permitted is first brought into use the highway visibility areas shown on the approved plans shall be cleared and kept free of all obstructions to sight above 600mm above the adjoining carriageway level and shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

5 - The gates shown on the approved plans shall be set back at least 5.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON:

In the interests of highway safety.

6 - All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the next planting and seeding season; 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.

7 - All soft landscaping comprised in the submitted landscaping details 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. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

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.

