

Regulatory Committee

29th March 2007

Planning Services

List of Applications for Consideration

1 K/55925/F (page 6)

Full planning application for : Demolitions of all existing structures followed by construction of mixed use development containing retail space plus 24 apartments and maisonettes in two blocks.

27-28 The Market Place DEVIZES SN10 1JQ

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

2 K/55973/CAC (page 19)

Conservation area consent application for : Demolition of all existing structures to allow construction of mixed use development containing retail space & 24 apartments and maisonettes in two blocks.

27-28 The Market Place DEVIZES SN10 1JQ

RECOMMENDATION: Grant Conservation Area Consent

3 K/55894/F (page 21)

Full planning application for : Erection of new condenser unit enclosed within an acoustic plant screen.(Siting of new plant machinery).

Land to rear of Marks & Spencer Store 134-135 High Street MARLBOROUGH SN8 1HN

RECOMMENDATION: Grant full planning permission

4 K/55762/F (page 31)

Full planning application for : Demolition of existing employment building and replacement with three dwellings.

Vine Cottage Bottlesford NORTH NEWNTON SN9 6LU

RECOMMENDATION: Refuse planning permission

5 K/55890/F (page 37)

Full planning application for : Erection of house and detached garage.

Land adjacent to Shamrock Church Road WOODBOROUGH Wiltshire

RECOMMENDATION: Grant full planning permission

6 K/56009/F (page 46)

Full planning application for : Conversion of warehouse into 5 two bedroom dwellings and associated works (amendment to previous approval K/45373)

Phase 2 Crown Lane LUDGERSHALL

RECOMMENDATION: Grant full planning permission

7 K/55818/F (page 52)

Full planning application for : Extension to bungalow

9 Bowdens URCHFONT SN10 4SQ

RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION: K/55925/F
PARISH: DEVIZES
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolitions of all existing structures followed by construction of mixed use development containing retail space plus 24 apartments and maisonettes in two blocks.
SITE: 27-28 The Market Place Devizes SN10 1JQ
GRID REF: 00384 61594
APPLICANT: Gaiger Brothers Ltd
AGENT: Peter Kent Architects
DATE REGISTERED: 2nd February 2007
CASE OFFICER: Mr R C Cosker

SITE & LOCATION

The application site occupies a prominent position in the Market Place on the corner of Snuff Street next to the Black Swan Public House. The building currently on the site dates back to the 1930's and is occupied by the 'One Stop' convenience store. The site stretches from the Market Place frontage along Snuff Street as far Nags Court and includes land that is currently laid out as a car park for the shop.

The site lies within the Devizes Conservation Area.



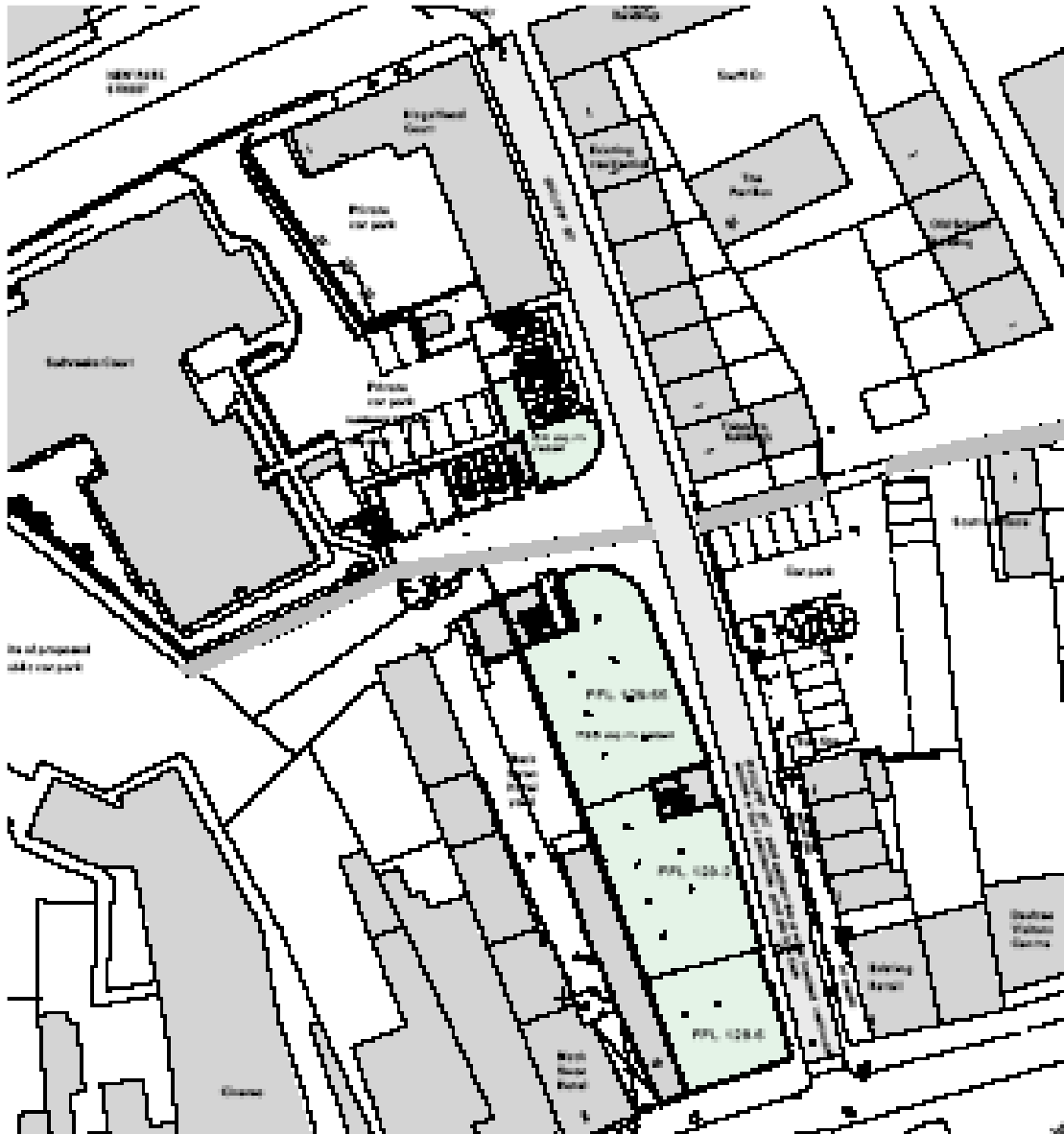
Location plan

SITE HISTORY

There is no relevant planning history relating to this site. Previous applications have related to advertisements and other shop frontage alterations.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing building and the erection of a new mixed use development to include 790 square metres of retail floorspace and 24 flats. The development will consist of two elements which will be separated by a proposed footpath that will link from Snuff Street to the proposed new public car park that will be built on land to the rear of Salem Chapel. Vehicular access to that car park will be off New Park Street.



Site layout

The front element of the proposed development will be mainly three storey in height, although the rear portion will have the third floor in the roofspace and the front section will have a further attic floor. The rear section of the front block incorporates a curved wall that returns into the route of the proposed footpath. There will be two pedestrian access points in this block which will take you to either a first floor street/second floor walkway from which the flats will be accessed. The ground floor is shown as one large retail space but the design allows this space to be subdivided into between 1 and 9 units depending on the future tenants needs. To allow this shopfronts are proposed along the whole of the Snuff Street Elevation.

The rear element will be two storey in height with a third floor in the roofspace. The building will be 'L' shaped returning into the route of the footpath and again incorporates a curved wall. The building would incorporate one small retail unit, garaging and cycle storage on the ground floor with residential above.

A wide palette of materials are proposed for the development with the Market Place frontage building using natural stone and a red stock brick under a slate roof. Elsewhere red stock brick and render are the predominant walling material with some use of vertical cedar boarding.

The application also proposes to 'semi-pedestrianise' Snuff Street which will include alterations to its surface treatment.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following negotiations with officers the applicant and to take on board comments made by the Council's Conservation Officer, the applicant has submitted amended plans which have refined the design of the Market Place building. The major changes including;

1. Setting the building back from the Black Swan (the same as the existing building)
2. Reduction from 5 to 3 dormer windows on the frontage building
3. Increase in the height of the parapet
4. Increase in the ceiling height of the retail units
5. Increase in the amount and scale of stonework on the upper floors
6. Decrease in the size of the sash windows
7. Introduction of brick quoin details
8. An amended shop front

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a Design Statement with the application.

TOWN COUNCIL COMMENTS

Devizes Town Council – No objections

CONSULTATIONS

WCC Highways – No objections subject to planning conditions relating a number of matters including the provision of the garages and cycle parking, the semi pedestrianising of Snuff Street, street lighting improvements to Snuff Street and a construction method plan. A section 106 also needs to be completed to secure a sustainable transport contribution.

WCC Archaeology – No objection subject to the imposition of a condition to require archaeological investigation once the building has been demolished.

English Heritage – Neither support nor object to the demolition of the existing building. If the replacement building is to be taller than the Black Swan it would have the potential to produce an overly dominant statement. Consider that the solution for the site should be a building of its time. If the decision is to proceed with a building that is along local vernacular lines then the key to success will be attention to detail.

Environment Agency – No objections subject to suggested conditions and informatives.

Wessex Water – No objection but advise that a sewer diversion will be required.

Police Architectural Liaison Officer – Generally support the development which will add vibrancy and increase pedestrian movement to the area. The retail part of the current building has historically been a catalyst for anti-social behaviour and considers crime prevention measures for the new development are paramount.

REPRESENTATIONS

One owner of a nearby shop has written and raised concerns about Snuff Street being pedestrianised and wants to know how he is to receive deliveries.

The Trust for Devizes has also submitted comments stating that they shall not be seeking refusal as they regard the scheme as broadly acceptable, but needing attention to some important details. They are therefore not challenging the application for the demolition of the building. The detailed comments are;

1. The roofline towards the Market Place is awkwardly interrupted by the hipped ridge to the south west and should continue towards the Black Swan instead.
2. The first and second floor window proportions of the front building could be smaller and perhaps 7 bays instead of 5.
3. The Market Place parapet should be stronger and be extended upwards to distract attention from the dormer windows.
4. The street surface designs for Snuff Street should be more appropriately thought through.
5. The market Place façade needs to be set back behind the front of the Black Swan.

Members should note that the comments received relate to the original proposal and any comments received concerning the amended plans will be reported verbally at committee.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC10, ED17, ED18, ED20, ED21, AT9, AT10, HH5 and HH8 are relevant to the consideration of this application. The site lies within the Devizes Conservation Area.

PLANNING OFFICERS COMMENTS

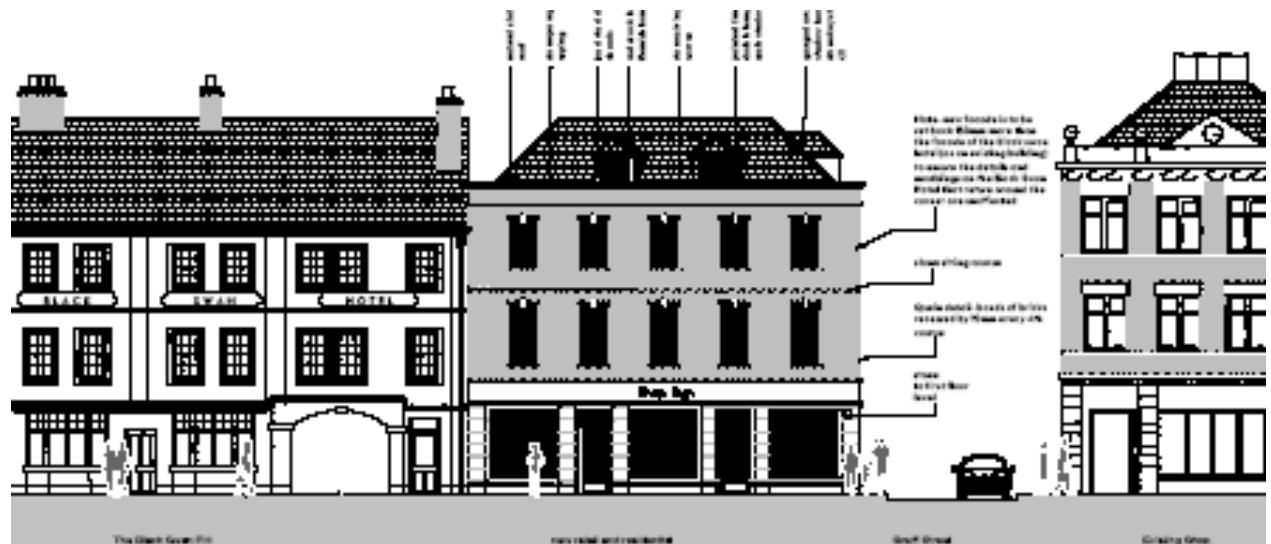
Policy HC10 of the local plan allocates the wider Northgate site (together with the Wharf and Devizes Hospital) for mixed developments which includes housing and retail. As members will be aware the Northgate site is made up of land assembled by Kennet District Council and it was on that basis that the Northgate Development Brief (NDB) was adopted in September 2002 to guide a mixed development on the site. Subsequent attempts to achieve a comprehensive redevelopment of the site have not succeeded and as such the Council has opted to divide and sell the land in four separate parcels. The site subject of this application is parcel 3. The recently completed McCarthy and Stone development is on parcel 1, development has recently started for a mixed use scheme on parcel 4 and this committee has resolved to grant planning permission for Sarsen to develop affordable housing units on plot 2. In order to 'tie' the four parcels together the Council has already got the necessary consents to build the central car park and associated footpaths.

The applicant has submitted an application for Conservation Area Consent to demolish the existing building and this is where the acceptability of the buildings demolition should be formally considered. The acceptability of the demolition is however clearly a consideration in establishing whether the principle of the proposed redevelopment subject of this application is acceptable. In this instance it should be

noted that the NDB adopted by this Council states that, “The building currently occupied by Dillons should be either refurbished with associated improvements to its elevational treatment or preferably redeveloped”. It should also be noted that the brief continues to provide further details of the type of replacement building that would be acceptable, thus re-enforcing the objective to redevelop the existing building. Officers therefore consider that, having regard to policy HC10 and the NDB the principle of the proposed mixed use scheme which incorporates the redevelopment of the existing building is acceptable.

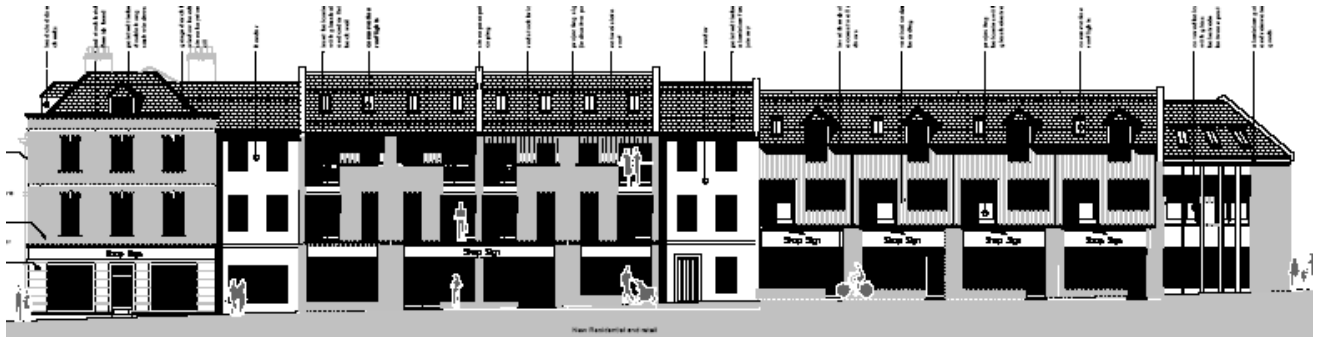
Turning to the acceptability of the proposed development, it is clear that the main issue concerns whether what is a large development in a prominent location will preserve or enhance the character or appearance of the conservation area.

Officers certainly consider that the layout is appropriate by providing frontage development along Snuff Street whilst also turning the corner into the proposed footpath link. With regard to the scale of the buildings proposed the NDB stated that that the building on this site should be at least 2, but preferably 3 floors in height, and its bulk form and scale should reflect other buildings in the vicinity. The frontage building proposed is 3 storeys in height with a further floor within the roofspace. The overall height is very similar to the adjacent Black Swan building but the scale and form of the proposed building, which incorporates higher storey heights and a parapet wall, is very different to the Black Swan which has a more ‘domestic’ scale. The building is however still of a smaller scale than the Anstie building on the opposite corner, and many of the other more formally designed buildings in the Market Place. The building is in fact of a very similar scale to the one that was built on the site in the late 1700’s/early 1800’s and remained until the current building was built in the 1930’s. Your officers consider that on such a key corner site it would not be appropriate to have a building of the same scale as the Black Swan and that the scale of the proposed frontage building achieves the right balance of creating a landmark building whilst not overwhelming the listed public house.



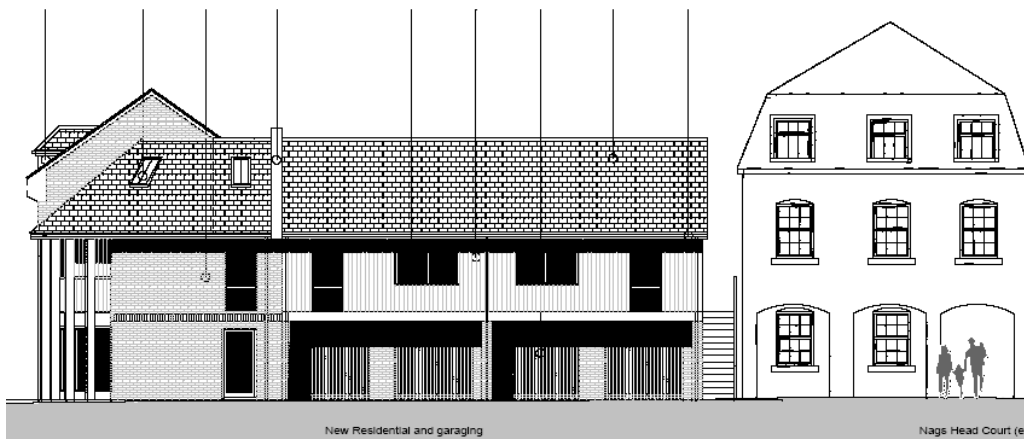
The Market Place elevation

As you go down Snuff Street the scale of the buildings is maintained at 3 storeys, although the ridge heights are reduced as you move north due to the 3rd floor moving partially within the roofspace. The northern element of the site is reduced to 2 storey height which reflects the much reduced scale of the existing terrace of cottages at the Northern end of Snuff Street.



Snuff Street elevation

In terms of design the NDB states that, “there is an opportunity for the creation of a well detailed contemporary building in traditional materials rather than necessarily following a ‘pastiche’ approach”. Whilst the Market Place frontage building has very much classical proportions and detailing, including the use of timber sash windows and natural stone shopfront and detailing, it could not be regarded as ‘pastiche’. Instead the design is considered to be simpler and cleaner than some of the historic buildings in the area, thus it is considered to be ‘of its time’ whilst respecting its surroundings. Whilst the design of the remainder of the buildings in the first element running up Snuff Street are more contemporary they are still generally harmonious with the existing buildings in that part of Snuff Street. The buildings have a good degree of vertical sub-division and the mix of design treatment reflects the more eclectic mix of buildings and remnants of former buildings along Snuff Street. The first element of the building behind the frontage building has been set back to create a visual break between this run of more contemporary buildings and the more classical Market Place Building. The second element of the development beyond the footpath link continues with a contemporary design and in many ways appears quite industrial with the garages at ground floor level. As mentioned previously the materials used are mainly red brick and render under slate with natural stone used on the Market Place building. There are some elements of vertical timber cladding used on parts of the Snuff Street buildings but its use is not considered excessive. Indeed it is considered that its use adds to the contemporary feel of the design and adds to the eclectic feel of Snuff Street.





Northern element elevations

When considering whether the development preserves or enhances the character or appearance of the conservation area, it is clear that most forms of development will improve on the existing building. This however is not considered enough for such an important site in Devizes. Your officers however consider that the scale and design of the proposed buildings responds well to the form of development in the area. The proposal also offers the opportunity to enhance the conservation area with increased activity and vitality and will help create linkages between different parts of the town. With regard to the setting of the adjacent listed buildings, as already stated, it is considered that the scale of the Market Place building is appropriate to both create a landmark building whilst not overwhelming the Black Swan. It is considered that setting the Snuff Street buildings off the boundary with the Black Swan will also ensure that there is no detrimental impact on the setting of the Black Swan.

In terms of impact on neighbour amenity the existing residential development in the vicinity is in Nags Court, the cottages at the top end of Snuff Street and above the Anstie building. Most of the inter-relationships are window to window across Snuff Street where there is considered to be adequate separation. It is also considered that this type of relationship is not uncommon in town centre locations. A similar relationship already occurs between Nags Court and the Snuff Street cottages. The relationship between the residential units in the northern block and Nags Court is also considered acceptable, even with the outside amenity areas proposed which would only overlook the parking areas of Nags Court and the McCarthy and Stone development.

The application only incorporates parking for six cars, but these will be for 6 pool cars organised by management company for the occupiers of the flats. The application also proposes to semi-pedestrianise Snuff Street, as such the impact the development will have on the highway network is a key issue. Officers consider that as a town centre site the lack of car parking should not preclude the granting of planning permission, particularly having regard to the Council's adopted maximum parking standards. It is also relevant that the council will be building a new public car park nearby and that there is no uncontrolled car parking in the immediate area, all spaces are either public car parks or time limited on street spaces. Officers consider that any one owning a car is unlikely to occupy these flats and if they do they will only be able to use those controlled spaces, which will not be detrimental to any local residents. It also has to be considered how the provision of further car parking would effect the development on this site. A surface car park would reduce the ability to deliver the level of retail space required and would also create an unattractive open area, as is the case with the existing car park, which would damage the appearance

of the conservation area. Turning to the proposals for Snuff Street the semi-pedestrianisation would have an exemption for loading and access purposes, the existing and proposed businesses would still therefore be able to be serviced off Snuff Street. With regard to the physical changes to the street these have now been extended to the whole length of the street but simplified to be more harmonious with the surface finishes that have been used on the Market Place improvements. A paved footpath would be created along the application side of the Street and the tarmac carriageway between this and the existing pavement of the other side of the street would be raised to be flush with them, therefore creating a more 'pedestrian friendly' level shared surface.

With regard to affordable housing, policy HC10 and the NDB require 50% affordable housing to be achieved across the whole of the Northgate site. In this instance officers can advise that none will be required on this site as parcel 2 (the land to the west of Salem Chapel) is to be transferred to a registered social landlord who will provide 100% affordable housing on that site. Thus the council will be able to ensure an acceptable balance of open market and affordable housing will be achieved across the wider site.

A further issue raised by this application is how the proposal addresses the issue of planning contributions as required by the Devizes Strategic Development Brief (DSDB) which sets out the contribution needs of all the allocated sites in Devizes. In this instance contributions will be required towards education (1 bedroom flats are exempt), recreation and sustainable transport improvements. Since the completion of the DSDB and the applicants financial bid for the site was agreed a further matter has arisen concerning the provision of CCTV cameras in the town centre. Whilst funding has been agreed for 4 cameras in the town this development offers the opportunity for a further camera on the corner of the building which will cover Snuff Street. The cost of the camera and the installation is £7,000. Whilst this is a relatively small amount of money the applicant has advised that they cannot commit to providing the camera as an additional contribution to those that were expected, i.e. those in the DSDB. Officers consider in this instance it would be acceptable to adjust the other contributions to allow £7,000 to be used towards the provision of the camera which, having regard to comments of the Police Architectural Liaison Officer, is much needed as a crime prevention measure. The index linked contributions towards recreation facilities would be in the region of £30,000 with approximately £13,000 being towards children's recreation. Whilst 1 bedroom flats are exempt from these payment officers consider that, having regard to the size and location of the flats, even in the 2 bedroom plus flats the numbers of children are likely to be very low. It is therefore felt a reduction in the recreation contribution by £7,000 can be justified.

It is therefore recommended that planning permission be granted subject to the completion of the necessary legal agreement to secure the contributions required by the DSDB (except for the reduction in the recreation commuted sum) and £7,000 towards the CCTV camera on the building.

RECOMMENDATION

Grant planning permission subject to the prior completion of the necessary Section 106 agreement relating to the matters set out above, 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 - 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 *****.

3 - This permission relates only to the scheme of development shown on the amended and additional plans 1103/Design Overview A, South Plan 1 A, South Elevations 1 B, South Wall Section, South Block Plan - Ground A, South Block Plan First, South Block Plan Second and South Block Plan - Third A received on the 7th March 2007.

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.

4 - No development shall take place until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. These details shall include the construction of sample panels of brickwork, render, natural stone and wooden cladding (including any stain colour) on site for approval. The details shall also include the bond in which the bricks will be laid and the thickness of the mortar joints to be used. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

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

5 - INFORMATIVE TO THE APPLICANT:

The applicant should note that the details submitted to discharge condition 3 should include the use of a traditional brick bond, such as flemish bond, and narrow mortar joints widths, not the standard 10mm joint.

6 - Notwithstanding the details submitted the development hereby permitted shall not be commenced until full construction details of eaves, verges (including the parapet verges), parapet coping, decorative banding, string courses, brick quoins, dormer windows, bay windows, balustrades, rainwater goods, window heads/sills and the railings, walls, steps and walkways used at the rear of the residential accommodation in the main building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details and maintained as such thereafter.

REASON:

To secure a harmonious architectural treatment in the interest of the character and appearance of the conservation area.

7 - Notwithstanding the details submitted, prior to their installation full details of the proposed external windows, doors (including garage doors) and shopfronts, including sectional drawings of not less than 1:20 scale, details of surface finishes and reveal depths, 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 and maintained as such thereafter.

REASON:

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

8 - Prior to the commencement of development full construction details of the 'ridge' between the pitched roofs and flats roofs shall be submitted to and agreed in writing by the local planning authority. All of the ridges between the pitched roofs and flats roofs on the buildings hereby permitted shall be constructed in accordance with the approved details and maintained as such thereafter.

REASON:

To ensure that the flats roofs are less visible from public vantage points in the interests of the character and appearance of the conservation area.

9 - Prior to the first occupation of any of the flats or first use of the retail floorspace hereby approved the street surface improvements to the whole length of Snuff Street shall be completed in full in accordance with the details first submitted to and approved in writing with the local planning authority. The details submitted shall include the provision of a new paved and kerbed area along the West side of Snuff Street, the raising of the central carriageway to be flush with the new and existing paved areas, drainage improvements and any signage required in association with the restricted vehicle access required by condition 11.

REASON:

In order to improve pedestrian access to and through the proposed development and in the interests of the character and appearance of the conservation area.

10 - INFORMATIVE TO THE APPLICANT:

The works to Snuff Street required by condition 8 shall, where possible, include the re-use of any existing historic kerbs running along the west side of Snuff Street.

11 - Prior to the first occupation of any of the flats or first use of the retail floorspace hereby approved a scheme for street lighting improvement along the Snuff Street shall be carried out in accordance with the details first submitted to and approved in writing by the local planning authority.

REASON;

To ensure street lighting improvements are carried out in an area where it is currently inadequate.

12 - Prior to the first occupation of any of the flats or first use of the retail floorspace hereby approved Snuff Street shall be semi-pedestrianised to prevent its use by vehicles, but with the exemptions for loading and access.

REASON:

In order to improve pedestrian access to and through the proposed development.

13 - INFORMATIVE TO THE APPLICANT:

The semi-pedestrianisation of Snuff Street will require a traffic order to be completed and implemented for which the applicant will be responsible for the costs.

14 - Prior to the first occupation of any of the flats or first use of retail floorspace hereby approved the public footpath link from Snuff Street to the western boundary of the site (as indicated on the approved drawings) shall be constructed in accordance with the details first submitted to and approved in writing by the local planning

authority. The details submitted shall include construction levels, surface finishes/materials and the lighting of the path. The footpath shall remain open for members of the public to pass and re-pass at all times in perpetuity.

REASON:

To ensure pedestrian permeability is achieved through the Northgate site.

15 - INFORMATIVE TO THE APPLICANT:

The applicant should note that 'straight line' route of the footpath shown on the approved drawings is not considered acceptable and a more curved route is required to respect the route of the castle's outer bailey ditch. The applicant should also contact Steve Ibbetson of this council for advise on the required specification for the footpath and its lighting.

16 - Prior to the first occupation of any of the flats or first use of the retail floorspace hereby approved the Snuff Street side of the area between the two buildings shall closed off to prevent vehicles entering the area (other than those using the two garages) in accordance with the details first submitted to and approved in writing by the local planning authority.

REASON:

To prevent unauthorised vehicles for entering and parking in the area in the interests of pedestrian safety and the visual amenities of the area.

17 - Prior to the first occupation of any of the flats hereby approved the cycle parking areas and the garages shall be provided in accordance with the details shown on the approved plans. These areas shall thereafter be retained only for the purposes of the parking of cars and bicycles respectively.

REASON:

To ensure car and bicycle parking is provided and maintained for the occupiers of the development.

18 - Prior to the commencement of development a Construction Method Statement to deal with the management of the construction works on this restricted town centre site shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement is likely to need to include the advertising, making and implementation of a Temporary Traffic Regulation Order to close Snuff Street at The Market Place end, minor kerb alterations at the New Park Street end to allow lorries to enter Snuff Street and reinstatement of those kerb alterations following completion of the works. The Construction Method Statement shall also need to include proposals for the traffic management of construction vehicles to safely cater for two way construction traffic over Snuff Street. The demolition and construction work shall be carried out in accordance with the approved Construction Method Statement for the duration of the works.

REASON:

In the interests of pedestrian and highway safety and convenience.

19 - No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. Details of soft landscaping shall include species, sizes at planting, location, planting methods and details of the means of irrigation of the potted trees. The hard

landscaping details shall include the area between the two elements of the development which is bisected by the proposed footpath link.

REASON:

To ensure the development has a satisfactory setting.

20 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the flats or the first use of the retail floorspace or the completion of the development whichever is the sooner; any trees or plants which, 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 be carried out in accordance with the approved details in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure satisfactory hard and soft landscaping is carried out.

21 - A landscape management plan including management responsibilities and maintenance schedules for all landscaping shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings or first use of any of the retail floorspace. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaping in the interests of visual amenity.

22 - Prior to the commencement of development a management plan, including management responsibilities, maintenance schedules and refuse collection management, for the bin and cycle stores shall be submitted to and approved in writing by the local planning authority. The management of the bin and cycle store shall be carried out in accordance with approved management plan thereafter.

REASON:

To ensure the proper management of the storage areas and waste collections in the interest of the amenities of the area.

23 - Prior to the first use of any of the retail floorspace hereby permitted internal refuse storage shall be provided on site in accordance with the details first submitted to and approved in writing by the local planning authority. Thereafter the refuse storage areas shall be maintained for that use only.

REASON:

To ensure adequate provision for refuse storage is created and maintained on the site for the proposed retail use(s).

24 - No refuse, products of any description, skips, containers or any waste materials shall be stored on the site except within the buildings.

REASON:

To safeguard the amenities and character of the conservation area.

25 - Prior to their installation full details of any air conditioning units, chillers or other plant or machinery shall be submitted to and approved in writing by the local planning authority. The details shall include; the position in which they are to be located, their external appearance, any physical screening proposed and their noise levels and noise attenuation measures proposed. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the visual amenities and character of the conservation area and to protect the amenities of occupiers of existing and proposed residents.

26 - Prior to the first occupation of any of the flats or first use of retail floorspace hereby approved a CCTV camera shall be installed on the Market Place/Snuff Street corner of the building hereby permitted in accordance with the details first submitted to and approved in writing by the local planning authority. The camera installed shall match those already agreed for the town centre wide scheme and shall make provision to be connected to the agreed scheme. The camera shall be maintained in situ thereafter.

REASON: In the interest of crime prevention.

27 - No development shall be commenced on site until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the attenuation of surface water run-off from the site. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

28 - 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, HC10, ED17, ED18, ED20, ED21, AT9, AT10, HH5 and HH8

29 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 5th March 2007, Wiltshire Fire & Rescue dated 6th February 2007 and the Environment Agency dated 21st February 2007.

30 - 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.

Item 2:

APPLICATION:	K/55973/CAC
PARISH:	DEVIZES
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of all existing structures to allow construction of mixed use development containing retail space & 24 apartments and maisonettes in two blocks.
SITE:	27-28 The Market Place Devizes SN10 1JQ
GRID REF:	00384 61594
APPLICANT:	Gaiger Brothers Ltd
AGENT:	Peter Kent Architects
DATE REGISTERED:	9th February 2007
CASE OFFICER:	Mr R C Cosker

BACKGROUND TO APPLICATION

This application for Conservation Area Consent relates to the proposed development set out in the previous agenda item (application no. K/55925/F). The site and location, site history, description of the development, principal amendments, town council comments, consultation responses and policy considerations are therefore set out in that report.

PLANNING OFFICERS COMMENTS

Planning Policy Guidance Note 15 - Planning and the historic environment sets out advice on how applications for the demolition of unlisted buildings in a conservation area should be considered. It states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. The advice goes on to state that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. These criteria relate to the condition of the building, the cost of repair and re-use, the efforts made to retain the building in use and the merits of the alternative proposal for the site. However, in this instance officers agree with the applicant that the building does not make a positive contribution to the conservation area, indeed the Northgate Development Brief acknowledges that the building is 'unattractive' and advocates its demolition as a preferred option. The applicant has not therefore addressed these criteria in any detail in the supporting information and officers consider it is not necessary for them to do so. The Council's Conservation Officer does not object to the demolition, having regard to the potentially wide benefits of redevelopment.

The report on the previous application for the redevelopment of the site concluded that the scheme put forward would enhance the character and appearance of the conservation area. To enable this scheme to go ahead, it is necessary to demolish this building and for these reasons there is no objection to its demolition.

RECOMMENDATION

Approve with Conditions –

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

REASON:

To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

2 - The building shall not be demolished before a contract for the carrying out of works for the redevelopment of the site has been made, with the relevant dates notified in writing to the local planning authority, and planning permission has been granted for the redevelopment for which the contract provides.

REASON:

In the interests of the visual amenity of the locality, which is within a designated conservation area.

3 - 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:

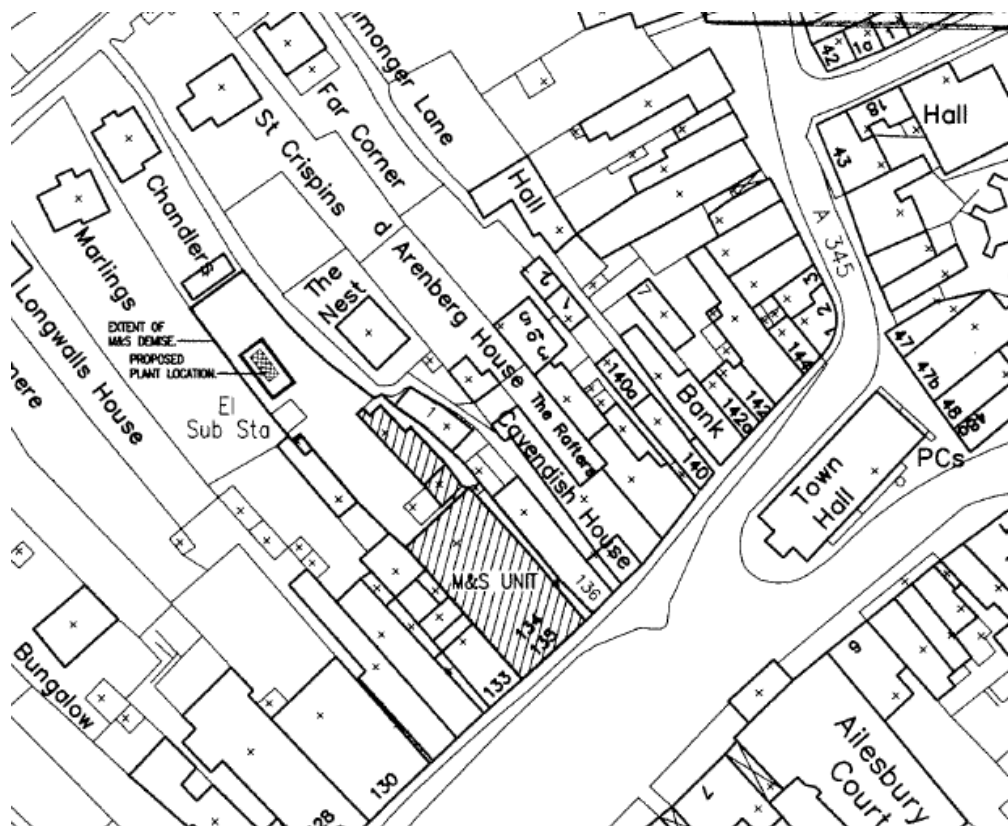
The decision to grant conservation area consent has been taken on the grounds that the demolition of the building would not cause any significant harm to the character or appearance of the conservation area. In making this decision the Council has had regard to Policy HH6 of the adopted Kennet Local Plan

Item 3

APPLICATION: K/55894/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Erection of new condenser unit enclosed within an acoustic plant screen.(Siting of new plant machinery).
SITE: Land to rear of Marks & Spencer Store 134-135 High Street, Marlborough, SN8 1HN
APPLICANT: Marks & Spencer Plc
AGENT: NLP
DATE REGISTERED: 26th January 2007
CASE OFFICER: Miss G Salisbury

SITE & LOCATION

The application site lies at the north-east end of Marlborough High Street on the northern side of the main road running through the town. The plant itself is proposed within the rear garden to the property. There is a public footpath to the north east of the site that links the High Street with the neighbouring residential properties along Back Lane to the north. The site is surrounded by commercial and residential properties on the High Street and residential properties along Back Lane and Chandlers Yard.



Location Plan

The proposed development lies within the curtilage of a grade II listed building, the designated Marlborough Conservation Area and the Marlborough Area of Special Quality.

SITE HISTORY

K/32452 – Planning permission was approved in 1996 for alterations to the existing shop front and the provision of three condensing units at the rear.

K/33921/L & K/33922 – Planning permission and listed building consent were refused in March 1997 for the erection of an acoustic screen at the rear of the property. This was due to the design of the proposed wall and the materials in which it is proposed to be constructed which would have had a detrimental impact on the adjacent listed building, Marlborough Conservation Area and would have been intrusive in views from the adjoining dwelling.

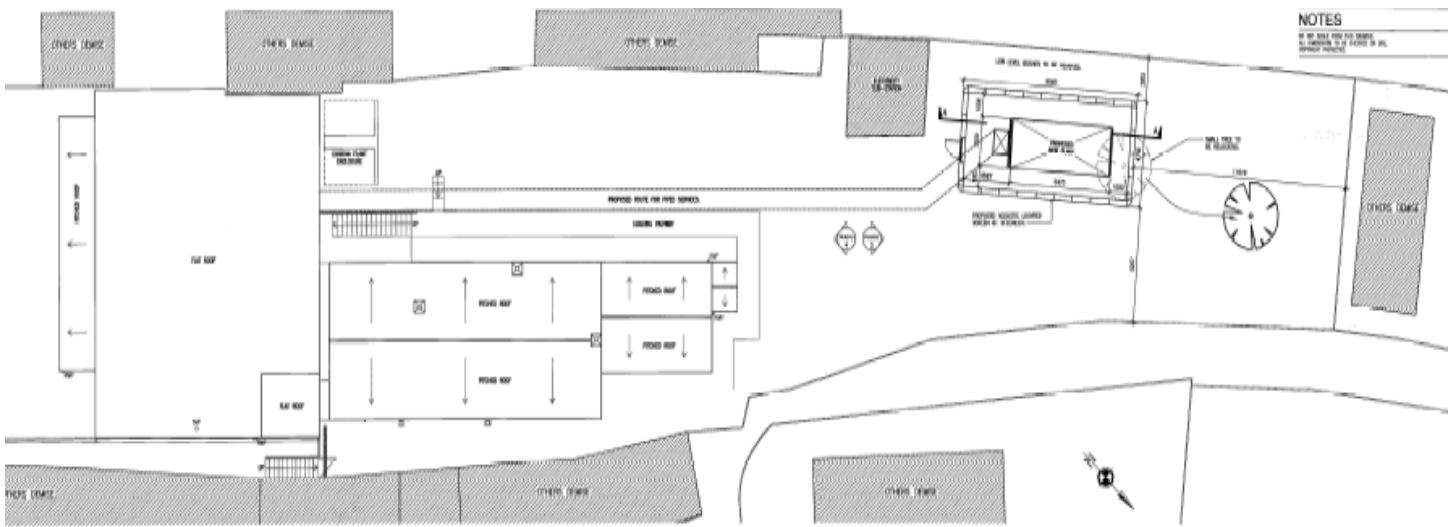
K/34437 – Planning permission was refused in July 1997 for the retention of existing noise attenuation features on the grounds that the level of noise and disturbance created by the refrigeration equipment housed within the extension was unacceptably high, resulting in a loss of amenity for the occupiers of the adjoining residential property.

K/35170 & K/35169/L – Planning permission and listed building consent were granted in January 1998 for an amendment to noise attenuation features and concealment of the existing roof mounted extract fans.

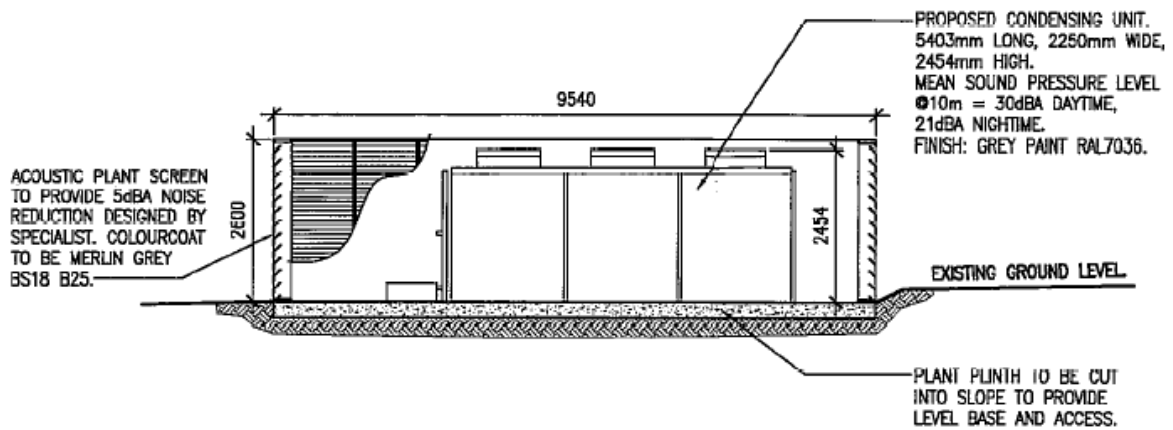
K/38586 – Planning permission was granted in March 2000 for a variation of the noise attenuation condition attached to planning permission K/35170. This was subject to a new condition that the structures containing the condensing units must be acoustically treated and/or the condensing units silenced to ensure that the rating level (equivalent continuous A weighted sound pressure level (LAeq,t) adjusted for acoustic character) from any plant or machinery does not exceed 41dB on any day at the boundary of any domestic premises within 100m of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a new condenser unit enclosed within an acoustic plant screen. The plant is proposed to be located within the rear garden close to the south-west boundary of the site behind the existing electricity substation. The plant measures 2.45 metres high by 5.47 metres long and 2.25 metres wide. It is to be enclosed by an acoustic plant screen measuring 9.54 metres long by 2.6 metres high and 4.79 metres wide in dark Merlin Grey.



Block plan – rear of the existing store to left side of plan



5 1:100 PROPOSED SECTION A-A
126

Proposed Plant Machinery

ADDITIONAL STATEMENT BY THE APPLICANT

The proposed plant is required in order to meet the operational needs of Marks and Spencer to provide refrigeration for chilled food units in connection with the retail use of the store. The plant machinery has been specifically selected by the refrigeration engineer to meet the occupational needs of M&S.

The layout and design of the plant is designed in order to minimise the impact on the listed building and conservation area and neighbouring residential properties.

Due to concerns raised over the location of the proposed plant machinery Marks and Spencer have instructed Sharps Redmore to carry out a noise assessment based on a site visit and the information provided by the Acoustic Consultants. The full document is available for inspection on the working file and the main findings are included below;

"The proposal is to relocate the condenser units away from the building to a point in what is effectively the rear garden of the site. This would place the new condenser units as far away as possible from any noise sensitive façade and in an open site where noise would not build up as occurred in the previous Somerfield situation.

The plant selected would be considerably larger than previous which would allow it to operate in lower speeds and therefore generate considerably less noise.

The proposed plant would have a noise signature during the daytime (0700 to 2300) of LAeq,T = 27 dB at 10 metres. All night the speed of the fans would be controlled by an inverter, that is not stop start, such as to generate a noise level of LAeq,T = 20 dB at 10 metres.

I have considered the noise prediction sheets provided by Enviro-sound which accompanied the planning application by NLP on 16th January 2007. I find their predictions more than robust and in my opinion the actual noise levels would

likely be below these predictions. I have formed this opinion on the basis that the location correction could be less given the construction of the acoustic absorbent Screen and the open top nature of the structure. In addition condensers with fan speeds of this type, and with inverter controls, the noise signature would not contain tones or be sufficient to attract attention such as to warrant the 5 dB penalty in accordance with BS 4142. The daytime predictions do not take into account the screening effect of the garden walls.

On this basis I would expect the daytime noise generated by this proposed plant in the garden of adjacent properties to be at least 10 dB below the existing background noise climate of LA90 = 43 dB measured by Enviro-sound. Similarly it would be below the previously applicable condition attached to the Somerfield permission of LAeq,T = 41 dB on the boundary site. It must be noted that the night time background noise levels were measured at the front of the store which would provide significant screening to the operational Somerfield plant.

At night the noise generated would be no greater than the existing background noise climate of LA90 = 33 dB recorded by Enviro-sound, and substantially below the previous conditional requirement of LAeq,T = 41 dB.

In my opinion therefore the proposed location and design of the condenser unit for this location would not significantly affect the amenity of the nearby properties.

I have also been provided with copies of letters presented in objection to the application.

The basis of these objections fall into the following categories:

1. That proposed is considerably larger than the existing and therefore must be noisier.
2. Moving the units away from the building into the centre of the garden will increase the noise levels.
3. Predictions are likely to be underestimated.

My own comments in reply in addition to the forgoing are as follows:

1. The proposed units are larger to reduce the fan speed and therefore the noise.
Fan

noise is proportional to the eighth power of the air flow which means in decibel terms that if you halve the fan speed you reduce the noise generated by 18 dB something which subjectively would sound almost a quarter the noise. The fans at night would be controlled by inverters which leave the fans running at yet a further reduced speed instead of stopping and starting which is more objectionable.

2. When a noise source is located close to reflective surfaces, such as that which existed with the Somerfield plant, the noise generated is considerably higher, as much as 9 dB which subjectively sounds almost like a doubling of the noise level. By placing the plant in a relatively open area this build up of sound does not occur and therefore noise control by acoustic absorbing screen louvres are much more effective.

3. *The estimates of noise generation are based on tests carried out in accordance with British Standards with calculations using standard empirical acoustic methods. Extra caution has been used in addressing the effectiveness of the acoustic plant screen and the noise frequency characterisations of the proposed plant. In 2001 the Council approved a condition to be attached to the Somerfield application of LAeq,T = 41 dB. This level of noise control was considered appropriate at the time and should therefore be considered appropriate now. The predictions indicate that the proposals will achieve this during the day time and be several dB below this at night, not exceeding the existing background (LA90) noise climate, in fact in my opinion it would be several dB below the noise climate which existed previously”.*

In addition, a document from Environsound Ltd has been submitted to give a summary of the reasons for the chosen location of the plant machinery. This states the following;

“We have previously considered the possibility of locating the condenser in the area between the listed part of the premises and the adjacent residential property to the South West. We have reached the conclusion that this area is unsuitable. The reasons for this are as follows:

In this location the condenser would be approximately 3m from the site boundary, based on the plant noise levels provided by Searle/Carter Refrigeration & Retail Services there are no noise control options that satisfy the local authorities requirement to limit the Noise Rating Level to 41dBA at the boundary.

This location is overlooked by the adjoining residential property. As such no benefit can be gained from the provision of acoustic screening.

Noise produced in this area is increased due to the proximity of the surrounding building facades, which enclose the area on three sides.

We believe that we have considered the quietest available condenser, the stated 10m free field noise levels are daytime 27dBA, night time 20dBA, The predicted rating level is as follows: Free field noise level at 10m = 27dBA + 7.5dB distance correction to 3m (by surface method) + 9dB non free field location correction + 5dB, BS4142 character correction produces a rating level of 49dBA. This is 8dB higher than the stipulated level”.

TOWN COUNCIL COMMENTS

Marlborough Town Council object to this application on the following grounds;

- i) noise nuisance to neighbours
- ii) inappropriate for a conservation area
- iii) contrary to Local Plan Policy HH11.

CONSULTATIONS

Wiltshire County Archaeology – No comment. Given the small scale of the proposal it is unlikely that anything of archaeological interest will be affected by the above development.

KDC Environmental Health Officer – British Standard 4142 (1997) provides an assessment protocol in rating industrial noise affecting mixed residential and industrial areas, together with the procedures for assessing whether a noise in question is likely to give rise to complaints from people living in the vicinity.

The standard compares the background noise level with the rating level of the noise source. A difference of around 10dB or more indicates that complaints are likely, a difference of 5dB+ is of marginal significance and as such should not generate any significant complaints. As well as this standard, World Health Organisation guidelines suggest that a level of 35dB (LAEQ_t) should not be exceeded in bedrooms if the restorative process of sleep is not to be disturbed.

The information submitted by the acoustic consultant indicates that the plant will operate at a lower demand during the evenings/nights than during the daytime. As such the mean noise level of the plant will be much lower during evening/night-time hours (20dB(A)) than those during the daytime (27dB(A)).

Background noise readings (LA₉₀) have been taken by the acoustic consultant which indicated that the typical level of background noise in the vicinity of the store at night-time (2.10am to 2.20am) was 33dB(A) and daytime (8.51am to 9.06am) was 43dB(A). These readings are commensurate with those taken by officers from the Environmental Health Department in the past.

Noise prediction calculations provided with the application have given a daytime rating noise level from the plant of 43dB(A) at a point 3.27m from the boundary. The closest residential property however is 7 metres away. This has taken into account the 5db reduction that will be afforded by the acoustic screen and a 5dB addition due to the tonal characteristics of the noise, which is part of the BS4142 process. The night-time rating noise level has been given as 36dB(A).

The difference between the daytime background and rating noise levels has been assessed at 0dB(A) daytime and 3dB(A) night-time. It can therefore be seen that the difference between the background noise and the rating noise at 3.27 metres from the unit is lower than 5dB and as such, under British Standard 4142 is considered to be of marginal significance and as such complaints are considered unlikely.

I would seek to impose a condition that any plant or machinery located on this site shall produce an equivalent continuous A-weighted sound pressure level not greater than 5dB above the lowest background noise level at any site boundary. Under the acoustic information supplied with the application the existing proposals will comply with this condition as long as the plant is not allowed to run at daytime noise loadings during the night when background noise levels are much lower.

REPRESENTATIONS

14 letters of objection have been received to the proposed development from the owners/occupiers of neighbouring properties for the following reasons;

1. The proposal is for an industrial structure producing non-stop noise to be located in this sensitive part of the Marlborough Conservation Area. It will be sited towards the northern end of what is a potentially charming walled garden. It is a source of intrusive noise for our tenants, other local residents and future visitors to our garden.
2. Why can the machinery not be housed in the existing buildings, so minimising the impact on the surrounding environment. The location of industrial equipment in a mixed residential and commercial area is one of great importance to neighbouring occupiers who have to endure the consequences twenty four hours a day. The sensitivity of the area and impact on the applicant's neighbours has not been recognised.

3. Assuming it is a refrigeration unit, it is essential that it is completely silent. There were problems encountered with the noise levels from the Somerfield refrigeration unit in 1997.
4. The noise produced by Somerfield proved to be excessive and impacted badly on the immediate neighbours. Residents of the Back Lane area have already had bad experiences from the Somerfield days, having to put up with constant noise from their refrigeration units. The unit for Marks and Spencer is both larger and nearer to our gardens and properties. Moving the plant even closer to our property will cause even more noise problems for us. We would be able to see and hear the plant.
5. KDC files bear sad witness to the fact and demonstrate through practical and disastrous experience that this equipment sited in this way will not meet with the requirements of Environmental Health legislation in respect of noise because the background noise levels in this peaceful corner of residential Marlborough are sublimely low. The noise from Somerfield's refrigeration plan was horrendous by day and amplified at night because of the peace and tranquillity of the area contrary to forecast noise levels at the time.
6. The application conflicts with policies PD1 (10) which refers to developments that create noise disturbance and adversely affect enjoyment of amenities and HH11 which makes mention of the need to retain the distinctive character of the area. The areas distinctive character is the lack of noise pollution in particular from plant machinery.
7. The structure is larger than that used by Somerfield and is out of keeping within a conservation area and will be visible from many nearby properties and the footpath.
8. We appreciate that M & S need refrigeration but feel that the location as used by Somerfield is the most appropriate.
9. The plant machinery should be located at the back of the shop particularly now that there will be space as the outside staircase is to be removed.
10. The plant screen will not eliminate noise, just reduce it. As it will be on day and night we will be subjected to the noise all the time. We have windows to habitable rooms facing the site.
11. The proposed new installation will in all probability produce even more noise and is in addition to the existing roof level plant.
12. The proposed location of the plant is environmentally inappropriate because the noise it creates reaches beyond boundaries and we know from experience that in spite of noise attenuation devices it will intrude to an excessive degree beyond the commercial area and into the domestic residential environment where properties face directly towards and have gardens immediately adjacent to the source of the noise.
13. Constant noise apart from being a nuisance creates a depressive stress inducing climate which in domestic areas has the additional affect of spoiling the enjoyment of home and garden. The proposed plant machinery is large and will project and will produce noise 24 hours a day 365 days a year into a residential part of town.
14. We anticipate that the proposed position will greatly increase noise and disturbance to nearby properties.
15. The chosen site, well to the north of the building is close to a number of residential properties on Back Lane and is not on any side sheltered by buildings. There would appear to be a strong case for siting the plant in the existing building or at least close to it
16. It is not unlikely for an applicant's assessment of the likely noise nuisance to prove in reality to be an underestimate. We would ask that if the Council are minded to approve the application they make it a condition that the plant should not at any time exceed the noise ratings estimated in the application.

17. There is no indication by the applicants that the proposed plant is the quietest of those that are available.
18. The installation will clearly be visible from our windows. Could the developers provide more comprehensive visual screening by way of additional planting within the site?

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 (Development and Design), HH5 (Development in Conservation Areas), HH8 (Development Affecting a Listed Building) and HH11 (Marlborough Area of Special Quality) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The main issues associated with this application are the impact of the proposed condenser unit on the amenity of neighbouring residents by reason of noise and the impact of the proposed development on the character and appearance of the area.

Impact on residential amenity

Objections have been raised to this development on the grounds that the noise generated from the plant would be detrimental to the amenity of neighbouring residential dwellings.

This matter has been studied in detail by both the acoustic consultant employed by the applicants and by the Council's Environmental Health Officer. Details of their findings have been set out above. The conclusion is that there should be no material impact on the amenity of nearby residents from the siting and operation of the plant. This is based on the assessment that the plant should not increase noise above the background level during the day and that any increase during the night will be marginal and below the level at which it would become a source of complaint. Accordingly, there is no evidence to sustain an objection to the proposal on these grounds. A condition is recommended to ensure that the noise levels remain below the level above which they could become of limited significance.

Impact on the character and appearance of the area

Concern has been raised that the proposed unit is inappropriate in the designated Marlborough Conservation Area and Area of Special Quality. The proposed unit has been positioned away from the adjacent public right of way and close to the south west boundary wall behind the existing electricity substation and has been kept low in height. As such the development will not be visible from public vantage points. Limited views of the machinery may be possible from surrounding residential properties and gardens but these views will largely be obscured by existing boundary walls and fencing. To minimise the visual impact of the development the acoustic screen will be dark grey in colour. The applicant is also happy to provide additional planting around the unit. An indicative planting scheme has been submitted and a full landscaping scheme can be conditioned should the committee be minded to grant consent. The development therefore will not result in significant harm to the character and appearance of the area.

Accordingly, it is considered that planning permission should be granted.



Location of site to right of picture – public footpath behind wall to left

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of 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. Details shall include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - The plant machinery hereby permitted shall not produce an equivalent continuous A-weighted sound pressure level greater than 5dB above the lowest background noise level at any site boundary.

REASON:

To protect the amenities of neighbouring residential properties.

5 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HH5, HH8 and HH11.

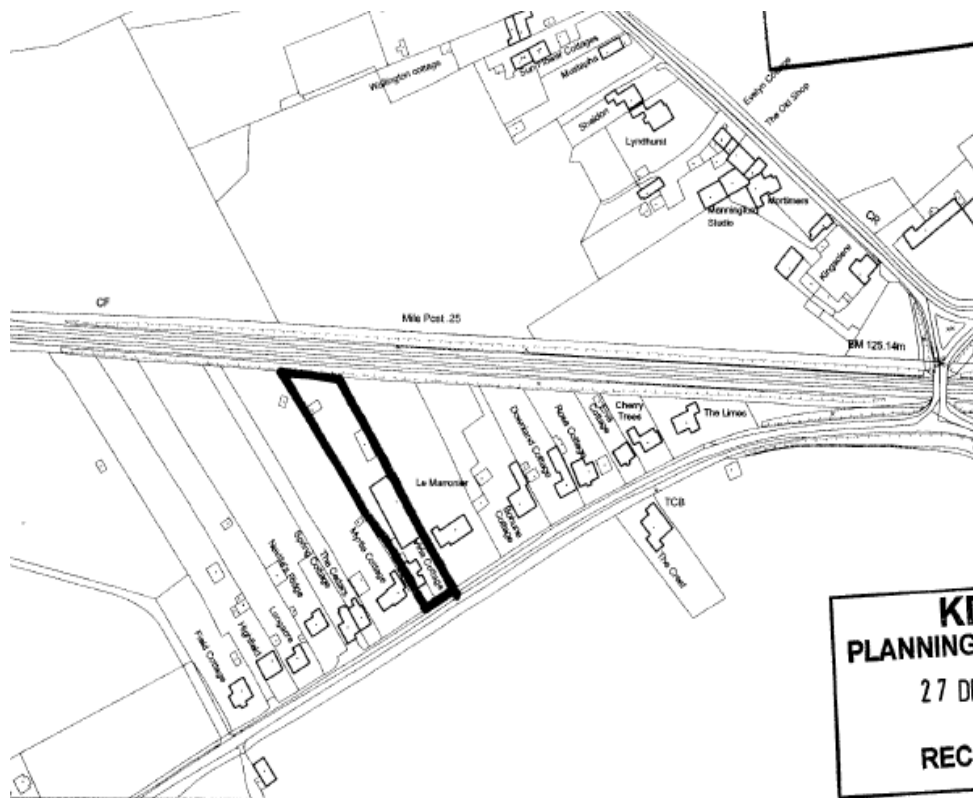
Item 4:

APPLICATION: K/55762/F
PARISH: NORTH NEWNTON
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolition of existing employment building and replacement with three dwellings.
SITE: Vine Cottage Bottlesford Wiltshire SN9 6LU
APPLICANT: Sherbourne Developments
AGENT: Michael Fowler Architects
DATE REGISTERED: 8th January 2007
CASE OFFICER: Miss G Salisbury

BACKGROUND

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

SITE & LOCATION



Location Plan

The application site is located towards the north-east end of the village of Bottlesford on the northern side of the Bottlesford Road. Vine Cottage fronts the road and has a long narrow garden leading down to the railway line at the northern end of the site. The forward part of the garden of Vine Cottage contains a large industrial building, formerly in employment use and the rear part of the garden a dilapidated mobile home and small shed.

In terms of character, residential development in the area is linear in form and comprised predominantly of large dwellings set in single plot depths situated close to the road.

The site is within the North Wessex Downs Area of Outstanding Natural Beauty.

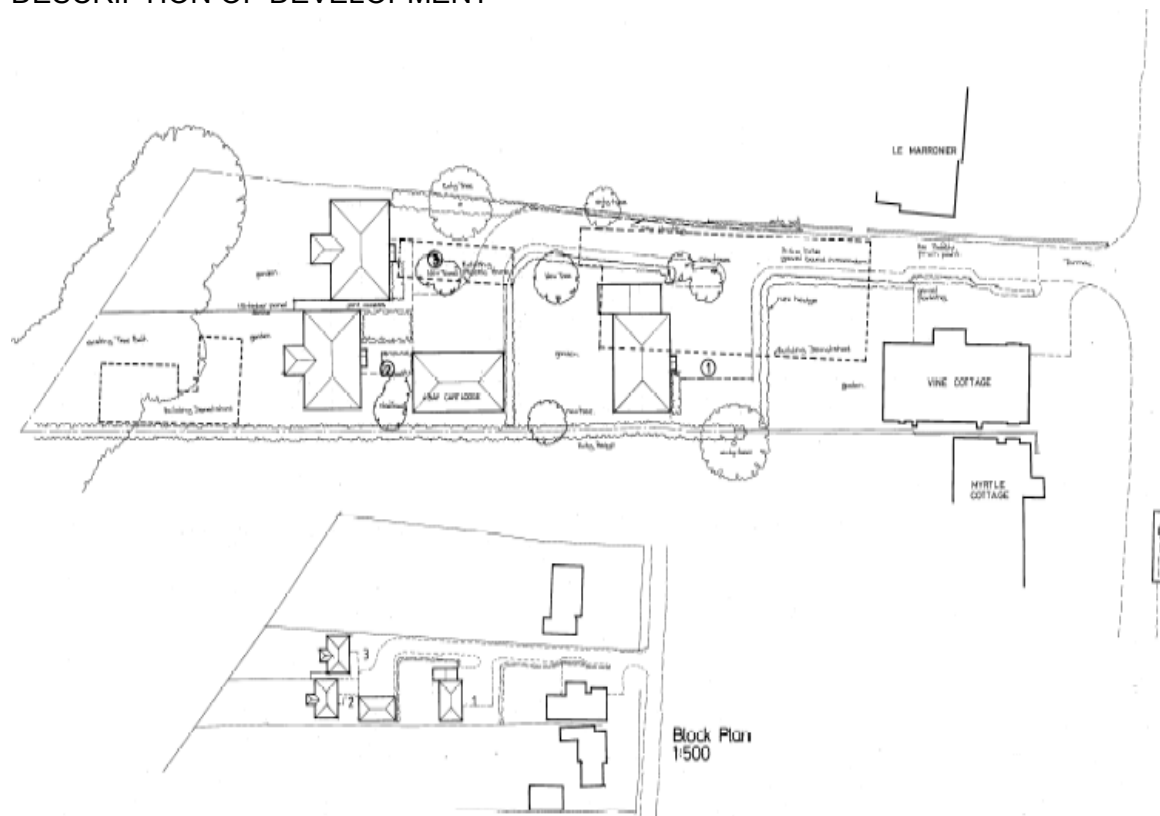
SITE HISTORY

K/83/574 – Planning permission was granted in September 1983 for the siting of a mobile home on land to the rear of Vine Cottage for occupation by the former site owner's mother until the 31st March 1985. This was a temporary personal permission to meet the personal and temporary needs of the applicant only.

K/85/0302 – In April 1985 the above permission was renewed up to 31st December 1986. This was again a personal permission to meet the personal and temporary needs of the applicant.

Planning permission for the mobile home has not been renewed since 1985 and while the mobile home has not been removed from the site it has fallen into a state of disrepair and is not in use.

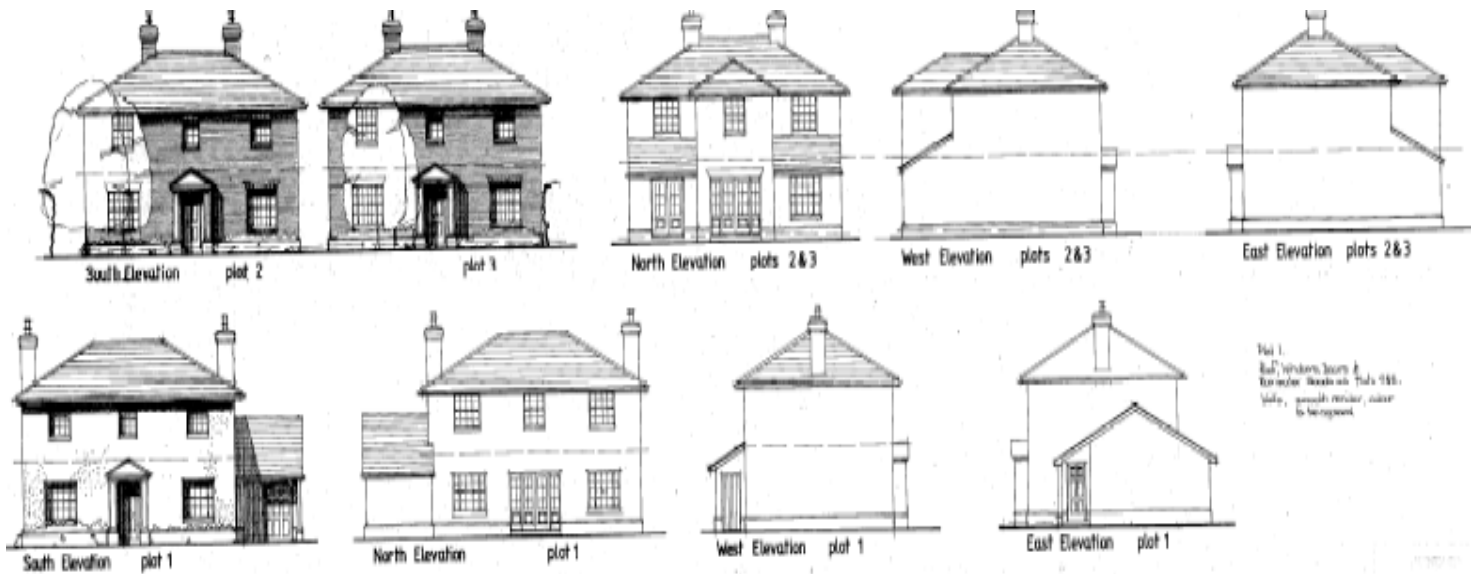
DESCRIPTION OF DEVELOPMENT



Block Plans – small scale at bottom, larger scale above

This is a full application for the demolition of the existing employment building (shown as dotted on the plan above) and the erection of three two-storey, three-bed dwellings on land to the rear of Vine Cottage. Plot 1 lies approximately 24 metres to the rear of Vine Cottage on the site of the former employment building with Plots 2 and 3 set behind Plot 1 a further 24-26 metres away. An integral garage is proposed for Plot 1 and a detached 4 bay cart lodge for Plots 2 and 3. Access to the dwellings

would be taken from the existing C38 road via a bound gravel drive running between Vine Cottage and Le Marronier.



Elevations

ADDITIONAL STATEMENT BY THE APPLICANT

A design and access statement has been submitted in support of this application and is available for inspection on the working file.

PARISH COUNCIL COMMENTS

North Newton Parish Council object to this proposal. The proposed development is contrary to Kennet Local Plan Policy HC24 in that:

- a) It is not within the existing built up area of the village – the proposed buildings lie behind the building line and they do not occupy the footprint of the industrial building they are replacing.
- b) The development is not in harmony with the village in terms of scale and character – if allowed it would set a precedent for similar developments within the village.

The Parish Council also considers this to be an overdevelopment in a village of limited facilities.

CONSULTATIONS

Wiltshire County Highways – The proposed location of three dwellings in the countryside is considered to be an unsuitable location remote from services, employment opportunities and unlikely to be well served by public transport. However while the location is considered unsuitable it is noted that the site would have previously attracted vehicular movements, often by large commercial vehicles. The removal of traffic associated with the commercial use at the site would be a benefit to the local community on the adjacent road network. In the event that the committee are minded to grant permission it is required that as the last two buildings are in excess of 45m from the highway an adequate turning area for a fire appliance will be required. There also seems to be no turning area for normal vehicles for plots 2 and 3.

Network Rail - No objection subject to standard informatives.

Wessex Water – No objection subject to conditions to cover the disposal of foul flows, water supply and surface water drainage.

REPRESENTATIONS

One letter of support has been received on the grounds that;

1. The existing warehouse is strangely positioned and ugly. There are no other sites in the village with a large industrial unit in it.
2. The proposal will create homes for families.
3. Additional cars driving up and down the village associated with the proposed development are better than industrial or agricultural vehicles going to and from the warehouse.

Seven letters of objections have been received to the proposed development on the grounds that;

1. The development constitutes back land development and would be out of keeping with the village which comprises properties fronting the road with extensive gardens to the rear.
2. Allowing such development would set a precedent and open up the whole village creating a total change in environment.
3. The position of the buildings means that they will overlook adjoining and neighbouring properties.
4. The height of the buildings is out of context. Existing buildings within the garden to Vine Cottage are single storey and do not intrude greatly above the lines of hedges and fences.
5. Increase in traffic and noise from vehicles gaining access to and parking close to the houses.
6. The rear houses would be very close to the railway line and would be affected by vibration.
7. This land has had no permanent dwellings on it in the past.
8. Concern that the mobile home in the garden of Vine Cottage is being used as a precedent for backland development. Permission was given for this as a temporary dwelling many years ago for an elderly relative and the mobile home has been empty for over 6 years.
9. Overdevelopment – The site is a narrow strip of land between the street and the railway and it is proposed to erect three sizeable houses and a large open garage on a relatively small plot that has had no dwellings on it in the past.
10. It is out of harmony with the linear aspect of Bottlesford.
11. Some years ago KDC refused a development in depth at the other end of the village but did permit two dwellings to be built along the existing building line. Based on this only a single dwelling should be allowed between Vine Cottage and Le Marroniers.
12. This is an area of outstanding natural beauty. Wildlife would be interfered with and three mature trees would need to be felled.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1 (Development and Design); HC24 (Villages with Limited Facilities); and HC32 (Affordable housing) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The erection of three dwellings to the rear of Vine Cottage is considered unacceptable as a matter of principle. The Kennet Local Plan identifies Bottlesford as a village with limited facilities. In such villages policy HC24 only supports new housing development consisting of infilling, the replacement of existing dwellings or the re-use or re-development of existing buildings provided that the development is a) within the built up area of the village, b) does not consolidate an area of sporadic development and c) is in harmony with the village in terms of its scale and character.

While Plot 1 would replace the existing industrial unit towards the front of the site, Plots 2 and 3 are situated some 24 metres back from the former employment building within the garden of Vine Cottage. As such the new housing development proposed at Plots 2 and 3 would not comprise the redevelopment of the existing building on site. Development in this location would also not comprise any of the other acceptable forms of development identified by Policy HC24. The development proposed does not consist of infilling, defined as the filling of small gaps within a small group of houses not sufficiently large for more than one dwelling and would not replace an existing dwelling on the site. While there is an existing mobile home to the rear of the site planning permission for this unit was a temporary personal permission for the former owner's mother which expired in December 1986. The mobile structure is now in a dilapidated state and is unoccupied.

Notwithstanding the above, the development is also not in harmony with the village in terms of its scale and character. Residential development in this area is linear in form and comprised predominantly of large dwellings set in single plot depths situated close to the road with long narrow gardens to the rear. The proposed development however, due to its 'backland' siting to the rear of Vine Cottage would contrast with these identified characteristics and as such would be out of keeping with the character of Bottlesford at this point.

The creation of additional dwellings in this location is therefore contrary to Policy HC24 of the adopted Local Plan in that development to the rear of Vine Cottage would not be harmonious with the existing form and character of development in the locality. The application therefore comprises as a matter of principle, inappropriate development – a point well made by the parish council who object to the proposal on the grounds that it conflicts with the Council's planning policies for the village.

Even if the principle of erecting three dwellings in a backland situation such as this were considered to be acceptable, the proposals completely ignore the Council's affordable housing policy, as not one of the dwellings is put forward as an affordable housing unit, to comply with the Council's well established and supported affordable rural housing policy.

Consideration has been given to the neighbours concerns that the development would overlook adjoining and neighbouring properties. The development however has been designed to avoid overlooking. Where houses line up back-to-back the developer is expected to produce a minimum back-to-back spacing of 21 metres. This is set out in 'Community Benefits from Planning' adopted by the Council as Supplementary Planning Guidance in March 2005. The proposed development achieves this distance with the front of Plot 1 situated 24 metres from the rear of Vine Cottage, 33 metres from Myrtle Cottage and 27 metres from Le Marronnier. In addition, no windows are proposed on the side elevations and none of the windows proposed at first floor level to the front elevations of Plots 1, 2 and 3 serve habitable rooms. Given the internal layout of the dwellings and their distance from

neighbouring dwellings it is not considered that the development would result in such a significant loss of privacy as to warrant a refusal reason on these grounds.

There is no objection to the loss of the existing employment building which is not protected by virtue of policy ED13 due to the comparatively small size of the building at under 0.1 hectares. However, the fact that this is not a replacement, but a much more extensive development, allied to the lack of any affordable housing, means that the proposal is completely unacceptable.



Site – looking from road

RECOMMENDATION

Refuse

1 - The site lies in a village location where planning permission will only be granted for infilling, the replacement of existing dwellings or the re-use or redevelopment of existing buildings provided that the development is in harmony with the village in terms of its scale and character. Plots 2 and 3 by reason of their distance from the existing employment building would not comprise any of these acceptable forms of development and the development as a whole by reason of its 'backland' siting would result in a scheme which would not be harmonious with the character of the village which has a linear form in this locality. As such the proposal is unacceptable as a matter of principle, would have an adverse impact on the appearance of the area and is contrary to policy HC24 of the adopted Kennet Local Plan.

2 - This proposal makes no provision for affordable housing. The Council's policy set out in policy HC32 of the Kennet Local Plan 2011 is to seek to negotiate an equivalent provision of general market and affordable homes on all proposed housing sites in the villages subject to evidence of local housing need. The Council is satisfied that there is a need for affordable housing in the Bottlesford area. The proposal is therefore contrary to policy HC32 of the adopted Kennet Local Plan 2011.

Item 5:

APPLICATION: K/55890/F
PARISH: WOODBOROUGH
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Erection of house and detached garage.
SITE: Land adjacent to Shamrock Church Road
Woodborough
GRID REF: 11448 59951
APPLICANT: Petitt Brothers Contracting Ltd
AGENT: Digby Rowsell Associates
DATE REGISTERED: 25th January 2007
CASE OFFICER: Mr A Guest

SITE & LOCATION

Shamrock Cottage is located on the east side of Church Road, within Woodborough village. Its large, roughly 'L'-shaped garden rises to the rear of the cottage and then 'wraps' behind the adjoining houses, nos. 1 and 2 Church Cottages, with frontage (but no access) to Church Farm Lane. The current planning application site comprises all of the 'wrapped' area together with part of the side garden for access from Church Road. The site lies within the Woodborough Conservation Area and Area of Outstanding Natural Beauty.



Site Location

To locate the site, the main street in Woodborough runs west-east in a linear form from the minor road that runs from the A342/A4. Church Road is a no through road at the eastern end of the main street and runs north towards the church. The site is located on the right hand (east) side of the road, with its access almost opposite the parking lay-by for Bondfields.

SITE HISTORY

K/15828/O – Detached dwellinghouse and garage with access from Church Farm Lane – refused 21/06/90; appeal dismissed 21/03/91. [The appeal was dismissed in view of the unsafe access to Church Farm Lane only].

K/39512 – Single storey dwelling and garage – refused 06/08/00.

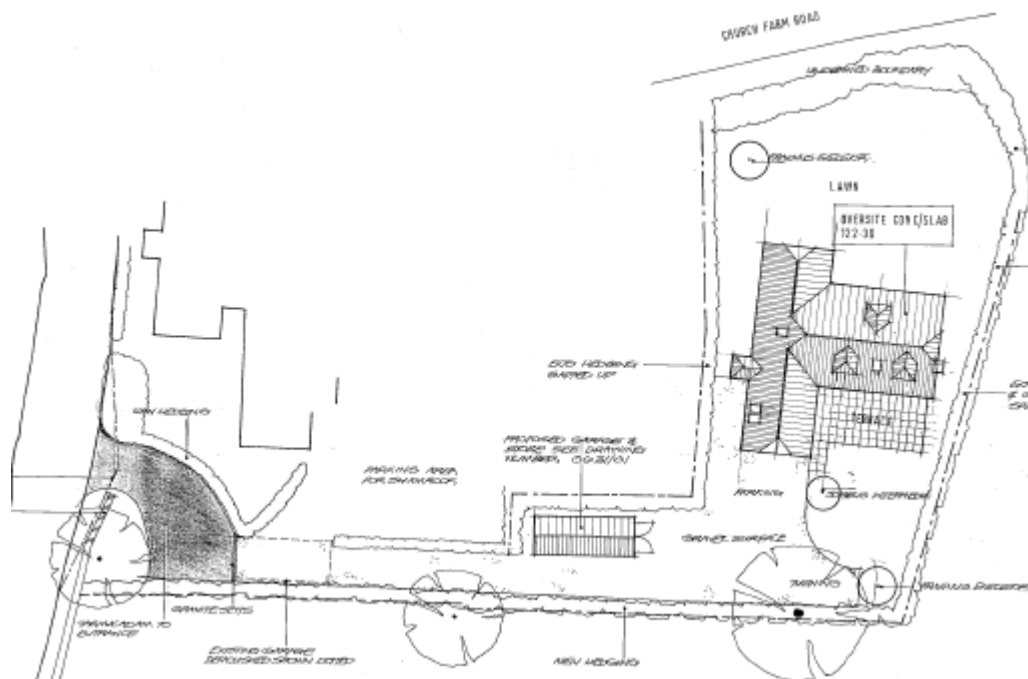
K/40860 – Single storey dwelling and garage – refused 10/04/01.

K/42197 – Single storey dwelling – approved 10/01/02.

K/54486/F – Detached dwelling – refused 11/07/06 [The application was refused in view of too many rooflights and over-prominence].

DESCRIPTION OF DEVELOPMENT

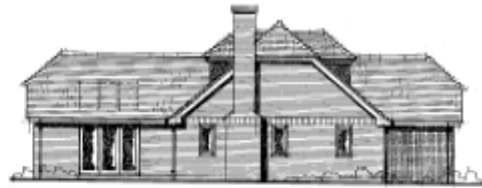
The current planning application is for a chalet style house and detached single garage, with access from Church Road. The dwelling would be sited on the garden area to the rear of Shamrock Cottage and nos. 1 and 2, Church Cottages, approximately 2.5m (minimum) from the common boundaries. The detached garage would be positioned adjacent to the new access which would be shared with Shamrock Cottage.



Site Plan



South Elevation 1 100



East Elevation 1 100



North Elevation 1 100



West Elevation 1 100

Elevations

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Detailed changes have been made to the design of the dwelling, in particular to the dormer windows.

ADDITIONAL STATEMENT BY THE APPLICANT

There is no additional statement by the applicant.

PARISH COUNCIL COMMENTS

History of the Site - Aware of planning history. Planning application K/42197 was eventually granted on 10 January 2002 following an application submitted by E L Waight & Sons who farmed adjacent to the site. An important consideration was the provision of a property for potential use by a farm worker and/or to assist in the financing and commercial viability of the dairy herd at the farm – a factor that the PC felt was important to assist the rural economy.

Considerable debate and opposition preceded the granting of the existing permission which this Council eventually approved in principle subject to strenuous conditions to restrict the size, scope and effect upon amenity of surrounding properties. It was only as a result of such conditions that the PC felt development should be permitted on a site which lies within an AONB and a Conservation Area.

The Present Application – It is not clear whether this is an application for a fresh consent or an amendment of an existing application. The distinction may be material. If it is a new application and the old permission has expired the PC would oppose this on the grounds that one of the important considerations (to assist the rural economy) is no longer present. The fresh application offends the principles of development in the countryside, within an AONB and within a Conservation Area in terms of the concept of a new building and specifically, a building with dimensions and second floor development as proposed.

In relation to the existing permission, a recent site visit by a parish councillor revealed that no obvious development had taken place.

Objections from Local Residents – Objections have been received from almost all the surrounding properties and all the properties directly affected. The scale of the objection is almost unprecedented in relation to planning applications within the parish (save in relation to previous applications concerning this site).

The Parish Council's Views – The application should be refused because –

- The site lies within an AONB and a conservation area. Priority should be given to conserving the character and scenic quality of the area. As such the application offends policies NR8 and HC26.
- The proposal, incorporating particularly the use of roof lights, raised windows and door frames and an increase in elevation, adversely affects the local landscape and environment taking the following specific matters into account – the scale and height of the development (it exceeds the height of the original and surrounding development); the unclear landscaping proposals; the provision of dormer windows and presumed increased door heights; and the greater impact on the AONB, and failure to comply with Policies PD1 & HH5 (and HE7 of the Structure Plan).
- There are highway safety issues given increased usage and parking difficulties in Church Road.
- The PC also questions the motives of the applicant – the implication is that the extended permission is being sought to merely enhance or facilitate sale of the plot only recently purchased by the applicant.

The application should also be refused if it is merely an amendment to the planning permission.

CONSULTATIONS

County highways (P. Galpin) – no objection, subject to conditions relating to the access to the site.

Environment Agency: no comments.

REPRESENTATIONS

Objections have been received from 9 local residents (and a separate petition from 6 residents in Bondfields), and from CPRE summarised as follows:

- The dwelling (and specifically by virtue of its larger size which is essentially five bedrooms) would increase traffic in Church Road which is already overloaded with no adequate parking. This would be detrimental to highway safety. Highway safety issues should be re-visited as there is now more traffic than at the time the appeal was dismissed. Access is opposite lay-by for Bondfields where children play;
- The large dwelling is out of proportion with the size of the site and so represents an over-development. A lower and smaller dwelling (as previously approved) should be encouraged;
- Past planning permission (and appeal decision) relate to single storey dwellings and not a large house which would be harmful to character of area. Proposed dwelling is entirely different to 'farmhand' bungalow originally approved. Last application refused in view of harm caused by plethora of rooflights on appearance of conservation area;
- Proposed dwelling would overlook and overshadow neighbouring properties to the detriment of residential amenity;

- Slab level is yet to be agreed, but proposed dwelling would be much higher than surrounding properties. Dwelling would need to be sunk 2.5m to have no greater impact than approved bungalow;
- Detrimental to conservation area – design is not harmonious. Dormer windows, solar panels, chimney and roof treatment increase the roof mass, and prominence of dwelling.
- Hedge/tree trimming must be managed to prevent the site being further opened up. Trees are used by unusual wild birds;
- Large dwelling would be harmful to AONB;
- Inspector's appeal decision from 1991 is superseded by more up to date Local Plan policies. Policies are now more robust/strict;
- Nuisance from construction traffic, in particular mud on roads;
- Children living at new dwelling would play on green – unreasonable to expect residents of Bondfields to maintain this area.

There is one letter of support summarised as follows:

- The changes to the design add little to the overall dimensions and improve the exterior materials.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – relevant policies are PD1, HC24, HH5 and NR8.

PLANNING OFFICERS COMMENTS

The application site lies within Woodborough where policy HC24 allows 'infilling' provided this is within the existing built up area of the village, 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. The site is considered to be within the built-up area, and its development would not consolidate an area of sporadic development. For these reasons residential development is, as a matter of principle, considered to be appropriate – a view held by the Inspector in the earlier appeal.

In the past planning permission has been granted for a single storey dwelling on the site. This permission has now expired, and policy has moved on following the adoption of a more recent Development Plan. Notwithstanding this, the planning history remains an important material consideration.

The previously approved dwelling comprised a single storey bungalow with fully hipped roof and ridge height of 5.5m. Prior to expiry of the permission a slab level for the dwelling was agreed at approximately 700mm below original ground level. The current planning application is for a chalet style house (with first floor accommodation in the roof). The slab level is also proposed to be 700mm below original ground level, and the ridge height at its highest point, 6.2m. Three dormer windows are proposed (two facing south and one facing north), four rooflights and solar panels, and a half-hipped roof at one end.

As a consequence of these changes to the design the proposed dwelling is larger than that previously approved. However, the increases are considered to be modest (the height increases by just 0.7m), and can be accommodated within the generous plot without the development appearing cramped or overcrowded. Sufficient gaps are retained to the sides and rear of the dwelling to maintain a spacious appearance (and to ensure existing boundary planting is retained), and neighbouring properties are far enough away to not be adversely affected, (Church Cottages are approximately 35m to the west, and Bramley approximately 30m to the north, on the

opposite side of Church Farm Lane). Conditions can be imposed to remove permitted development rights for further windows in the roof to further safeguard amenity. For these reasons the proposal is considered to be in harmony with the village, and as such, accords with Policy HC24 of the local plan.

Regarding the conservation area, the principle of a new dwelling has been accepted within this context, and it may be argued that a steeper pitched roof as now proposed is, in fact, a less discordant feature amongst the historic vernacular than the previously approved bungalow. Regardless of this, the proposed dwelling would not detract from the conservation area and accords with Policy HH5.

In considering the impact on the AONB the appeal inspector in 1991 concluded that the erection of a new dwelling on the appeal site, closely related to the village's built-up area, would not be harmful to the designation. The physical relationship of the site to the village has not changed since this decision and, as such, the Inspector's conclusions remain relevant. It is not considered that the proposed development would detract from the landscape quality of the AONB, nor conflict with policy NR8.

County Highways raise no objections on traffic or safety grounds subject to conditions.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

3 - The slab level of the dwelling hereby approved shall be at 122.30m (that is approximately 700mm below original ground level).

REASON:

To accord with the terms of the application and safeguard the appearance and character of the surroundings.

4 - The windows and doors shall (including garage doors) to be installed in the development shall be of timber construction and shall be permanently retained as such.

REASON:

To secure harmonious architectural treatment in the interests of the visual amenity of Woodborough Conservation Area.

5 - No development shall take place until there has been submitted to and approved by in writing 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. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - 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 in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). 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 - 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 roof of the dwelling hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties and the appearance of the surroundings.

9 - The windows in the roof and at first floor level shown on the approved plans on the north elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties.

10 - 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 fences, walls or other means of enclosure, or children's play equipment or sheds, greenhouses, garages, stables, kennels, or any other ancillary domestic outbuildings shall be erected anywhere within the application site without the prior grant of planning permission.

REASON:

To enable the local planning authority to retain control over such development in this sensitive conservation area and area of outstanding natural beauty.

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

REASON:

In the interests of highway safety.

12 - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, no access, either pedestrian or vehicular, shall be made to the site from Church Farm Lane.

REASON:

In the interests of road and pedestrian safety.

13 - Prior to the first occupation of the dwelling hereby approved the visibility splays at the access shall be set out in accordance with the details shown on drawing no. 0631/01, and the visibility splays shall be maintained thereafter with no obstruction to visibility above a height of 0.9m above the nearside carriageway edge.

REASON:

In the interests of highway safety.

14 - Prior to the first use of the access the first 4.5 metres of driveway back from the edge of the carriageway shall be surfaced in a well bound consolidated material (not loose stone or gravel) and maintained as such thereafter.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

16 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC24, HH5, NR8.

17 - 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.

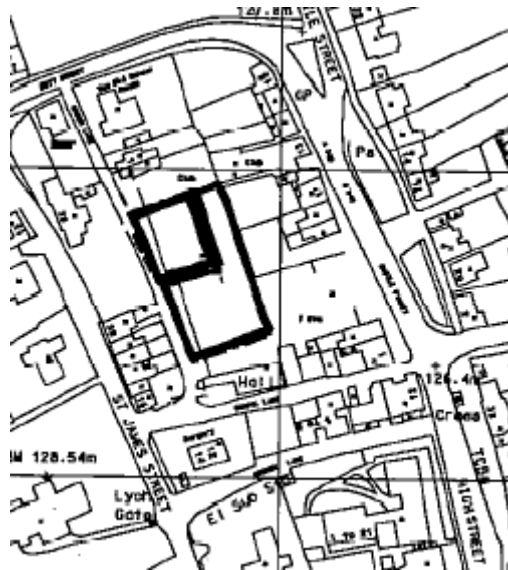
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Item 6:

APPLICATION: K/56009/F
PARISH: LUDGERSHALL
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Conversion of warehouse into 5 no. 2 bedroom dwellings and associated works (amendment to previous approval K/45373)
SITE: Phase 2 Crown Lane Ludgershall
GRID REF: 26375 50965
APPLICANT: Say & Say Ltd
AGENT: Mr R Lock
DATE REGISTERED: 15th February 2007
CASE OFFICER: Mr R C Cosker

SITE & LOCATION

The application site was previously occupied by a number of warehouses used by the Dible and Roy Company. The site lies to the rear of the Ludgershall Fire Station with residential development lying to the north and west and a community building to the south. Vehicular access to the site can be made via St James Street or Chapel Lane.



Location Plan

All bar one of the warehouse buildings have been demolished and a terrace of five dwellings has been constructed in accordance with a previous planning permission on the site.

SITE HISTORY

K/41737 and K/41736/C – Planning permission and conservation area consent was refused for the demolition of all the warehouse buildings and erection of 8 dwellings. A subsequent appeal was dismissed.

K/45373 – The partial demolition of the warehouses, erection of a terrace of 5 dwellings and the conversion of the remaining warehouse building to 4 dwellings approved in June 2003.

K/45955 – An amended proposal for the site where rear wings were added to the 5 terrace dwellings was approved in September 2003.

DESCRIPTION OF DEVELOPMENT

As stated above the applicant has commenced development on this site by implementing the approval under K/45955, a permission they could continue to implement by converting the retained warehouse to 4 dwellings consisting of 2 two bedroom dwellings and 2 three bedroom dwellings. This application however proposes to convert the warehouse building into 5 two bedroom dwellings instead. The access and car parking area for the converted dwellings will be shared with those for the terrace of dwellings.



Proposed site layout- the application relates to plots 1-5 at foot of plan

ADDITIONAL STATEMENT BY THE APPLICANT

Other than the required design and access statement no additional information has been provided by the applicant.

PARISH COUNCIL COMMENTS

Ludgershall Parish Council objects to the amended application on the grounds of insufficient car parking as the development is within the conservation area, with a narrow access road that is already congested with on road parking of vehicles from existing houses in the area.

CONSULTATIONS

County highways (Mark Wiltshire) – No highway objection subject to conditions concerning the parking and turning areas and a visibility splay requirement on Crown Lane.

POLICY CONSIDERATIONS

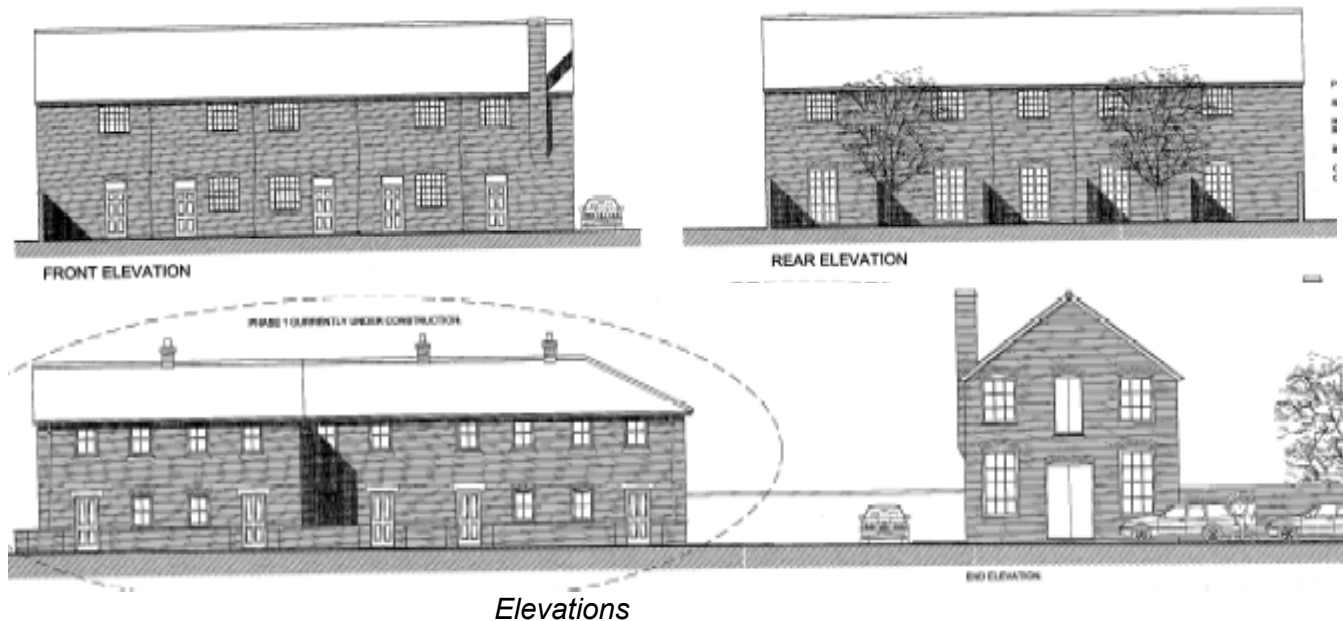
Kennet Local Plan - policies PD1, HH5 and AT9 are considered relevant to the consideration of this application. The site lies within the Ludgershall Conservation Area.

PLANNING OFFICERS COMMENTS

Having regard to the planning history of the site, the principle of residential development has been accepted, including the conversion of the retained warehouse building the subject of this application to 4 dwellings. The matter for consideration therefore is whether the extra dwelling being created in the warehouse conversion is acceptable. It is considered that the main issues raised by this proposal concern car parking and the impact on highway safety and convenience; the impact on the conservation area and the impact on neighbour amenity.

The previously approved scheme for 9 dwellings over the wider site made provision for a total of 12 parking spaces, one for each dwelling plus 3 visitor spaces. The current proposal would result overall in 10 dwellings across the wider site and provides an additional 2 spaces creating a total of 14 parking spaces. The previous applications were approved on the basis that in accordance with Government advice, and given the central location, the provision of one space per unit was acceptable. Members should note that this application would only result in only one extra dwelling beyond that approved but the applicants are proposing 2 further parking spaces.

The retention and conversion of the most historic of the warehouse buildings was positively encouraged by this Council following attempts by the previous landowner to gain consent to demolish all the buildings on the site. The building is therefore considered to make a positive contribution to the character and appearance of the conservation area and as such it is important to ensure that any conversion of the building preserves or enhances the character and appearance of the conservation area. In this instance there is a fall back situation of the consent to convert the building into 4 dwellings. This proposal like that previous one tries to utilise existing openings on the building but these are a somewhat irregular in size and location. It is however considered that the use of 'industrial style' metal windows and suitable planning conditions to control remedial works to the building will ensure the simple industrial form of the building is preserved. The Council's conservation officer has no objection to the proposal.



In terms of the impact on neighbour amenity the proposed extra dwelling introduces no further neighbour issues and the previous conditions controlling openings in the western elevation will be repeated.

It is therefore concluded that the proposed extra dwelling will cause no demonstrable harm and as such the planning permission should be approved.

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 details submitted the development hereby permitted shall not be commenced until full construction details of eaves, verges, windows and doors (including scale drawings of sections and details of surface finishes), heads and sills, window reveal depth, rainwater goods and boundary walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details and maintained as such thereafter.

REASON:

To secure a harmonious architectural treatment in the interest of the character and appearance of the conservation area.

3 - Prior to the first occupation of any of the dwellings hereby permitted;

1. The 'scars' on the corners of the building (where other buildings have been demolished) shall be repaired,
2. The northern elevation of the building shall be repaired and painted,
3. The existing painted areas on the southern elevation shall be removed,

In accordance with the details first submitted to and approved in writing by the local planning authority.

REASON:

To secure a harmonious architectural treatment in the interest of the character and appearance of the conservation area.

4 - Prior to the first occupation of any of the dwellings hereby permitted the unused historic window openings (including those previously bricked up and those areas remaining when partially being used for new openings) shall be bricked up using bricks, a brick bond, mortar and mortar joints widths to match the existing building.

REASON:

To secure a harmonious architectural treatment in the interest of the character and appearance of the conservation area.

5 - Before any of the dwellings 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 and convenience.

6 - Prior to the first occupation of the dwellings hereby permitted at least three of the parking spaces shall be marked as VISITOR'S spaces in accordance with the details first submitted to and approved in writing by the local planning authority.

REASON:

In the interests of the convenience and safety of visitors to the site.

7 - The windows at first floor level shown on the approved plans on the western elevation shall be glazed with obscured glass and fixed shut. The windows shall be retained in that form thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

8 - 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, (including the opening up of the existing first floor loading door) other than those shown on the approved plans shall be inserted in the western elevation of the building subject of this consent.

REASON:

In the interests of the privacy of the neighbouring properties

9 - No development shall take place until there has been submitted to and approved in writing 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. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

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

12 - Before the dwellings hereby approved are first occupied a highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2.4 metres from the edge of Crown Lane along the centre line of the turning head for a distance of 31 metres to the north west.

REASON:

In the interests of highway safety.

13 - INFORMATIVE TO APPLICANT:

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

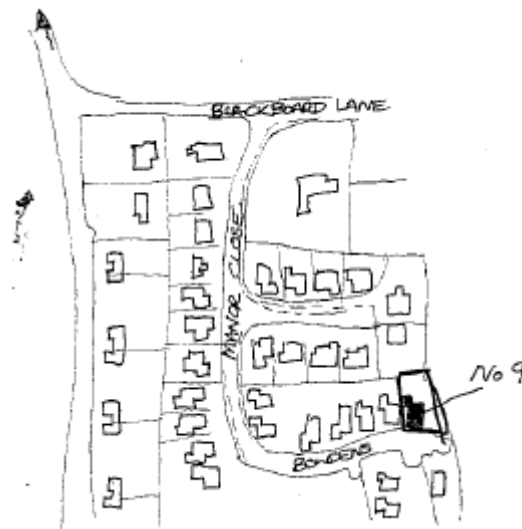
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HH5 and AT9.

Item 7:

APPLICATION: K/55818/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Extension to bungalow
SITE: 9 Bowdens Urchfont SN10 4SQ
GRID REF: 03821 57007
APPLICANT: Mr and Mrs Gibb
AGENT: Mr C Towill
DATE REGISTERED: 12th January 2007
CASE OFFICER: Mr N Britton

SITE & LOCATION

The property is a small bungalow in a row of similar properties in a residential cul-de-sac on the western side of Urchfont. The plot is fairly wide at the front but tapers towards the rear. In the past, a long car port has been attached to the front of the original garage, and a single storey extension has recently been built on the north side garden.



Site location

SITE HISTORY

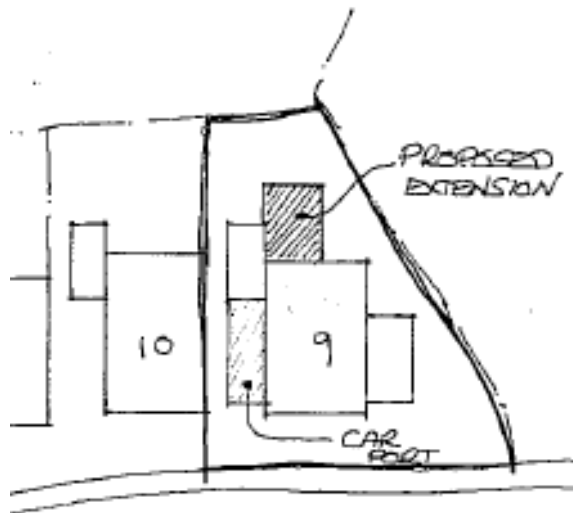
K 53142 F – A side bedroom extension was permitted on 24th November 2005

DESCRIPTION OF DEVELOPMENT

It is proposed to add a single storey pitched roof extension to the rear, in the angle between the garage and the rear of the house. The extension will measure 5 x 4.275 metres with an eaves height of 2.6 metres and a ridge height of 3.9 metres. The extension will accommodate an extension to a bedroom.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has verbally submitted a calculation of the existing size of the private garden at 131.3 square metres, of which the proposed extension would take up 21.375 square metres, leaving approximately 110 sq metres.



Block plan showing location of extension – there is also a dwelling to the right of the site, know as ‘Ashcott’

PARISH COUNCIL COMMENTS

Urchfont Parish Council objects on the grounds that this is an over-development of the site and not appropriate for the size of the plot, or in keeping with neighbouring properties.

REPRESENTATIONS

The occupier of the neighbouring bungalow (Ashcott) has objected on the following grounds:

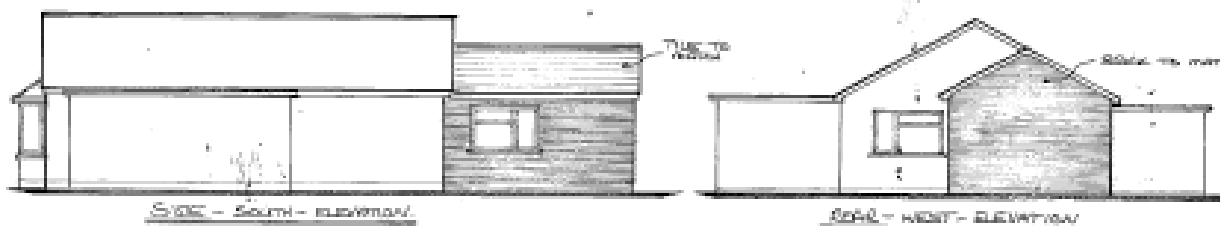
- Very close to boundary, having an overbearing impact on their principal living rooms
- Effect on value of their property and quality of their life
- A flat roof is suggested as an option for the extension

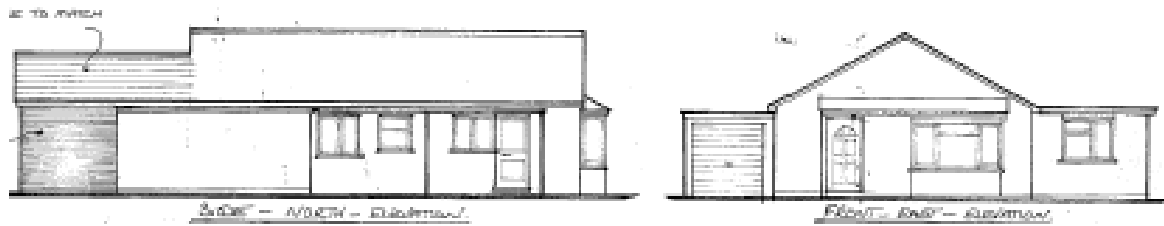
POLICY CONSIDERATIONS

Kennet Local Plan 2011 – policy PD1 requires a high standard of design in all new development, including consideration of scale, height, massing and impact on residential amenity.

PLANNING OFFICER’S COMMENTS

Your officers consider that the proposed extension is modest in size and well designed to match the existing bungalow. The design incorporates a pitched roof which is in keeping with the existing building and is preferable to the flat roof option suggested by the neighbour.





Elevations

With regard to the issue of the impact of the extension on the amenities of neighbours, the extension is set away from the boundary of the property to the south but an objection have been received from the occupiers of the dwelling to the north. However your officers consider that, from that neighbouring property, the extension roof will be seen as another small element of roof in the context of other roofs, and in planning terms, due to its size and position set away from the boundary, will not have a materially adverse impact on residential amenity or privacy.

In addressing the parish council's concerns about the size of the plot, the applicants have calculated the remaining area of private amenity space of the property as about 110 square metres. This area does appear to include an area of land where a garden shed is sited, and some of the garden may be rather inaccessible. It is however clear that the resulting private amenity space will exceed the Council's usual standard of 50 square metres and as such the proposal cannot be considered to be over development.

RECOMMENDATION

Approve with Conditions -

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

REASON:

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

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

REASON:

To secure harmonious architectural treatment.

3 - 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.

