

Regulatory Committee

19th April 2007

Planning Services

List of Applications for Consideration

1 K/55787/F (page 9)

Full planning application for : Demolition of contemporary farm buildings. Part convert/part rebuild and extend single traditional barn to form 3 dwellings. Erection of 15 further dwellings (including 7 affordable units) and access/estate road (amendments to plots 4-8 and 18; additional information - estate road area to be adopted, drainage scheme, revised landscaping layout, affordable housing mix).

Land at Manor Farm URCHFONT SN10 4QP

RECOMMENDATION: Defer & delegate to Planning Services Manager to grant full planning permission, subject to the completion of legal agreements

2 K/55786/CAC (page 32)

Conservation area application for : Demolition of contemporary farm buildings

Land at Manor Farm URCHFONT SN10 4QP

RECOMMENDATION: Grant Conservation area consent

3 K/55994/F (page 34)

Full planning application for : New house

Land to the rear of Forest Edge House, Chopping Knife Lane, MARLBOROUGH

RECOMMENDATION: Grant full planning permission

4 K/55936/F (page 40)

Full planning application for: Demolition of 7 existing garages and replacement with single 3 bedroom dwelling

Lock Up Garages Site Manor Arm approach Etchilhampton SN10 3JR

RECOMMENDATION: Grant full planning permission

5 K/56157/F (page 51)

Full planning application for : Erection of a new dwelling

41 Eastcourt Road BURBAGE SN8 3AJ

RECOMMENDATION: Grant full planning permission

6 K/56165/F (page 58)

Full planning application for : Erection of a new dwelling in the garden.

3 Pewsey Road UPAVON SN8 1NQ

RECOMMENDATION: Grant full planning permission

7 K/56058/F (page 66)

Full planning application for : Demolish existing buildings and structures, erect a new dwelling and associated outbuildings, swimming pool and tennis court with associated landscaping, access roads and parking (amendment to previous approval K/54890/F)

Manor Farm Wedhampton URCHFONT SN10 3QE

RECOMMENDATION: Grant full planning permission

8 K/55888/F (page 71)

Full planning application for : Change of use from light industrial to light industrial and vehicle repairs.
Unit 6 Whittonditch Works Whittonditch RAMSBURY SN8 2XB

RECOMMENDATION: Grant full planning permission

9 K/56004/VAR (page 76)

Full planning application for: Removal of condition no. 2 (restriction on use of loose boxes to house horses and ponies owned by the occupiers of Manor Farm for private leisure use only) of planning permission K/36358 to allow unrestricted use and occupation
The Old Dairy High Street LITTLE BEDWYN

RECOMMENDATION: Grant full planning permission to remove condition 2

10 K/55998/F (page 79)

Full planning application for : Installation of a single 0.3metre transmission dish and associated fixing bracket upon the existing structure.
Existing Telecommunications Installation Stock Lane ALDBOURNE SN8 2NW

RECOMMENDATION: Grant full planning permission

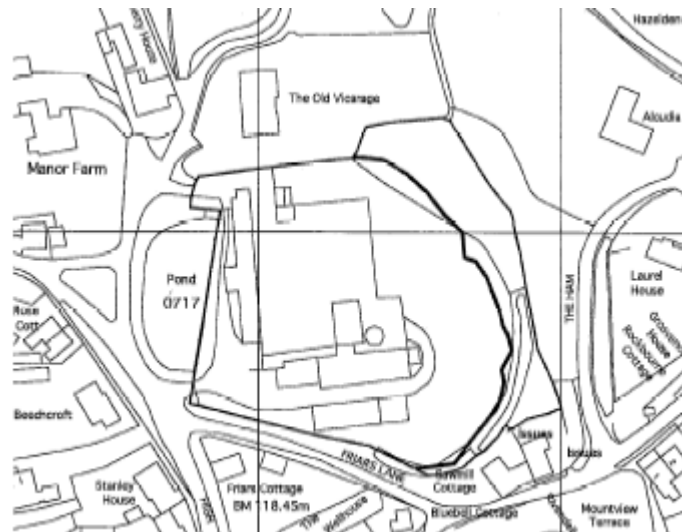
Item 1

APPLICATION: K/55787/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolition of contemporary farm buildings. Part convert/part rebuild and extend single traditional barn to form 3 dwellings. Erection of 15 further dwellings (including 7 affordable units) and access/estate road
SITE: Land at Manor Farm Urchfont SN10 4QP
GRID REF: 04131 57174
APPLICANT: FJ Snook & Sons Ltd
AGENT: APG Architects
DATE REGISTERED: 10th January 2007
CASE OFFICER: Mr A Guest

SITE AND LOCATION

The 0.74 ha application site is located at the centre of Urchfont and adjacent to the duck pond. It comprises a farmyard, now largely disused, with a range of traditional and contemporary farm buildings. The only building on the site of any architectural interest is a brick and tiled range that fronts the pond, separated from it by a track way, some trees and an attractive brick wall. There are currently two vehicular access points leading from the High Street at either end of the site.

The 'front' (western) and northern boundaries of the site are defined by brick and brick/stone walls. The remaining boundaries to the east and south are generally undefined, although ground levels fall away sharply into a valley (Friars Lane) with treed sides. The valley contains a number of closely grouped cottages, at or close to, its narrow base, and a large house set back on its southern side.



Site Plan

The site is very visible from the High Street (where it forms a backdrop to the duck pond), from Friars Lane (where it stands above the valley), and from a footpath running away from the south side of Friars Lane. The area around the duck pond is known as 'Pond Green', and is fronted on its other sides by a mix of mainly older and/or historic houses varying in size and style. A notable feature of Pond Green is

the sweeping grass verges which separate pavements and the duck pond from the carriageway of High Street.

In planning policy terms Urchfont is defined as a 'Village with a Range of Facilities'. The importance of the historic and unspoilt setting of Pond Green and Friars Lane, and Urchfont in general, is recognised by the designations in part as a conservation area ('Urchfont Conservation Area') and an 'Area of Minimum Change'.

SITE HISTORY

K/042640 - An application for the construction of 14 dwellings, community shop, garages and roads was refused planning permission under the scheme of delegation to officers on 28 May 2003. The decision was appealed, but the appeal was withdrawn.

K/046221 - An application for the construction of 22 dwellings, garages and roads was refused planning permission by the Regulatory Committee on 24 November 2003 following a member's site visit. The decision was appealed, but the appeal was again withdrawn.

K/50196/F - An application for the demolition and partial conversion of existing buildings to allow provision of 22 dwellings with associated garaging, access and landscaping was refused by the Regulatory Committee on 12 August 2004. The decision was appealed, and following a local inquiry the appeal was dismissed on 14 February 2006.

The Committee's reasons for refusing planning permission were as follows:

1. The proposed development of 22 dwellings would constitute an over-development of the site, out of scale with the character and open appearance of this central part of the Urchfont Conservation Area. Consequently, the development would not preserve or enhance the character or appearance of the Conservation Area and would materially damage the character of the Area of Minimum Change designated in the adopted local plan. The proposal is therefore contrary to policies HH5; HH10; HC22 and PD1 of the Kennet Local Plan 2011.
2. The scale of the development proposed is unacceptably high in relation to the level of services and employment opportunities available within the village. Consequently, it will increase the need to travel by car and will thereby create an unsustainable form of development, contrary to policy HC22 of the Kennet Local Plan 2011 and to Government guidance in documents such as PPS7.

In dismissing the appeal the Inspector agreed that the proposal did not respect the prevailing character of Pond Green. With particular regard to views into the site from the green he noted that these would "... give the passer-by the impression of a housing estate, which would relate poorly to its surroundings". He further noted that although efficient use of land is an important consideration, it is not overriding, and that design and layout of development should be informed by its context. With this in mind he considered that the proposed scale and layout of the development did not comply with these principles. He also expressed concern at the level of on-site parking provision which was inadequate and would lead to parking on the green. He considered that this added to his reasons for dismissing the appeal.

However, in relation to other issues the Inspector did not consider that the proposal would cause material harm to trees or the Area of Minimum Change. He further concluded in respect of the sustainability issue that the development plan envisages

housing development of the scale proposed (that is, 22 units), and so this, as a matter of principle, did not amount to a reason for objecting to the development.

In conclusion the Inspector stated - "Although I have found that the principle of residential development of the site is acceptable, and again, in principle, there is no policy objection to the scale of development proposed, it would cause serious harm to the character and appearance of the area. ...".

DESCRIPTION OF DEVELOPMENT

The proposal in this case is to demolish all contemporary buildings on the site and part convert/part rebuild the traditional barn to create three dwellings and erect 15 new dwellings, including 7 affordable units (a total of 18 dwellings). A single vehicular access would be retained to the site adjacent to Friars Lane serving the 'estate road'.

The traditional barn to be converted/rebuilt fronts the green, and the new dwellings would be situated to its side and rear. The design of the new dwellings follows a farmyard concept with a detached 'farmhouse' adjacent to the entrance road, and seven 'cottages' and four barns (containing seven dwellings) to the rear, designed around two 'farmyards'. The barn units would be both single and two storey, and would be simply detailed to achieve their barn appearances (that is, limited projecting elements, no chimneys, and no front gardens). The cottages (which would be a pair of semis and a terrace) would be appropriately small in size, whereas the farmhouse would be large and prominent at the front of the site. The cottages and farmhouse would be traditionally designed and detailed.

The dwelling mix would 8 x 2 bed (including the seven affordable units), 3 x 3 bed, 2 x 4 bed and 5 x 5 bed. Parking for 53 vehicles would be provided, this equating to 2.9 spaces per dwelling.

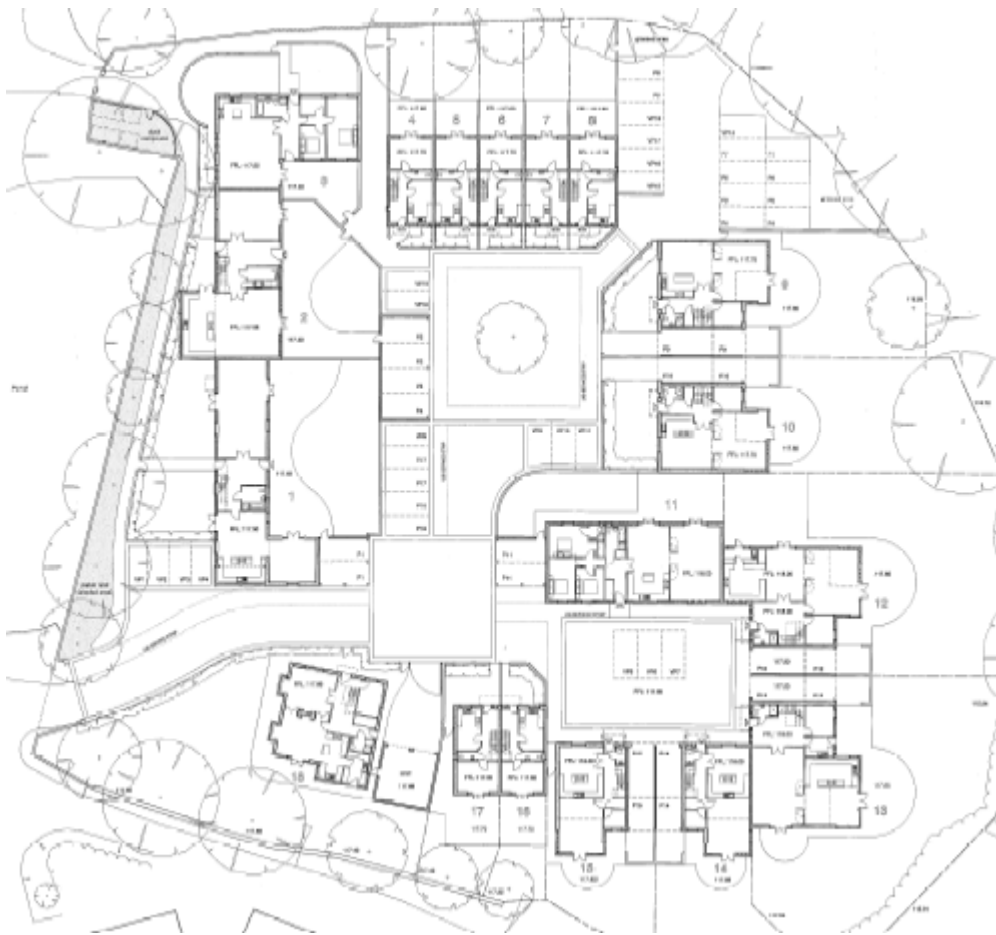
A pedestrian access would be retained at the north end of the site and a new duck compound formed in this area.



Elevation facing Pond Green



Typical elevations inside site



Layout Plan

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted detailed supporting statements which are available for viewing on the file.

PARISH COUNCIL COMMENTS

The Parish Council very much regrets that its concerns regarding the scale of the proposed development and provision for children's play have not been recognised.

The Parish Council acknowledges that the proposals are consistent with the Appeal Inspector's decision and a great improvement on previous proposals. In the light of this the Parish Council has no over-riding objection to the proposals, providing that the following matters are subject to conditions attached to the planning approval and subject to the Parish Council being party to discussions: -

- Pond water supply;
- The Management Plan for the pond and amenity areas;
- The Section 106 Agreement and in particular use of the funds for off-site recreation provision;
- The Method Statement for management of the site during construction works and enforcement and remedial procedures;

The Parish Council would like to have further information on the arrangements for replenishing the pond water level and the proposed energy efficiency measures.

It would also like clarification of ownership of the pond wall as the Parish Council has no claim to ownership.

It was also agreed that concern should be expressed to Kennet District Council that the views of English Heritage have apparently not been requested. An explanation for the implications of the additional reports from Conservation, Landscape & Countryside and Engineering & Design Officers should be sought.

CONSULTATIONS

County Highways: views awaited.

County Archaeologist: recommends condition.

County Education: request a financial contribution towards education provision. There is insufficient space in the local schools to accommodate children from this development.

KDC Conservation Officer: This is a prominent site within the centre of the village and conservation area. The area immediately to the west of the site, around the pond and green, is perhaps one of the most important areas of streetscape within the District; a quintessentially English village landscape with an air of tranquillity which must be preserved at all costs. The quality of the area is recognised in its designation as a conservation area (this was the first conservation area designated in Wiltshire) and area of minimum change. The adopted conservation area statement highlights the importance of the site to the character and appearance of the conservation area.

The site itself has long been in agricultural use. The existing farmyard comprises a number of modern and older structures some of which are in poor condition. In terms of visual impact, the most important of these is a late 19th century brick range to the west of the site which forms an important backdrop to the village pond and a buffer from activity beyond. In the immediate vicinity of the site are a number of large individual buildings (including the church, Vicarage and Mulberry House) set in substantial grounds. The conservation area as a whole is characterised by low density development informally sited alongside a network of narrow rural lanes and paths.

The primary consideration from a conservation viewpoint is the requirement on the Council, under Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

PPG 15 4.17 & 2.14 note that new buildings should be carefully designed to respect their context or setting and also comments that redevelopment of sites such as this should be “a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area”.

PPS1 gives the government’s up-to-date stance on sustainable development and design and introduces a tough new test in stating that designs which fail to take the opportunities available for improving the character and quality of an area should not be accepted.

Local Plan policy (HH5) determines only to permit development in conservation areas where it would preserve or enhance their character or appearance. Proposals which would adversely affect the setting of a conservation area will not be permitted.

Policy HH10 states that “Within ‘Areas of Minimum Change’ planning permission will not be granted for development which would materially damage the character of the area.

The adopted conservation area statement offers supplementary planning guidance.

The current applications propose the demolition of the existing farmyard – with the exception of the brick building alongside the pond wall – and the redevelopment of the site to create 18 new dwellings and associated infrastructure.

K/55786CAC - Conservation Area Consent for demolition: conservation area consent is of course not required for demolition of the majority of the buildings on the site which, as modern farm buildings post dating 1914 and last in use for agricultural purposes, are exempt from this requirement under Circular 01/01: Arrangements for handling heritage applications. However, there are earlier remnants remaining within the site – including sections of an historic threshing barn encased within the existing grain dryer. We have previously accepted the removal of this building, subject to adequate recording, due to the degraded state of remnants.

The pondside range of buildings also probably has origins prior to 1914. In our opinion, whilst not of intrinsic architectural or historic importance, these buildings have a significant value in their contribution to the special rural character and appearance of the pond area and should be retained. It has remained our opinion throughout discussions, that the preservation or enhancement of the area would be best achieved by the retention of the range in its present form in some low-key ancillary use. This view is supported by PPG 15 which states a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area.

n.b. the building survey report is sufficient so far as the remaining modern buildings on the site are concerned but, lacking either plans or photographs, it is insufficient as a record of the remnants of the historic barn remaining within the modern grain dryer.

K/55787/F – planning application for redevelopment: Although the layout, around a pair of small courtyards, is closer to the ‘farmyard’ concept suggested by Jim Denning in the Conservation Area appraisal and endorsed by the inspector in the recent appeal, my original fundamental concerns regarding the over-development of the site and the degree of change that this level of development will bring to this part of the conservation area (and Area of Minimum Change) remain.

Level of information: the level of information is slightly improved over that received at draft stage. However, there still appear to me to be significant omissions such that the likely final impact of the proposals on the character and appearance of the area is unclear.

There remains no assessment of the structural stability of the potentially unstable greensand banks edging Friars Lane – the supporting documentation suggests that this survey and details of any remedial consolidation measures required could be subject of conditions to an approval – however, this work could potentially have a very significant impact on the rural character and appearance of this section of the conservation area and should, as we have always stated, be made explicit at the outset.

The elevations provided remain rather sketchy and are insufficient to allow a full assessment of the detailed appearance or potential quality of the development or to tie down these details in the event of a permission being granted. For example, architectural details such as eaves detailing, verge details, location, routing and fixing of rainwater goods, use of materials etc. are unclear as also are details of some boundary treatments, external lighting etc.

Conversion of the pondside block: survey drawings of the existing building have now been provided and these are welcomed. However, the additional information has also confirmed our previous assumptions and although a building is proposed occupying the position of the existing pond-side range, this will incorporate a minimum of the original fabric. It is proposed to retain the external shell of the southern brick block – to achieve the internal layout shown it appears to me that little of the internal structure is likely to survive – however, the use, form, appearance and character of this building would all be fundamentally altered, to the extent that it would appear largely as a new building. The adjacent range is proposed to be completely demolished and rebuilt. From a utilitarian structure facing into the site, with few openings on the pond side, the overall building would become a row of dwellings overlooking the pond and green, to the detriment of the area's current tranquil character.

Layout of the development/encroachment at site edges: in terms of layout, the concept of the two yards, the relatively simple forms and the use of a greater number of attached structures works reasonably well – however I am, once again, concerned regarding both the scale and the level of development proposed. In my opinion, the scheme as a whole still constitutes an over-development of the site and I do not consider that this level of development is able to be accommodated on this constrained site in a visually acceptable manner.

Whilst the simplified layout perhaps appears less cluttered and is closer to the 'farmyard' concept recommended for the site, much of the current scheme is of a very substantial two storeys (c.9m to the ridge over much of the site) and the buildings are, if anything, generally on a larger scale than those of the appeal scheme. I retain significant concerns regarding the overall scale of the development when viewed from the sensitive entrance to the site and also the continuing tendency to encroach on the potentially unstable and visually prominent southern and eastern 'cliff' edges of the site. The 'Conservation Area Site Development Brief' produced by this department makes it clear that the redevelopment of the site should allow for a substantial buffer at the head of the main slopes to limit its impact on the surrounding conservation area. The impact of development at the edges of the site is still also exacerbated by the scale of the proposed development. From the east, the scale and bulk of development will appear overbearing and out of character with the general pattern of historic development in the area.

The overdevelopment of the site is also manifest in the minimal amenity space allocated to many of the dwellings, and in the rather cramped access and parking layout – much of which appears impractical for day to day use.

Also of concern is the potential impact of domestic gardens and boundary treatments where the development intrudes so close to the edges of the site. The proximity of the development to the edges of the site must also bring into question the feasibility of providing adequate landscaping at the edges of the site.

Design: whilst the simplified layout may, in isolation, appear closer to the concept originally recommended within the Conservation Area Statement and endorsed by

the inspector, there is little real historic precedent within the locality for farm buildings of this scale and form – this is not an area where industrial scale model estate farms are common. Similarly, whilst the general design of the proposed new buildings is pleasant and unassuming, there is little that reflects or reinforces local distinctiveness within the scheme.

In my opinion, the proposed development has little precedent in surrounding historic development and would neither be in character with development in the immediate village surroundings nor yet represent a farmyard style which could be thought to be characteristic of the wider area in terms of its scale, form or density.

Although the landscaping scheme appears to have been simplified since the draft proposal (n.b. I am uncertain as to the appearance of the 'textured concrete') it still appears to me that the overall tone tends towards a rather formal appearance which would be out of character in these rural surroundings.

In summary - I am unable to conclude that this scheme would be any more likely to comply with the requirement to preserve or enhance the character or appearance of the conservation area (under S72 of the Act) or to avoid material change to the Area of Minimum Change than previous proposals – consequently, I recommend that the applications be refused.

Our general advice remains as previously: "if it were accepted that the principle of residential development of this site was permissible, it is in our opinion essential that the pond-side range, and the land immediately surrounding it, should be retained in its present form in some low-key ancillary use. This view is supported by PPG 15 which states a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area.

We consider that the character and appearance of the area could be best maintained by the development of the remainder of the site for a single, high status dwelling (echoing the pattern of surrounding development). Alternatively, some sort of linked development around an open yard area, may be acceptable but should be less intensive than the development currently proposed to avoid encroaching upon either the pond-side area or the steep edges of the site ie. new buildings confined to the footprint of the existing buildings".

KDC Landscape and Countryside Officer: There are a number of issues which need to be addressed prior to determination, as detailed below:

- The tree survey is now four years out of date and needs to be carried out again using the updated BS5837 (2005) 'Trees in Relation to Construction'. This document uses Root Protection Areas as opposed to the old Tree Protection Zones, and rather than providing a circular exclusion zone around the canopy (or thereabouts) we will be requiring a specified area left undeveloped. Thus it is highly unlikely that the dwelling on Plot 18, Plots 2 and 3 and Plots 4 and 5 comply with the updated BS. It may be argued that the Inspector did not raise tree issues as a significant factor in his decision, but he was not considering the revised BS or the fact that the trees have grown since the original survey was undertaken.
- It has been suggested that a structural survey of the Friar's Lane bank will be undertaken. This may have serious implications for the retained trees and thus for the settings of the development. Therefore, I would recommend that the structural survey is undertaken in conjunction with the tree survey, and if tree removal or replacement and stabilisation of the bank is necessary it should be included at this stage.

- There are a number of dead and dying trees which are marked for removal. A bat survey should be carried out, as suggested in the original ecological statement (see letter from David Wells ecologist dated 11th December 2002 and submitted with the application), and necessary mitigation agreed at this stage. The County ecologist should be consulted on the surveys and mitigation proposals submitted relating to protected species on the site.
- The proposals have been submitted without a landscape scheme. Due to the potential visual impact and conservation area setting issues, it is essential that a detailed hard and soft landscape scheme is submitted with the application. The peripheral treatment should follow the scheme tentatively agreed with the previous application. The bank to the south and south east is a particularly important part of the site in respect of views from the outside and I would thus like to see a comprehensive tree and hedge planting scheme submitted at this stage. Fencing throughout is going to have to be carefully considered, with panel and close boarded fences restricted to those areas without public views. Within the site the dwelling frontage treatments and internal public area planting are of importance and need to be fully detailed, bearing in mind the intended character of the site. I am not convinced that a Judas tree in the middle of the courtyard is a very satisfactory option. Full details of the hard landscape treatments must also be supplied.
- PD rights for fencing and garden paraphernalia will have to be carefully controlled. Service runs will have to be agreed prior to commencement of any development and will have to avoid any retained trees, and the tree protection (construction and location) under the terms of BS 5837(2005) needs to be agreed. The fencing will have to be in place for demolition as well as construction. Chestnut paling fence is not now normally used being replaced by braced Heras or similar construction.

As regards the site layout I have a number of comments to make, although most overlap with the points made above:

- The parking and footpath at the site frontage impinge on the RPAs of the trees which form the backdrop of the pond.
- The rebuilding for plots 2 and 3 does not take into account the future growth of the trees or their RPAs and if complete new build is proposed the building will have to be moved back from the trees.
- The sycamore in the rear gardens of plots 4 and 5 is too close to the dwellings and will grow to be an over-dominant feature. The current proposal is not an acceptable solution.
- Plot 15 is too close to the top of the bank and will be unduly prominent with little hope of adequate mitigation.
- Plot 18 is very close to the trees and does not consider the RPAs. The dwelling and its small garden are extremely prominent and will appear as an incongruous feature at the site entrance. I would recommend that this dwelling is deleted from the scheme and the area at the front of the site left as open space and enhanced planting.
- The scheme does not include POS.

KDC Housing Officer: no objection to proposed affordable housing proposals.

KDC Drainage Engineer: The public sewer discharges into an open ditch at Rowlands Lane which has a record of breaking its banks and last summer nearly flooded Saw Mill Cottage. I therefore do not wish further water to be discharged to the surface water sewer in the High Street.

The pond needs to have positive overflow if water is going to be discharged into it.

Soakaways should be used extensively if they can be shown to work.

I am concerned about the outfall to the stream and would expect this to be properly designed to ensure that only green field flows are discharged off site, energy is dissipated at the base of the hill, and scour is minimised by a designed outfall.

The total flow from the site should be restricted to green field flow to minimise the risk of downstream flooding.

Wiltshire Wildlife Trust: no objection. Note that a habitat survey has been carried out and agree with its recommendations regarding mitigation and further survey work. However, note that no bat survey of trees has been carried out, and this is also required.

English Heritage: this application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

REPRESENTATIONS

Support has been received from 10 third parties and objections have been received from 49 third parties. The objections are summarised as follows:

- * Eighteen units is too many for the site, amounting to an over development (22 and 14 units previously refused). The urban form of the development and its excessive density would destroy the character of the village. Recent planning history has shown that this site is not suitable for development at the scale mandated by government policy. The design is modern, featureless and out-of-character, and comparable with the previous proposal dismissed at appeal. The design is monotonous, lacking in variety and materials. The design does not take into account the varied character of every other dwelling in Urchfont. The design is 'car park' lead. There are presently only 12 houses around the green - proposal represents a 150% increase on this;
- * Inappropriate development in the conservation area as adversely impacts on its character. Existing farmyard positively contributes to the conservation area and is not an 'eyesore'. Proposal pays little regard to the Conservation Area Statement;
- * Harmful to the Area of Minimum Change as materially damages the character of the area;
- * Parking is already a problem in Urchfont - the proposal will add to this to the detriment of the appearance of the green. Still inadequate parking provision is made on the site leading to parking on the green, and inadequate space for lorries/dust carts to turn. The wider infrastructure is incapable of accommodating more traffic (site would generate at least 100 movements per day) - this would be endanger pedestrians and other motorists. Verges at entrance would be damaged by traffic inevitably leading to their kerbing contrary to the views of the appeal inspector. Pedestrian access at north end of site is unsafe. The close proximity of the access to the site to Friars Lane is an accident waiting to happen;
- * The site can only accommodate 3-4 houses;
- * No provision made for children's play space;
- * Unit 18 is too close to the greensand bank and trees. Unit 18 looks like a fake farmhouse and would overlook neighbours and detract from rural character of the green. Unit 18 is too high. The 'farmhouse' should be sited centrally on the site;

- * Housing is not required as Council is meeting its targets. Housing is not required in Urchfont;
- * Proposal is being resisted by KDC's own Conservation Officer. A single, high status dwelling on the site as suggested by Conservation Officer would be more appropriate;
- * Discrepancies on drawings. Various concerns with detailed design of units;
- * Units 1-3 not in accordance with brief;
- * Inadequate foul and surface water drainage infrastructure to accommodate the development. Proposal has extensive areas of hard standing which will lead to storm water pouring off the site and down to The Bottom. The edges of the site are likely to suffer with subsidence;
- * Insufficient space at local primary school which is already over-subscribed;
- * Insufficient space for adequate landscaping. Trees shown to be removed which do not need to be removed;
- * No sustainable development features with designs;
- * Disruption and nuisance during construction;
- * Who would remain left over 'no mans land' at edges of site?;
- * Bat survey is not complete;
- * Site is too close to pond and its inherent dangers for children;
- * Site may have asbestos buried on it.

The support is summarised as follows:

- * This is a living and working community which should be allowed to evolve;
- * Existing farmyard is an eyesore;
- * Affordable housing would be beneficial to Urchfont;
- * Design of development is in-keeping with character of area and will enhance area generally. 18 units is a reasonable number for site;
- * Adequate parking is now incorporated in design.

POLICY CONSIDERATIONS

The site lies within the Limits of Development of Urchfont as set out in the Local Plan, and within the Urchfont Conservation Area and Area of Minimum Change. Policies PD1, HC1, HC3, HC4, HC6, HC22, HC28, HC32, HC34, HH5 and HH10 of the Local Plan are particularly relevant.

The Council has published a Conservation Area Statement for Urchfont which states the following in respect of the application site:

“The site is suitable for redevelopment for a number of uses in accordance with Local Plan policies. Built element to be limited by context, design, layout and access constraints. Layout and design of buildings to be farmyard concept. Buildings to be attached single and two storey traditional types of different plans arranged around courtyards. Development is to be confined to the flat area of the site. There should be no encroachment on to the slopes. The existing north and south entrances to be used for access. Existing trees on the site to be respected in accordance with Conservation Area policy. Trees should also be maintained and as necessary new trees planted along the pond wall within the site. Fencing is to be strictly controlled on slopes and throughout site. The existing brick and tile building facing the pond is to be preserved or rebuilt as a replica with an extension north in the same style. Access for pedestrians only on the pond side. Garden area and windows to face into site. Accommodation to be provided for the village ducks.

Walls: A limited pallet of materials comprising red brick, natural stone dressings and stained timber cladding. Roofs: Red handmade clay tiles and blue/grey slate at a consistent steep pitch. Chimney stacks of generous girth to gable or ridge. Casement windows with painted glazing bar fenestration to narrow traditional module of minimum area to meet regulations. Internal roadway to be adopted but as far as possible to be in character with the village. Shared vehicular and pedestrian surfaces. Private courts and driveways in paving blocks, setts and compacted gravel”.

PLANNING OFFICER’S COMMENTS

The main issues to be considered in this case are, firstly, the principle of the development, and then, if this is established, the impact of the specific scheme on the character and appearance of the Conservation Area and the Area of Minimum Change, visual and residential amenity, highway safety, affordable housing provision, drainage, trees, wildlife, recreation space provision and education provision.

The Principle of Residential Development

The application site lies within the Limits of Development of Urchfont as defined in the Local Plan. Policy HC22 states that planning permission for limited additional housing consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses will be granted within the defined limits of development provided that the development is in harmony with the village in terms of its scale and character. The application proposes redevelopment of existing buildings and so is, as a matter of principle, a form of development which can be acceptable under the policy. The policy places no limit on the number of units which can be proposed on sites involving the re-development of existing buildings (as confirmed by the appeal inspector), and so there can be no ‘in principle’ objection for this reason. Specifically, the Inspector concluded that housing on re-development sites is only limited by virtue of “... the availability of such sites and the need to ensure that such development respects the character of the area”.

Policy HC22 further states that development will only be acceptable if in harmony with the village in terms of its scale and character. This will be examined in greater detail in the following sections of the report. However, the broad conclusion is that the proposed development would be neither out of scale nor out of character with established development in the village and, as such, is in accordance with Policy HC22.

Conservation Area

The application site lies within the Urchfont Conservation Area. Policy HH5 states that development in conservation areas will only be permitted where it would preserve or enhance their character or appearance, and proposals which would adversely affect the setting of a conservation area will not be permitted. As is evident, the policy does not place a bar on all development, but supports new development which makes a positive contribution to the conservation areas.

Policy PD1 sets out more general design requirements. It expects a high standard of design in new development, requiring scale, height, massing and density, and relationship to townscape and landscape context to be taken into account in particular.

Urchfont has a Conservation Area Statement which provides an assessment of the conservation area. In relation to the Pond Green area the statement notes in particular a variety of cottages and smaller houses lining the west side where most have walls and railings to small front gardens, and the 18th century Mulberry House beneath the cedar (now removed) forming the focus. The statement further refers to the conservation area as one of the most cherished places in Kennet District. In conclusion the statement provides a development brief for the Manor Farm site (reproduced in full above), which states that the built element of new development should be limited by context, and the layout and design should be of 'farmyard concept' ... arranged around courtyards.

In dismissing the earlier appeal for 22 units on the site the inspector attached considerable importance to the brief within the Conservation Area Statement. He took 'farmyard' concept to mean "... a range of buildings of varying sizes grouped around a main large building redolent of a 'farmhouse' with a large courtyard to the fore. He considered that the appeal proposal failed because it did not achieve this outcome, but instead had a "feeling of sameness more akin to a suburban estate". He qualified his comments, however, by stating that a 'farmyard pastiche' is not called for.

The current application has been designed taking into account all of the above policy and brief requirements, as well as the conclusions of the appeal inspector. The result is a farmyard concept with houses of varying height and scale positioned around two open courtyards, and a large 'farmhouse' to the fore. The result is 10 houses 'reading' as barns (including three converted from the existing barn), 7 houses reading as cottages, and one house reading as a farmhouse. This arrangement is considered to fully satisfy the requirements of the development brief and, unlike the previous application, is no longer suburban or 'samey'. The variety in heights of the units adds to the interest of the layout with single, one and a half and two stories throughout.

Although the Conservation Officer notes that the design is closer to the concept set out in the Conservation Area Statement, she expresses concern at the proximity of buildings to the site edges and the lack of historical precedent for farm buildings of this scale and form. The issue of proximity of buildings to the edges of the site was considered at the earlier appeal and the Inspector raised no particular issues, noting that "... the appearance of the new houses would not differ significantly from the buildings and trailers that can now be glimpsed through the trees bordering the site and from higher ground to the south-east". The dwellings now proposed are sited similar distances to the boundaries of the site (with the exception of unit 18 which is dealt with separately below), and consequently it is considered this objection could now not be sustained. Likewise, the concern that the scale of the proposed 'farm buildings' is unprecedented is considered to be unsustainable having regard to the scale of the existing farm buildings on the site (which include a substantial grain drier and silo) and the fact that the Conservation Area Statement encourages a 'farmyard concept'. For similar reasons the Conservation Officer's suggestion that there should be a single dwelling, or fewer dwellings, on the site is unrealistic having regard to the size of the site, its village centre location, its context of residential development, and the conclusions of the appeal Inspector. The other detailed concerns of the conservation officer can be dealt with by planning conditions in the event of permission being given.

The application further demonstrates that the courtyard concept lends itself to the number of units proposed - namely eighteen - without detriment to the general spaciousness of the development or character of the wider area. Overall, the design

and arrangement of the development would, it is considered, enhance the conservation area and the area in general, in accordance with Policies HH5, PD1 and HC22.

Area of Minimum Change

Policy HH11 states that within the Areas of Minimum Change planning permission will not be granted for development which would materially damage the character of the area. In considering objections to the Local Plan prior to its adoption, the then Inspector referred specifically to the inclusion of Manor Farm in the Urchfont Area of Minimum Change. He stated that, looked at as a whole, and in the context of its surroundings, it is part of an attractive rural village location and should remain within the area. This, he concluded, would not prevent all redevelopment.

At the recent appeal the impact of the then proposed development on the Area of Minimum Change was also considered. The Inspector stated that having regard to this impact "... I am satisfied that the appearance of the new houses would not differ significantly from the buildings and trailers that can now be glimpsed ...", and later that "... the proposal would not cause material harm to trees or to the AOMC ...". There have been no material changes in circumstances since the Inspector came to these conclusions other than a significant improvement in the design of the proposed dwellings and their layout on the site, and for this reason it must again be concluded that the proposal would not materially damage the character of the Area of Minimum Change, in accordance with Policy HH11.

Trees

Trees have been referred to already, and particularly with reference to the Inspector's conclusions in the earlier appeal that no harm would be caused to them. The majority of the proposed dwellings are in similar positions to those proposed in the appeal case and so it would be unreasonable to now come to different conclusions on impacts. The Landscape and Officer's concern in respect of the age of the original tree survey has been addressed by a new document. His other concerns over the lack of a thorough landscaping scheme can be addressed by condition, as is usual in cases such as this.

One change is, however, to unit 18 (the 'farmhouse'). This is proposed to be sited close to the line of trees adjacent to Friars Lane at the front of the site. The Landscape and Countryside Officer has expressed concern that this relationship would result in the loss of at least one of the trees, either as a consequence of construction works or through the owner of the house wishing to improve the size of the garden. The officer's solution is deletion of the unit.

Unit 18 is considered to be a critical element in the overall 'farmyard concept'. It is the farmhouse, and it appropriately fills a gap to the south side of the main entrance to the site. Its removal, it is considered, would leave an unfortunate unused space in this area which would appear at odds with the remainder of the site. Retention of unit 18 is, therefore, considered to be critical to the design. Removal of the tree to accommodate unit 18 would be unfortunate, but replanting is proposed in any event at other points along the Friar Street embankment, and there appears to be no reason why this replanting could not be extended to include this section of the embankment. This issue in isolation is, therefore, considered insufficient to warrant an objection to the overall development. Other minor detailed concerns raised by the officer over relationships between trees and the proposed development can also be addressed as part of a later landscaping scheme.

The small garden sizes were considered by the appeal inspector, but he concluded that whilst some of the rear gardens would be short, "... many householders welcome the contribution that trees make in securing a sylvan setting". These comments remain relevant to the current proposal.

Highway Safety

Concern has been expressed by third parties that the road system in Urchfont is unable to accommodate further traffic without danger and inconvenience being caused to other users. County Highways have raised no objection for this reason, and the inspector in considering the earlier appeal similarly raised no objection. He stated "I see no problem with the amount of traffic to be generated by the proposal, which, having regard to the use which could be made of the farmyard in any event, would not materially alter traffic conditions in this part of the village". The current proposal is for less units than previously proposed, and so there would be less traffic generation than what was considered acceptable by the Inspector. For this reason an objection for this reason could not be sustained.

The Inspector at the earlier appeal did, however, express concern at the low level of parking provision previously proposed, and the likelihood of this leading to cars parking on the green. To address this the current application now proposes some 53 spaces which equates to 2.9 spaces per unit (2 spaces per unit was previously proposed). This increase is significant and exceeds the maximum standards set out in the local plan. It would, it is considered address the concerns of the Inspector and significantly diminish the likelihood of residents of the new development parking outside of the site.

In the event of planning permission being given conditions can be imposed requiring the parking to be provided, and also requiring full details of the access junction to be submitted for approval. No kerb stones are now proposed at the access.

Drainage

The application is accompanied by a Drainage Feasibility Appraisal and an updated Drainage Scheme drawing. In support of the drawing the applicant's agent states the following:

"... we have removed the proposed surface water originally directed into the existing storm drain (as it has no spare capacity) and directed to either the pond or soakaway. At times of excess the soakaways will direct overflow piped to the stream in the adjacent field (which is in our client's ownership) via a new head wall. There will be a pumped system to prevent water level in the pond exceeding agreed levels. The management of pumps and head wall will be the responsibility of the future development company".

Full details (and in particular, details of pipe sizes and the extent of porous surfaces and/or storage tanks) have not been agreed but can be the subject of planning conditions in the event of planning permission being given. Conditions can also be imposed to satisfy the requirements of the Environment Agency and to manage the future water supply to the pond.

Wildlife

The application is accompanied by a wildlife survey which revealed no evidence of protected species on the site. The Landscape and Countryside Officer has expressed concern that the survey did not cover potential bats in trees. Past surveys revealed no bats in this area. However, to ensure an up to date record the applicant will have to carry out a further survey of the trees, and this will have to take place

before permission is given. The recommendation reflects this requirement accordingly.

Affordable Housing and other Obligations

The proposal includes 7 affordable units which is acceptable to the Council's Housing Officer. The applicant is proposing two units for rent, two units for shared ownership and three units as intermediate, however the detail of tenure is a matter for discussion as part of the 'Section 106' process should permission be granted.

A Section 106 agreement would also be required for the off-site financial contribution towards recreation space provision. Notwithstanding the Parish Council's comments, it is considered that an off-site contribution would be more beneficial in this case particularly in view of the site's close proximity to the green which provides any required immediate open space requirement.

Although County Education has requested a financial contribution towards school facilities in the area, this is not possible because the number of proposed units is below the threshold of 25 set out in Policy HC37.

Residential Amenity

The layout has been designed to avoid unneighbourly relationships with neighbouring properties. Garden sizes and 'back to back/side' distances are in accordance with adopted standards. The side elevation of unit 18 has been re-designed to avoid high level windows in the side elevation facing Friars Cottage.

Other Matters

Concerns have been expressed that the development would be close to the escarpment at the edges of the site, and that the land may be built-up or unstable. The Council's Building Control Section has previously advised that, although traditional strip foundations may not be appropriate in these locations, alternative means of support can be considered. The responsibility ultimately lies with the developer to ensure that the ground is stable and that the scheme may be constructed without having a detrimental impact on the stability of the banks surrounding the site.

Management of the construction process has been raised by some third parties and the Parish Council, and conditions are recommended to ensure amenity is safeguarded by restricting hours of noisy working in particular.

Conclusion

It is considered that the development now proposed strikes the right balance between making the best use of a redundant site and safeguarding the character and appearance of the Urchfont Conservation Area and Area of Minimum Change. The development follows a 'farmyard concept' as expected by the Conservation Area Statement, and provides adequate parking to avoid harming the visual amenities of the green. To satisfy the needs of Urchfont the applicant has agreed to provide affordable housing and a financial contribution towards recreation provision in the village, and also has included space on the site for new duck houses.

For the reasons set out it is, therefore, recommended that the application is approved subject to the applicant entering into a planning agreement with the Council, and subject to a further bat survey of trees being carried out at the appropriate time of year.

RECOMMENDATION

Subject to the applicant entering into a Section 106 agreement relating to the provision of affordable housing and a financial contribution towards off-site recreation facility provision, and subject to the applicant submitting a satisfactory further bat survey of trees, approve subject to the following conditions:

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans numbers 680-PL03B, 680-PL05A, 680-PL06A, 680-PL07A, 680-PL09A and 680-PL11, the revised Tree Survey by Tisdall King, and letter from APG Architects received on 23 & 27 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.

3 - 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.

4 - Notwithstanding the details submitted as part of the application, full details of all boundary treatments on the site shall be submitted for approval in writing by the local planning authority. These treatments shall not include panel fences or close boarded fences. The development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the conservation area.

5 - Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works:

- (a) details of the eaves and verges of all approved buildings;
- (b) details of the rainwater goods to be used on all approved buildings;
- (c) details of the windows and external doors (including details of materials, finishes and joinery where requested) to be use on all the approved buildings;
- (d) details of the brickwork bond to be used on all approved buildings and boundary walls.

The works shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

To safeguard the character and appearance of the Conservation Area.

6 - Notwithstanding the details shown on the drawings, all rooflights shall be traditional conservation style with a single vertical glazing bar and flush flashing and maintained as such thereafter.

REASON:

In the interests of the integrity of the listed building.

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

REASON:

To safeguard the site of archaeological interest.

8 - No development shall 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.

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

10 - 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.

11 - Prior to the commencement of any work on unit 18, full details of ground disturbance associated with its construction (including foundations, service runs and hardstandings) shall be submitted to the local planning authority for approval in writing. The details shall provide a design for construction that will minimise the impact of the unit on nearby trees. The development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the conservation area.

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

REASON:

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

13 - Notwithstanding the details submitted as part of the application, full plans and specification of the means of disposal of surface water from roads, paved areas and roofs shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage

14 - Notwithstanding the details submitted as part of the application, full plans and specification of the means of disposal of foul water shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage

15 - No development shall commence until there has been submitted to and approved in writing by the local planning authority details of the means by which water levels in the village pond will be maintained at a level acceptable to the local planning authority. The approved measures shall be put in place prior to the occupation of the final dwelling on the site and the measures shall be retained and maintained thereafter.

REASON:

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

16 - No development shall commence until there has been submitted to and approved in writing by the local planning authority a method statement detailing the programme of construction. The method statement shall include details of the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. Development work shall be carried out in accordance with the approved details.

REASON:

To minimise the effects to natural/water features of the site, to reduce the risks of pollution, and to safeguard village amenity.

17 - No demolition, construction, deliveries or other works in connection with the development hereby approved shall take place outside the hours of 0800 to 1800 on weekdays and 0800 to 1300 on Saturdays. There shall be no working or deliveries on Sundays or Bank holidays.

REASON:

To protect the residential amenities of nearby dwellings.

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

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

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

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

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

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

19 - No development shall take place until details of the design and siting of a replacement duck house, or houses, has been submitted to and approved in writing by the local planning authority. The duck house, or houses, shall be erected in accordance with the approved details prior to any other building operation on the site.

REASON:

To ensure satisfactory accommodation for the village ducks which currently occupy a duck house on the site, in the interests of preserving the character and appearance of the conservation area.

20 - Before development commences on site, details shall be submitted to and approved in writing by the local planning authority of the location and construction of areas for the storage of rubbish bins for those dwellings not served by an adoptable road. The approved area shall be provided before the dwellings are occupied and shall thereafter be retained for this purpose.

REASON

In the interest of amenity.

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

REASON:

In the interests of visual amenity.

22 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road.

REASON:

In the interests of visual amenity.

23 - 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 building(s) hereby approved shall be erected.

REASON:

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

24 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the south elevation of unit 18 hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

25 - 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 site hereby granted change of use without the prior grant of planning permission.

REASON:

To prevent the incursion of domestic structures beyond the established built up area of the settlement, in the interests of the visual amenity of the North Wessex Downs Area of Outstanding Natural Beauty.

26 - Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces (including garage and visitor 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.

27 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other order revoking and re-enacting that order with or without modification), the garages approved as part of the development shall always be available for the parking of domestic motor vehicles.

REASON:

To ensure sufficient parking is retained on the side in order to limit parking on the green, in the interests of the character and appearance of the conservation area.

28 - Notwithstanding the details set out in the application particulars, no development shall commence until details of the surface treatments of the approved roadways and parking courts have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling on the site or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

In the interests of highway safety and the character and amenity of the conservation area.

29 - The sole means of vehicular access to the site shall be as shown on the plans hereby approved, and within one month of the occupation of the development the existing vehicular access to the north of the pond shall be permanently stopped up for vehicular use and kept available for pedestrian use only thereafter.

REASON:

In the interests of highway safety.

30 - No external lighting (including street lighting) shall be installed on the site without prior permission in writing from the local planning authority.

REASON:

To safeguard the character and appearance of the conservation area.

31 - 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, HC22, HH5, HH11.

32 - 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.

33 -

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 *****.

34 - INFORMATIVE TO APPLICANT:

The building(s) hereby permitted should conform to the local traditional style of architecture and respect the traditional materials used in the locality.

35 - INFORMATIVE TO APPLICANT:

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

36 - INFORMATIVE TO APPLICANT:

The applicant should note that the works hereby approved may involve the removal and disposal of a large amount of asbestos cement roofing. Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'

Item 2:

APPLICATION:	K/55786/CAC
PARISH:	URCHFONT
APPLICATION TYPE:	Conservation Area Consent
PROPOSAL:	Demolition of contemporary farm buildings
SITE:	Land at Manor Farm Urchfont SN10 4QP
GRID REF:	04130 57175
APPLICANT:	FJ Snook & Sons Ltd
AGENT:	APG Architects
DATE REGISTERED:	10th January 2007
CASE OFFICER:	Mr A Guest

Background:

This application must be read in conjunction with the related planning application for the redevelopment of the site, set out above (K/55785/F). This application is for separate conservation area consent to demolish the existing later barns (not all of which, in fact, require consent). The issues are as set out in the earlier report and consultation responses are also the same. However, for clarity the Conservation Officer's response is repeated again here:

KDC Conservation Officer: Conservation area consent is of course not required for demolition of the majority of the buildings on the site which, as modern farm buildings post dating 1914 and last in use for agricultural purposes, are exempt from this requirement under Circular 01/01: Arrangements for handling heritage applications. However, there are earlier remnants remaining within the site – including sections of an historic threshing barn encased within the existing grain dryer. We have previously accepted the removal of this building, subject to adequate recording, due to the degraded state of remnants.

The pondside range of buildings also probably has origins prior to 1914. In our opinion, whilst not of intrinsic architectural or historic importance, these buildings have a significant value in their contribution to the special rural character and appearance of the pond area and should be retained. It has remained our opinion throughout discussions, that the preservation or enhancement of the area would be best achieved by the retention of the range in its present form in some low-key ancillary use. This view is supported by PPG 15 which states a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area.

The building survey report is sufficient so far as the remaining modern buildings on the site are concerned but, lacking either plans or photographs, it is insufficient as a record of the remnants of the historic barn remaining within the modern grain dryer.

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 - Before any work is undertaken in pursuance of this consent to demolish buildings, the developer shall take such steps as may be necessary to secure, during the progress of the demolition authorised by this consent, the safety and stability of those adjacent buildings which are to be retained.

REASON:

To secure protection of the stability and character of this and adjacent buildings.

3 - 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.

4 - Work on the development hereby permitted shall not be commenced until 14 days after the local planning authority receives written notification from the developer of its intention to commence. During these 14 days an authorised representative of the Council shall be given access to the application site to enable a record to be made of the site and any structures thereon via notes, photographs, measured drawings and/or other reasonable means.

REASON:

To enable a record to be made of this building of historical and/or architectural interest.

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:

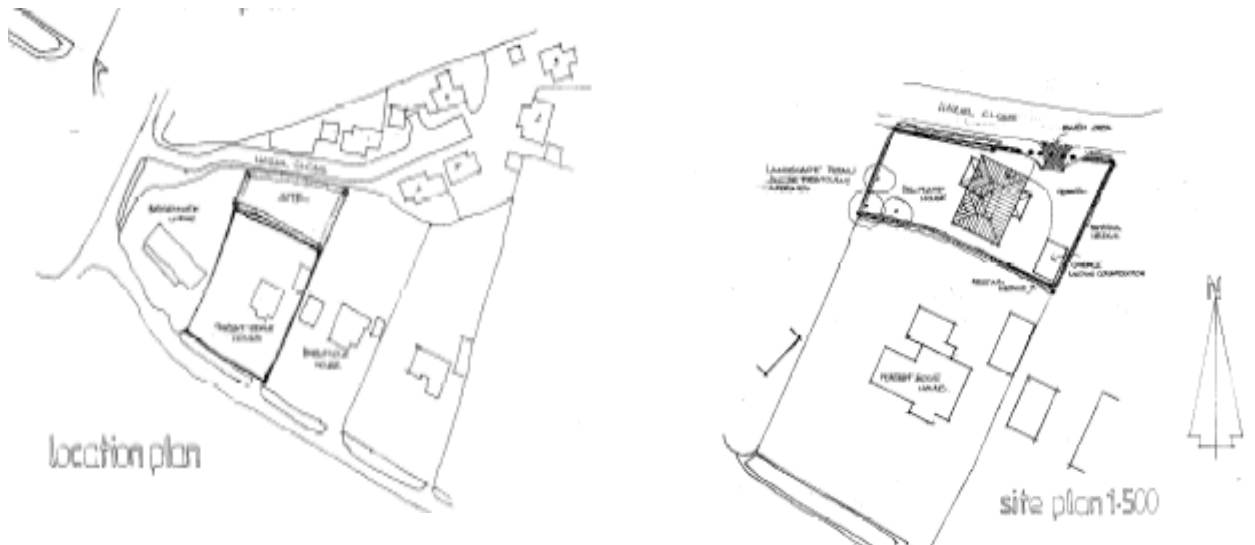
The decision to grant conservation area consent has been taken on the grounds that the demolition of the building would not cause any significant harm to the character or appearance of the conservation area. In making this decision the Council has had regard to Policy HH6 of the adopted Kennet Local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

Item 3:

APPLICATION: K/55994/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning Permission
PROPOSAL: New house
SITE: Land to the rear of Forest Edge House, Chopping Knife Lane, Marlborough
GRID REF: 20204 68899
APPLICANT: Mr and Mrs P Goodman
AGENT: Mr L S Dobie
DATE REGISTERED: 14th February 2007
CASE OFFICER: Miss G Salisbury

SITE & LOCATION

The application site is located at the eastern end of Marlborough. When heading east out of Marlborough on the London Road turn left into Chopping Knife Lane. At the first junction continue straight on and take the first right into Hazel Close. The site is on the right hand side, opposite 1 Hazel Close. It is within the defined Limits of Development for the town.



Location Plan (left) and Site Plan (right)

SITE HISTORY

K/14930 – Planning permission refused in October 1989 for the erection of a chalet bungalow.

K/17594 – Planning permission refused in June 1991 for the erection of a chalet bungalow. This decision was appealed and the appeal allowed in January 1992.

K/33550 – Planning permission approved for the erection of a chalet bungalow and garage in 1996. This was a renewal of K/17594

K/42410 – Renewal of planning permission K/33550 for the erection of a chalet bungalow approved in January 2002.

K/55244/F – In November 2006 a planning application for the erection of a new house and garage was withdrawn due to concerns with the size, scale and design of the proposal and its potential impact on amenity.

DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a detached 4-bed dwelling on land to the rear of Forest Edge House with access from Hazel Close. The proposed dwelling lies towards the centre of the plot and measures 11.6m wide by 8m deep and 6.9m in height. Materials proposed are handmade bricks and handmade plain clay tiles.

ADDITIONAL STATEMENT BY THE APPLICANT

The amended design is the result of subsequent discussions. Accordingly the bulk of the dwelling has been reduced and adjustments made to minimise overlooking of neighbouring gardens from first floor windows.

This is a rare building plot in a high quality area of Marlborough and, as such, should be maximised to provide a family home rather than a retirement bungalow. The proposed house will harmonise with surrounding properties and have a minimum impact.

TOWN COUNCIL COMMENTS

Marlborough Town Council has no objection to this application.

CONSULTATIONS

WCC Highways (Mark Wiltshire) – No objection subject to conditions.

Wiltshire Wildlife Trust – No objection.

REPRESENTATIONS

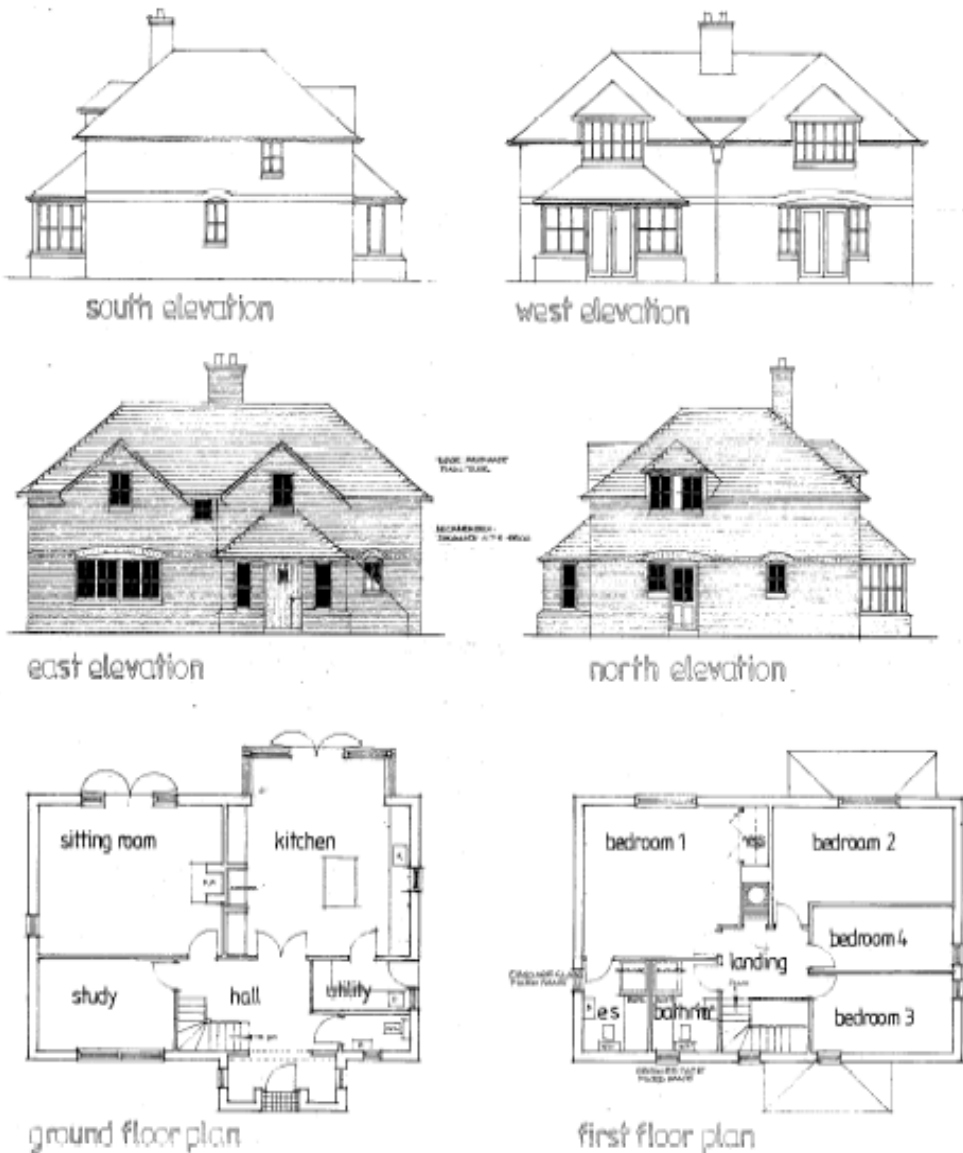
Four letters of objection have been received from neighbouring residents who raise the following concerns;

1. The dwelling is substantially higher and more imposing than the original planned bungalow. Its roof will stand 1.2 metres higher than the approved bungalow.
2. The plans show first floor windows that will directly overlook Barnfield House and its garden which will have a large impact on privacy.
3. Additional noise from vehicles using the garage and driveway.
4. The height of the building and the garage will affect light into the garden of Barnfield House and Braemore Lodge.
5. It is an overdevelopment of the plot and out of keeping with other properties in the area. It will detrimentally impact upon the individuality and character of older properties on Chopping Knife Lane.
6. The siting of the property has been altered from the original approval which brings the dwelling closer to 1 and 6 Hazel Close and Barnfield House.
7. The plans are misleading as they do not show the relationship of the proposal to Leverton House.
8. Leverton House will be overlooked by first floor windows in the north and west elevations of the proposed dwelling. The dwelling will be in close proximity to and at a higher level than Leverton House resulting in a significant loss of amenity.
9. Similar applications for building houses in the gardens of surrounding properties have been refused. Approving this application would be inconsistent.

10. The traffic situation at the junction of the A4 cannot sustain additional housing beyond that which is planned for the Chopping Knife Lane site.
11. Policy changes have occurred since the approval of the chalet bungalow, notably PPS1 and PPS3.
12. The development is not in keeping with the development pattern in the area which is housing set in distinct and spacious plots.
13. It would set an undesirable precedent.
14. Hazel Close has dwellings fronting onto the road. This proposal is gable end onto Hazel Close which is uncharacteristic of the area.
15. All the upper floor windows will have a direct view into the garden of Braemore Lodge.

POLICY CONSIDERATIONS

Kennet local Plan 2011 - policies PD1 (Development and Design) and HC21 (Housing on Unallocated Sites) are relevant to the consideration of this application



Proposed Elevations and Floor Plans

PLANNING OFFICERS COMMENTS

Members of the committee are requested to note that planning permission already exists for the erection of a chalet bungalow on this site and works have begun to implement this permission. The acceptability of erecting a dwelling in this location has therefore already been established. It is also important to note that the location and size of the garage and access shown on the submitted plans already benefit from planning permission.

The principle issues to be considered are therefore the size and scale of the dwelling and the impact this will have on the amenity of surrounding properties.

Following the withdrawal of application K/55244/F in November 2006 the scale and bulk of the proposed dwelling have been significantly reduced following preliminary consultation with the planning department and the proposal is now considered to be well designed. Concern has been raised that the form of development is out of keeping with larger dwellings on Chopping Knife Lane and is an overdevelopment of the site. Access to the site however is taken from Hazel Close rather than Chopping Knife Lane and as such the development relates more to the dwellings in this area which is characterised by smaller modern two storey dwellings in relatively small plots. With regard to overdevelopment, while the dwelling now proposed is taller in height than the approved chalet bungalow, it has a very similar footprint to the approved scheme and will leave adequate garden space for the dwelling. It is therefore not considered to be an overdevelopment of the site.

In terms of amenity, concerns have been raised that the first floor windows in the proposed dwelling will overlook surrounding properties, in particular Braemore Lodge, Barnfield House and Leverton House. The gardens of these properties are a minimum of 11 metres from the proposed dwelling with Barnfield House at 11 metres, Braemore Lodge at 14 metres and Leverton House at 17 metres. This is considered to be a satisfactory distance as it meets the Council's normal minimum guideline of 10.5 metres. In addition, existing and proposed vegetation will also limit overlooking of the lower end of the neighbouring dwellings gardens. As regards direct overlooking, the proposed dwelling is situated approximately 35 metres from Barnfield House, 32 metres from Braemore Lodge and 38 metres from Leverton House which again is considered acceptable as it exceeds the Council's guideline of 21 metres. In addition, the proposed dwelling lies at an angle to each of these dwellings and therefore no windows line up back to back. The dwelling has also been designed so as not to result in any harm to the amenity of Forest Edge House and No. 1 Hazel Close. A refusal on the grounds of harm to amenity is therefore not considered to be warranted.

Finally, concern has been raised that the junction of the A4 cannot sustain any more additional housing. Planning permission for a chalet style bungalow however has already been approved and implemented at this site. A refusal on these grounds is therefore unjustified as the proposal would result in no more traffic over what has already been approved.

RECOMMENDATION

Approve with Conditions - Recommendation

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

REASON:

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

2 - 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 - All soft landscaping comprised in the approved details of landscaping shown on drawing 2927.LA 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 be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - Before the development hereby permitted is first brought into use the first two metres of the access 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.

5 - Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 0.9 metres above the adjoining carriageway from a point of 2.0 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge at each end of the site frontage.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of visual amenity.

7 - The window at first floor level shown on the approved plans on the south elevation and the window shown at first floor level to serve the bathroom on the east elevation shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such 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, other than those shown on the approved plans shall be inserted above ground floor level in south elevation of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

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

REASON:

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

10 - INFORMATIVE TO APPLICANT:

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

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

11 - INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to stop work and seek expert advice if evidence of these species are found during the development. For further advice, please contact Natural England on 01733 455000.

Item 4

APPLICATION: K/55936/F
PARISH: ETCHILHAMPTON
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolition of 7 existing garages and replacement with single 3 bedroom dwelling
SITE: Lock Up Garages Site Manor arm Approach
Etchilhampton SN10 3JR
GRID REF: 04957 60338
APPLICANT: Wylve Valley Farming Ltd
AGENT: Mr J Smith
DATE REGISTERED: 5th February 2007
CASE OFFICER: Mr R Parker

SITE & LOCATION

This application relates to a site currently occupied by a block of garages in Etchilhampton. On entering the village from the direction of All Cannings, take the first turning on the left, approximately 100 metres beyond Wayside Farm and before the right turning to Coate. The site lies on the right hand side approximately 100 metres further on. The plot is bounded by mature hedging and the access lies near the junction of the village road with the lane leading to Manor Farm.



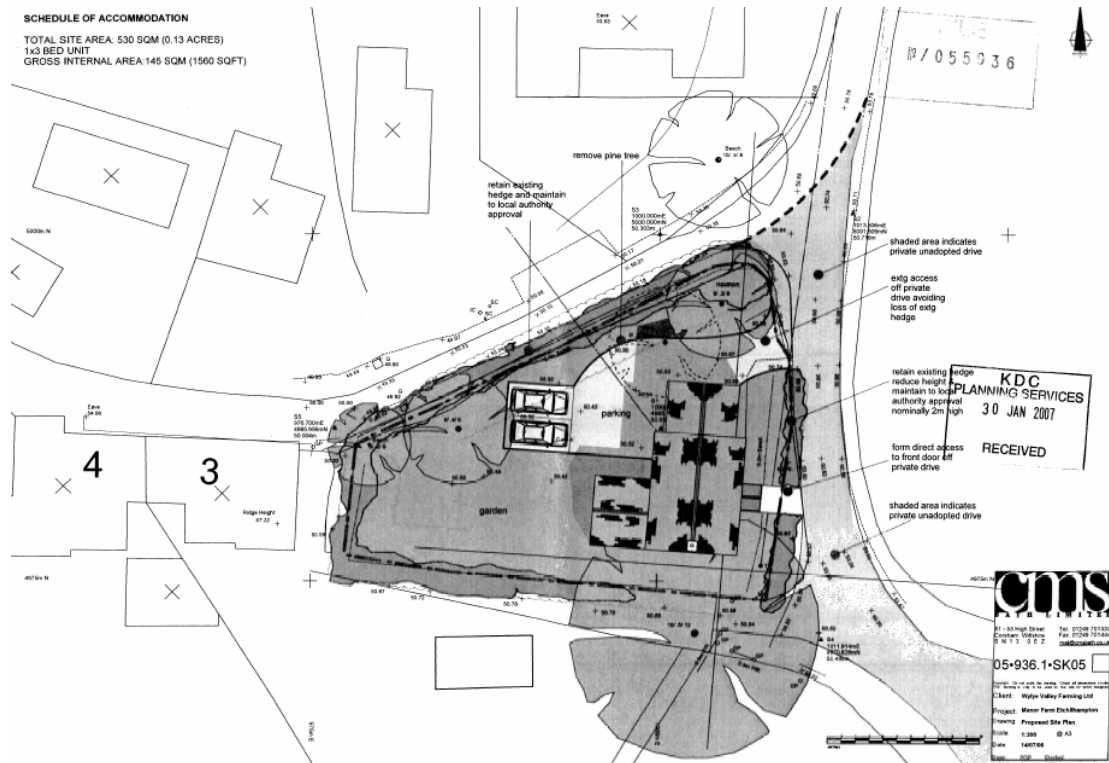
Site location – shown hatched in centre

SITE HISTORY

K/54975/F – Demolition of 7 existing garages and replacement with single 3 bedroom dwelling, application withdrawn in October 2006.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the 7 existing garages and erect a single 3 bedroom dwelling.



East Elevation



West Elevation

Site plan and elevations

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a supporting statement and an arboricultural implications assessment, both of which are available to view on the working file.

PARISH COUNCIL COMMENTS

The parish council notes that the site lies within the Etchilhampton Conservation Area and then makes the following comments:

1. The site stands on elevated land compared with adjacent properties.
2. The proposed building is oversized for the site.
3. If consent is given a condition should be imposed to restrict the roofline and to prevent future development of the building at first floor level (or above).
4. Adjacent properties
 - Any building needs to take into account the problem of overlooking adjacent properties.
 - It appears that 4 first floor windows will overlook adjacent property to west.
5. Hedges and trees
 - Hedges and trees should be preserved as existing – both type and height – particularly on the north and west sides to help prevent overlooking. Preservation orders may be needed.
 - Existing established trees should be retained where possible, in particular the cedar trees.
 - The hedges should be maintained at 3m, dead plants replaced and new/additional hedging added to the equivalent height as the rest on the south and west sides of the site to provide a green boundary.
6. Highways
 - The ownership of the road on the east side of the site, south of the T junction with the village road leading to the Old Mission Hall, needs to be resolved to the satisfaction of the highway authority.
 - The remains of give way white line markings on the road outside Double Hedges suggest that all branches of the T junction are adopted highway.
 - Any entrance to the site should be on the east side of the site.
 - Visibility and access need to be satisfactorily resolved.
 - If development is permitted then restrictions on site traffic will be needed. The developer should provide a suitable off-road site given the narrowness of the highway.
 - The public footpath behind the existing garages needs to be retained.
 - Redundancy of the existing garages/parking spaces will increase traffic/parking difficulties on a narrow village road.
7. Drainage
 - Care is needed not to damage existing drains in the vicinity of the site.
 - Given recent problems with burst water mains and drains concern has been raised that the village sewer pipe may run under the application site.
8. Care will be needed in dealing with any asbestos on the site.

CONSULTATIONS

Environment Agency – no objections.

County highways – no objections, subject to appropriate conditions.

KDC Conservation Officer – no objections, subject to appropriate conditions.

KDC Landscape & Countryside Officer – no objections, subject to conditions being imposed to secure tree protection measures, details of service runs and a hard/soft landscaping scheme.

Wessex Water – The site is located within a foul sewer area and there is mains water within the vicinity of the proposal. There is a public foul sewer crossing the site and a water main running nearby. Wessex Water normally requires a minimum, three metre easement width on either side of its apparatus, for the purpose of maintenance and repair.

Wiltshire Fire Brigade – No objections raised, standard guidance given regarding fire appliance/firefighting access, water supplies for firefighting and domestic sprinkler protection.

REPRESENTATIONS

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

- a) The site lies outside of the built-up area of the village and a grant of planning permission would set a precedent for further residential development.
- b) Three planning applications for dwellings in Etchilhampton have been refused in recent years.
- c) The objector opposes any development on the site but considers that a bungalow would be preferable to a two storey dwelling.
- d) The removal of the existing garages is not sufficient justification for the development of a dwelling on this plot, particularly given that the garages are effectively screened by boundary hedging.
- e) The proposal would adversely affect the character, appearance and setting of the conservation area by virtue of the size of the dwelling which is too large for the plot.
- f) Concerns are expressed regarding the applicant's proposals for the boundary hedging. Inconsistencies are identified in the arboricultural implications assessment and objectors are concerned that the applicant's intention is to remove the hedging or reduce it to suburban proportions. Loss of the boundary hedging would result in harm to amenity, the conservation area and wildlife. If the application is approved then a condition should be imposed to retain existing trees and hedging, the latter to a minimum height of 3 metres. The hedge on the eastern boundary should be identified as an important hedge in the Etchilhampton Conservation Area Statement.
- g) Development would cause harm to protected trees and hedge roots.
- h) The proposal will result in the loss of garaging and lead to traffic congestion due to on- street parking.
- i) The siting of the vehicular access along the eastern boundary is a marginal improvement over earlier proposals (discussed with the local community prior to submission of the planning application) but it does not entirely address safety concerns regarding proximity of the access to the corner. The access should be moved to the south-east corner of the site and traffic calming introduced.

- j) There is a public sewer running across the site.
- k) The applicant should be required to make a financial contribution towards affordable housing.
- l) There is strong support for the comments made by the Environment Agency relating to energy conservation, water recycling and building orientation to mitigate CO² emissions.
- m) The applicant should be made aware that the existing garages have asbestos roofs and that demolition should be carried out using the appropriate health and safety precautions.
- n) The addition of garages, sheds, etc. by future occupiers would harm the appearance of the area.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies HC24, PD1 and HH5 and policy DP3 of the Wiltshire & Swindon Structure Plan are relevant to the consideration of this application.

The site lies within the designated Conservation Area and therefore the contents of the Conservation Area Statement are material considerations.

PLANNING OFFICERS COMMENTS

Principle of Development

Etchilhampton is defined in the local plan as a village with limited facilities. As such, the village has no defined Limits of Development. Policy HC24 of the Kennet Local Plan restricts housing development to infilling, the replacement of existing dwellings, the re-use of existing buildings or the redevelopment of existing buildings. The policy stipulates that, in order to be acceptable, development must be within the existing built-up area, development must not consolidate an existing loose-knit sporadic area of development and development must be in harmony with the village in terms of its scale and character.

The application site is well contained by trees and hedgerows, it is previously developed and it lies nearby existing dwellings. As such, officers consider that the proposal would comply with policy HC24 in principle, subject to the design and layout being in harmony with the village.

Conservation Area Impact

The impact of development will be mitigated by the retention of roadside hedging. This hedging is integral to the character and appearance of the conservation area in this location. With the exception of a small section of drive the built footprint has been confined to the existing garages and concrete hardstanding. The Landscape & Countryside Officer has confirmed that he has no objection to the proposals which have been submitted with an arboricultural implications assessment. Tree protection, details of service runs and a full hard/soft landscaping scheme can be made the subject of planning conditions. A condition is recommended requiring retention of the hedgerows on the north and east boundaries at minimum heights of 3.0 metres and 2.0 metres respectively.

The main danger was that the visibility splays being required by the highway authority under the previous withdrawn application (K/54975/F) would result in the loss of substantial sections of the hedge. The highway authority has now dropped its requirements for splays, most likely on the basis that a dwelling is likely to generate a lower number of vehicle movements than the lawful use as a garage court (7 garages). Although currently derelict the site could be brought back into use at any time, without the need for planning permission. The highway authority's suggested conditions are all reasonable and will not impact upon the hedging.

The design of the dwelling is much improved over the earlier submission (K/54975/F) and the Conservation Officer is now satisfied with the proposals. Although not particularly innovative, the proposed design is simple in form, massing and detailing and it reflects more closely a traditional cottage. The ridge height would be modest at 7.3m and the gable span is only 6.45m. It is considered that the dwelling is of an appropriate scale and not an over development of the plot.

Planning conditions requiring details of materials to be submitted (brick and clay pantiles), painted flush timber casement windows with reveals, a timber front door, cast metal rainwater goods and eaves/verges detail will result in a quality scheme in keeping with the area.

The removal of the derelict garage court, the retention of the boundary hedging and the design improvements secured through negotiation will mean that this proposal has the potential to enhance the appearance of the conservation area.

Neighbour Amenity

The dwelling would be a minimum of 21 metres from all neighbouring properties and retention of hedging would introduce screening. It is not considered, therefore, that this proposal is going to be harmful to the amenities of neighbouring occupiers. The property to the west, referred to in the parish council's comments, is a minimum of 21 metres away from the closest part of the proposed dwelling and 25 metres from its first floor windows.

Other Issues

The third party representations and parish council comments raise various other issues which will be addressed below:

- a) **Affordable Housing** – Under the Council's current local plan policies, no contribution towards affordable housing is sought on schemes for single dwellings. Policy HC32 requires a 50% contribution towards affordable dwellings on schemes of two dwellings or more in the villages.
- b) **Safety of Vehicular Access** – The dwelling's vehicular access would be in exactly the same position as the current access serving the garages. It is unlikely that the proposal would result in a net increase in daily vehicle movements. It would therefore be unreasonable to refuse planning permission on highway safety grounds, or to require an amendment to the position of the access. The highway authority raises no objections to the proposals.
- c) **Loss of Garaging** – The proposal makes provision for car parking within the site. The loss of the garaging is not considered to be a matter which would warrant a

refusal of planning permission, not least because the garages are on private land and the highway authority has raised no objections to the proposal.

- d) **Public Sewer** – Wessex Water has confirmed that there is a public foul sewer crossing the site and it has provided a plan showing the approximate position of the apparatus. The dwelling would be sited towards the eastern boundary of the plot and therefore the water authority's requirement for a 3 metre wide easement on either side of the sewer is achievable. An informative would be attached to the planning permission to alert the applicant to the presence of the sewer.
- e) **Environment Agency Comments** – The Environment Agency raises no objection to the proposals but encourages the applicant to implement various environmental measures. It would be unreasonable to make these a condition of the planning permission, not least because they overlap into Building Regulations matters. However, an informative is recommended to draw the applicant's attention to the Environment Agency's advice.
- f) **Asbestos** – An informative is recommended to draw the applicant's attention to the possibility of asbestos being present on the site.
- g) **Sheds & Outbuildings** – Concern has been expressed regarding the possibility for sheds and garages to be erected on the site under permitted development rights, thus causing harm to amenity. The existence of boundary hedging would screen views of such structures outbuildings and in any event, permitted development rights would not apply to any structure which is closer to the road than the part of the dwelling closest to that road. In effect this would restrict buildings to the southern side of the plot where there is unlikely to be harm to amenity or boundary hedging.
- h) **Precedent & Previous Refusals of Planning Permission** – Planning applications must be considered on their individual merits and therefore it is difficult to draw parallels between cases. A grant of planning permission on this site would not set a precedent for other sites which would have their own individual set of circumstances. The proposal is considered to comply with the requirements of Policy HC24 which permits limited additional housing in Etchilhampton.
- i) **Whether a bungalow or two storey dwelling is more appropriate** – Whilst a bungalow would be lower, bungalows are not a traditional form of development and, with the notable exception of the dwelling known as 'Double Hedges' to the north of the site, they are not characteristic of the Etchilhampton Conservation Area. A two storey dwelling would be more appropriate.
- j) **Slab Level** – A condition is recommended requiring details of slab levels to be submitted and approved prior to development commencing.
- k) **Public Footpath Behind Garages** – The parish council makes reference to a public footpath behind the garages. However, this is not shown on the definitive footpath maps.

RECOMMENDATION

Approve with Conditions -

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

REASON:

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

2 - This permission relates to the scheme of development as submitted except insofar as amended by the revised site location plan (Drawing no. 05.936.1.SK01 revision A) received on the 15th February 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.

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

REASON:

In the interests of visual amenity.

4 - No development shall take place until samples of the bricks and clay pantiles to be used for the external walls and roofs of the dwelling 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, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

5 - The brickwork on the dwelling hereby permitted shall be constructed with the appearance of Flemish bond.

REASON:

To secure harmonious architectural treatment, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

6 - The front door to be installed on the east elevation of the dwelling hereby permitted shall be constructed of timber and either painted or stained, and shall be maintained as such thereafter.

REASON:

To secure harmonious architectural treatment, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

7 - The windows to be installed in the dwelling hereby permitted shall be traditional painted timber flush casements with a single horizontal glazing bar of no greater than 30mm width and they shall be maintained as such thereafter. Each window shall be

installed such that its outside face is a minimum of 75mm from the external face of the brickwork.

REASON:

To secure harmonious architectural treatment, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

8 - The rainwater goods to be installed on the dwelling hereby permitted shall be constructed of painted cast metal and maintained as such thereafter.

REASON:

To secure harmonious architectural treatment, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

9 - Prior to the commencement of development detailed working drawings of all eaves and verges shall be 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, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

12 - The trees which are shown to be retained on the approved landscaping scheme, including the hedgerows on the north and east boundaries of the site, shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by suitable protective fencing. Before the fence is erected its type and position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

13 - The existing hedge on the northern site boundary shall be retained at a minimum height of 3.0 metres. The existing hedge on the eastern site boundary shall be retained at a minimum height of 2.0 metres.

REASON:

To ensure existing hedges of value are protected.

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

REASON:

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

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

REASON:

In the interests of highway safety.

16 - Before the dwelling hereby permitted is occupied the first 4.5 metres of the driveway, measured 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.

17 - 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.

18 - 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 dwelling hereby approved shall be erected.

REASON:

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

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

REASON:

In the interests of the privacy of the neighbouring properties and in the interests of visual amenity.

20 - INFORMATIVE TO APPLICANT:

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

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

21 - INFORMATIVE TO APPLICANT

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

- 1) Letter from Wessex Water dated the 16th January 2007.
- 2) Letter from Wiltshire Fire Brigade dated the 13th February 2007.
- 3) Letter from the Environment Agency dated the 22nd February 2007.

22 - INFORMATIVE TO APPLICANT:

The applicant should note that there may be asbestos present in the existing garages. Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

Item 5:

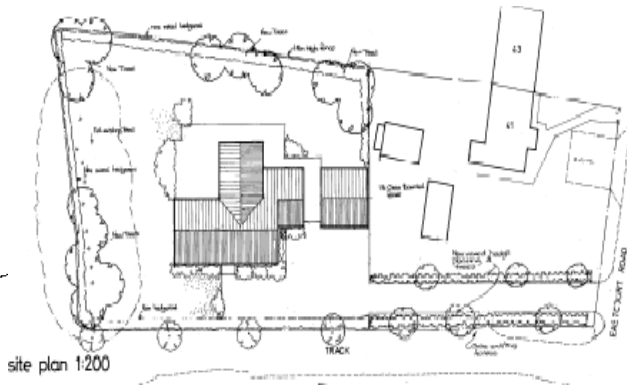
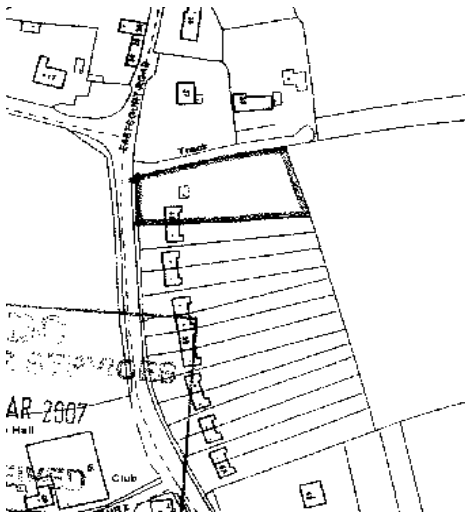
APPLICATION:	K/56157/F
PARISH:	BURBAGE
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Erection of a new dwelling
SITE:	41 Eastcourt Road Burbage SN8 3AJ
GRID REF:	23419 61292
APPLICANT:	Mr J Fowler
AGENT:	Michael Fowler Architects
DATE REGISTERED:	13th March 2007
CASE OFFICER:	Miss R Hughes

SITE & LOCATION

The site lies on the eastern side of Eastcourt Road, towards the eastern edge of the village of Burbage. Number 41 is the northern most dwelling of a line of 20th century housing and occupies a substantial plot with garden land to the side and rear of the dwelling. A track (along which runs a public right of way) is located immediately to the north of the site, beyond this lies residential development. To the east the site is bordered by open fields. The site is located just outside the designated Conservation Area.

Extract from Location Map

Site Plan :



SITE HISTORY

K/56157/F - an application for the erection of a new dwelling was withdrawn in February 2007.

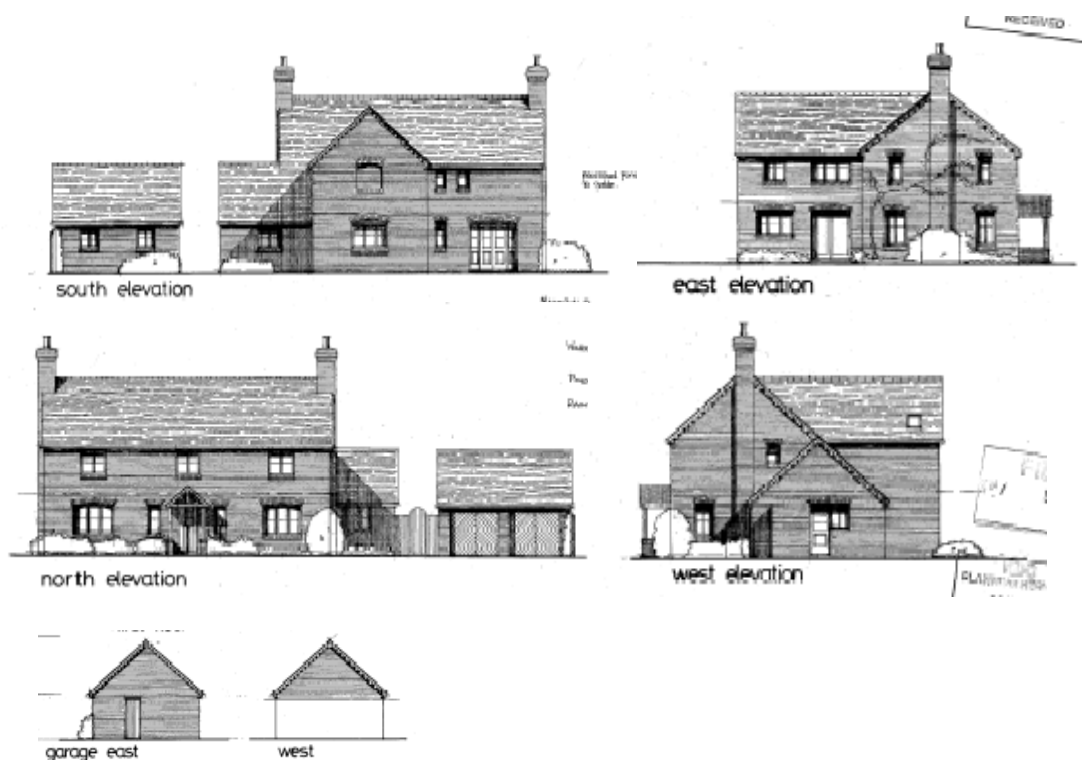
DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for the erection of a detached dwelling to the rear of no.41 Eastcourt Road. The application follows the withdrawal of a previous scheme (K/56157/F) following concerns primarily regarding the vehicular access to the site.

The revised application proposes a new vehicular access onto Eastcourt Road to serve no. 41. A new access route will be formed onto Eastcourt Road to the side of no.41 to serve the new dwelling (in the previous submission the new dwelling was to be served by an additional access point leading onto a track running to the north of the site).

The dwelling is to be constructed of brick and tile and would have a frontage of 13 metres, a maximum depth of 12 metres (3 metres less than that of the withdrawn proposal) and a ridge height of 8 metres. A detached double garage with a pitched roof also forms part of the application and would be located adjacent to the western boundary of the site, set back from the front of the proposed dwelling by 3.5m.

Proposed Elevations (not to scale):



PARISH COUNCIL COMMENTS

Burbage Parish Council objects to the proposal on the grounds that:

- It is backland development
- It is too large and not in keeping with the area
- The proposed access is still considered dangerous

CONSULTATIONS

County Highways (Paul Galpin) - no objection is raised subject to planning conditions being imposed which can be seen at the end of this report.

KDC Conservation Officer - no objection in principle however considers the dwelling should be reduced in size.

KDC Forestry and Landscape Officer - no principle objections subject to the imposition of conditions requiring details of existing tree protection and the submission of a fully detailed hard and soft landscaping scheme

KDC Engineering and Design Manager (Steve Ibbertson) - no adverse comments

Wessex Water - no objections subject to planning conditions being imposed which can be seen at the end of this report.

REPRESENTATIONS

Three letters of objection have been received in respect of the application. The key concerns raised are as follows:

- Additional traffic and location of new access will cause road safety issues
- The dwelling will increase noise and disturbance in this quiet location
- The house is too large for the site and out of keeping with the area

POLICY CONSIDERATIONS

Kennet Local Plan 2011 -The site lies within the Limits of Development for Burbage and just outside the designated Burbage Conservation Area. Policies PD1, HC22, NR8 and HH5 of the adopted Kennet Local Plan 2011 are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

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

Principle of Development

The site lies within the limits of development for Burbage, to which policy HC22 of the Kennet Local Plan relates. This policy permits, in principle limited additional housing development consisting of infilling, the replacement of existing dwellings, the re-use of existing buildings, the redevelopment of existing buildings or small groups of houses within the limits of development.

Concern has been raised that the proposal constitutes backland development. Whilst the site is not a traditional infill plot, regard should be given to the pattern of development established by the houses located on the opposite side of the track to the north of the site, against which it is considered the proposal should be viewed. On this basis the application would fall within the definition of 'limited additional housing' and consequently, it is considered it accords with policy HC22 of the Kennet Local Plan 2011.

Impact on the Surrounding Area

Under this issue the key consideration is whether the form, scale and design of the dwelling are acceptable.

Having regard to the existence of detached dwellings located to the north of the track, the construction of a detached dwelling on the plot could not be considered to be at odds with the form of development in the surrounding area.

Although the proposed dwelling has four bedrooms, it fits comfortably within the plot and does not appear cramped. At the suggestion of the local planning authority the size of the dwelling has been reduced (the southern wing has been reduced in depth by approx. 3 metres) and is now considered acceptable.

The design of the dwelling is traditional, with plain clay tiles and brick walls.

The visual containment of the site by the residential development on the northern side of the track and the trees on the eastern boundary indicate that a dwelling can be accommodated without any adverse impact on the surrounding area or open countryside beyond. The proposed dwelling is located far enough from the eastern boundary to ensure retention of the trees which form a visual break and will help mitigate the visual impact of the dwelling. The site can be further landscaped by the imposition of a condition requiring the submission of a fully detailed landscaping scheme.

For these reasons it would be difficult to argue that the form, design or size of the development is out of character with, or has unacceptable impact on surrounding area.

Impact on Highway Safety

The proposed access for the new dwelling would be formed onto Eastcourt Road, to the side of no.41 and adjacent to track running to the north of the site. A new access is also proposed onto Eastcourt Road to serve no.41 (the existing access to no.41 is via the track running to the north of the site and will be closed). It is not considered that the traffic levels connected with the new dwelling would have a detrimental impact on highway safety. Furthermore, the highway authority considers the existing track will benefit as the proposal will reduce the amount of properties using this access. Subject to planning conditions the highways authority have no objections to either the proposed access for the new dwelling or the new access for no.41 Eastcourt Road and as such it is not considered that any objection to the application on highway grounds can be justified.

Impact on Residential Amenity

It is not considered that the proposal would have a detrimental impact on the reasonable living conditions of the occupants of neighbouring properties.

The neighbouring properties are considered to be a sufficient distance away to ensure that neither blocking of light nor overbearing impact would be issues of concern.

First floor windows are proposed facing towards the properties located to the north of the track and in a southerly direction, towards the garden of no 41. However the positioning of the new dwelling is such that the existing dwellings to the north would not be directly overlooked. To this aspect the window to window distance would be approx 23 metres and to the south the openings proposed at first floor do not serve habitable rooms and are a considerable distance (approx 15 metres) from the southern boundary. For these reasons it is not considered any significant loss of privacy would occur.

Other Issues

Concerns have been raised that the proposal will generate noise and disturbance. Noise and disturbance associated with the construction phase of the development would take place over a relatively short period of time however in the long term, the noise or disturbance by the addition of one dwelling in this residential area should not have any significant effect on the amenity of nearby properties.

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

RECOMMENDATION

Approve with Conditions -

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

REASON:

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

2 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor ceiling level in the south or west facing elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

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

REASON:

To secure harmonious architectural treatment.

4 - Notwithstanding the 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 building(s) hereby approved shall be erected.

REASON:

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

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

REASON:

To protect the amenities of this primarily residential area.

6 - 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.

7 - 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.

8 - INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Wessex Water Services Ltd.

If in any doubt you are advised to inspect the Public Sewer records held by the Council to determine if a Public Sewer crosses the development site. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

9 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated the 19/3/07.

10 - No gates or other means of enclosure shall, at any time, be erected across the access for no.41 Eastcourt Road

REASON:

In the interests of highway safety.

11 - Any gates erected on the access serving the new dwelling shall be set back 4.5 metres from the edge of the carriageway, and such gates to open inwards only.

REASON:

In the interests of highway safety.

12 - Prior to the first use of the access provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

13 - Prior to its first use, the first four and a half metres (back from the edge of the carriageway) of the access serving the new dwelling 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 - The existing vehicular access serving no.41 shall be permanently stopped up and its use abandoned concurrently with the provision of the new accesses hereby approved first being brought into use.

REASON:

In the interests of highway safety.

15 - Prior to the first use of the access and parking area serving no.41 Eastcourt Road, the area 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.

16 - Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 0.9 metres above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

18 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC22, NR8 and HH5.

Item 6:

APPLICATION: K/56165/F
PARISH: UPAVON
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Erection of a new dwelling in the garden.
SITE: 3 Pewsey Road Upavon SN8 1NQ
GRID REF: 13461 55344
APPLICANT: Mrs M Cameron
AGENT: Michael Fowler
DATE REGISTERED: 16th March 2007
CASE OFFICER: Mrs K Guest

SITE & LOCATION

The site lies at the northern extreme of the village of Upavon, on the western side of the Pewsey road. When entering the village from the Pewsey direction, the application site can be seen on the right hand side of the road, immediately adjacent to a bungalow (3 Pewsey Road). It comprises the side garden to 3 Pewsey Road.



Site location

SITE HISTORY

K/55202/F – an application for a dwelling next to the existing bungalow was withdrawn in November 2006. This was due to concerns raised by officers about a) the fact that the dwelling would have been two storey in height but dug into the ground, which would have been out of keeping with surrounding development; b) the size of the dwelling, the result being that it would appear ‘shoe-horned’ into the site; and c) the fact that the first-floor windows on the north and west elevations would have overlooked the neighbouring properties.

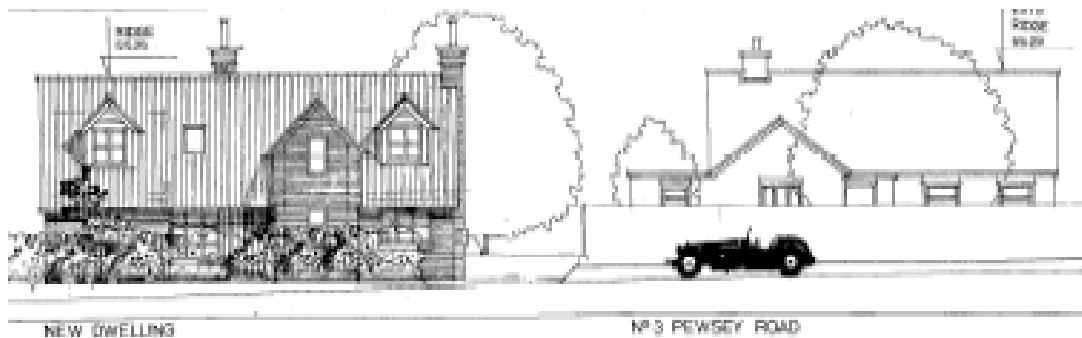
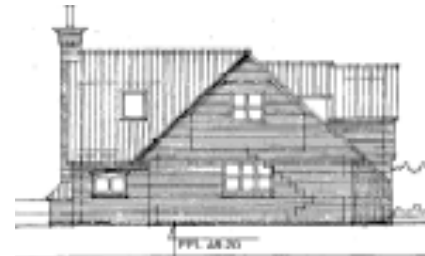
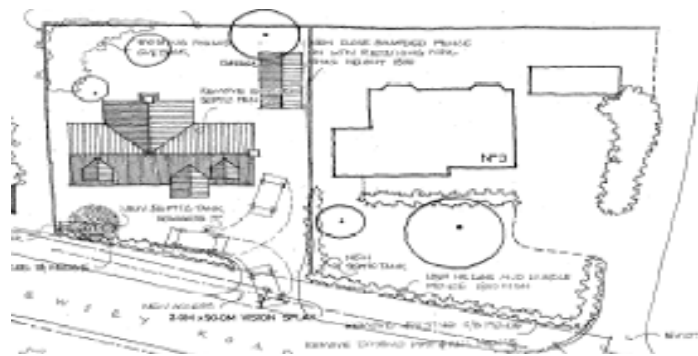
DESCRIPTION OF DEVELOPMENT

This application is essentially a re-submission of the withdrawn scheme. The key changes to the previous proposal are as follows:

- The proposed dwelling would no longer be dug significantly into the ground.

- A bungalow is proposed with rooms in the roof, the ridge height of which would be commensurate with the neighbouring bungalow to the north.
- There would no longer be any windows above ground-floor level overlooking the neighbouring properties to the north and west.

The proposed dwelling would have a ridge height of 5.5 metres and a frontage of 13 metres, which is similar to the adjacent bungalow. It would have two dormer windows on the front elevation, along with a rooflight and a small gable projection. There would also be a rear gable projection, which would be 2.4 metres in depth. A detached single garage is also proposed, which would be set back into the site. A new access would be created at the northern end of the site and a hedge would be planted along the remainder of the frontage, behind the visibility splay. The existing access serving 3 Pewsey Road would also be altered as part of the proposal.



Elevations & Site plan

PARISH COUNCIL COMMENTS

Upavon Parish Council has objected to the application for the following reasons:

- The vehicular access is on the crown of a bend and is considered dangerous – a previous application was resisted by the highway authority for this very reason.
- The development is not in accordance with the recently adopted Upavon Village Design Statement, which states, 'Any new development or large building extension proposed for a significant gap or space between buildings should be resisted' and 'in future developments boundaries should be walls of brick, or brick and flint, or cob, or broadleaf hedges'. Paragraph 7.26 on page 100 of the Wiltshire and Swindon Structure Plan 2016 should also be taken into account.

CONSULTATIONS

KDC Conservation Officer – no objection in principle, although the scheme could be improved by reducing the size of the rooflights to a minimum and using low-profile conservation rooflights. Consideration should also be given to the use of a hand-made plain tile roof covering, as this would be more in keeping in the locality.

KDC Landscape and Countryside Officer – the proposal is clearly much more in line with our pre-application advice. Although the dwelling is still set slightly down into the site, the scale of excavation is much reduced. Therefore, it is not considered that there will be a detrimental impact on the off-site trees. It will also be possible to incorporate the necessary mitigating tree and hedge planting, which will give the dwelling its garden setting. Therefore, subject to the submission of a fully detailed landscaping scheme, which should include both hard and soft landscaped elements, I do not object to the proposal. I am happy for landscape design to be conditioned.

County highways – no objection, subject to conditions requiring a) the provision of a satisfactory visibility splay; b) the surfacing of the first 4.5 metres of the access in a well-bound consolidated material; c) the incorporation of measures to prevent the discharge of surface water from the access area out onto the public highway; d) the setting back of any gates to a position at least 4.5 metres from the carriageway edge, with the gates made to open inwards only; e) that the gradient of the access over the first 4.5 metres does not exceed 1 in 15; f) the provision of the vehicle turning space detailed on the submitted plans and its maintenance and availability thereafter for the purposes of turning vehicles.

REPRESENTATIONS

Eleven letters of objection have been received in respect of the application, which raise the following key concerns:

- The proposed dwelling is not in keeping with the surrounding properties in the conservation area, which are all bungalows.
- The construction of a dwelling in the proposed location would create a more cluttered, built-up feel to this part of the conservation area, which is presently a pleasant rural buffer.
- The proposal is a two-storey dwelling, not a bungalow, as it has rooms in the roof. The dormer windows, the characteristics of the dwelling and the slate roof are out of keeping with the surrounding properties.
- The proposal would be contrary to the Upavon Village Design Statement, which states that the sub-division of existing sites and gardens should be avoided.

- The upstairs window of the proposed dwelling would overlook the neighbouring properties.
- Access to the property would mean that there is no alternative than to walk on the road.
- The proposed access will be dangerous as the new occupants would be pulling out onto a blind bend, on a fast road.
- Removal of the brick wall would encourage greater speed by traffic leaving Upavon.
- The kitchen door of no. 3 is in the south wall and at the closest point to the new fence, which is undesirable.
- The proposal would result in disruption to services.
- The granting of planning permission would set a precedent for other similar developments in the village.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - the site lies within the Limits of Development for Upavon and the designated conservation area. Policies PD1, HC22 and HH5 of the Kennet Local Plan, Policy HE7 of the Wiltshire and Swindon Structure Plan 2016 and the contents of the Upavon Village Design Statement are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

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

Principle of Development

As the site lies within the Limits of Development for Upavon and falls within the definition of 'limited additional housing', it is considered that the principle of constructing a dwelling on the site would accord with Policy HC22 in the Kennet Local Plan.

Impact on Character and Appearance of Conservation Area

Concerns have been expressed by both the parish council and local residents that the construction of a dwelling on the site would conflict with the Upavon Village Design Statement, which states that 'any new development or large building extension proposed for a significant gap or space between buildings should be resisted.' Whilst this is noted, it is not considered reasonable to impose a blanket restriction on development in such locations as each proposal must be assessed on its own merits. In this case, the gap is not considered to be of such significant visual importance as to warrant its retention and therefore, it is not considered that its loss would be harmful to the character and appearance of the conservation area.

In terms of boundary treatment, a new hedge and tree are to be planted along the site frontage, behind the visibility splay and to the south of the proposed access. This will enhance the appearance of the conservation area and would be in line with the Upavon Village Design Statement which states, 'in future developments, boundaries should be walls of brick, or brick and flint, or cob, or broadleaf hedges.'

In terms of scale and design, the proposal is a significant improvement on the withdrawn scheme. The ridge height would be commensurate with that of the adjoining bungalow and the level of excavation proposed would be significantly less than previously proposed. The overall footprint and frontage have also been reduced (achieved by reducing the depth of the rear projection and setting the garage back into the site) and therefore the development would appear far less cramped. The

design features eg. the dormers and front gable projection, whilst no characteristic of the surrounding properties, are not considered to be harmful in visual terms. The Council's Conservation Officer has suggested that hand-made clay tiles would be more appropriate than slate for the roof cladding, as this would be more in keeping with other properties in the locality. A condition requiring the submission of details of the proposed materials is therefore recommended, as well as an informative suggesting that hand-made clay tiles would be a more appropriate material than slate. The Conservation Officer has also suggested that the proposed rooflights should be of a conservation style and reduced to their minimum size. It is not considered that this can be insisted on as the rooflights are on the rear elevation and therefore not readily visible from public viewpoints. In summary, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the conservation area.

Impact on Residential Amenity

The first-floor windows in the rear and side elevations, as proposed under the withdrawn scheme, have now been omitted. The only window facing towards the neighbouring properties would be a small rooflight. It is recommended that a condition is imposed requiring the rooflight to be obscurely-glazed, to restrict overlooking of the neighbouring property to the rear. Provided this condition is imposed, it is considered that the proposed dwelling would be acceptable in terms of its impact on the reasonable living conditions of the occupants of neighbouring properties. Permitted development rights for the insertion of windows above ground-floor level in the north and west elevations can be removed by way of condition, to ensure that overlooking problems would not arise in the future.

Impact on Highway Safety

Concerns have been expressed about the potential impact of the proposal on highway safety. The submitted plans indicate that satisfactory visibility splays can be achieved for both the existing and proposed accesses. Consequently, it is not considered that the proposal would have a detrimental impact on highway safety. The highway authority has raised no objection to the proposed scheme, subject to the imposition of a number of standard conditions.

Other Issues

Concerns have been raised about the potential disruption to services while the dwelling is under construction. As any disruption would only be temporary, it is not considered reasonable to withhold the granting of planning permission for this reason.

A local resident has expressed concerns that the granting of planning permission would set a precedent for other similar development in the village. This is not a valid reason for refusing planning permission as each planning application must be assessed on its own merits.

Conclusion

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

RECOMMENDATION

Approve with Conditions

1 - The development hereby permitted shall be begun before the expiration of 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 submitted details, no development shall take place until details of the materials to be used for the external walls and roofs (including samples) and any stain to be used to treat the timber boarding for the garage 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 - INFORMATIVE TO APPLICANT:

The applicant is advised that it would preferable for hand-made plain clay tiles to be used in the cladding of the roof to the dwelling and garage, as this would be more in keeping with other properties in the locality.

4 - Prior to the commencement of development details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers to be used on the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of the dwelling forward of any wall of that dwelling which fronts on to any road, other than those approved as part of the landscaping scheme required by condition 5 above.

REASON:

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 additions to, or extensions or enlargements of, the dwelling hereby approved shall be erected.

REASON:

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

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

REASON:

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

10 - The rooflight shown on the approved plans on the west elevation shall be glazed with obscured glass and shall be so maintained.

REASON:

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

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

REASON:

To protect the amenities of this primarily residential area.

12 - Prior to the occupation of the dwelling hereby permitted, the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway over a strip 2 metres wide parallel and adjacent to the road edge between the centre-line of the access and the northern end of the site frontage edged red and blue.

REASON:

In the interests of highway safety.

13 - Prior to the first occupation of the dwelling hereby permitted, the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above the adjoining carriageway from a point 2 metres from the edge of the carriageway measured along the centre line of the access, to a point on the nearside carriageway edge 85 metres to the south.

REASON:

In the interests of highway safety.

14 - Prior to the first use of the access, the first 4.5 metres of each 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 - Prior to the first use of the new access, provision shall be made for the disposal of surface water in accordance with details that have been submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON:

To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

16 - Any gates shall be set back 4.5 metres from the edge of the carriageway and shall be made to open inwards only.

REASON:

In the interests of highway safety.

17 - The gradient of the access over the first 4.5 metres shall not exceed 1 in 15.

REASON:

In the interests of highway safety and to provide a safe and usable means of access to the development.

18 - Prior to the first occupation of the dwelling hereby permitted, the vehicle turning space shown on the approved plans shall be provided and shall thereafter be maintained for the purpose of turning vehicles.

REASON:

In the interests of highway safety.

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

REASON:

In the interests of visual amenity.

20 - 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, HC22 and HH5.

Item 7:

APPLICATION: K/56058/F
PARISH: URCHFONT
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolish existing buildings and structures, erect a new dwelling and associated outbuildings, swimming pool and tennis court with associated landscaping, access roads and parking (amendment to previous approval K/54890/F)
SITE: Manor Farm Wedhampton SN10 3QE
GRID REF: 06089 57631
APPLICANT: Mr and Mrs D Morrison
AGENT: Mr P Pizzo
DATE REGISTERED: 26th February 2007
CASE OFFICER: Mr R C Cosker

SITE & LOCATION

The site is located at the eastern end of the village of Wedhampton and is accessed off the High Street via an existing track which is located between two existing properties known as Little Acre and Timbers. The site extends to approximately 0.97 hectares and is currently occupied by a range of mainly utilitarian agricultural buildings, although there is a short range of timber-boarded barns on the western boundary of the site adjacent to the access. The site has until recently been used as a working farm.

Most of the village of Wedhampton is designated as a Conservation Area and although the Conservation Area bounds the site only the access road lies within it. The village also lies within the North Wessex Downs Area of Outstanding Natural Beauty.

SITE HISTORY

K/54890/F - This was an almost identical planning application for a new dwelling on this site which was approved at the Regulatory Committee in October 2006, contrary to the officer recommendation. The proposed changes are outlined below.

DESCRIPTION OF DEVELOPMENT

The proposal is still to demolish the existing buildings on the site, with the exception of the timber barns, and construct a single new dwelling close to the centre of the site. The dwelling is Palladian style and would be two storeys in height with an attached single storey service wing. The main block would be constructed using lime render and natural stone under a slate roof whilst the wing would be constructed using red brick under a slate roof. The dwelling would be sited within formal landscaped gardens and will include a swimming pool, tennis court and a number of ancillary buildings.

As stated above there is a previous consent for an almost identical proposal on this site. The amendments from the approved scheme are;

1. The proposed ground and slab levels have been increased
2. The height of the building has been reduced
3. The roof tiles on the main house have been changed from clay pantiles to natural slate
4. The garden boundary wall has been reduced from 3 metres to 2.4 metres.

5. Timber boarding has been introduced onto the garage.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application site has been increased to include the land to the east of the proposed dwelling where ground remodelling works are proposed and further landscaping is proposed. The applicant has also submitted an amended landscaping scheme.

ADDITIONAL STATEMENT BY THE APPLICANT

The applicant submitted a Design Statement covering the proposed amendments.

PARISH COUNCIL COMMENTS

Urchfont Parish Council states that it must repeat its previous objections to this proposed development. These comments are;

1. The Parish Council is greatly concerned that the proposed building falls outside the village built up area and within the area of minimum change.
2. The scale and design of the proposed building is out of keeping with the existing Conservation Area.

Urchfont Parish Council therefore objects to the proposed development and therefore objects to the amendment.

CONSULTATIONS

County highways (Mark Wiltshire) – In view of the planning permission already granted no objection is raised.

Environment Agency – No objection subject to conditions relating to contaminated land and drainage.

REPRESENTATIONS

No representations have been received. Any received following the completion of the report will be reported verbally to the committee.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, HC24, HH5 and NR8 are considered relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

Whilst officers sympathise with the objections in principle to the development made by the parish council, members have to have regard to the previously approved application, which can now be implemented. This means that the principle of a large dwelling on this site has been accepted by the Council. The consideration of this planning application should therefore solely be restricted to the amendments proposed and the impact they would have on the character and appearance of the conservation area compared to the 'fall-back' position of the recently approved scheme.

The major amendment proposed is the increase in the proposed slab and ground levels for the dwelling. The previously approved scheme involved a significant reduction in the existing grounds levels, involving more than a metre of excavation in some places. It is now proposed to keep the site at a more natural level with limited changes to the existing ground levels. This will

mean that the dwelling will sit more appropriately in its surroundings but will also reduce the amount of material that will need to be exported from the site.

Members will recall that the ridge height of the proposed dwelling was an important issue at the time of the previous application. The reduction of the ground levels was proposed by the applicant to ensure the ridge height of the proposed dwelling was no greater than that of the adjacent Wyndhams Farm. The applicant therefore also proposes to reduce the scale of the dwelling by a height comparable to the increase in the proposed ground levels to ensure the ridge height remains no higher than Wyndhams Farm. The more natural ground levels now proposed also results in the reduction of the garden boundary wall to a far more acceptable 2.4 metres.

With regard to the use of natural slates on the main building and the use of timber cladding on the garage, both of these changes are considered acceptable. Indeed it is considered that the use of slate of the main building would be more appropriate than the previously proposed clay pantiles.

This application also includes some remodelling of the land to the east of the dwelling, hence the increase in the size of the application site area. The remodelling is very minor to include general levelling off to give the area a more natural appearance. Your officers consider that the works are acceptable and will not harm the visual amenity of the area. Indeed it is considered that the hedgerow planting proposed to the boundaries of this land and the tree planting will enhance the visual amenity of the area.

In conclusion therefore it is considered that the amendments now proposed to the previously approved application would preserve the character and appearance of the conservation area. It is therefore recommended that the amended application is 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 - This permission relates only to the scheme of development shown on the revised plans 4999/10/2Bp, site location plan, 4999/10/5Bp, 4999/10/6Bp, 937-002A, 937-003A, 937-301A, 937-302A and 937-303 together with the e-mail from the agent received on 4th April 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.

3 - All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the

sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaping setting for the development.

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

REASON:

To secure harmonious architectural treatment.

5 - Notwithstanding the details shown on the submitted plans, no development shall take place until full joinery details for all windows and doors, together with the surface finishes for those windows and doors, have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

To secure harmonious architectural treatment.

6 - Prior to the commencement of development details of the eaves, window surrounds, window reveal depths, rainwater goods, chimneys, portico, ballustrading, arches and all other architectural detailing to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure harmonious architectural treatment.

7 - Before the construction of any boundary wall(s), railing(s) or fence(s) (including any fence around the proposed tennis court) is commenced details of the design, height, position and materials of which they are to be constructed shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the site.

REASON:

In the interests of visual amenity.

9 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the site.

REASON:

In the interests of visual amenity.

10 - Prior to the commencement of development a method statement to deal with the further potential presence of bats within the buildings to be demolished shall be submitted to and approved in writing by the local planning authority. The method statement shall make provision for;

- i) a winter survey,
- ii) soft demolition (under ecological supervision),
- iii) further surveys if more than twelve months elapse between the date of the submitted Bat Survey and the start of works, and
- iv) mitigation measures and biodiversity gains for bat boxes and/or the provision of roosting facilities within the new or retained buildings on the site, including the timing of such provision.

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

REASON:

To ensure the existing bat populations, which are protected under the Wildlife & Countryside Act 1981 (as amended) are protected.

11 - INFORMATIVE TO APPLICANT:

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

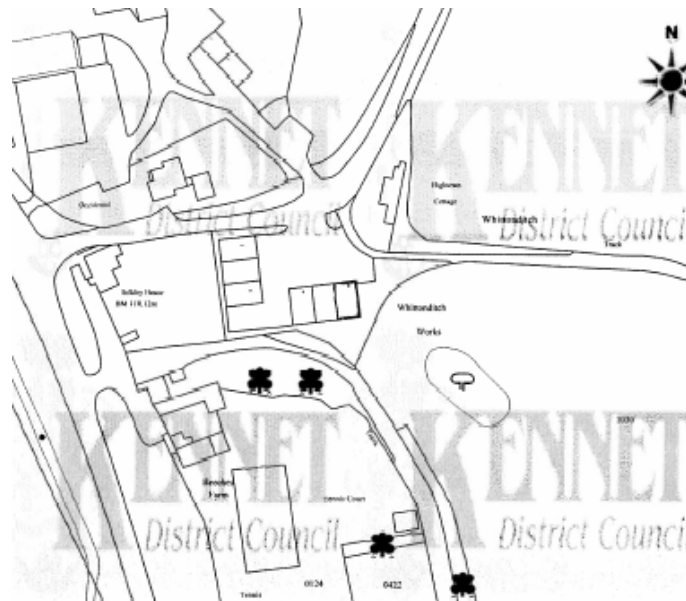
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1, HC24, HH5 and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

Item 8:

APPLICATION: K/55888/F
PARISH: RAMSBURY
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Change of use from light industrial to light industrial and vehicle repairs.
SITE: Unit 6 Whittonditch Works Whittonditch Ramsbury SN8 2XB
GRID REF: 29023 72355
APPLICANT: Mr A J May
DATE REGISTERED: 25th January 2007
CASE OFFICER: Miss R Hughes

SITE AND LOCATION

Whittonditch Works is located within the hamlet of Whittonditch, which occupies an isolated location outside the village of Ramsbury. To reach the site when travelling along the B4192 in a southerly direction take a left hand turn, sign posted 'Whitcha'. The site is approx 50 metres north of this junction on the right hand side. Whittonditch Works comprises of 6 units, operating under an established B1 light industrial use. Unit number 6 is the furthest unit on the left when entering the site and is immediately bordered by fields to the east and south, although some residential properties exist in the surrounding locality.



Location Plan (not to scale):

SITE HISTORY

The relevant site history is as follows:

K/34727 – The erection of light industrial units – approved 28/2/1998

DESCRIPTION OF DEVELOPMENT

The application relates to the change of use of one unit from light industrial use to light industrial and vehicle repairs.

PRINCIPLE AMENDMENTS MADE FOLLOWING SUBMISSION

The application has not been amended since its submission, however information regarding the nature of the proposed business contained in an email dated 05/01/07 has been included as additional information and should be considered as part of the application. The proposal is put forward by a local mechanic previously working at a disused farm building that is no longer available. The business will be run by himself and his wife servicing and repairing cars from the nearby villages, normally 2-3 cars per day.

PARISH COUNCIL COMMENTS

No objection

CONSULTATIONS

WCC Highways (Paul Galpin) – no objection

KDC Environmental Health – comment that the use of air tools could give rise to nuisance complaints to nearby residents, depending on their frequency of use, audibility etc. Ultimately should any complaints be received, powers exist under separate legislation to investigate and take any action necessary to ensure any statutory nuisance is abated. Suggest a condition stipulating that shutter doors must be kept closed when air tools or compressor are in operation would reduce the likelihood of noise nuisance to neighbouring residents.

REPRESENTATIONS

Three letters of objection have been received, two from occupiers of nearby residential properties and the other from the occupier of the adjoining industrial unit. The points raised are summarised as follows:

- Insufficient room to house and service cars will result in overspill of parked cars and constant manoeuvres
- Noise pollution to surrounding business and residential properties
- Air pollution from engines running/test drives
- No barrier to prevent fumes entering neighbouring industrial unit
- Vehicle repairs often work with access door open, compounding pollution issues further
- Concerns regarding disposal of toxic waste materials
- Sound insulation of the unit will not be sufficient to suppress the added noise from the proposed usage. Extraction systems would be needed which would result in more noise and air pollution.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, NR8 and ED9 are relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

The issues raised in connection with this application will be considered in turn:

Highway Safety

The industrial unit has a forecourt of a reasonable size with sufficient space to turn/park vehicles. The estimated additional traffic levels generated by the application are not significant. The local highway authority does not raise any objections to the

proposal therefore it is not considered that an objection to the change of use could be justified on the grounds of highway safety.

Amenity

The effects of the application on the amenity of the surrounding residential properties are considered to be the key issue in the determination of the application.

Some residential properties are located in the vicinity of the site, the nearest (Hightown Cottage) being located approx 20 metres away from the unit. On the basis of the information submitted regarding the nature of the proposed business it is not considered that the change of use would result in any significant additional impact to residential amenity by reason of noise or disturbance in comparison with the existing light industrial use. Whilst the operation of vehicle repairs will undoubtedly give rise to some mechanical noise; it is considered that the imposition of relevant planning conditions can be used to satisfactorily address any noise concerns and adequately mitigate any detrimental effects on surrounding properties. In the absence of any evidence to sustain an objection on Environmental Health grounds it is not considered that the application can be reasonably refused on the grounds of noise nuisance. It should be noted that if, during operation of the business the Council receives noise complaints, separate powers exist under the Environmental Protection Act 1990 in order to investigate and take any necessary action to ensure statutory noise nuisance is abated.

On balance it is not considered that any material planning considerations exist in order to justify withholding permission for the change of use and as such permission is recommended, subject to a number of conditions.



Picture of site – the unit concerned is the one at the left of the picture

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 machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the following times 0730 and 1830 on Monday to Fridays, 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays.

REASON:

In the interests of neighbour amenity.

3 - The premises to which this permission relates shall be used for light industrial (B1 class) and motor repair use only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes Amendment) Order 2005, or in any provisions equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, whether or not in the same Use Class, having regard to the circumstances of the case.

4 - The front shutter door shall be kept shut at all times when any air tools or compressors are in use within the unit.

REASON:

In order to protect the amenities of nearby residential properties.

5 - No industrial processes shall be carried on within the site except within the building.

REASON:

To safeguard the amenities and character of the area.

6 - No raw materials, products of any description, skips, containers, scrap, or waste materials, whatsoever shall be stored on the site, except within the building(s).

REASON:

To safeguard the amenities and character of the area.

7 - INFORMATIVE TO APPLICANT:

A 'Light Industrial Building' means one in which the processes carried on, or the machinery installed, are such as could be carried on, or installed, in any residential area without detrimental to the amenities of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

8 - INFORMATIVE TO APPLICANT:

A B1 Business use means a use for any of the following purposes: -
(a) as an office other than a use within Class A2 (financial and professional services).
(b) for research and development of products or processes, or
(c) for any industrial process.
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

References to Class B1 and A2 are from the Town and Country Planning (Use Classes) Order 1987.

9 - INFORMATIVE TO APPLICANT:

The applicant is advised that if it is intended to heat the premises using a waste oil burner then a separate license will be required from the council.

10 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR8 and ED9.

DESCRIPTION OF DEVELOPMENT

This application proposes the removal of condition 2 of planning permission K/36358 to allow the unrestricted use and occupation of the existing loose boxes. Condition 2 of this permission (seen below) limits the use of the loose boxes to horses and ponies owned by the occupiers of Manor Farm for their private leisure use.

“The loose boxes hereby permitted shall only be used for the housing of horses and ponies owned by the occupiers of Manor Farm, Little Bedwyn which are ridden for their private leisure use.”

REASON: To prevent the introduction of a commercial use in the area which could have implications for road safety”

ADDITIONAL STATEMENT BY THE APPLICANT

The applicants do not have a requirement for private leisure use of horses stabled at this site and therefore wish to utilise the loose boxes for other purposes. The re-use of buildings within rural locations for employment development or diversification is supported by PPS7 and ED14.

PARISH COUNCIL COMMENTS

No comments have been received from the Parish Council to date. Any subsequently received will be reported verbally at the committee.

CONSULTATIONS

County highways (Mark Wiltshire) – No objection subject to a planning condition to require the existing access to be provided with adequate visibility.

REPRESENTATIONS

4 letters of objection have been received from local residents who make the following comments;

1. Any extra vehicles coming and going from these premises will have a huge impact on the local environment and make the existing road even more dangerous. The road is too narrow for normal cars let alone large vehicles towing horse boxes etc.
2. Thanks to the Harrow Inn there are often a large number of vehicles parked on the road, reducing its width and inhibiting visibility for drivers, pedestrians and a number of the local children. An increase in traffic will see an increase in risk to the residents of this part of the village.
3. Traffic flow on the High Street has increased since the original decision and so the reasoning behind the original decision is no less relevant today.
4. The lack of public transport to Little Bedwyn means that anyone visiting the site will need their own transport, increasing traffic to the site.
5. The site is located at the edge of the village and can only be accessed via a narrow lane. The thought of a horse box or 4 x 4 trying to pass existing cars parked outside the Harrow Inn would be laughable and the existing situation would be worsened by an increase in the volume and size of traffic if the use of the Old Dairy was to be changed.
6. The capacity of the yard is approximately 15-20 horses and owners would be visiting their horses almost daily. There is no parking in the yard so the parking problem would be exacerbated. This number would increase if they were to open a riding stable.
7. Increased traffic will mean increased noise pollution as will the increased use of the site, to the detriment of neighbour amenity.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1 (Development and Design) and ED14 (Re-use of Existing Buildings in the Countryside) are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The main issue with this application is the impact of the development on highway safety.

Kennet Local Plan policy ED14 supports proposals for the conversion of buildings in the countryside as part of the diversification of the rural economy provided that the proposal does not create more than a modest growth in the daily vehicle movements to and from the site, or create an unacceptable increase in traffic on minor roads or form a traffic hazard.

While the proposed unrestricted use and occupation of the existing loose boxes will result in more vehicle movements to and from the site than the private use of the boxes by the occupiers of Manor Farm, County Highways has not raised any objection to the proposed use of the existing boxes subject to a planning condition to require the existing access to be provided with improved visibility. This will require the removal of two small trees and overhanging vegetation that is currently blocking visibility unacceptably. The trees to be removed are not high amenity trees and their removal will not impact detrimentally on the character and appearance of the area.

Finally, there is sufficient space within the site to ensure that cars will not need to park on the adjacent road.

In light of the fact that no objection has been raised to the proposal from County Highways it is not considered that a refusal on these grounds would be warranted.

RECOMMENDATION

Approve with Conditions

1 - Before the development hereby permitted is brought into use a highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre above carriageway level between the carriageway edge and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge to points on the nearside carriageway edge 60 metres to the south east and 60 metres to the north-west.

REASON: In the interests of highway safety.

2 - INFORMATIVE TO APPLICANT:

For the purpose of condition one, the access to which the condition refers is the access which leads directly into the area of the yard containing the loose boxes.

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:

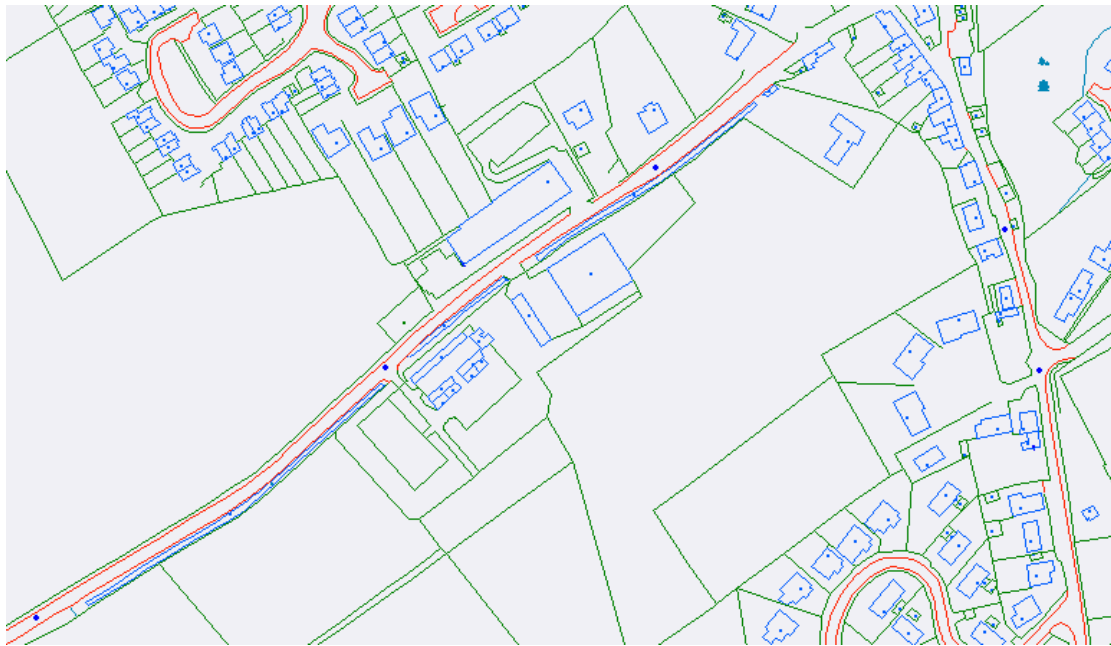
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely policy PD1 and ED14.

Item 10:

APPLICATION: K/55998/F
PARISH: ALDBOURNE
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Installation of a single 0.3metre transmission dish and associated fixing bracket upon the existing structure.
SITE: Existing Telecommunications Installation Stock Lane Aldbourne SN8 2NW
GRID REF: 26210 75249
APPLICANT: Vodafone
AGENT: Savills
DATE REGISTERED: 14th February 2007
CASE OFFICER: Mr N Britton

SITE & LOCATION

The existing 20 metre high telecommunications tower is situated on the Marlborough Road on the south-west side of Aldbourne, adjacent to the industrial units which have recently been demolished to make way for a housing development. It currently carries three dipole aerials, and there are equipment huts and other plant at ground level.



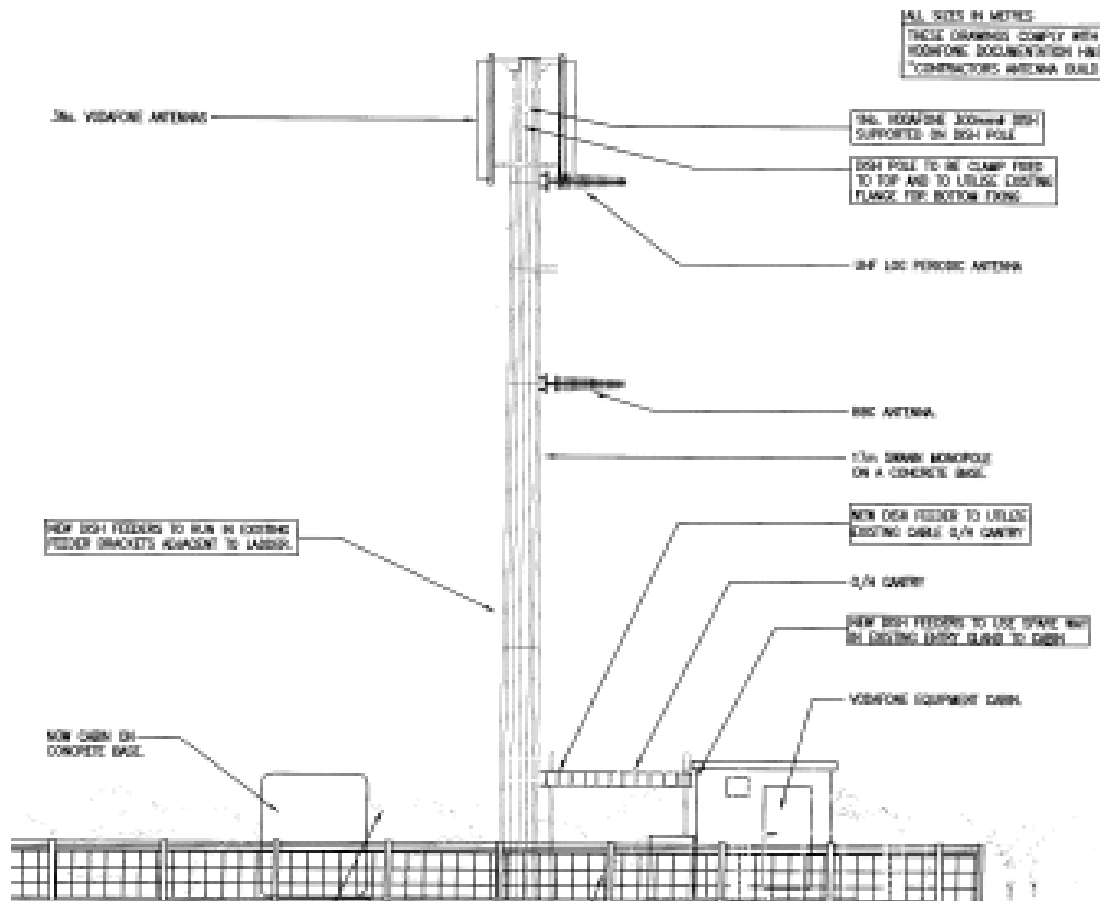
Site of existing telecommunications pole

SITE HISTORY

K 35967 F: 20 metre high telecommunications tower Permitted 25.02.99

DESCRIPTION OF DEVELOPMENT

It is proposed to install a 0.3 cm (1 foot) diameter transmission dish on a mounting bracket at the 16 metre point, near the top of the existing tower, between two of the existing dipoles. The dish will be coloured grey and will face west-north-west.



Elevation of existing tower – new dish proposed near top of tower

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The colour was originally proposed to be white, but the agents have changed this to grey.

ADDITIONAL STATEMENT BY THE APPLICANT

The dish is required to provide enhanced coverage for a national mobile phone network. A certificate of conformity with ICNIRP public exposure guidelines (ICNIRP Declaration) has been submitted.

PARISH COUNCIL COMMENTS

Objects to the application. Previous reservations have been expressed by the Parish Council in relation to this mast and particularly its proximity to existing housing with the possible health effects from exposure to particular wavelengths. This concern is heightened by the application to put a further dish on the mast and the fact that there will be, due to a planning application on the site next door, houses in even closer proximity to the mast than existing properties.

REPRESENTATIONS

One resident of Whitley Road, to the north of the site, has objected on the grounds of appearance, and health risk from radio waves. There are other sites available in the Aldbourne area, further away from residential areas.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policy HC44 of the Kennet Local Plan 2011 allows for telecommunications development where there is an operational requirement, where the siting, design, materials and external appearance minimise the visual impact and where an assessment of alternative sites has been carried out. Policy NR8 requires priority to be given to the conservation of the character and scenic quality of the landscape in the North Wessex Downs AONB. Policy PD1 requires a high standard of design in all new development.

PLANNING OFFICER'S COMMENTS

The existing mast is a functional piece of public infrastructure overlooking open countryside on the edge of the village. However, the installation of a small 30 cm wide dish, which would face away from the village and project about the same amount as the existing dipole aerials, would not materially alter its appearance or its impact on the AONB or the area generally. The external colour will now be grey.

PPG 8 "Telecommunications" states the Government's view that the planning system is not the place for determining health safeguards and that it remains the Government's responsibility to decide what measures are necessary to protect public health. If a telecommunications base station meets the ICNIRP guidelines for public exposure, it should not be necessary for the local planning authority to consider further the health aspects and concerns about them. The application has been accompanied by the required ICNIRP Declaration, which confirms that the radio wave emissions from the equipment will be within the ICNIRP guidelines. As such, the proposal accords with the advice contained in PPG 8.

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 dish and its mounting bracket shall be coloured grey to match the existing installations at the site.

REASON:

To minimise the visual impact of the installation on the area.

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: policies HC44, NR8, PD1.

