

**Regulatory Committee**

**18th October 2007**

**Planning Services**

**List of Applications for Consideration**

1 K/57166/F (page 6)

Full planning application for : Demolition of existing buildings and construction of 43 dwellings and associated works including parking, access and hard and soft landscaping

Former Jam Factory site Kings Road EASTERTON

RECOMMENDATION: Refuse planning permission

2 K/57003/F (page 19)

Full planning application for : Installation of a flagpole design telecommunications installation

Telephone Exchange, High Street, BURBAGE

RECOMMENDATION: Refuse planning permission

3 K/57182/F (page 27)

Full planning application for : Two storey classroom & nursery extension.  
Rushall C of E Primary School Pewsey Road RUSHALL SN9 6EN

RECOMMENDATION: Grant full planning permission

4 K/56628/F (page 34)

Full planning application for : To erect a new dwelling and garage and demolish existing mobile home, industrial units and outbuildings

Vine Cottage Bottlesford NORTH NEWNTON SN9 6LU

RECOMMENDATION: Grant full planning permission

Item 1:

APPLICATION: K/57166/F  
PARISH: EASTERTON  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Demolition of existing buildings and construction of 43 no. dwellings and associated works including parking, access and hard and soft landscaping  
SITE: Former Jam Factory site Kings Road Easterton GRID  
REF: 02015 55266  
APPLICANT: Comparo Ltd  
AGENT: J Parkinson , Comparo Ltd  
DATE REGISTERED: 13th August 2007  
CASE OFFICER: Mr R C Cosker

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### SITE & LOCATION

The site comprises the former Jam Factory premises and is located on the western side of Kings Road which is just off the main High Street near the church. The Jam Factory comprises a 1.47 hectare site with about 3700 sq. metres of industrial buildings together with an on-site bungalow. The buildings on the site are large, utilitarian and unattractive. The Jam Factory closed in 1998. The site is accessed from Kings Road opposite St. Barnabas Church. The ground rises steeply in a north-westerly direction.

The site is prominent and elevated and adjoins the Easterton Conservation Area. Part of the bank along The Drove is actually within the conservation area.



*Site location plan*

### SITE HISTORY

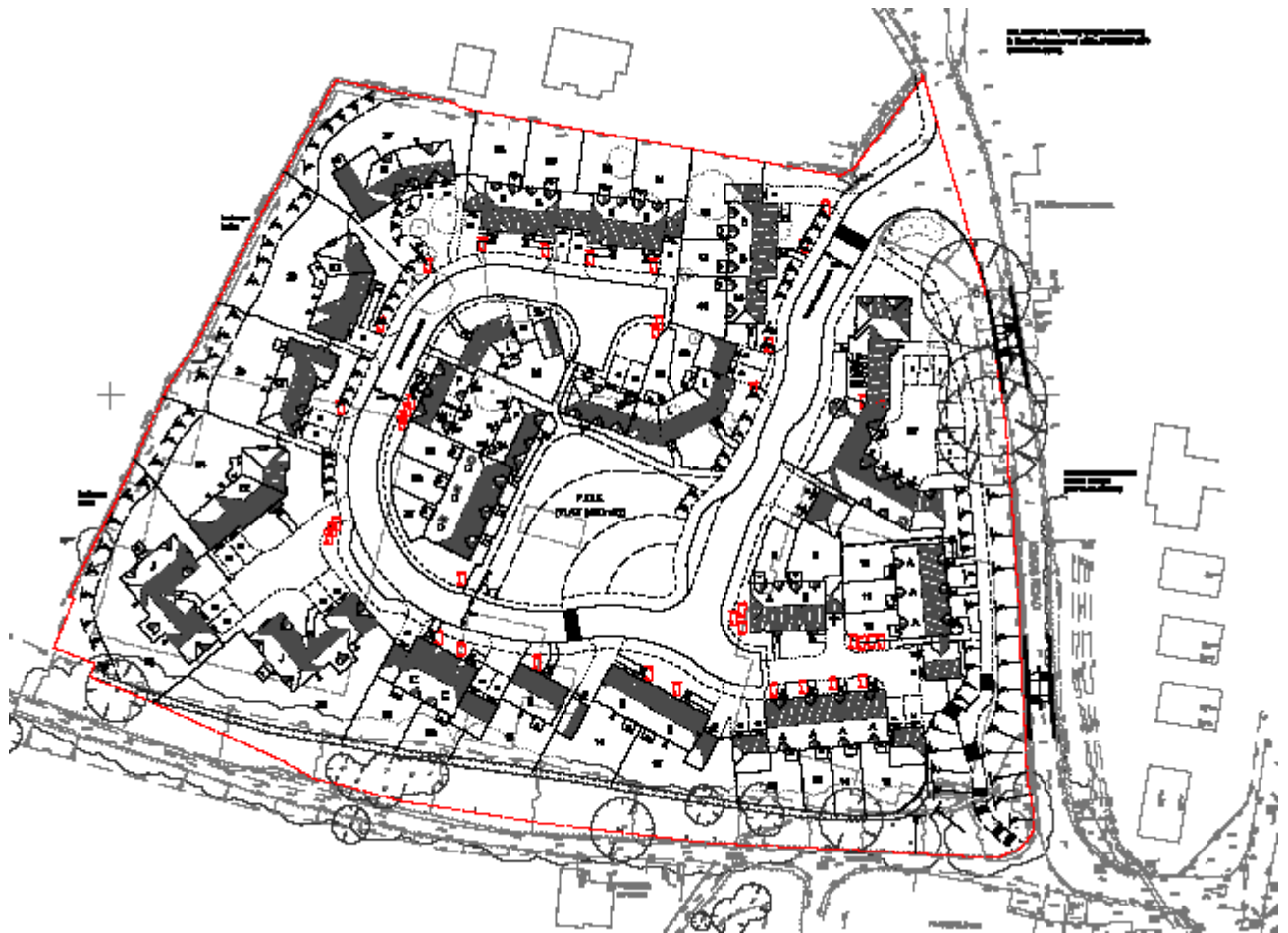
K/39894/O – This is an outline planning application, which was accompanied by an illustrative layout, for the erection of 24 houses and the retention of approximately 1400 sq. metres of the existing buildings for employment use. The 24 houses

comprised 12 affordable housing units, 3 work-from-home units and 9 open-market homes. The proposal was granted permission on 13<sup>th</sup> March 2003.

K/ 53498/VAR – This was the renewal of the outline permission which was approved by the Regulatory Committee in March 2006.

#### DESCRIPTION OF DEVELOPMENT

This application is a full application for the demolition of the current buildings and the erection of 43 dwellings. A wide variety of dwellings are proposed on the site including; 1 and 2 bedroom apartments, 2 and 3 bedroom terraced and semi-detached houses and 4 bedroom detached houses. This equates to a density of just under 30 dwellings per hectare. An area of public open space which would provide both play equipment for younger children as well as landscaping is proposed towards the centre of the site. Vehicular access will be via the existing access and traffic calming measures are proposed along Kings Road as per the details approved at the appeal for the outline planning application. The applicant proposes to reduce the height of the retaining wall which runs along approximately 50 metres of the Kings Road boundary. The wall is approximately 5.2 metres tall at the highest point reducing to approximately 3 metres as Kings Road climbs to the north. At the highest point the wall will be reduced by 2.4 metres with the made up ground behind it removed and remodelled. These works will also allow a stepped footpath access to be created into the site from the corner of Kings Road and Drove Lane. The footpath will link into the south eastern corner of the site and also continue along the eastern boundary parallel with Kings Road.



*Proposed layout*

## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Following a request by officers the applicant has submitted amended plans which include changes to the layout and the design of the dwellings. The main change has been the reduction in the number of dwellings from 46 to 43 and the introduction of a much larger area of open space within the site. The introduction of that larger area of public space has not only reduced the numbers of dwellings but also varied the mix, resulting in smaller units being introduced.

## PARISH COUNCIL COMMENTS

Easterton Parish Council – The parish council have raised a number of detailed points which are summarised below.

1. The parish council has considered the application and, based on extensive consultation, broadly supports the proposal to develop the site as proposed. Although the village is small and lacks many basic amenities for substantial development the advantages of the redevelopment significantly outweigh the disadvantages of doing nothing.
2. There is an overwhelming desire to maintain the social characteristics of this small village with the proposal representing a 20% increase in the number of dwellings in the village. The provision of 50% affordable housing would represent a disproportionate addition to this provision which already exceeds the Kennet average. The provision of affordable housing provided purely for rent should not cause the current percentage in the village to be exceeded. It would be acceptable to make some shared equity dwelling available.
3. Understand that local housing needs are based on requirements for rented accommodation only but we are aware of a requirement of at least 5 owned properties from people either living in, or closely associated with the village. We need assurance that local housing needs are based on genuine links to Easterton not the wider area.
4. Vehicular and pedestrian access remains a concern. We note the path and steps but are still concerned about the potential hazard between pushchairs and traffic on Kings Road. We would like to see a further attempt to provide a long ramp parallel to The Drove which 'zig zags' to the top.
5. Concerned about a play area on the site and that the existing play area should remain the centre of activity for the young. A second play area could be socially divisive and some see it as a source of future factional splits within the community. Contributions made by Comparo should be exclusively channelled back to the village.
6. Still disquiet regarding road approaches to the site. The calming measures are noted but maybe it could include intermittent one way as well. The whole of Kings Road through to Easterton Sands and beyond could also be subject to calming and widening where possible. No construction traffic should use the upper Kings Road.

## CONSULTATIONS

County highways (Mr Wiltshire) – no highway objections to the principle of the development. A number of amendments were requested to the original plans and further comments on the amended plans are awaited. A number of conditions were also suggested which include minor improvements to the surfacing of The Drove and the provision of a narrow footpath from the bottom of the steps and across the bridge onto the High Street.

County Archaeologist – Advise that no archaeological work is required due to previous disturbance of the site.

Environment Agency – No objection subject to conditions concerning surface water drainage and water efficiency measures.

KDC Housing – Objects to the level and type of affordable housing proposed.

KDC Environmental Health – Advise that, due to the proximity to existing residential property, the developers should employ best practice when demolishing the existing buildings which contain asbestos. Also request a restriction on the hours of construction.

KDC engineer – Had raised concerns about the contents of the Flood Risk Assessment and access around the site for the refuse vehicles. The issues concerning the Flood Risk Assessment have been overcome.

## REPRESENTATIONS

A total of 10 letters of representation were received concerning the original plans, including one from the CPRE. The comments raised can be summarised as follows;

1. No objection to the 'brownfield' site being redeveloped but do object as there is an over development as regards the number of houses and no provision for a play area.
2. Application does not conform with policy ED12.
3. This is typical village-pastiche style with cut price materials in a cul-de-sac planned estate. Too little amenity spaces and crude approach to traffic and pedestrians. All about maximum profit and minimum community benefit or real understanding of the conservation area.
4. Would like to see a substantial amount of affordable housing for young people or first time buyers in the village. Hope cheaper houses are not sold off to speculators for 'buy to let'.
5. Concerned by small number of affordable houses.
6. The congestion at the High Street/Kings Road junction will be made worse by the 70-80 extra new vehicles. Traffic often backs up on the High Street due to numbers of vehicles and parked cars.
7. The argument about the previous traffic situation is flawed as since the factory was operational overall traffic levels have increased. They also contradict themselves elsewhere in their report by saying that the current approval for houses and employment use are not acceptable because of environmental and traffic impact.
8. Concerned about the impact on extra traffic all along Kings Road which is used to bypass the B3098. Kings Road is in poor condition, it floods and has narrow sections and blind bends.
9. 46 houses are too many for this little village and will spoil it. It is not in keeping with the character of the village and there are insufficient facilities.
10. New houses will increase burden on available services such as the doctor's surgery.
11. The increase in the houses in the Parish by 20% includes Eastcott and Easterton Sands so the increase in Easterton will be greater.
12. Could lead to potential change in nature of village to 'dormitory' suburb.
13. Do not see any play area for children. Better for children to play where they live rather than walk all the way to the village hall across a road.
14. The inadequacy of the sewer needs to be taken into account.
15. There are concerns that the proposed development will lead to increased flooding.

16. The footpath on top of the wall will allow people to overlook our gardens so our privacy will be gone.
17. The 8 or more two storey houses on the southern boundary will overlook my property harming the privacy of my house and garden and lead to noise disturbance. This will be worse in winter when the trees are bare. These houses will also affect the historical character of my dwelling.
18. Proposed footpath comes out on a bad corner, it would be better further up The Drove.
19. No objections as long as the trees remain.
20. Provision should be made to enhance the wildlife and habitat of The Drove, as stated in the village design statement.
21. There should be inclusion of some low carbon schemes.
22. Development could lead to more youths hanging around the village hall area, which is already a problem.
23. Parish Council want to use money from the development on the village hall and the play area. Whilst this is welcomed the fact remains that policing of the play area would be limited, use of CCTV and lighting by the Parish Council raises its own problems/issues. Further development there will affect my property.

#### POLICY CONSIDERATIONS

Policies PD1, HC5, HC7, HC24, HC32, HC34, HC37, HC42, ED12, AT1 and AT9 of the Kennet Local Plan 2011 are considered relevant to the consideration of this application.

#### PLANNING OFFICERS COMMENTS

This application raises a number of key issues including those raised by the Parish Council and other consultees. The main issues are; the principle of residential use on this site (including the issue of residential development on employment land), impact on highway safety, the impact on the setting of the Conservation Area, the impact on the residential amenity of occupiers of neighbouring properties, affordable housing provision, recreation open space provision and impact on ecology on the site.

#### The principle of residential development on the site

In considering the principle of this proposal for 43 dwellings it is recognised that this site is somewhat of an anomaly as a very large previously developed employment site within a village which, within the Kennet Local Plan is classed as a village with limited facilities. Policy HC24 of the local plan states that in such villages new housing development will be restricted to; infilling (sites for a single dwelling within the built up area), replacement of existing dwellings, re-use of existing buildings or the redevelopment of existing buildings, subject to three criteria and compliance with other policies in the plan. In considering policy HC24, it is clear that this proposal constitutes redevelopment of existing buildings and that it lies within the built up area of the village. The policy sets no upper limit of the number of dwellings that are permissible when redeveloping existing buildings but the third criteria of policy HC24 does require the development to be in harmony with the village in terms of its scale and character. The village of Easterton consists of approximately 230 dwellings and as such the proposal for 43 dwellings (an 18.3% increase in dwellings) is significant in size. Of course it must be remembered that the site, which previously employed up to 90 people, is very much out of scale with the village, and this was part of the reason that the outline planning permission for 24 dwellings and 1400sqm of industrial floorspace was considered acceptable in principle by this council.

When considering the principle of the proposed wholly residential development regard must be had to policy ED12 which seeks to protect employment or tourism sites within villages. That policy states that sites greater than 0.1 hectares in size currently, or last used, for employment or tourism purposes, will be retained for such uses wherever possible and that other uses will only be permitted where;

1. it is clear that there is no demand for the continued use for employment;
2. redevelopment for alternative employment or tourism use is not economically viable; or
3. the redevelopment for an alternative use will remove a use which is demonstrably incompatible with neighbouring property.

The policy goes on to state that where one of the above criteria are met proposals for alternative development will be permitted for affordable housing schemes, other non-residential uses of benefit to the local community or mixed use developments. The outline planning application was supported by this council in 2003 on the basis of the third criteria of policy ED12 (which was at the time an emerging policy) in that residential development was allowed on approximately two thirds of the site whilst the largest of the industrial buildings was retained for employment re-use. It has become clear that the retained building is unsound and at the end of its usable life and it is likely that its re-use would be unfeasible. It should also be noted that the site is not one identified as required for future employment use in the subsequent Council commissioned Atkins Report on Employment Land. Whilst the previous approval retained the largest building for employment uses to create a mixed use scheme on the site, so as to comply with the second element of policy ED12, it is certainly an argument that the removal of the remaining building could itself be acceptable by reason of the third criteria of that policy. It should be noted that at 1400sqm the retained building is a large industrial building and if any class B2 or B8 end user was found there would certainly be highway safety and convenience implications on the local highway network of the large vehicles, including HGV's, that could be associated with such a user.

Government advice on the redevelopment of former employment land, together with the push for residential development on 'brownfield land', has also very much changed since the original planning permission for this site was granted, with a greater emphasis on redevelopment to meet identified local housing needs.

Officers therefore conclude that, having regard to the above considerations, the principle of a wholly residential scheme should be accepted on this site. As the density proposed is at the bottom end of the 30-50 density recommended by the Government for brownfield sites, it is considered that the scale is acceptable in this location.

#### Highway issues

The outline planning application was refused by members on highway grounds, in particular due to the application making inadequate provision for safe pedestrian access to and from the site, but that decision was overturned when the planning appeal was allowed in 2003. The traffic calming measures on Kings Road that were previously approved by the Planning Inspector to improve pedestrian safety are again proposed, but as mentioned previously pedestrian access to, and through, the site is proposed from the corner of The Drove and Kings Road. Whilst the Parish Council have concerns regarding the use of steps on the footpath this is unavoidable due to the large change in levels. The applicants have re-investigated this option but both they, and your officers, consider that a 'zig-zag' ramp would be a huge engineering operation that would extend a long way down The Drove resulting in the

removal of a large amount of vegetation. The resulting structure would be visually damaging to the rural character of The Drove and harmful to the character and appearance of the Conservation Area. It should be noted that whilst the ramp solution would be best option in accessibility terms the pedestrian link proposed is an enhancement on the previously approved scheme that only provided for pedestrians to share the carriageway of Kings Road with other traffic.

Turning to the other highway matters, the key issue in terms of whether this current proposal is acceptable on highway safety and convenience grounds is whether the situation would be materially worse than that if the extant planning permission was implemented. The applicant has submitted a Transport Assessment (TA) in order that this comparison can be made. The conclusion of the TA is that the current proposed wholly residential scheme would give rise to slightly lower peak hour traffic flows than the extant permission scenario, although over a day the current proposal would create a small increase in traffic flows (312 two way traffic movements a day instead of 290) over the extant planning permission scenario. This increase is however considered unlikely to make a material difference to traffic conditions in the local area. It is on this basis that the highway authority has raised no objections to the proposals subject to a number of conditions being imposed.

#### Impact on the Conservation Area

The site lies immediately outside the Easterton Conservation Area with the boundary of the conservation area following the Kings Road boundary of the site. The site is elevated above the conservation area and as such the existing buildings are very dominant in keys views from within the conservation area. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and its setting. The existing buildings on the site, together with the retaining wall along Kings Road, are particularly unattractive. The removal of these buildings and reduction in the height of the wall will make a positive contribution to the conservation area. It is also considered that the proposed layout, including extensive remodelling of the Kings Road boundary; a new pedestrian link into the site; extensive landscaping (which includes a central 'green space') and the siting of some buildings so they face onto Kings Road, will help make a positive contribution to the setting of the conservation area whilst also helping integrate the development into the village. One of the beech trees on Kings Road near the vehicular access will need to be removed due to disease but the others will remain. Along the embankment of The Drove it is proposed to clear out the dead elm trees and brambles and carry out replacement lower level native planting. This will thin out the vegetation to 'lighten' The Drove whilst maintain adequate screening. The future management of this area is a matter that can be controlled via a planning condition.





Front Elevation

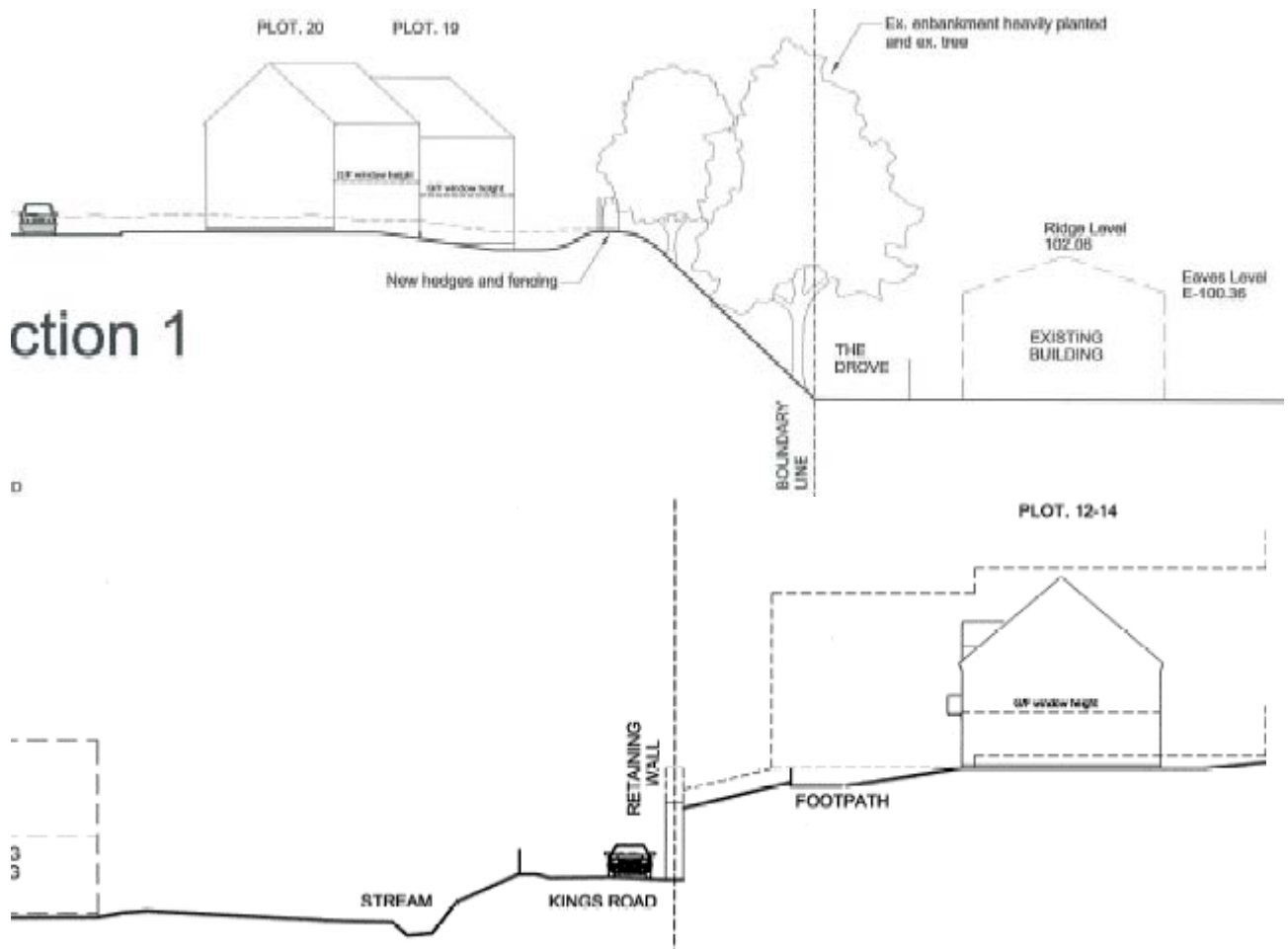


Front Elevation

*Example of elevations*

Impact on amenities of occupiers of adjacent properties

The site is quite well contained but there are a number of locations where concerns have been raised about the impact of the proposed dwellings on the amenities of occupiers of neighbouring properties. Number 2 Kings Road adjoins the northern boundary of the site and a number of proposed dwellings face that boundary. However, due to a combination of the position of those dwellings approximately 10 metres off the boundary; the vegetation along that boundary and the orientation of 2 Kings Road, it is considered that there will be no adverse impact on the occupiers of that property. On the southern boundary Woodbine cottage and a couple of new dwellings under construction, or with planning permission, are the only properties on this part of The Drove. A number of dwellings will be sited backing onto The Drove boundary of the site and these will be considerably elevated above the existing dwellings. The proposed dwellings are however set back from the top of the bank and the vegetation along the embankment of The Drove is quite substantial, and will remain so even after management works to that area. Again therefore there is considered to be no material harm to the occupiers of those properties. Finally there are a number of bungalows/dormer bungalows on the High Street which back onto Kings Road. The dwellings on the site which front onto Kings Road are again sited high above the level of those existing dwellings. In this instance there is again a strong vegetation screen which will ensure that any inter-visibility achieved will be well filtered and as such there is considered to be no material harm.



Sections across The Drove and Kings Road

#### Affordable housing provision

Policy HC32 of the local plan is applicable to the consideration of the acceptability of the level and type of affordable housing proposed. That policy states that;

*“The local planning authority will seek to negotiate the equivalent provision of general market and affordable homes on all proposed housing sites within the villages subject to evidence of local housing need supporting this level of provision and individual site characteristics. Planning permission will not be granted if the size and type of individual affordable houses proposed in accordance with this policy do not reflect local needs”*

In other words the policy requires that housing development on sites such as this should provide 50% affordable housing and the type of affordable housing provided, including the tenure, should meet local housing needs. Taking account of the existing dwelling on the site the net gain created by this proposal is 42 units, thus 21 affordable dwellings are required. In this instance housing officers have advised that there are actually 21 people currently on the housing register with an Easterton connection and who would be eligible for any affordable housing units provided. Analysis of the information held on those people shows that only around three of those households might be able to raise a mortgage of around £80-90,000 which means that the vast majority of the affordable housing need would be social rent as intermediate housing would not reflect local needs.

After a lengthy delay the applicant has advised that they are offering a total of 12 affordable units on the site with 5 of them being social rent and the remaining 7 being intermediate (members should note that the offer was made in the eighth week of the application and there has also been extensive pre-application discussions advising on the Council's affordable housing policy since the beginning of the year). They have advised that this offer has been made having regard to a number of key points which are examined below;

1. The previous approval for 24 dwellings provided 12 affordable housing units but the unilateral undertaking approved at the appeal did not require any of those to be rented. The applicant therefore claims that they could choose to build out the previous scheme and provide only shared equity or low cost housing. Your officers however consider that there is little likelihood of the applicant pursuing the extant planning permission and little weight should be given to the fallback situation. If this were to occur then the council would of course be able to pursue 50% rented units when any residential scheme was proposed on the remainder of the site.
2. The applicant states that the policy says that a 50% affordable provision is only desirable and that there is room for negotiation with site characteristics being an important factor. They state that there are significant costs associated with the clean up and remediation of this site. The applicant has however provided no evidence of the costs involved and no financial justification statement to support these claims. Indeed this is the first mention of such abnormal costs. The applicant also makes reference to the additional contributions required towards recreation, education and highway safety measures. However, these would have been known by enquiry at the outset and are no different than those faced by every other developer on schemes of this nature. It should be noted that the applicant would have been fully aware of the condition of the site and the current planning requirements for the site before the site was purchased.
3. The applicants view that policy HC32 is aimed principally at securing affordable housing in isolated parts of the open countryside and not on sites such as this is unfounded. The policy is clear in that it applies to all housing sites within villages. There is also no upper limit on when the policy should be applied.
4. The final main point raised is one that has also been raised by the Parish Council which is that 50% affordable housing on this site would be represent a disproportionate increase in the level of affordable housing in the village. Currently in Easterton approximately 15% of the housing stock is affordable and any proposal that provided 21 affordable housing units would increase that figure to 20%. However, this 15% is a historically low figure – as recently as 1991 it was over 19%, with the reduction since presumably brought about by the right to buy. There is no sound reason why the Council, in seeking to meet local housing need, should not allow for an increase that would simply restore the situation that existed only a few years ago. The provision of one affordable dwelling for every one private dwelling fully complies with the Governments advice on creating balanced and mixed communities, advice that is being backed up by the allocation of increased resources to the Housing Corporation to fund schemes in rural areas such as this. The key issue that must be remembered is that the council's own housing register shows a demonstrable housing need for those 21 extra affordable units in the village.

The original permission allowed for a 50% contribution. In essence, the proposal now put before the Council is to allow the building of another 19 houses, with no additional affordable housing contribution. This is blatantly in breach of the Council's policy and fails to address the identified housing needs of the village. Your officers therefore consider that neither the level or type of affordable housing proposed meets these needs and that approval of the application would be contrary to the requirements of policy HC32.

#### Open space/recreation provision

The original submission provided only a small area of open space on the site with the applicant placing a reliance on commuting the public open space/recreation requirements of policy HC34 off-site. Whilst the Parish Council are concerned about the provision of a play area on site, officers were concerned that a residential scheme of this size should make a greater recreation provision on site, particularly for younger children. It should be noted that the potential location of the off-site play (at the village hall) is poorly located across the other side of the Kings Road. The provision of the larger play area on site will also create a central 'green space' which will include tree planting to help 'soften' the development both internally and when viewed from outside of the site.

A development of this size also generates a need for equipped casual play areas for older children and this requirement can be commuted off-site, together with payment towards formal sports/pitches. This payment could be used to improve existing play facilities at the village hall.

It is considered that the approach negotiated by officers will create a better quality of development whilst also meeting the aspirations of the parish council to consolidate and reinforce play provision at the village hall.

#### Impact on ecology

Ecological surveys have taken place on this site but the later specific surveys for bats and reptiles were undertaken in mid-September. These found an extensive bat population (including a potential maternity roost and possibly up to seven different bat species including one exceptionally rare bat species). There is also a slow worm presence on site. Mid-September is however considered slightly sub-optimal for such surveys and as such they are not fully reliable. It is for this reason, together with the considerable bat population found, that the applicant's ecologist has recommended that further surveys are necessary during spring and summer next year. This approach is supported by your officers and the District Ecologist but members should be aware that case law has shown that councils should not grant planning permission for development where impact on any protected species cannot be fully assessed. That assessment must include the consideration of the scope and acceptability of the mitigation proposed. In this instance because of the doubts of the results of the surveys the applicant has been unable to draw up a mitigation strategy for consideration. The council is therefore unable to fulfil its proper duties in assessing the impact on these protected species.

The applicant is however endeavouring to proceed with the approach of drawing up a mitigation strategy on the basis of a worst case scenario. However, at the time of writing this report the applicant has been unable to provide sufficient information to satisfy your officers and the District Ecologist. It is therefore recommended that the application is also refused for inadequate information to fully assess the impact of the development on protected species.

### Other matters raised

A number of other issues have been raised by your officers and in consultation responses including drainage and the renewable energy provision.

With regards to drainage a Flood Risk Assessment (FRA) was submitted with the application to assess the implications of surface water drainage from the site. Clearly the site is not a 'greenfield' site. Instead it consists of a number of hard surfaced areas and roofs from which surface water drains from. The proposal therefore is that the level of surface water drainage from the site following development should not be at a greater rate than currently exists. This will be achieved by a variety of attenuation techniques being used on the site to control the run-off rate to no more than the current rate. The Environment Agency has raised no objection to this approach being proposed and, following negotiations, the Council's Engineer has also raised no objections.

With regard to renewable energy issues, this council has now adopted an interim policy on this matter until policies within the Local Development Framework are adopted. That policy requires larger scale development to provide, as a minimum, sufficient on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%. Whilst full details and calculations of how this will be achieved have not been submitted the applicant is committed to achieving this policy requirement and has suggested a number of options including solar, ground source heat pumps and combined heat and power systems. Such a matter could in this instance be controlled within a section 106 legal agreement or by a planning condition.

### Conclusion

There is no objection to the principle of redeveloping the site for residential purposes. However, it must not be at any cost. The Council's policies on affordable housing in rural areas are well-known and have been supported on every occasion when tested at appeal. The current proposal to replace the employment element of the site with more housing, but not to include any increase in the number of affordable units is clearly unacceptable and would set an undesirable precedent that would hamper the Council's ability to provide affordable homes in rural areas.

### **RECOMMENDATION**

Refuse -

1 - The affordable housing provision proposed by the applicant on this site is considered inadequate in terms of the numbers of units proposed and the tenure of those units proposed. The provision fails to reflect the local needs which would support a 50% affordable housing provision on the site and is overwhelmingly for social rented housing. The applicant has also failed to identify which specific plots on the site would be affordable dwellings and as such the council is also unable to assess whether the dwelling sizes proposed would meet local needs. The application is therefore considered contrary to policy HC32 of the Kennet Local Plan 2011.

2 - The applicant has failed to provide adequate information concerning the level of impact this proposal will have on protected species on the site. They have also failed to submit any suitable mitigation strategy to deal with the adverse effects of the development on these protected species. The development would therefore be contrary to the Government advice in Planning Policy Statement 9: Biodiversity and Geological Conservation.

3 - In the absence of an agreement on the type and level of contributions for education needs and recreation/open space provision the proposal is considered to be contrary to policies HC34 and HC37 Kennet Local Plan 2011.

4 - INFORMATIVE TO APPLICANT:

The applicant should be aware that the reason for refusal No 3 could be overcome with further negotiations with the Council, and other consultees, to achieve an agreement of the type and level of contributions that are required to be secured by way of a Section 106 Legal Agreement.

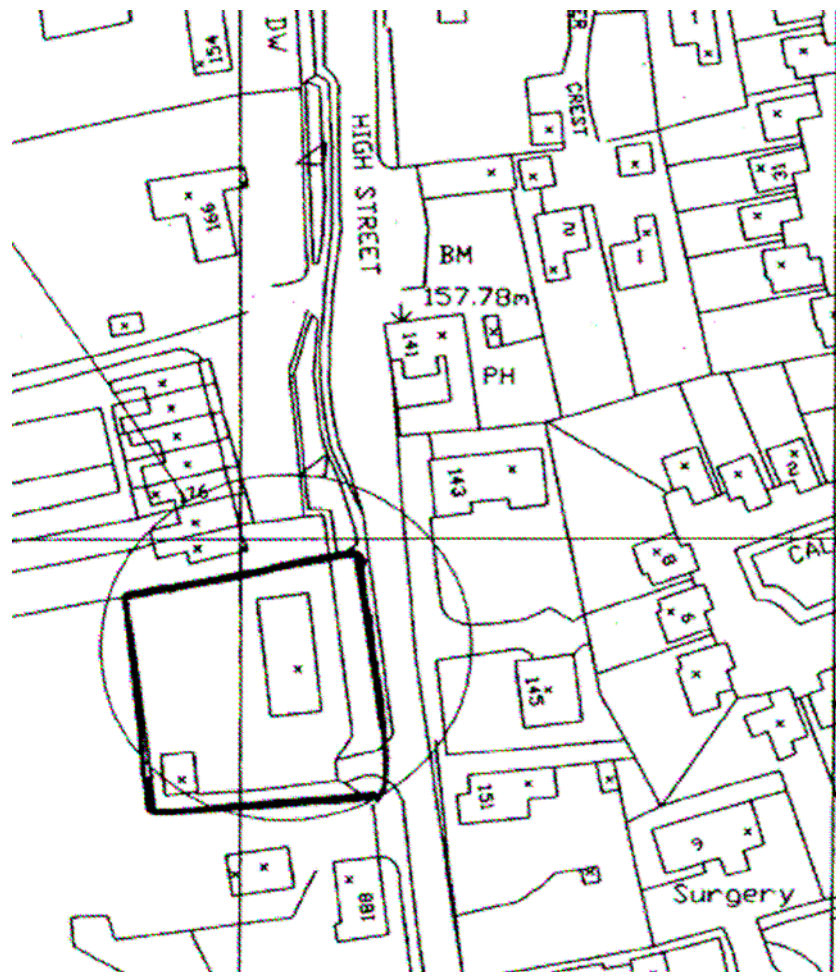
Item 2:

APPLICATION: K/57003/F  
PARISH: BURBAGE  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: Installation of a flagpole design telecommunications installation.  
SITE: Telephone Exchange, High Street, Burbage  
GRID REF: 23004 61177  
APPLICANT: T Mobile  
AGENT: Savills (L&P) Ltd  
DATE REGISTERED: 18th July 2007  
CASE OFFICER: Mr A Guest

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**SITE & LOCATION**

The application site lies on the west side of Burbage High Street, within the Limits of Development of the village, the Burbage Conservation Area and an Area of Outstanding Natural Beauty. The site is owned by BT, and comprises exchange buildings, a private car park and grassed areas. To the rear of the site is an existing 11m high BT monopole supporting a single transmission dish.



*Site Location – west side of Burbage High Street*

The front boundary of the site with the High Street is defined by a row of mainly beech trees, approximately 7-9m in height. The carriageway of the High Street is at a slightly lower level. On the opposite side of the High Street and to either side of the site are residential properties. The boundary with the property to the south side (no. 188) is defined by a post and rail fence and some trees; the boundary with the properties to the north side (nos. 168-180) is defined by a post and rail fence only. The rear boundary is also defined by a post and rail fence, with open countryside beyond.

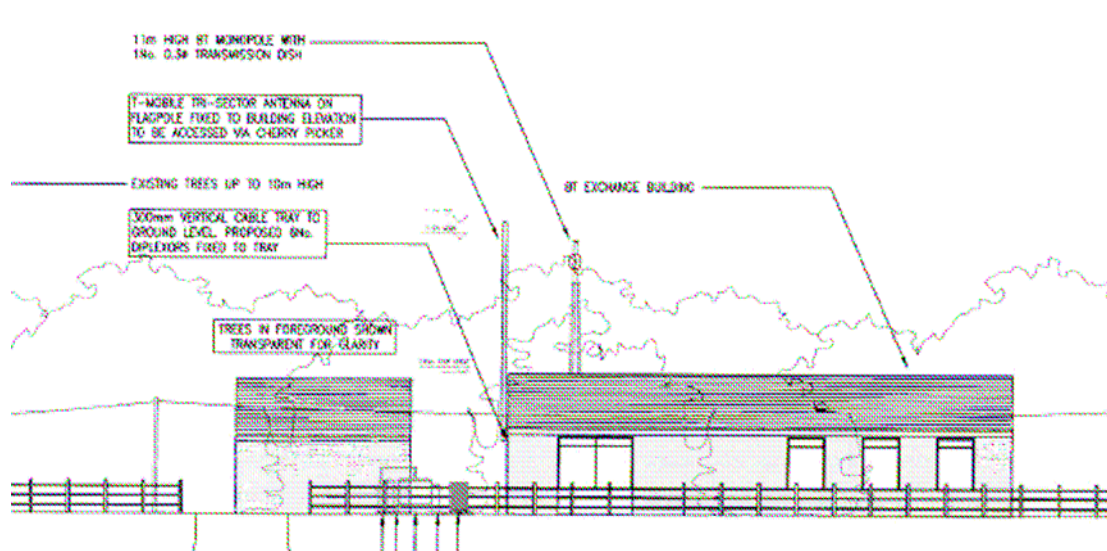
#### SITE HISTORY

K/035395 – Provision of 10m high timber coloured steel pole to support 0.3m dish antenna – approved 13/03/98.

#### DESCRIPTION OF DEVELOPMENT

The proposal is to erect a 'flagpole' mast and associated equipment cabinets. The flagpole would support a tri-sector antenna, and would have an overall height of 11.7m. It would be fixed to the gable end of the main exchange building, approximately 10m from the front boundary of the site and 14m from the side boundary with no. 188. The equipment cabinets would be sited alongside.

According to the supporting statement with the application, the purpose of the development is to fill a 'gap' in coverage of the applicant's emerging 2G and 3G national networks. The gap is caused by a combination of factors, including signal loss arising out of distance, topography and local factors such as the blocking effect of buildings, trees and other obstacles.



*Site of proposed flagpole antenna – fixed to southern gable end of BT Exchange building*

#### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The applicant has submitted an assessment of other alternative sites. This can be viewed on the working file.



#### ADDITIONAL STATEMENT BY THE APPLICANT

The application is supported by a planning, design and access statement which can be viewed on the working file.

#### TOWN/PARISH COUNCIL COMMENTS

Burbage Parish Council – objects; this will be sited at the BT station in the centre of our village High Street. Another flagpole and attendant equipment will greatly reduce the rural atmosphere of our village.

In considering the T-mobile application the Parish Council also note that there are no details given of proper consideration by the applicants of any other more suitable sites in the general area where the mast might be sited and is another reason why we object.

There is a communications mast at Terrace Clump just outside the village which would be much more suitable and acceptable and we urge you to direct that this mast be erected there. There has been a petition raised in the village and over 350 residents have signed signifying their objections.

*[Following this latter objection (also raised by third parties) the applicant has submitted an assessment of alternative sites].*

#### CONSULTATIONS

KDC Conservation Officer: no objection. The mast flagpole is modest in relation to the host building and will not be obtrusive. From the information provided it appears that care has been taken to minimise the impact of the associated equipment and there will therefore be no significant visual impact on the conservation area.

KDC Landscape and Countryside Officer: no objection. The proposed pole has a low visual impact by its design. Although the location is elevated within the conservation area, the screen of beech trees on the road frontage will ensure that the impact on the street scene is minimised. The trees will not be affected by the proposals.

#### REPRESENTATIONS

Objections letters have been received from 12 third parties summarised as follows:

- Noise disturbance from equipment cabinets;
- Coverage maps are incomplete;
- No requirement for further apparatus in Burbage – village already has adequate coverage;
- No assessment of alternative sites or site sharing options. Alternative sites are likely to provide greater coverage, but not demonstrated in application. Other sites are higher (for example, nearby pylons). There can be no justification for this site, next to houses, when other more remote and less contentious sites are potentially available;
- Harmful to natural beauty of the AONB. Flagpole would be visible on skyline;
- Harmful to character and appearance of the conservation area. Site is only screened in summer when leaves are on trees. In winter months site is clearly visible from High Street. In any event, trees are likely to be reduced to improve signal. Flagpole and equipment cabinets would be ugly and detract from appearance of area. Flagpole and equipment would be clearly visible in street scene and from neighbouring properties;

- No evidence of consultation with the nearby school. Inadequate pre-application consultation with the village;
- Health risks associated with telecommunications apparatus could be reduced if proposed location is further away from village. Health risks associated with telecommunications apparatus are unknown. Stress and worry to residents of proposed location itself poses a health risk;
- Reduction in property values;
- Infringement of human rights.

A petition signed by approximately 350 objectors to the proposal has also been submitted.

#### POLICY CONSIDERATIONS

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

Central Government policy set out in PPS7 (Sustainable Development in Rural Areas), PPG8 (Telecommunications), and PPG15 (Planning and the Historic Environment) are also significant material considerations.

#### PLANNING OFFICERS COMMENTS

The main considerations in this case are the operational requirement for the apparatus, the suitability of the proposed siting and appearance of the apparatus, and the adequacy of the applicant's assessment of alternative sites. Health concerns are a material consideration.

#### Policy Considerations

Policy NR7 of the Local Plan relates to the protection of the landscape, requiring development to protect and enhance its character and quality. Policy PD1 sets out design criteria, requiring development to be, in particular, sustainable, related appropriately to historic and landscaper features, and neighbourly.

Central government policy is set out in PPG's and PPS's.

#### *PPG8 – Telecommunications*

PPG8 (Telecommunications) states that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. It further states that the Government has responsibility for protecting public health.

The PPG encourages pre-rollout and pre-application discussion between applicant's and both the local planning authority and the local community. It states that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications. It states that local planning authorities and operators should work together to find the optimum environmental and network solution on a case-by-case basis. It emphasises that the Government's policy is to facilitate the growth of new and existing telecommunications systems but that account needs to be taken of other advice for the protection of urban and rural areas, in particular Areas of Outstanding Natural Beauty and conservation areas.

The PPG states that in order to limit visual intrusion the Government attaches considerable importance to keeping the number of telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation

of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution. Use should also be made of other structures, such as electricity pylons, where technical considerations allow. In considering alternative sites the PPG states that authorities should be mindful of the potential impact on the local environment of development of those sites.

Regarding siting and design, the PPG states that the mast height, ancillary development and the scope for landscaping and screening will be important considerations, but so will be the special siting needs of the antenna, in particular relating to range or required line-of-sight. The PPG states that authorities will need to ensure that they have before them all the relevant planning information to enable applications to be properly considered. In situations where the authority may be disposed to conclude that planning permission ought to be refused because of siting or appearance considerations the PPG states that authorities should first seek to understand the constraints the operator faces, whether due to the nature of the technology or the legal requirement to provide a service. It continues that it will clearly improve the chances of an early decision if the operator is prepared to explain the limitations, and discuss the feasibility of alternative sites, preferably at the pre-application stage.

In relation to health considerations PPG8 recognises that the public has become increasingly aware of the presence of EMF's in the environment (that is, electromagnetic fields, or radio waves, transmitted and received naturally (eg the earth's magnetic field) and by a range of man-made sources (including domestic appliances, VDU's, mobile phones and their base stations, electric trains, electricity power lines and broadcasting transmitters)). This growing awareness has been accompanied by concern that exposure to EMF's may have possible adverse effects upon health. As a consequence of this concern the government set up an independent expert group which conducted an assessment of existing research and views on the matter. In respect of base stations the group's report (the Stewart Report) concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases". It also stated that the possibility of harm cannot be ruled out with confidence and that the gaps in knowledge are sufficient to justify a precautionary approach.

With this in mind the government has adopted a precautionary approach which requires, in particular, that the emissions from mobile base stations should meet ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure, and that review of on-going research should continue.

#### *PPS7 – Sustainable Development in Rural Areas*

This PPG sets out the Government's objectives for rural areas. It seeks to raise the quality of life and the environment in rural areas and to promote more sustainable patterns of development.

In relation to Areas of Outstanding Natural Beauty, the PPG states that the conservation of the natural beauty of the landscape and countryside should be given great weight in development control decisions in these areas.

#### *PPG15 – Planning and the Historic Environment*

This PPG sets out the Government's objectives for the protection of the historic environment. It urges local authorities to maintain and strengthen their commitment to stewardship of the historic environment.

In relation to conservation areas, the PPG states that their designation provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define the area's special interest.

#### Operational requirement for the apparatus

In support of the application the applicant's agent has supplied coverage plots which show the quality of the mobile phone signal - firstly, from existing and planned sites in the area, and secondly, as a consequence of the proposal.

The existing coverage plots show that there is no coverage at all for both the 2G and 3G systems. The predictive plots show that, as a result of an installation at the site, coverage would be provided for all the Burbage settlement and surrounding land as well.

Interestingly, the T-mobile website shows that there is existing coverage for the 2G system in this area. However, the website also confirms that there is no 3G coverage. The requirement for a facility to provide 3G coverage at least is, therefore, fully justified.

#### Suitability of the proposed siting and appearance of the apparatus

As already stated, the site lies within the Burbage Conservation Area and the AONB. The site itself comprises BT land supporting exchange buildings, a parking area and an existing 10m high pole mast.

Notwithstanding the restricting nature of the land use designations, the site has merit in pure land use planning terms for the development proposed. Its frontage with the public highway is well-screened by a row of trees which limit views in both the summer and winter. The boundaries to either side are more open (particularly to the north side), but the distances between the proposed site and the boundaries are sufficiently generous to ensure no adverse or overbearing relationship. The design of the mast itself is of flagpole style, neither excessive in height nor diameter, and the associated equipment is similarly modest in scale.

In terms of its visual impact the proposal would, therefore, neither detract from the character or appearance of the conservation area nor adversely impact on neighbour amenity. The impact on the AONB is also limited as the site is within the 'built-up' part of the village rather than in open countryside. For these reasons it is considered that an objection based on loss of amenity, both residential and visual, could not be sustained.

Regarding noise from the equipment cabinets, the applicant has stated that this should not be above background levels, and consequently no nuisance would result. In any event, should nuisance be caused then it can be controlled through separate environmental health legislation.

Notwithstanding the above comments, the application has generated significant local opposition. The reasons given are wide, but include the stress and worry felt by some residents over apparatus being sited in a residential area, and the lack of justification for the chosen site when other more remote sites may be available. Having regard to these objections, it is considered that the proposal should not be approved unless it is adequately demonstrated that there are no other sites which may provide the required coverage but without the local concerns. This approach accords with PPG8.

### Assessment of alternative sites

The applicant's agent has provided comments on three alternative sites. Each is considered in turn.

1. *Terrace Clump* – This is an established 30m tower, currently accommodating Vodafone and Orange.

The agent rejects this site for two reasons – firstly, the site does not provide adequate coverage of Burbage (demonstrated by a predictive plot); and secondly, it would be necessary to redevelopment the existing mast and increase its height to accommodate another operator, and this would make the whole structure too conspicuous within the AONB.

These reasons for not utilising this site are agreed.

2. *Pylon south of the village* – The closest pylon is approximately 1.25km from the village.

The agent rejects this for two reasons – firstly, the site does not provide adequate coverage of Burbage; and secondly the power output would need to be higher in view of the distance.

These reasons for not using this site are not entirely convincing. The coverage plots for both 2G and 3G services show coverage of the settlement, albeit outdoor level of coverage only for part of the settlement. Additionally, only coverage plots 'in isolation' have been provided, and not 'in combination' with other existing antennas elsewhere, and so an incomplete picture is provided. More particularly, only one pylon has been assessed and not others which potentially could give a better result.

The reasons for not utilising pylons are, therefore, incomplete.

3. *Eastsands – industrial site, scout hut or coal/timber yard* –

No coverage plots are provided for these sites. The agent rejects them as being 'green field' locations and so contrary to local and national policies which encourage the use of existing telecommunications sites.

This reason for not considering these sites is also considered to be unconvincing. In the first place the sites are not green field but are brown field. In the second place, although PPG8 encourages site sharing, it does not preclude the use of other sites if preferable or better suited. Specifically, the PPG states that the sharing of masts and sites is strongly encouraged "... where that represents the optimum environmental solution in a particular case", and that in some cases "... technical and design considerations may point to a new site".

In this case the constraints affecting the proposed site are significant (conservation area, AONB and residential area), and local opposition prolific. For these reasons it is considered that new sites such as these cannot be discounted just on the grounds that they are a new site, but must be considered on equal terms having regard to the signal coverage they could provide, their impact on matters of acknowledged importance, and concerns raised by interested parties.

The three sites assessed by the applicant's agent comprise sites suggested by the local planning authority only. There is no assessment of other sites independently considered by the agent.

Overall, the assessment of other sites is considered to be inadequate in terms of the actual number of sites considered and the level of detail forwarded to reject those sites which were considered. Any argument that the proposed site is acceptable in its own right and so does not need to be supported by an assessment of alternatives is flawed and conflicts with PPG8. The application, therefore, fails for this reason in isolation.

#### Conclusion

It is evident that the chosen site for the proposed apparatus has merit, and is certainly an option, but in view of the inadequacies of the assessment of alternative sites it is considered that the application should not be approved, at least until this matter has been more thoroughly investigated.

#### **RECOMMENDATION**

Refuse

1 - The application provides an inadequate assessment of alternative sites for the telecommunications apparatus and, as such, the local planning authority is unable to determine the optimum environmental solution in this particular case. This is contrary to Planning Policy Guidance Note 8: Telecommunications.

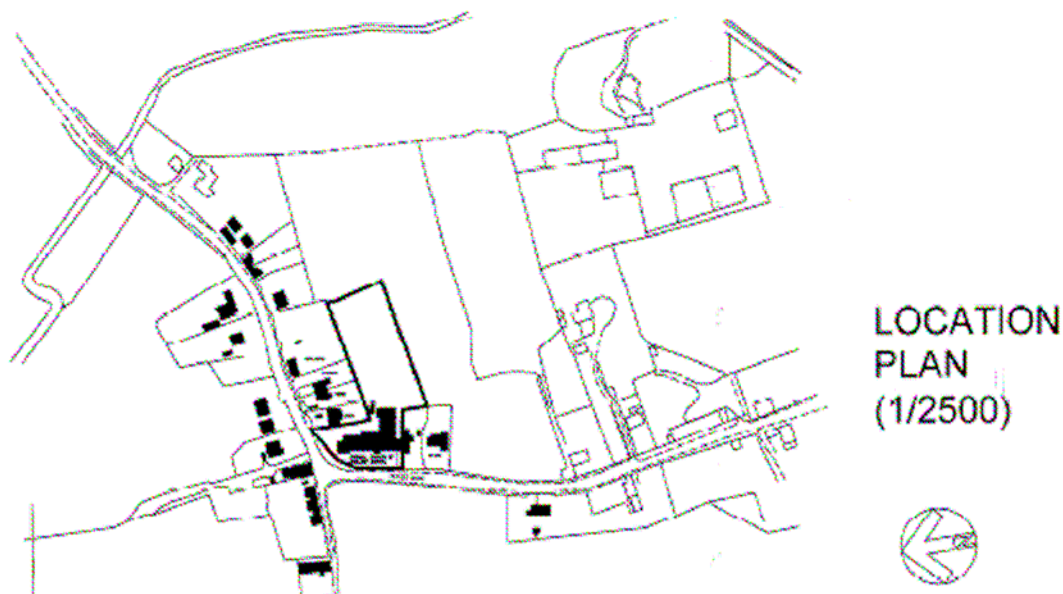
Item 3:

APPLICATION:	K/57182/F
PARISH:	RUSHALL
APPLICATION TYPE:	Full Planning Permission
PROPOSAL:	Two storey classroom & nursery extension.
SITE:	Rushall C of E Primary School Pewsey Road Rushall Pewsey Wiltshire SN9 6EN
GRID REF:	12480 56073
APPLICANT:	Rushall C E Primary School
AGENT:	Dolman
DATE REGISTERED:	16th August 2007
CASE OFFICER:	Mrs K Guest

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### SITE & LOCATION

The application site lies in the centre of the village of Rushall, on the eastern side of the Pewsey Road. When approaching the village from the Devizes direction (via the A342), it is necessary to turn left at the T-junction. After approximately 400 metres, the school can be clearly seen on the right-hand side of the road.



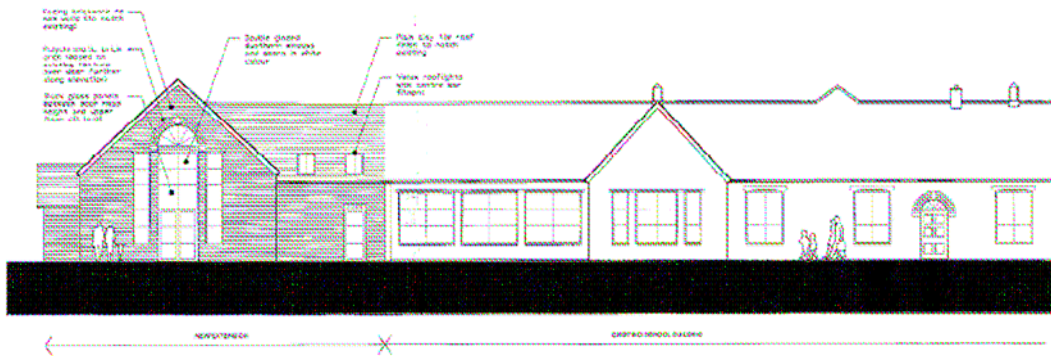
### DESCRIPTION OF DEVELOPMENT

The proposal is to construct a two storey-classroom and nursery extension to the front of the existing school, which would replace the existing prefabricated structure which does not meet the requirements expected in condition and suitability terms. The extension is required for the operational needs of the school, providing additional space to accommodate nursery school activities with associated toilet/kitchen/office and storage provisions (capable of being isolated from the mains school), together with more primary school classroom and study space.

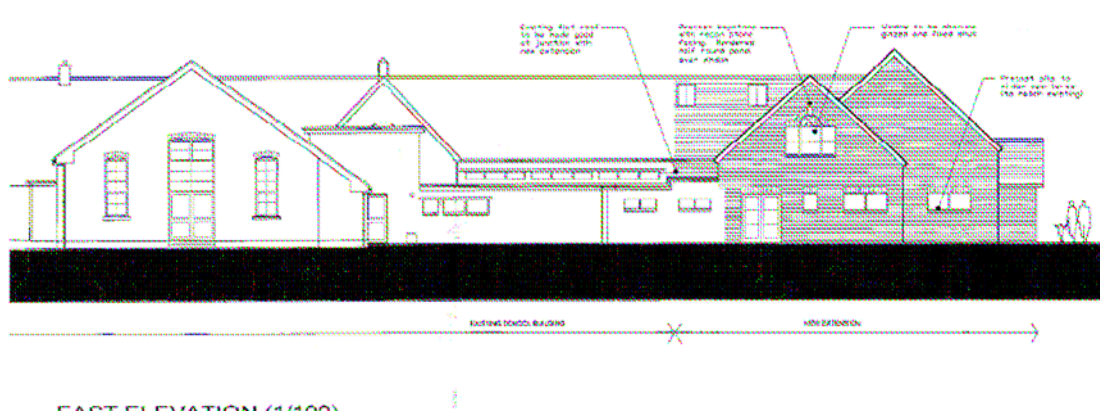
### PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The application has been amended during the course of its consideration, with the incorporation of two additional rooflights (one on the front elevation and the other on

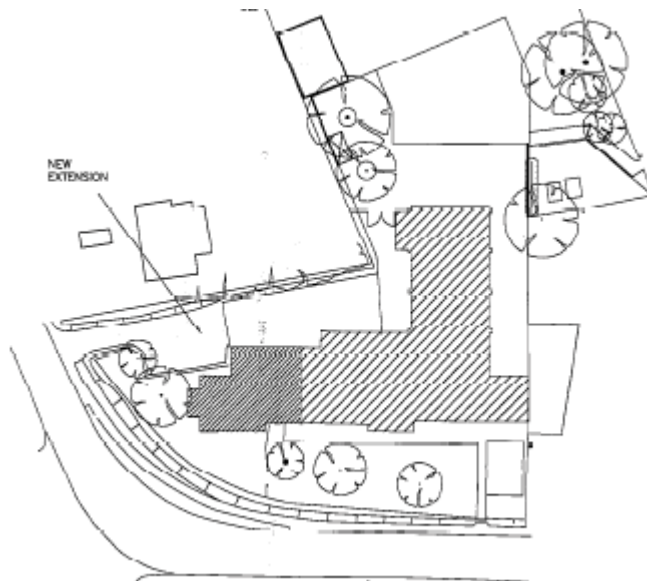
the rear elevation) and an annotation on the drawing confirming that the window at first-floor level in the east elevation will be obscurely-glazed and fixed shut.



Front (roadside) elevation – on site of prefabricated unit



Rear (east) elevation



Block plan – extension at left side of plan



## PARISH COUNCIL COMMENTS

No objections to both the original and the revised plans.

## CONSULTATIONS

County highways – no objection, subject to a condition requiring the submission and approval of a travel plan, as the proposal would result in an increase in the permanent accommodation and capacity of the school.

KDC Landscape and Countryside Officer – the early mature cherry tree on the site has a reasonably high visual amenity, however, this species has a short life expectancy and it is therefore not recommended for a tree preservation order. It may be possible to carry out some surgery work to enable the tree to be retained, but in any case, due to the size of the extension, it is considered that the site requires additional landscape planting. It is recommended that a hornbeam hedge is planted along the chainlink portion of the boundary fence, along with a group of silver birch trees to the north-west side of the building; this could take the form of a single multi-stemmed tree. It is suggested that if this is used, it should have three breaks, be approximately 2.4 metres in height at planting, and be from rootballed or pot grown stock. The hornbeam hedge should be a double staggered row of 90cm transplants at 45cm centres.

## REPRESENTATIONS

Four letters of objection have been received in respect of the original plans, which raise the following key concerns:

- The window at first-floor level on the east elevation of the extension would directly overlook the neighbouring properties, to the detriment of the occupants' privacy. It is therefore requested that this window is omitted from the scheme.
- The design/style of the extension does not match the current frontage of the building, as a) the large apex frontage section is of significantly larger proportions and height to the current similar structure on the school; b) the windows are of a different style and character to the existing building frontage; and c) roof windows have been introduced which are not in keeping with the existing school roof.
- The proposal would result in increased light pollution – this would be a consequence of the need for emergency lighting systems installed in new-builds and human error when the school hall lights are left on overnight.
- The increased ground floor footprint will considerably reduce the external play area for the nursery school children.
- There is a store which can only be accessed externally but a footpath has not been shown to support the use. The inclusion of a footpath would have an increased impact on the roots of the tree.
- New fire exits have been introduced without any supporting footpaths.
- Paragraph 2 of the design and access statement states that the design principle is to address the operational needs of the school and covers the requirements for the proposed changes/improvements to the nursery school. This is understood, but it is probably the correct time to address if the nursery school should be sited at Rushall, as all of the children are brought to and from the school by car with no pupils from Rushall. A review should be

conducted to determine the main catchment area so that the environmental footprint can be reduced.

- The design principle in the design and access statement does not identify what the requirement is for the additional classroom and study areas for the primary school. Since the previous extension was carried out to meet curriculum requirements, it is assumed that the extension is for increased pupil capacity. Since the majority of pupils have to be transported to Rushall as there are no primary school children from Rushall, the catchment area should be reviewed to confirm that increasing the capacity at Rushall is the best solution. Again it should be noted that increasing the number of pupils will have an impact on the environmental footprint.
- The proposal would result in an increased demand for parking. Already, cars spill out of the parking area around the village hall onto the main road. Before the village hall and its parking facilities became available, it was very dangerous on the road. It is considered that the police should be informed of these new circumstances when the congestion is at its worst. In addition, there is a right-angled bend in the road nearby and always a large bus parked to collect the children.
- There are anomalies in the application form, at sections 10, 15, 19, 21 and 23.

Two letters of objection have been received in respect of the amended plans, which raise the following additional points:

- Although the plans refer to the first-floor window in the east elevation being obscurely-glazed and permanently fixed shut, it is considered that the window should be removed in its entirety, as it is all too easy for frosted glass to be changed and fixings released after a building has been signed off and planning conditions ignored or forgotten.

#### POLICY CONSIDERATIONS

Kennet Local Plan – policy PD1 is relevant to the consideration of the application.

#### PLANNING OFFICERS COMMENTS

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

##### Impact on Neighbour Amenity

Concerns have been raised that the window at first-floor level in the east elevation of the proposed extension would directly overlook the neighbouring properties. Amended plans have been submitted which confirm that the window in question would be obscurely-glazed and fixed shut – this can be dealt with by way of a condition if planning permission is granted. It is considered that this solution will satisfactorily overcome the concerns raised about overlooking.

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

The proposed extension would be clearly visible from the road, as the school occupies a prominent position. Notwithstanding this, it is considered that the scale, design and materials of the proposal would be in keeping with the existing school building. It is also considered that it would be a significant improvement on the existing pre-fabricated structure which would be demolished as part of the proposal.

##### Impact on Cherry Tree

Potentially, the proposal could affect the early mature cherry tree at the front of the site. However, the Council's Landscape and Countryside Officer has advised that

this species has a short life expectancy and therefore the tree will not be recommended for a tree preservation order. It is, however, recommended that there is additional landscape planting, to help screen the proposed extension. It is recommended that this should take the form of a hornbeam hedge and a group of silver birch trees to the north-west side of the building.

#### Impact on Highway Safety

Concerns have been raised about the increased demand for parking as a result of the proposal, which could mean that more vehicles would park in the road. It is acknowledged that the proposal would result in an increase in the permanent accommodation and capacity of the school, however, it is not considered that this would put such a demand on parking as to warrant the refusal of planning permission. Furthermore, the highway authority has raised no objection to the proposal subject to a condition requiring the submission and approval of a travel plan. This is recommended as it would help reduce the number of vehicles using the site.

#### Other Issues

Concerns have been raised about the potential increase in light pollution as a result of the proposal. Although this is a material consideration, it is not considered that light pollution levels would be significantly greater than at present, particularly as the extension would be no closer to the neighbouring properties than the existing school buildings. Furthermore, in a residential area such as this, a certain amount of light pollution is to be expected.

Concerns have been expressed that the proposal would result in a reduction in the amount of play space available. Although the extension is bigger than the prefabricated structure that it would replace, it is considered that there is still plenty of space available in the vicinity for children to play.

The concern raised regarding the positioning of fire exits is a matter for consideration at the building regulations stage - it is not a material planning consideration.

A local resident has suggested that now is the time to consider whether the nursery school should actually be sited at Rushall, as well as reviewing the catchment area for the school. This is not a material planning consideration, rather it is an issue for the school and education authorities to resolve.

Anomalies on the application form have been identified by a local resident. These do not affect the determination of the planning application, as the submitted plans provide all the information required to fully assess the proposal.

#### Conclusion

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 - This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number 1210/01 Rev B and 1210/02 Rev C received on 11 September 2007 and the agent's letter dated 10 September 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 - The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in colour and texture those used in the existing structure.

**REASON:**

To secure harmonious architectural treatment.

4 - The window at first floor level shown on the approved plans 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 the occupants of the neighbouring properties.

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

**REASON:**

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

6 - No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details (including species, planting sizes and densities) of a hedge to be planted along the chainlink portion of the boundary fence and a group of trees to be planted to the north-west side of the building.

**REASON:**

To ensure a satisfactory landscape setting for the development.

**7 - INFORMATIVE TO APPLICANT:**

The applicant is advised that the landscaping scheme should comprise the following:

1. The hedge to be planted along the chainlink part of the boundary fence should be hornbeam, planted in a double-staggered row of 90 centimetre transplants at 45 centimetre centres.
2. The group of trees planted to the north-west side of the building should be silver birches, which could take the form of a single multi-stemmed tree. If this is used, it is recommended that it has three breaks, it should be approximately 2.4 metres in height at planting and should be from rootballed or pot grown stock.

8 - 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 extension 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.

9 - Before the extension hereby permitted is first brought into use, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

**REASON:**

In the interests of road safety and reducing vehicular traffic to the school.

**10 - INFORMATIVE TO APPLICANT:**

The applicant is advised to contact Wiltshire County Council's Highways Department on 01225 713000 if further advice is required on the content of the travel plan required by condition 9 of the planning permission.

**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.

Item 4:

APPLICATION: K/56628/F  
PARISH: NORTH NEWNTON  
APPLICATION TYPE: Full Planning Permission  
PROPOSAL: To erect a new dwelling and garage and demolish existing mobile home, industrial units and outbuildings  
SITE: Vine Cottage Bottlesford PewseyN9 6LU  
APPLICANT: Sherbourne Developments Ltd  
AGENT: Alex Oliver Associates  
DATE REGISTERED: 21st May 2007  
CASE OFFICER: Miss G Salisbury

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### SITE & LOCATION

The application site is located towards the north-east end of the village on the northern side of the Bottlesford Road. Vine Cottage fronts the road and has a long narrow garden leading down to the railway line at the northern end of the site. A large B1 industrial building sits adjacent to Vine Cottage. This measures 372 square metres in area and extends along the eastern boundary to a point approximately half way down the site. To the rear of the industrial unit are two additional structures including a dilapidated mobile home and small shed. These are to be removed.

In terms of character, residential development in the area is linear in form and comprised predominantly of large dwellings set in single plot depths situated close to the road. The application site however is at odds with this character due to the presence of the industrial building behind the existing house.

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



*Site Location*

## SITE HISTORY

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

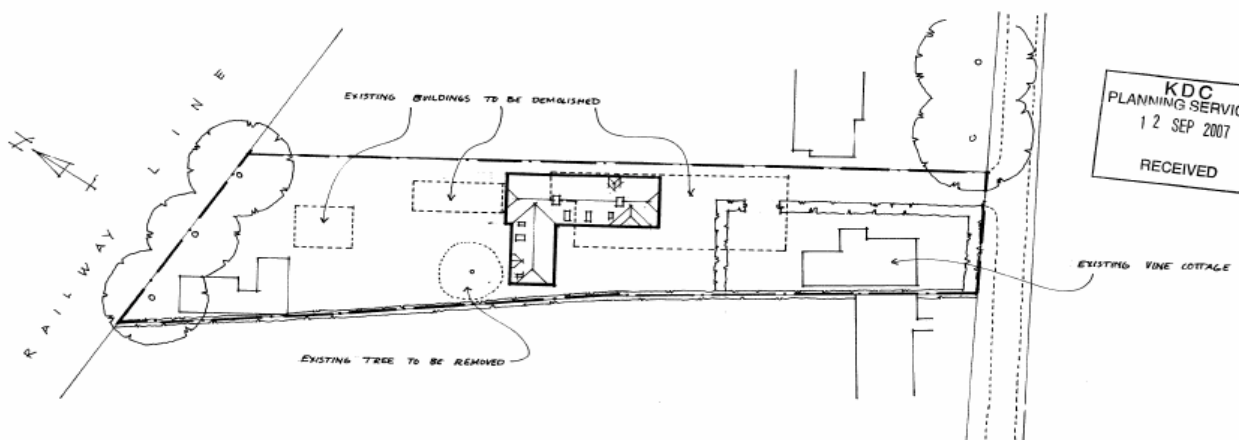
K/85/0302 – In April 1985 the above permission was renewed up to 31<sup>st</sup> December 1986. This was again a personal permission to meet the personal and temporary needs of the applicant. Planning permission for the mobile home has not been renewed since 1985 and while the mobile home has not been removed from the site it has fallen into a state of disrepair and is not in use.

K/55762/F – In March 2007 planning permission was refused by the Regulatory Committee for the demolition of the existing employment building and its replacement with three dwellings. This was due to the position of plots 2 and 3 behind the existing employment building which due to their "backland" siting would not comprise any of the acceptable forms of development specified within Policy HC24 of the Kennet Local Plan and would result in a scheme that would not be harmonious with the linear character of the village. In addition, the proposal made no provision for affordable housing. In line with Policy HC32 one of the three units should have been an affordable unit.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for the demolition of the existing industrial unit currently in B1 use and its replacement with one 5 bed dwelling. The proposed dwelling is an L-shaped building that will overlap the footprint of the industrial unit and run parallel to the eastern boundary. The main body of the building measures 22.1 metres in length, 8 metres wide and 7.2 metres to the ridge. The attached wing to the west forming the L-shape is subservient to this measuring 6.6 metres wide, 9.8 metres long and 6.3 metres to the ridge. The floor area of the proposed dwelling is 241 square metres compared to industrial unit at 372 square metres. Materials proposed are brick and flint to the external walls and clay tiles to the roof.

Access to the site will be via the existing road and will run to the eastern side of Vine Cottage providing vehicular access to the proposed development and Vine Cottage. The garden area to Vine Cottage has been rearranged to accommodate the development.



*Proposed Block Plan*

KDC  
PLANNING SERV  
12 SEP 2007  
RECEIVED



*Proposed Front (West) Elevation*



*Rear (East) Elevation*



*Side (South) Elevation*



## PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The plans have been significantly amended during the course of the application following negotiations with the applicant. The principle amendments are as follows;

1. The siting of the dwelling has been amended so that the building now overlaps half the length of the industrial building it will replace.
2. The garaging to the proposed dwelling and Vine Cottage has been completely removed from the proposal.
3. The eaves height has been reduced and the pitch of the roof increased to 45°.
4. The bulk of the building has been reduced by lowering the eaves and reducing the ridge height on the smaller part of the building that houses the kitchen and utility room.
5. The large window on the front elevation has been replaced with a more domestic scale window with small gable over.
6. The dormer window on the north-east elevation has been scaled down. This window is onto circulation space and will be fitted with obscured glass. The second dormer originally proposed has been removed from the scheme.
7. With these amendments there has been a significant change to the overall design feel to the building away from a barn type development. Materials have been amended from timber boarding and slate to brick and flint and clay tiles.

## ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has submitted a statement in support of their application. In summary the applicant feels that there is a significant visual gain with the removal of the B1 unit and its replacement with a single dwelling. Through the design process we have minimised the potential for overlooking neighbouring properties and scaled the dwelling so as to fall into the existing topology of Bottlesford. We feel that the overall visual appearance of the site will be significantly enhanced and must be seen in context with the potential for increased industrial traffic and disruption from the B1 unit.

The full supporting document is available to view on the working file.

## PARISH COUNCIL COMMENTS

North Newnton Parish Council object to the development. It is considered that the proposal is contrary to Kennet Local Plan HC24 items a) and c) for the following reasons;

- The proposed house is not within the existing built up area of the village being positioned well behind the building line and lying largely outside the footprint of the existing industrial building it is replacing.
- The development is not in harmony with the village in terms of scale being a very large house positioned in such a way as to overlook adjacent properties.

## CONSULTATIONS

Network Rail – No objection

Wessex Water – No objection

KDC Environmental Health Officer – No objection

County highways – Objects as the proposal is remote from local services, employment opportunities and being unlikely to be well served by public transport is

contrary to the key aims of PPG13. This seeks to reduce growth in the length and number of motorised journeys.

KDC Engineering and Design Manager – Objects as the applicant has not stated how they intend to dispose of surface water.

## REPRESENTATIONS

Four letters of objection were received to the original plans on the grounds that;

- a) The development would not be in keeping with the rest of the village as surrounding development is linear in form fronting the road. Once again this is a back garden development and is not in accordance with the linear form of the village.
- b) The Council's policy is to refuse back fill development of any kind in line with HC24. The footprint of the house is only just on the site of the old industrial building.
- c) The increased use of the industrial unit if the application is refused is unlikely to occur as most business operators would prefer to be on an industrial estate with more room, better facilities and lower rates. The existing factory has been on site for many years and is not detrimental to the character of Bottlesford as it is a low level construction and partly obscured by Vine Cottage from the road.
- d) The height of the house and its position would impair the enjoyment of the garden to Myrtle Cottage especially when the hedge loses its leaves and the building would be very conspicuous.
- e) The new development makes no provision for affordable housing.
- f) The proposal will cover an area equivalent to two of the houses proposed under the previous application which was duly rejected.
- g) It will overlook and overbear on the neighbouring properties.
- h) It is out of proportion and certainly is not in keeping with the local environment.
- i) The revised plan boldly states that the new dwelling will replace an existing building i.e. the mobile home. This however is disused and in a poor condition. It also only had temporary approval and should have been removed a long while back.
- j) The size of the dwelling is out of context with the size of local housing.
- k) The proposal would set a precedent and could lead to a total change of our neighbourhood.
- l) There will be a loss of privacy and of the rural nature of our garden areas.
- m) The retention of mature trees will not hide the building, especially during the winter months.
- n) The proposed garage building is very high and very close to the neighbouring house.
- o) We are concerned that the portable dwelling presently in the garden is being used as a precedent for such a back development.

One letter of support was also received from a resident of Bottlesford on the grounds that;

- The removal of the existing unattractive warehouse and the associated commercial traffic would benefit the traffic.
- The proposed dwelling appears to be smaller than the warehouse.
- The design of the buildings are in keeping with the village.
- The dwelling would attract a family into Bottlesford, a village which has a mature population.

- The proposal makes sensible use of the site and would result in fewer parked vehicles being visible from the road than is currently the case.

Four letters of objection were then received to the first set of revised plans amending the siting of the building. The reasons for objection are as above. It is felt that the amendment does little to alter the objections already raised. All that has changed is that the footprint of the dwelling has been brought forward to cover half the footprint of the industrial building. It is still backland development behind the linear aspect of the village.

Five letters of objection have been received to the amended plans received the 14<sup>th</sup> August 2007 altering the design of the building and removing the garages from the scheme. Again the amendments are not considered to have changed anything and the objections specified above still relate. The development ignores Kennet Local Plan Policy HC24 and no serious attempt has been made to cover the footprint of the industrial building. The plot is not large enough to accommodate a property of this size harmoniously.

#### POLICY CONSIDERATIONS

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

#### PLANNING OFFICERS COMMENTS

This application raises a number of issues that are addressed in turn.

##### Principle of Development

The site lies within the existing built up area of Bottlesford where planning policy supports new housing development consisting of the redevelopment of existing buildings. In principle therefore the erection of a dwelling on this site will be in accordance with Policy HC24 of the Kennet Local Plan provided that the development is in harmony with the village in terms of its scale and character and conforms with other policies in the plan (discussed below).

It is acknowledged that the surrounding form of development is linear with large detached dwellings fronting the road and long gardens behind extending north towards the railway line. The existing industrial building however sits in a backland position behind Vine Cottage and its replacement with a well designed appropriate dwelling presents the opportunity to remove a large building that is of no architectural merit and is out of character with surrounding development in terms of its use. The erection of a dwelling in place of the existing industrial building is therefore considered to be acceptable in principle.

Members will recall that while the previous application for the erection of three dwellings on this site was refused, this was due to the backland siting of Plots 2 and 3 far beyond the existing industrial building towards the northern end of the site.

There is no policy objection to the loss of the employment building.

##### Impact on Neighbour Amenity

The site is bound by existing residential development to the south (Vine Cottage), east and west. Objections have been received to the development on the grounds that the dwelling would have an overbearing impact and overlook surrounding properties and their gardens, in particular Le Marronier and Myrtle Cottage. The garden of Myrtle Cottage is a minimum of 11 metres away from the main part of the front elevation of the dwelling and the neighbouring property itself is 32 metres from

the development. This is considered to be a satisfactory distance as it meets the Council's normal minimum guideline garden length of 10.5 metres and the window to window distance of 21 metres. The wing of the development (producing the L-shape) does come within 2 metres of the boundary but this part of the building is 46 metres from the neighbouring property. The building at this point is also single storey in height and pitched away from the boundary. No windows are proposed above ground floor level in the south or west elevations of this wing and a condition is recommended to remove permitted development rights for windows above ground floor level in the interest of neighbour amenity. In addition the trees and hedging along the boundary are to be retained which will provide an additional visual screen.

In relation to Le Marronier, the proposed dwelling lies close to the eastern boundary. It is however no closer to the boundary than the industrial building it will replace. The proposed dwelling has also been set back behind the front line of the industrial unit and so would be less overbearing than the industrial unit which is 19 metres closer than the proposed dwelling. In terms of distance from Le Marronier, the proposed dwelling meets the minimum standard of 21 metres. A window is proposed on the rear elevation facing towards the garden of this property. This is to serve the landing and will be obscure glazed. A condition is also recommended to ensure this window would remain fixed shut and remove permitted development rights for further windows above ground floor level in this elevation to ensure that the development will not result in a loss of privacy.

In relation to Vine Cottage, the proposed dwelling is 21 metres away at the closest point which again meets minimum standards.

#### Design and Appearance

Concern has been raised that the size and design of the dwelling is out of keeping with the local environment. While the design of the proposed dwelling differs from surrounding properties, the dwelling is considered to be well designed and well suited to its context. While the proposed dwelling is larger than surrounding properties, the site is capable of accommodating a building of this size which is smaller in floor area than the building it will replace.

#### Other

With regards to precedent, this site is unusual in already having a backland development of an industrial unit. Given this situation, it is considered that the replacement of the existing industrial building with one residential unit within the built up part of the village is acceptable in principle having regard to policy HC24. Any future application for residential development will be determined against the same policy which restricts new housing development to infilling, the replacement of existing dwellings or the re-use or redevelopment of existing buildings.

Concern has been raised that the developer has not stated how they intend to dispose of surface water. This detail can be conditioned to ensure that development does not commence until acceptable details of the means of surface water have been submitted. The recommended condition can be seen below.

There is no policy requirement for the proposed dwelling to be an affordable home.



*Looking north into the site from the road. Vine Cottage can be seen in the foreground and the existing industrial unit to the rear.*



*View south from within the site towards Vine Cottage and Myrtle Cottage*

### **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 - This permission relates only to the scheme of development shown on the revised plans 07/06/P110 and P113 Revision C received the 10th August and plans 200707/06/P109, P111, P112, P114 and P115 Revision D received on the 12th September 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, roofs and windows (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 - No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall include species, sizes at planting, densities, location and numbers.

**REASON:**

To ensure a satisfactory landscaped setting for the development.

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

**REASON:**

To ensure a satisfactory landscaped setting for the development.

6 - In this condition "retained tree" or "hedge" means an existing tree or hedge 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 or hedge 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 or hedge is removed, uprooted or destroyed or dies, another shall be planted at the same place and 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) Trees 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) unless otherwise agreed in writing with 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 amenity.

7 - No development shall take place until a detailed plan showing two off road parking spaces for both the approved dwelling and Vine Cottage has been submitted to and approved in writing by the local planning authority. The approved spaces shall be provided before the development permitted is first brought into use and shall be maintained thereafter for this use.

**REASON:**

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

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 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.

9 - The window at first floor level shown on the approved plans on the rear 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.

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

**REASON:**

In the interests of the privacy of the neighbouring properties

11 - Notwithstanding the submitted details, before works commence on site plans of the means of the disposal of surface water from the development shall be submitted to and approved by the local planning authority. Development shall take place in accordance with the approved details.

**REASON:**

To ensure satisfactory surface water drainage

12 – The dwelling shall not be occupied until the Existing Buildings to be Demolished, as shown on the site plan, have been removed from the site.

**REASON:**

In the interests of amenity and to prevent the overdevelopment of the site.

**13 - INFORMATIVE TO APPLICANT:**

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

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

**14 - INFORMATIVE TO APPLICANT:**

The applicant's attention is drawn to the contents of the letter from Network Rail dated the 1st June 2007 relating to requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

**15 - INFORMATIVE TO APPLICANT:**

It will be necessary to agree with Wessex Water a point of connection onto the system for the satisfactory disposal of foul flows generated by this proposal. With respect to water supply, there are water mains within the vicinity of the proposal and again it will be necessary to agree connection. You are therefore advised to contact Wessex Water prior to the commencement of any works on site. Wessex Water, Claverton Down, Bath, BA2 7WW Tel: 01225 526000.

**16 - INFORMATIVE TO APPLICANT:**

The applicant's attention is drawn to the contents of the letter from Wiltshire Fire Brigade dated the 5th June 2007.



