

Regulatory Committee
29th November 2007
List of Applications for Consideration

1 K/56624/F (page 6)

Full planning application for : Erection of 123 dwellings and associated works

Land at Naughton Avenue BISHOPS CANNINGS/ROUNDWAY, Devizes

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

2 K/56770/F (page 14)

Full planning application for : Demolition of bungalow and erection of 2 dwellings

Woodlands Enford Hill ENFORD SN9 6DJ

RECOMMENDATION: Grant full planning permission

3 K/57100/F (page 27)

Full planning application for : Removal of existing hall and replacement with 3 dwellings and garages

Seend W I Hall Rusty Lane SEEND SN12 6NS

RECOMMENDATION: Defer & delegate to Planning Services Manager to grant permission, subject to prior completion of legal agreement

4 K/57099/CAC (page 39)

Conservation Area Consent application for : Removal of existing hall, to be replaced with 3 new dwellings and garages

W.I. Hall Rusty Lane SEEND SN12 6NN

RECOMMENDATION: Grant conservation area consent

5 K/57377/F (page 42)

Full planning application for : Conversion of existing building from one dwelling to two dwellings

Former West Overton Stores West Overton FYFIELD/WEST OVERTON SN8 4ER

RECOMMENDATION: Grant full planning permission

6 K/56724/F (page 47)

Full planning application for : Construct three log cabins for holiday letting accommodation

The Piggery Rendells Farm The Street ALL CANNINGS SN10 3PA

RECOMMENDATION: Grant full planning permission

7 K/57263/F (page 56)

Full planning application for : Erection of single storey dwelling

55 High Street BURBAGE SN8 3AF

RECOMMENDATION: Grant full planning permission

8 K/57416/F (page 64)

Full planning application for : Formation of self-contained residential unit within shared house occupied by persons in need of care.

10 George Lane MARLBOROUGH SN8 4BT

RECOMMENDATION: Grant full planning permission

9 K/57426/F (page 69)

Full planning application for : Change of use of agricultural land to equestrian and erection of two stable blocks.

Land at Courthill Farm Court Hill POTTERNE SN10 5PN

RECOMMENDATION: Grant full planning permission

Item 1

APPLICATION: K/56624/F
PARISH: BISHOPS CANNINGS
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Erection of 123 dwellings and associated works
SITE: Land at Naughton Avenue Devizes Wilts
GRID REF: 02236 62681
APPLICANT: George Wimpey South West Ltd
AGENT: DPDS
DATE REGISTERED: 21st May 2007
CASE OFFICER: Mr MS Wilmott

SITE & LOCATION

This site lies in the north-east of Devizes and was part of the former Le Marchant Barracks which was closed some years ago by the Ministry of Defence. Access can be obtained from the roundabout that serves the Focus DIY store by turning into Hambleton Avenue. The site lies to the south-east of the Focus store. It extends to an area of some 3ha and is largely flat and featureless, with the exception of a group of trees adjacent to the north-west corner of the site. It is bounded to the west by Hambleton Avenue; to the south by Naughton Avenue and to the east by Horton Avenue. To the north, a small undeveloped area of land separates the site from the retail operations of Focus and Lidl and the housing association offices. It is situated in an area that has largely been redeveloped, with the Davis Drive housing estate to the east and further housing to the south and more recently the David Wilson housing development at Le Marchant Barracks to the west, partially separated from Hambleton Avenue by commercial office development.



Site Location

SITE HISTORY

The site has remained undeveloped since the MoD use ceased.

DESCRIPTION OF DEVELOPMENT

The proposal is to erect 123 houses on the site, served from a spine road linking Naughton Avenue and Horton Avenue and cul-d-sacs from this spine. There would also be some houses served directly from Hambleton Avenue and Horton Avenue.

The housing mix would be 47 4-bed houses; 26 3-bed houses; 50 2-bed flats; maisonettes and houses. The density would be around 41 per hectare.



Proposed Layout



A street scene

Based on the policy set out in the Kennet Local Plan, 37 of the houses would be subsidised, with 26 of them being for rent and 11 for shared ownership. A further 24 would be low cost market units, bringing the total to the 50% envisaged in the Local Plan.

The dwellings would all be 2; 2.5 or 3 storeys in height. There would be 227 car parking spaces, including visitors spaces (1.85 per dwelling).

An equipped children's play area would be provided within the site at the northern end in the area suggested in the Planning Brief approved by the Council in May 2006.

In addition to the affordable housing, a legal agreement with the developers would provide for contributions towards primary education; secondary education; sustainable transport measures; the Devizes traffic model; off-site casual play space and sports pitches as well as maintenance of these areas and the equipped children's play area and open space on site.

A Renewable energy strategy has been devised that will see 36 of the dwellings equipped with solar thermal collectors to reduce CO2 emissions from the site by 10%.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Minor amendments to the layout of the estate and detailed design of some of the dwellings have been submitted, but the main amendment since the submission has been the development of the Renewable Energy Strategy.

ADDITIONAL STATEMENT BY THE APPLICANT

The agent acting for the applicant has submitted a detailed Planning Statement addressing the policy context, proposals and planning issues relating to the site.

In addition, an Affordable Housing Strategy Document; Flood Risk Assessment; Renewable Energy Strategy; Transportation Statement; Ecological Appraisal; Arboricultural Survey; and Statement of Community Involvement have been submitted. These are available for inspection on the application file.

PARISH COUNCIL COMMENTS

Bishops Cannings PC – No objection to the scale of the development; the layout or the design of the proposed dwellings. However, would like to see measures taken to improve highway safety in the area, with a 20 mph limit imposed throughout the Cannings Hill estate and weight limits placed on vehicles using these roads (except for access). Accept that this may be something that needs to be taken up with the highway authority directly rather than through the planning application. Would like to see a contribution towards appropriate traffic calming measures on roads outside the immediate application site, such as Horton Avenue. Would also like to see consideration given to the number and location of bus stops in the area of the development, with a view to ensuring that they are conveniently located for residents in the new dwellings.

Roundway PC – two objections. Firstly, consider that the proposed play area is too close to the business area. For safety it should be situated nearer to the low cost and smaller houses where there are likely to be most children living. Secondly, consider that there is insufficient parking especially for visitors to houses.

CONSULTATIONS

County Highways – No objection. There should be a planning condition to require the implementation of a revised street lighting scheme on the three roads Hambleton Avenue; Naughton Avenue and Horton Avenue and a further condition requiring the developers to carry out reasonable repairs to these roads attributable to damage caused by construction traffic. A legal agreement is required to secure the financial contributions towards the Devizes Traffic model and sustainable transport measures.

Environment Agency – No objection, subject to a condition requiring a scheme for the provision of surface water drainage works and a condition requiring a scheme for water efficiency to be approved and implemented.

KDC Environmental Health – the land is surrounded by existing residential properties. The only concerns are issues relating to noise and dust disturbance. Best practicable means should be employed to reduce nuisance from these and the hours of work for construction operations that are audible at the site boundary should also be restricted. A Contaminated Land survey has been carried out and the site is clear from any significant contamination. A validation report for the couple of hotspots that were identified will be received, but these do not require any major remediation work.

KDC Drainage Engineer – Agrees with the overall drainage strategy submitted to the Council and Wessex Water.

KDC Housing Development Officer – No objection.

Wessex Water – The principles of the overall strategy for the storm systems proposed is acceptable. The details of how the strategy is to be achieved still need to be agreed and there is a requirement to undertake works and resolve these details before construction can start on site. This can be secured by planning conditions.

REPRESENTATIONS

The developer carried out a public exhibition of the proposals in February 2007. 64 people attended the exhibition. A report on the outcomes is included in the submitted Statement of Community Involvement.

Since the application was received, it has been publicised with press and site notices and notifications have been sent to the owners of almost 100 properties close to the site. Three responses have been received. One seeks a restriction on working hours and times of delivery of materials/plant. The two others object on the grounds of loss of open space; increase in activity, noise and traffic; impact on parking, particularly with the opening of the new public house that will have some residents making use of its services and safety hazard to pedestrians from any confined spaces/passages in the development.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 – the site is allocated for housing under policy HC2 for 'about 100 dwellings'. Policy HC14 states that the development should allow for and not compromise the development of adjacent land to the north for employment purposes. Other more general policies that apply are HC7; HC30; HC31; HC34; HC37; HC38; HC42; PD1; AT1; AT9; AT10.

Supplementary Planning Guidance is provided in the approved Devizes Strategic Development Brief and the Naughton Avenue Planning Brief (approved in May 2006 and envisaging a development of around 110 dwellings).

PLANNING OFFICERS COMMENTS

This is one of the last of the sites in the Devizes area allocated for housing development in the Kennet Local Plan to come forward. The issues raised by the proposal can be identified as follows:

Principle:

The site is allocated for residential development in the Kennet Local Plan 2011 and is a brownfield site. The principle of the development is therefore acceptable. The number proposed (123) is slightly above the number envisaged in the Planning Brief (110) but the layout plan demonstrates that this number can be catered for adequately and the overall density at 41 per hectare is well within the 30-50 per hectare range normally sought to make efficient use of brownfield sites in settlements with a range of services. The proposal does not prejudice the development of the land to the north for employment purposes, which has its own access point off the service road serving the Focus and Lidl stores.

Design

The proposal follows the principles of the Local plan and development brief in both its mix of tenure and the spread throughout the estate. The layout includes a play area at the north end overlooked by nearby houses (ensuring oversight) and closely related to the nearby protected group of trees adjacent to the site, creating a larger 'open' area free of development. The layout of the houses shows houses fronting the surrounding roads of Hambleton Avenue; Naughton Avenue and Horton Avenue, thereby helping integrate the development into its surroundings and providing greater security for pedestrians using the pavements.

Traffic

Clearly, the development will add more traffic to the local road network, but this was envisaged at the time of the allocation of the site for residential development and the additional traffic will not materially harm the existing traffic conditions. The site is adjacent to a bus stop and the layout provides access points onto both Naughton Avenue and Horton Avenue, avoiding funnelling traffic into one junction. This is further eased by some of the houses having direct access onto Hambleton Avenue and Horton Avenue, avoiding the use of the internal road network. The number of parking spaces provided (227) is in accordance with Local Plan standards and is more per dwelling than an Inspector found necessary at the nearby Kvernerland site.

Affordable housing

The scheme meets the requirements of the Local Plan in overall numbers, tenure mix and the location of the units throughout the estate.

Drainage

The Flood Risk from surface water has been carefully assessed by the Council's Drainage engineer and Wessex Water, based on up to date information available as recently as July this year. The scheme has been amended to take this information into account and the strategy now put forward should not increase the risk of surface water flooding in the area.

Section 106 Contributions

The requirements for the site for off-site contributions have already been set out in the Devizes Strategic Development Brief. This provides for contributions towards primary and secondary education requirements; sustainable transport measures, the Devizes traffic model and off-site recreation. In addition, a contribution to secure the maintenance of the equipped children's area and open space will also be included.

Renewable energy

The Naughton Avenue Planning Brief requires sufficient on-site renewable energy to reduce carbon dioxide emissions from energy use by users of the buildings constructed on site by 10%. To achieve this, the plans include roof-mounted solar panel collectors on 36 of the dwellings.

Conclusions

The proposal involves the residential development of a brownfield site within the built-up area of Devizes that is allocated for just such a development. The proposal is in accordance with the policies of the Development Plan and accordingly is recommended for approval.

RECOMMENDATION

Subject to the completion of legal agreements to cover the matters of affordable housing; education and transport contributions and the provision of recreational space and off-site contributions, planning permission is recommended, subject to the following conditions:

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

REASON:

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

2 - No construction work shall take place and no deliveries shall be received on the site outside of the hours 0800 - 1830 Mondays to Fridays and 0800 - 1300 Saturdays.

REASON:

To protect the amenities of nearby residential properties, particularly during evenings and weekends when more people are likely to be at home.

3 - The proposals contained in the Renewable Energy Strategy dated April 2007 and prepared by Cyril Sweett shall be implemented before the houses identified for solar thermal collectors are first occupied. Any proposed variations from this scheme shall only be permitted with the prior written approval of the local planning authority.

REASON:

To ensure that the use of renewable energy is satisfactorily integrated into the new development to assist in the reduction of CO2 emissions.

4 - Before any of the dwellings are first occupied, details shall be submitted to and approved in writing by the local planning authority of a revised street lighting scheme for the the site frontage along Hambleton Avenue, Naughton Avenue and Horton Avenue. These details shall include a programme for implementing the revised scheme. The works shall be carried out in accordance with the approved details and programme for implementation.

REASON:

To ensure a satisfactory street lighting scheme, in the interests of highway safety and the amenity of local residents.

5 - Before works commence, a survey of the existing condition of the roads and footways at Hambleton Avenue, Naughton Avenue and Horton Avenue shall be undertaken, followed by a similar survey on completion of the construction works on the site. Any damage to the footways and roads identified on these surveys and agreed by the local planning authority to be attributable to the development construction traffic shall be repaired in accordance with details and timings to be submitted to and approved in writing by the local planning authority.

REASON:

To ensure that any highway damage caused as a result of the construction traffic is repaired, in the interests of road safety.

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

REASON:

In the interests of visual amenity.

7 - Before works commence on site, details of the means of delivery of the drainage strategy set out in the Cole Easdon letter of 13th November 2007, including a timetable for the implementation of both the on and off site works, shall be submitted to and approved in writing by the local planning authority. The works required by the strategy shall be implemented in accordance with the agreed timetable and the drainage systems designed and located such that the possibility of adoption under agreement of the systems by the sewerage undertaker is maximised.

REASON:

To ensure that satisfactory provision is made for surface water drainage of the site.

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

REASON:

To secure harmonious architectural treatment.

9 - The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

REASON:

To ensure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

12 - The trees on the site which are to be retained, including those protected by a Tree Preservation Order shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by a chestnut paling fence (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

13 - The buildings on plots 28 -31 shall not be occupied until the area shown on the approved plans as a LEAP has been laid out in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any purpose other than as a play area. At no time shall it be incorporated into adjoining residential curtilages.

REASON:

To ensure that the area is not fragmented and remains to fulfil its original function.

14 - 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 site is allocated for residential development in the Kennet Local Plan and that the layout proposed, together with the planning conditions attached to this decisions, will ensure that the 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: HC2; HC7; HC14; HC30; HC31; HC34; HC37; HC38; HC42; PD1; AT1; AT9; AT10.

Item 2:

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|-------------------|--|
| APPLICATION: | K/56770/F |
| PARISH: | ENFORD |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Demolition of bungalow and erection of 2 dwellings |
| SITE: | Woodlands Enford Hill Enford SN9 6DJ |
| GRID REF: | 14001 51568 |
| APPLICANT: | Mr J Bailey |
| AGENT: | Mr C Manning |
| DATE REGISTERED: | 19th June 2007 |
| CASE OFFICER: | Mrs K Guest |

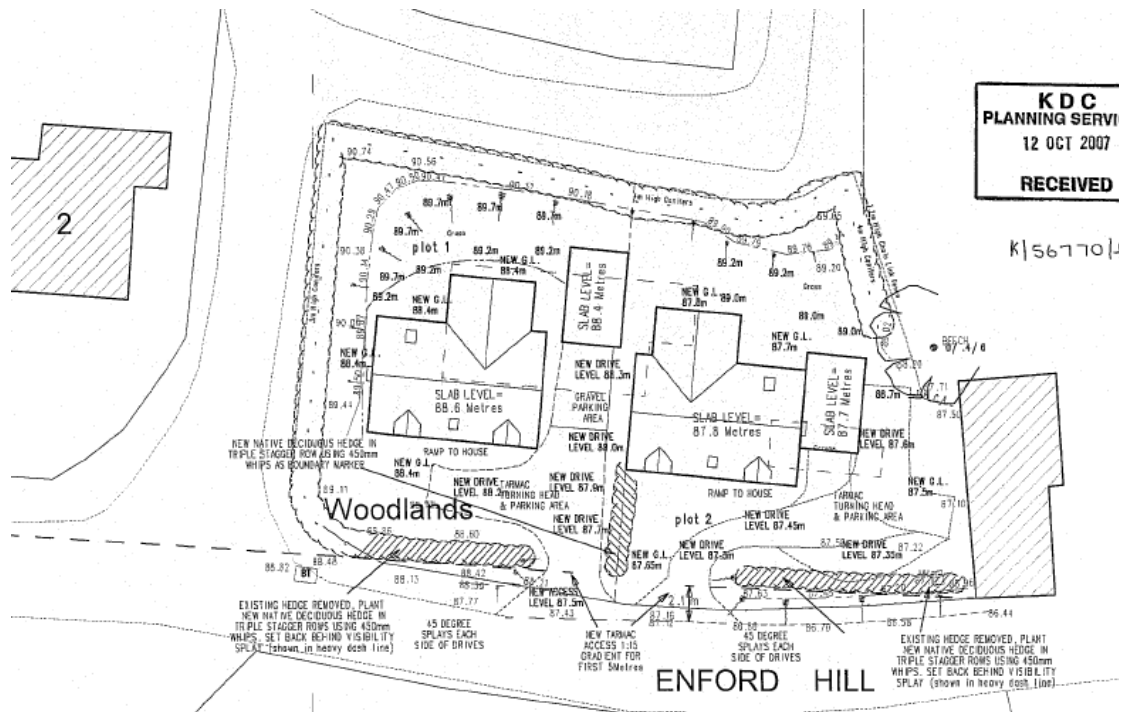
SITE & LOCATION

The site lies at the northern end of the village of Enford. To reach the site it is necessary to take the left-hand turn off the A342, which is signposted for Enford. After approximately 50 metres, the site can be seen on the left-hand side of the road. It presently contains a prefabricated bungalow and garage in an elevated position and is surrounded by residential development. A mature leylandii hedge marks the northern and western boundaries of the site and also extends to part of the road frontage. The roadside boundary to the east of the access is hedged with privet. To the east, the boundary is partially formed by an historic brick and thatch outbuilding belonging to the Old Vicarage, which is a grade II listed building.

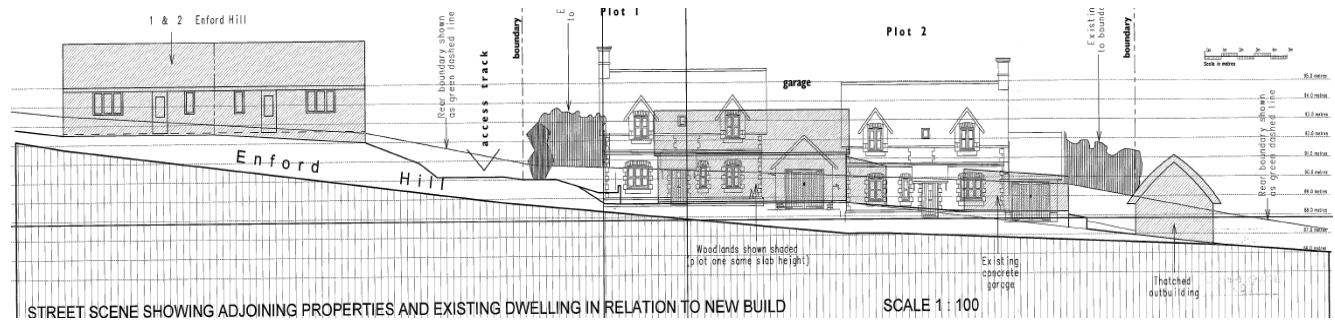


DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing bungalow on the site and construct a pair of detached one-and-a-half storey houses, approximately 7.5 metres back from the road. The dwellings would be 7.2 metres in height and would feature dormer windows in the front-facing roof slopes. Plot 1 would have a detached garage set back into the site whereas plot 2 would have an integral garage. Each plot would have a separate access and turning area. The existing conifer hedge along the northern and western boundaries and part of the eastern boundary would be retained.



Proposed Layout



Street Scene

Elevations of Plot 1



Elevations of Plot 2



ADDITIONAL STATEMENT BY THE APPLICANT

The applicant has confirmed that the roof tiles on the proposed houses would be orange/red plain clay tiles. It has also been confirmed that the flint infill panels would be flint bonded on site and not cast concrete panels.

PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The proposal has been amended twice during the course of the application. The key changes to the scheme are as follows:

- The ridge height has been reduced by 0.6 metres (from 7.8 metres to 7.2 metres).
- The slab level to plot 2 has been reduced by 0.7 metres.
- A detached and an integral garage are now proposed instead of a pair of garages.
- Plot 2 has been re-positioned approximately 3 metres further west.
- Two separate accesses are now proposed instead of a single access.
- Improved visibility splays have now been incorporated.

PARISH COUNCIL COMMENTS

Enford Parish Council objected to the original plans on the following grounds:

- The site is too small for two houses and a double garage.
- The proposed height of 26 feet (7.9 metres) on top of an already elevated position is overpowering to the neighbouring houses.
- The proposed development is not in keeping with the village, particularly as it is at its entrance.
- The sight lines are a worry with an increased number of cars.

The parish council has made the following additional observations in respect of the amended plans:

- The proposal does not preserve the character and appearance of the conservation area or the setting of the neighbouring listed buildings.
- The plans show buildings which are nearly 2 metres higher than the existing bungalow. As they are on higher ground, they will be far too prominent and will overlook all surrounding properties. The view towards the Grade I listed church will be adversely affected.
- The proposed buildings would look fine in an urban setting but not at the gateway to the village in a rural setting. The building materials are not traditional.
- An application for two properties on the site opposite was refused – it would not be consistent if a planning decision was made in favour of this proposal.

If this application is approved, it would set a precedent for every small parcel of and in the conservation area.

- The buildings will be too close to the boundaries and hedges. To drop the ground level so close to the base of the hedge on the western side will almost certainly affect the chances of survival of this hedge. The hedge, although not indigenous, is well maintained and gives privacy to the surrounding properties.
- Two drives are shown on the plan, one of which will mean the removal of almost all of the hedge facing the road. Both drives will have to be splayed to give a sight line to the road. This means that there will be little or no lawn/garden at the frontage.
- The likelihood of four additional cars leaving from two additional drives will make a bad situation even worse. There is no scope for additional parking on the road, nor in the church car par, nor the private access drive to the west of the property.
- The Avon Valley floodplain lies at the bottom of Enford Hill. Our local experience tells us that there have been flooding problems in the recent past. The increased run-off from this overly large development will have a negative impact. This is also an area where the sewage system has been overwhelmed at flood times due to the ingress of ground water into the sewage system. Additional houses are not going to help.

CONSULTATIONS

County highways (amended plans) – no objection, subject to conditions requiring the provision of the visibility splays detailed on the plans at a height not exceeding 600 millimetres above carriageway level; the surfacing of the first 4.5 metres of each access in a well-bound consolidated material; the gradient of each access over the first 4.5 metres to not exceed 1 in 15; and the setting back of any gates to a position at least 4.5 metres from the carriageway edge.

County archaeologist – although the proposed development area is of archaeological interest, given that the site has been partially disturbed by the existing buildings and the small scale of the development, it is unlikely that anything of archaeological interest will be affected by the development. Consequently, no objection is raised.

Environment Agency – no objection, subject to a condition requiring the submission of a scheme for water efficiency.

Wessex Water – no objection.

KDC Conservation Officer (amended plans)

- The existing bungalow could not be said to make a positive contribution to the area and there is unlikely to be any significant objection to its removal.
- There is scope for the replacement of the bungalow either with a modest single dwelling or a pair of semi-detached cottages. Historical development in the area tends towards either more substantial individual detached houses in generous plots or smaller individually designed attached cottages;
- No objection to the use of flint (provided it is not pre-formed panels), but concern expressed about the close proximity of the two dwellings to each other and the design details of the dormer windows, rain water disposal and external chimney stacks;
- Whilst the form of development and design could be reminiscent of 19th century picturesque 'estate' development, there is no other such development in Enford.
- The scheme seems to represent an over development of the site which would be

out of character in this rural, edge of village, location. Considers that the proposal would not preserve or enhance the character or appearance of the conservation area or the setting of the adjacent listed building.

KDC Landscape and Countryside Officer (amended plans) – no objection, subject to a) the protection of the retained trees and hedging under the terms of BS5837 (2005) 'Trees in Relation to Construction' prior to the commencement of any works on the site, including demolition and regrading; b) the fencing being agreed with the Council prior to the commencement of any works; and c) the provision of landscaping detail i.e. road frontage hedge and tree planting.

KDC Engineering and Design Manager - no objection.

REPRESENTATIONS

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

- The proposed dwellings would directly overlook the properties to the front and rear, which would result in an invasion of privacy.
- The conifers shown on the plans would not block the view and they could be cut down at any time in the future.
- The proposal would result in an increase in noise because of the close proximity of the dwellings to the neighbouring properties.
- The existing property is on a busy road and therefore the proposal would present a road safety hazard. Further vehicles will also add to congestion.
- The height, number and elevated position of the proposed dwellings is inappropriate in the conservation area – the visual impact would be far greater than at present. The existing bungalow does not impinge too greatly on the street scene because it has a low ridge height and is mostly surrounded by a high hedge.
- The footprint of the houses and garages is far greater than the old bungalow. Furthermore, they are far too close together and cramped.
- The rooms seem very small, which is out of character in the area.
- The proposal would set a precedent for other similar developments in the village.
- There is a risk that the hedge along two boundaries of the site will be damaged as a result of the proposal.
- One of the houses is too close a listed wall and a building of notable conservation value.
- The requirements of the highway authority mean that the front of the site will always be very exposed because hedge planting will restrict the required visibility.
- The proposal would not meet the criteria set out in the 'Enford Conservation Area – Character, Appraisal & Management' pamphlet (issued in February 2007), which requires 1) quality of design; 2) development that compliments the established grain or settlement pattern; 3) the overall mass, scale and volume of buildings to be appropriate; 4) the development to sit comfortably on the site; 5) the development to be in harmony with its neighbours; 6) the use of appropriate materials.
- The proposal would conflict with the consultation draft conservation area statement, which aims to 1) maintain the character of the area; 2) manage change in ways that maintain and if possible reinforce an area's special qualities; 3) avoid intrusive development; 4) maintain generous spacing between building blocks; and 4) ensure appropriate design.

- The report by the conservation officer dated 11 July 2007 is the most compelling evidence that the application should be refused.

Eight letters of objection have been received in respect of the amended plans, which re-iterate the above concerns and also raise the following additional points:

- The two houses have ridge heights 2.1 metres and 1.4 metres respectively higher than the bungalow and combined with the fact that the house on plot 1 will be 3.2 metres closer to the boundary hedge, will seriously compromise the view of the church tower and trees across the valley.
- According to the revised plans, all the trees and bushes will be removed as will the majority of the roadside lower hedge. The Council's Landscape and Countryside Officer is calling for replacement hedging and trees to the front of the site, but it is suggested with the necessary sight lines to accommodate two entrances, there will be very little area left in both proposed gardens to accommodate such planting.
- The east and west boundary lines are incorrectly marked on the amended plan. The correct boundary is shown in drawing number 626/CAM/2007/4/Rev A as a dotted line in the middle of the hedge surrounding the site.
 - The proposal fails to comply with policies PD1, HC24, HH4, HH5 and HH8 in the Kennet Local Plan.
 - The proposal contradicts the submitted design and access statement, which emphasises the need for a central turning circle on the site, low ridge lines, blending in with surrounding houses and new footprints and overall size which are commensurate with nearby buildings.
 - The eastern boundary of the site is incorrectly marked on the street scene drawing - the chain link fence shows the correct boundary. This gives a false impression of the street scene and the size of the site. It is understood that the western boundary is also misplaced.
 - Wessex Water has commented on the original plan. As two houses are proposed and a garage has been moved, it is considered that Wessex Water should be consulted on the amended layout.
 - It is dangerous to have six exits to the highway in such close succession. The highway authority should be consulted on the amended layout.
 - The creation of a second access in close proximity to the thatched building will make exiting at this point a dangerous manoeuvre.
 - The highway safety implications will be further exacerbated as a result of the revised proposal, as the amount of space for off-road car parking will be seriously compromised.
 - The Traffic Management Officer at Wiltshire Traffic Police has visited the site and considers that traffic approaching from the River Avon has a very restricted view of the site; the removal of the hedgerow will not facilitate an unobstructed view along Enford Hill due to the existence of the brick wall belonging to the neighbouring listed property; the road at this point is lit by a single street lamp and there is no pavement, so pedestrians have to walk on the road; this route is used by a high volume of traffic during the rush hour; the potential volume and speed of the traffic poses a significant problem to pedestrians who walk past the site; there would be parking problems as most households have two cars plus visitors; there does not appear to be any off-road parking for visitors - parking outside of the site would cause a hazard to other road users; and a site survey by the highway authority was recommended.
 - After heavy rains, there are flooding problems on the highway. At present,

surface water from the Enford Farm Road flows across the A345 and floods the public drain at the front gate of Enford House. It is likely that the increase in the cottage footprint will exacerbate these floods. Enford House lies in a floodplain and the current drainage facility cannot cope with the extra water from the road.

- The neighbour owns the access way to the side of the plot and has a right of drainage over it.
- Although the proposed house on plot 2 is lower than that on plot 1 by 1 metre, the height of both ridges will be considerably higher than the existing bungalow and rear hedge. This will severely compromise the view from the water meadow, as the two houses, being built on what is a raised site, will be much more prominent. The Enford Conservation Area Statement emphasises the importance and the need to 'conserve the attractive long vistas across the intervening water meadows, wet pastures and the River Avon itself'.
- The revised access arrangements will necessitate the removal of a large proportion of the long established roadside hedge, which itself is covered by the conservation area designation. In order to provide the necessary sight lines, it is likely that the entire hedge will need to be removed.
- No attempt has been made to lower the site on which plot 1 would be located - the ridge height will be considerably higher than the existing bungalow, which in turn will block views of the water meadow and Salisbury Plain.
- The amended plans are incorrect as they show the unmade road which lies to the west of the property as an access road - this is not an access road for Woodlands, but instead is for the properties that need to use the road to gain access to their properties.

POLICY CONSIDERATIONS

Kennet Local Plan - policies PD1 & HC24 are relevant to the consideration of the application. The advice and guidance contained in PPG 15 and the Enford Conservation Area Statement (adopted February 2007) is also of relevance.

PLANNING OFFICERS COMMENTS

Principle of development

Policy HC24 in the Kennet Local Plan permits limited residential development comprising infilling, the replacement of existing dwellings and the re-use or redevelopment of existing buildings within those villages listed in Table H5, which includes Enford. The principle of constructing two dwellings on the site would accord with this policy as the proposal would involve the replacement of the existing bungalow with one dwelling and the construction of an additional dwelling adjacent to it, which would constitute infilling as it is a small parcel of land between two existing dwellings.

Impact on character and appearance of conservation area

Concerns have been expressed by the parish council and local residents that the proposal would be harmful to the character and appearance of the conservation area in numerous ways.

One issue of concern is with regard to the proposed layout, with concerns expressed that the proposal would constitute an overdevelopment of the site. It could, however, be argued that there is no historic precedent for a particular building type and plot size in this part of the Conservation Area. In fact, there is evidence of a variety of plot sizes and building types. For instance, the property downslope to the east (The Old Vicarage) is a large detached dwelling set within a substantial plot whereas in

contrast, the bungalows to the west (uphill side) are semi-detached and set within modest plots. It is therefore considered that the introduction of a pair of detached dwellings in place of the existing bungalow would not harm the character and appearance of the conservation area, subject to their height, positioning and design being appropriate - these points are considered in more detail below.

Concerns regarding the height and positioning of the proposed dwellings have largely been addressed by the submission of amended plans and supplementary information, in the form of a street scene drawing. The ridge height of both dwellings has been reduced by 0.6 metres (from 7.8 metres to 7.2 metres), the slab level to plot 2 has been reduced by 0.7 metres and plot 2 has been repositioned 3 metres further west. This information has been detailed on the street scene drawing, which also shows the adjacent bungalows to the west and the thatched outbuilding to the east for contextual purposes. As a result of the amendments, it is considered that the proposed dwellings would not dominate the surrounding buildings.

It is considered that the main design test is whether the proposal is appropriate to its context and if it preserves or enhances the character and appearance of the conservation area - this is reinforced by both PPG 15 and the Enford Conservation Area Statement. The existing bungalow has limited architectural merit and it is therefore considered that the opportunity exists for enhancement in this location. Whilst it is acknowledged that there is no historic precedent in the village for dwellings of this particular design, it is considered that they are both attractive and well-proportioned. With regard to materials, the Enford Conservation Area Statement points out that there is a widespread use of thatch, clay tiles, flint and brick. The use of brick and flint with clay tiles is proposed. The palette of materials is therefore considered to be appropriate to the historic context. To ensure that the flint, tiles and bricks are appropriate, a condition can be imposed should planning permission be granted, requiring the submission and approval of details (including samples) of the materials to ensure that they are of a suitable quality and appearance.

In terms of the impact on views, there will be very little impact on views from street level as due to the lower level of the road at the frontage, little beyond the hedge line at the rear can be seen. From the public seating area alongside the main road junction, up the hill, the higher ridgeline of the bungalow on plot 1 may partially obscure glimpsed winter views of the nave of the church, but not the more imposing view of the church tower.

Suggestions have been made as to how the scheme could be improved, for example, by proposing a single detached two storey dwelling or a pair of semi-detached cottages and/or through the omission of the dormer windows and the use of thatch. Undoubtedly, there will be more than one option as to how this site could be redeveloped. However, some of these alternative options would be likely to have a detrimental impact on the character and appearance of the conservation area. All of the suggested options would necessitate an increase in the ridge height, the result of which would be a development that could dominate the surrounding dwellings. For this reason, the one and a half storey design chosen, incorporating dormer windows, is considered to be an appropriate solution for the site.

Impact on setting of listed building

Concerns have been raised about the impact of the proposal on the setting of the adjacent grade II listed property and its thatched outbuilding, which lies adjacent to the site boundary. The proposed development would be some distance from the listed Old Vicarage and for this reason, it is not considered that its setting would be harmed. Due to concerns about the proximity of Plot 2 to the thatched outbuilding, it

has now been pulled away from the site boundary by approximately 3 metres. It is considered that the revised positioning, combined with the lowering of the ground levels, would mean that this building would not be overpowered by Plot 2.

Impact on highway safety

The parish council and local residents have raised strong objections to the proposed access arrangements, which they consider would present a threat to highway safety. Due to the concerns raised by the highway authority, the positioning of the second access (serving plot 2) has been revised, so that it is now further away from the thatched outbuilding on the roadside which restricts visibility to a certain extent. In view of this and the fact that adequate visibility splays can be achieved through the removal of the existing hedge on the site frontage, it is considered that the proposed access arrangements would not present a significant threat to highway safety. The highway authority has raised no objections to the revised plans.

Concerns have also 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. Each individual plot would have space for two off-street parking spaces, as well as a turning area – this is considered to be an acceptable level of parking provision for the development. The highway authority has raised no objection to the level of parking provision proposed.

Impact on residential amenity

Concerns have been raised by the occupants of nearby properties that the proposal would result in an invasion of privacy, by reason of overlooking and noise disturbance. Two first-floor windows would face towards the property at the rear of the site and the first-floor windows on the front elevations would face towards the property on the opposite side of the road. However, it is not considered that this would cause a significant invasion of privacy. The Council's Supplementary Planning Guidance document 'Community Benefits from Planning' provides guidance on the recommended distances between dwellings. It advises that there should be a back-to-back distance of 21 metres. The proposal would accord with these guidelines. Notwithstanding this, there are intervening roads between the site and the properties to the front and rear, from which these properties can be viewed. It is also considered that the distance between the proposed dwelling and the neighbouring properties is such that there would not be an unreasonable level of noise disturbance, for example, as a result of vehicle movements. On balance, it is not considered that the proposal would have a harmful impact on the reasonable living conditions of the occupants of the neighbouring properties.

Impact of Flooding

Concerns have been raised about drainage, particularly as there has been flooding of the area in recent years. The site does not lie within a designated flood zone and consequently the Environment Agency has raised no objection to the proposal. The refusal of planning permission would therefore not be warranted. The Council's Engineering and Design Manager has been consulted on the proposal and has raised no objection.

Other issues

Anomalies on the submitted plans have been identified by local residents, in respect of boundary positions. These do not affect the determination of the planning application, as sufficient accurate information (eg. survey drawing) has been provided to enable the proposal to be fully assessed.

The concerns raised with regard to land ownership and rights of access are not material planning considerations and therefore, would not warrant the refusal of planning permission.

Reference has been made to a refusal of planning permission for two dwellings on the site opposite, however, no record of this can be found. The only planning applications for the site that have been identified are those which relate to the construction of a single replacement dwelling.

Conclusion

The proposal is considered to be an acceptable means of redeveloping the site 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 only to the scheme of development shown on the revised plans 626/CAM/2007/1 Rev A, 626/CAM/2007/2 Rev A, 626/CAM/2007/3 and 626/CAM/2007/10 Rev A received on 13 August 2007 and 626/CAM/2007/4 Rev B received on 12 October 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 development hereby permitted shall not be commenced until details of the bricks, tiles and flint (including samples) and any stain to be used to treat the timber boarding have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure harmonious architectural treatment.

5 - Notwithstanding the submitted details, no development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority which shall include details of the retention of the hedge along the northern, western and part of the eastern site boundary, along with full details (including species, planting sizes and densities) of trees to be planted at the front of the site, replacement hedging to be planted to the rear of the required visibility splay

and grassed areas. The scheme shall also include details of the driveway surface and any fencing to be erected on the site.

REASON:

To ensure a satisfactory landscape setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

7 - The hedge on the northern, western, and part of the eastern boundary which is to be retained shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) 'Trees in Relation to Construction' by a chestnut paling fence (or other fence to be agreed in writing by the local planning authority). Before the fence is erected, its position shall be agreed with the local planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

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

8 - Prior to the first occupation of the dwellings hereby permitted, the visibility splays shown on the approved drawings shall be provided, with no obstructions to sight above a height of 600 millimetres above carriageway level, and shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

9 - Prior to the first occupation of the dwellings hereby permitted, each access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

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

REASON:

In the interests of highway safety.

12 - Prior to the commencement of development, a scheme for water efficiency shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON:

In the interests of sustainable development and to ensure the prudent use of natural resources.

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

REASON:

To ensure satisfactory surface water drainage.

14 - 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 west elevation of plot 1 or the east elevation of plot 2 hereby permitted.

REASON:

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

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

REASON:

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

16 - 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 buildings, or structure, or wall, fence, or other means of enclosure (other than those approved as part of the landscaping scheme) shall be erected or placed within the application site.

REASON:

To protect the character and appearance of the conservation area.

17 - The detached garage hereby permitted shall be used solely for purposes incidental to the enjoyment of plot 1 as such and for no other purpose.

REASON:

To protect the amenities of this primarily residential area.

18 - INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain conservation area consent in addition to this planning permission for the demolition of the existing bungalow.

19 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letters from Wessex Water dated 26 June 2007 and the Environment Agency dated 3 July 2007.

20 - INFORMATIVE TO APPLICANT:

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

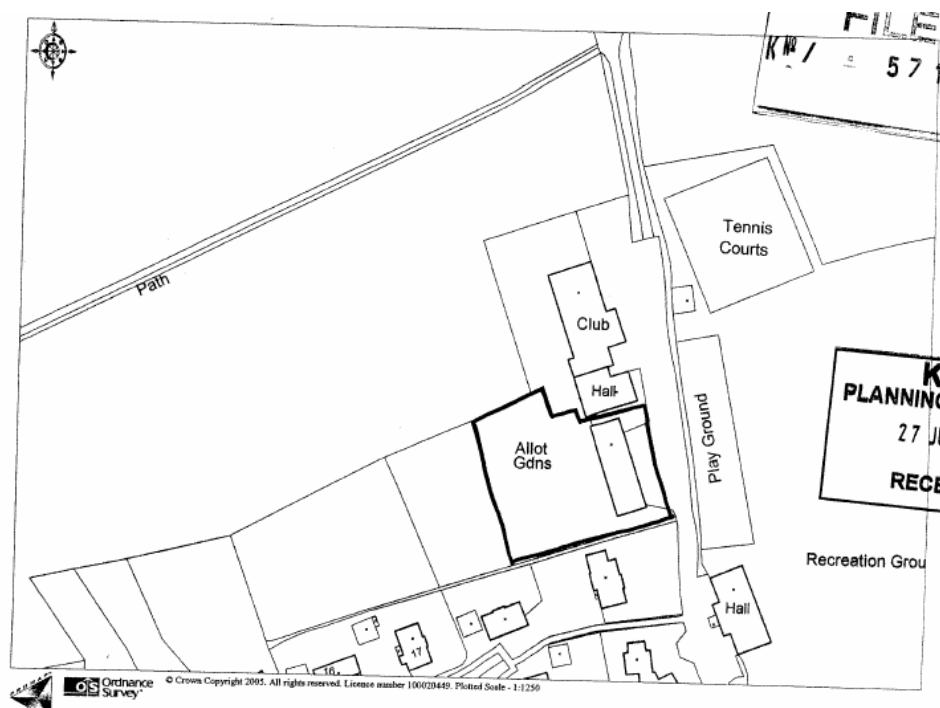
The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 and HC24, along with central government advice contained in PPG 15.

Item 3:

APPLICATION: K/57100/F
PARISH: SEEND
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Removal of existing hall and replacement with 3 dwellings and garages
SITE: Seend W I Hall Rusty Lane Seend SN12 6NS
GRID REF: 94303 61209
APPLICANT: The Trustees Of Seend W.I. Hall
AGENT: Mathewson Waters Architects
DATE REGISTERED: 1st August 2007
CASE OFFICER: Mr R Parker

SITE & LOCATION

This application relates to the former Women's Institute Hall in Rusty Lane, Seend. When travelling through the village on the A361 in the direction of Trowbridge Rusty Lane lies on the right hand side, immediately after the recreation ground. The application site lies on the left hand side approximately 150 metres further along the lane. It comprises the green corrugated iron building and the land to the rear.



Site Location

RELEVANT SITE HISTORY

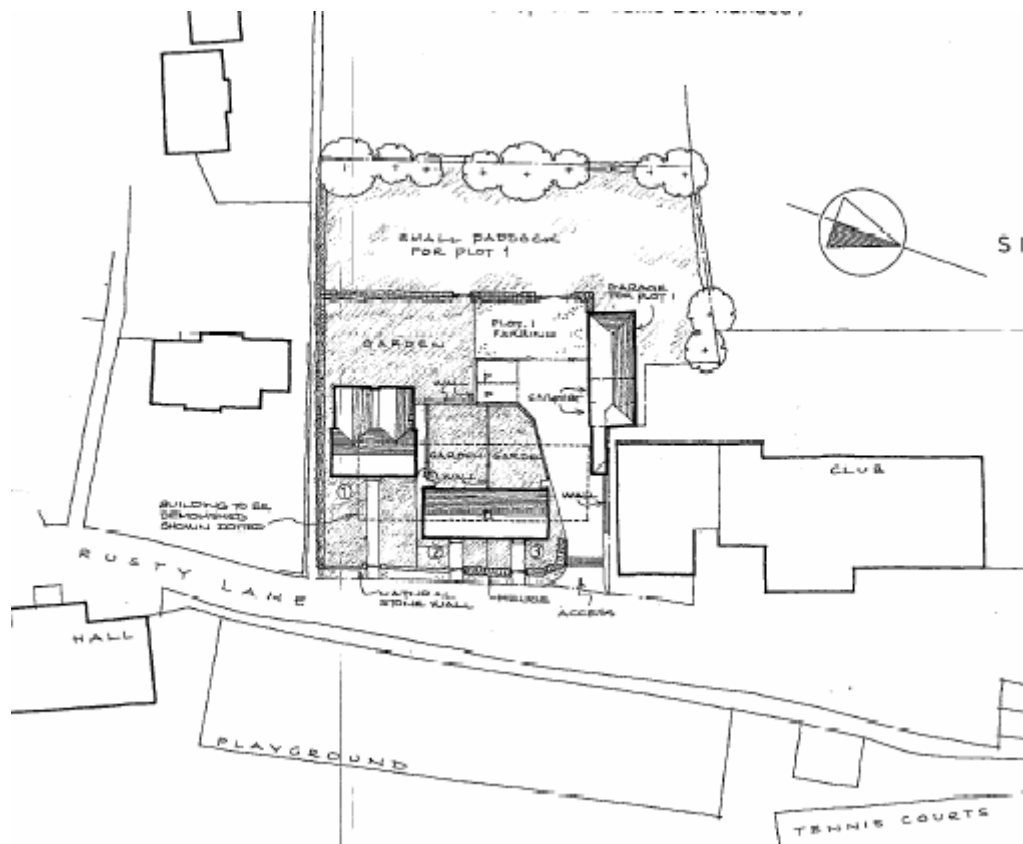
K/55043/F – Removal of existing hall & replacement with two dwellings and garages, application withdrawn in September 2006.

K/54973/CAC – Demolition of WI Hall, application withdrawn in September 2006.

DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of the existing hall and its replacement with 3 dwellings and garages. The dwellings would comprise a detached property and a pair

of semi-detached properties, one of which would be an affordable dwelling in accordance with the Council's local plan policies.



Elevations and Site Plan

ADDITIONAL STATEMENT BY THE APPLICANT

There is a Design & Access Statement which is available to view on the working file.

PARISH COUNCIL COMMENTS

Send Parish Council raises the following objections to the application (reproduced verbatim):

1. The Parish Council objects to the change of use from community to housing development. The land in question has been in community use for more than 40 years. It is situated at the centre of the community activities of the village. The effects of the proposed development would result in the loss of invaluable parking and turning space for people using the Community Centre. The Lye Field recreational area is used for tennis, football, and cricket and has play amenities

for village children. The Pavilion offers a wide range of social, recreational and educational activities to all age groups. If the Community Centre is able to expand as planned, it would provide employment prospects. The loss of this space would jeopardize the existence of these facilities. Rusty Lane would be reduced to a one way traffic system for most of its length, increasing the hazard for pedestrians and motorists. Parking would be on the main A361 road. The recycling area in Rusty Lane would have to close as the lorries could not manoeuvre or turn.

2. The plot also contains the village allotments, in use for more than 25 years. They have very good soil and water supply. We have no site comparable to replace them in the village.
3. With regard to the planning application for one four bedroom house with paddock, there is no shortage of this type of property in Seend. Plot 2, a two bedroomed terraced house, we have Cooks Close, The Lye and New Buildings with at least four properties on the market at the present time. Plot 3, intended for social housing, we also have a good number of these, Knightstone Housing and private renting, several available at the present time. We consider the location not suitable for housing
4. In order to preserve this vital amenity for the village, the Trustees of the Community Centre and the Trustees of the Lye Recreation Field are keen to negotiate to purchase the site from the WI. This would give the WI the funding that it needs, and preserve this site as an amenity for the village for all time.

CONSULTATIONS

KDC Conservation Officer – Generally happy to support the proposals. Appropriate conditions should be applied to secure a high quality scheme.

KDC Environmental Health – no objections raised to the principle of development but requests suitable conditions to protect the amenities of nearby residents during the demolition and construction phase.

KDC Housing Services – There is a need for 2 and 3 bedroom properties for people with a local connection to the parish of Seend. The tenure of the affordable dwelling should be social rented.

County Highways – No objection subject to appropriate conditions securing the provision of vehicle turning and parking (as shown on the plans) and highway visibility.

Wiltshire Fire Brigade – no objection, provides standard guidance on fire appliance/firefighting access, water supplies for firefighting and the benefits of domestic sprinkler protection.

REPRESENTATIONS

Fifty-three letters and emails of objection have been received, together with a petition containing fifty-seven names. Representations have been received on behalf of various local clubs, societies and community organisations, including Seend Historic Houses Club, Wiltshire Astronomical Society, Royal British Legion, Seend Short Mat Bowls Club and local skittles teams. The following objections are raised:

- a) The proposal would result in the loss of car parking and vehicle turning for the existing community facilities which include the adjacent Community Centre, Irene Usher Memorial Hall and Lye Field (encompassing a recreation field, tennis courts and children's play area). Rusty Lane is very narrow for access and parking is already at a premium, with vehicles spilling out onto the busy A361. The proposal is likely to exacerbate this problem, leading to further congestion and threatening the future of the remaining community facilities if users are unable to park. Additionally, agricultural access is required along Rusty Lane and the development would hinder this.
- b) The proposal will result in the loss of the existing allotments which form part of the application site (to the rear of the Women's Institute Hall). This is contrary to Policy TR20 of the local plan. Whilst there are alternative allotments in the village they are of poor quality with no water, security, vehicular access or car parking.
- c) The proposal will result in the loss of a valuable community facility. There is nothing to prevent the Women's Institute from increasing its membership and Seend has a huge variety of other clubs and societies that would be prepared to use the building.
- d) The land and building were originally donated to the village for community use and they should continue to be used for this purpose. The proposal goes against the spirit and wording of the original trust deed. The land was given to the Women's Institute on condition that, when they no longer needed it for their premises, it should be used for the benefit of the village. This possibility has not been investigated, the matter has not been discussed with villagers and village organisations and WI trustees are abusing their position by submitting this planning application.
- e) The proposal would lead to incompatibility of neighbouring land uses. Occupiers of the new dwellings would experience noise, disturbance, smoke and odours from use of the adjacent community centre, thereby leading to complaints to the Council's Environmental Health Department and potential closure of the Community Centre as a result.
- f) The proposal will result in an increase in traffic, causing danger to pedestrians (including users of the playgroup meeting in the Irene Usher Memorial Pavilion) and causing irritation to the owners of properties on Rusty Lane whose private gateways are used as passing points by vehicles.
- g) The acoustic assessment submitted with the planning application does not take into consideration the fact that residents of the new properties will open their windows and sit outdoors, so noise and smells from the community centre will still be an issue at these times.
- h) The proposal will be taller than the existing building to the detriment of the landscape, views and visual amenity.
- i) The proposals do not show any signs of energy efficient use (e.g. solar panels), the location of oil tanks or the need for rainwater harvesting.
- j) Whilst affordable housing is very much required in the village the size and style of the proposed dwellings suggests that the applicant's offer of one affordable dwelling is not genuine.

- k) The existing building is an integral part of the conservation area and its demolition will result in a significant loss to the village's identity and history.
- l) Plot 1 would be overbearing for occupiers of no.19 Dial Close and first floor windows would overlook the property's rear garden and conservatory.

POLICY CONSIDERATIONS

Kennet Local Plan - the site lies within the Limits of Development defined for Seend and within the designated conservation area.

Policies HC22, HC32, ED29 and PD1 of the local plan are relevant to the consideration of this application. Guidance contained in the Seend Conservation Area Statement is also relevant.

Government guidance contained in PPG15 "Planning & the Historic Environment" is also applicable.

PLANNING OFFICER COMMENTS

Principle of Development

Policy HC22 of the Kennet Local Plan permits in principle the redevelopment of existing buildings for residential purposes provided that the site lies within the defined Limits of Development for Seend and provided that the development is in harmony with the village in terms of its scale and character.

With regard to the loss of the existing Women's Institute Hall, Policy ED29 of the local plan states that in the rural areas, *existing buildings either currently used or last used for a social or community use (including village halls and meeting rooms) will be retained in social or community uses wherever possible. Planning permission for alternative uses will only be permitted where:*

- a) *There is no long term need for the facility; or*
- b) *The existing commercial use is proved to be no longer viable; or*
- c) *An alternative social or community facility of comparable community value is provided.*

The applicant puts forward the argument that the community use is no longer economically viable due to dwindling membership of the Women's Institute (currently 20 members) and their inability to meet the costs of repairing and insuring the building. Lettings of the building to produce any sort of realistic income are now virtually impossible due to the dated appearance of the building internally and externally and the cost of heating it for short lets during winter is prohibitive.

The applicant reports that the condition of the building has deteriorated over recent years due to its age (the building dates back to 1920) and argues that it has outlived its usefulness. The applicant points out that there are alternative facilities in the village, notably the adjacent Community Centre and Social Club; the nearby Irene Usher Memorial Pavilion and Seend primary school. The Women's Institute and those organisations and individuals who have previously rented the hall have now transferred to those venues, or alternative venues in neighbouring villages.

Having considered the applicant's justification, Council's Officers consider that the proposal complies with policy ED29. The existing building is nearly a century old and its lack of facilities and deteriorating physical condition inevitably make it more expensive to repair/maintain and less attractive to potential users. The latter is

particularly relevant when the number of alternative, and arguably more suitable, social and community facilities in the village are taken into account. It is rare to find a village of the size of Seend with the level of social and community provision that presently exists, even discounting the existence of the Women's Institute Hall.

Design, Layout & Conservation Area Impact

The layout of the proposed development is considered to be acceptable, presenting a built frontage to Rusty Lane with parking to the rear. The parking provision exceeds two spaces per unit and is considered to be acceptable.

The proposed dwellings would be taller than the existing building; however, it is not considered that the development would have an adverse impact upon landscape character, views or visual amenity. Although on the edge of the village, the dwellings would be seen in the context of the community centre to one side, with its long sloping roof including first floor accommodation, and the houses on the other.

The dwellings have been designed to reflect the local vernacular in Seend, with particular use of red brick for the walls, clay tile for the roofs, stone parapet verges, stone window surrounds and timber sliding sash and flush casement window joinery.

Overall, it is considered that the proposals would enhance the character and appearance of the conservation area.

Loss of Car Parking

One of the principal objections to the scheme is that the development would result in the loss of car parking for the Seend Community Centre, Irene Usher Memorial Pavilion and Lye Field which form the hub of community life in the village. The number of objections received and their content confirms that Seend is a lively village with a multitude of clubs, societies and sporting/social activities using the facilities in Rusty Lane on a regular basis.

The importance of this part of the village is also recognised in the Seend Conservation Area Statement which notes the existence of the large area for car parking and goes on to state that "Community buildings and spaces in Rusty Lane are the focus of village activity and particularly important in this respect".

It is acknowledged that the development would result in a reduction in car parking. The precise number of spaces involved is difficult to determine, given the unmarked nature of the car park and the informal nature of parking that takes place.

Notwithstanding this, the applicant considers that there would be 9 fewer spaces available if the development went ahead (or if the applicant decided to fence the land off which the local planning authority has no powers to prevent). In mitigation, the applicant considers it likely that 3 cars will continue to park along the new site frontage boundary and a further 2-3 in tandem along the widest section of the lane opposite the proposed site access. In reality, therefore, the applicant considers that a net loss of 3-4 spaces will result.

Whilst the concerns of the community are acknowledged, there are no grounds to refuse planning permission on the basis that the development would result in loss of car parking. Whilst it appears that the area to the front of the Women's Institute Hall has been used for car parking for at least 30 years without interference, the land is privately owned and the landowner would be legally entitled to fence off the affected area and prevent its use for public parking.

Highway & Pedestrian Safety

It is not considered that the development would give rise to any highway safety issues. Rusty Lane is certainly narrow and both pedestrian provision and access with the A361 are poor by modern standards. However, it is relevant to compare the level of traffic generated by the proposal with the situation if the hall remained in public use. The Women's Institute Hall, the current lawful use of the site, has the potential to generate a number of vehicle movements equal to, or indeed greater than the three dwellings being proposed. This is the likely reason why the highway authority raises no objection to the proposal.

Loss of Allotments

Objectors make reference to the loss of allotments and the lack of compliance with Policy TR20 of the Kennet Local Plan. There is certainly clear evidence to suggest that there were once allotments on the land to the rear of the hall. However, this land is not identified on the local plan's Inset Map for Seend as protected allotment land and therefore policy TR20 cannot be applied. There are no grounds, therefore, on which to refuse planning permission on this basis.

Affordable Housing

The application includes provision for one of the semi-detached properties to be an affordable dwelling, in accordance with the requirements of Policy HC32 of the Kennet Local Plan. In line with normal procedure, the planning permission would not be formally issued until the applicant had entered into a Section 106 legal agreement to secure the affordable dwelling which would be for rent under the control of a Registered Social Landlord.

Impact on Neighbour Amenity

The occupiers of no.19 Dial Close, the property immediately to the south of the site, have expressed concerns that the dwelling on plot 1 may be overbearing and that first floor windows would overlook their rear garden and conservatory. However, it is not considered that plot 1 would have an adverse impact on their amenity.

Plot 1 would lie immediately to the north of the affected property, meaning that it would have no impact on the level of sunlight reaching the neighbour's garden and conservatory. The garden to the neighbouring property (no.19 Dial Close) is sizeable and the dwelling on Plot 1 would sit alongside a very small section of the garden boundary at a distance of approximately 2.5 metres. As such, it is not considered that the new dwelling would appear imposing.

The first floor windows referred to by the objector are an en-suite bathroom window and a secondary bedroom window; both can be obscurely glazed and either fixed shut or fitted with an opening stay. This can be secured by planning condition, along with the removal of permitted development rights for additional first floor windows in this elevation.

Compatibility of Land Uses

The potential for the adjacent Community Centre to cause noise nuisance to the occupiers of the proposed dwellings is a material planning consideration and it was one of the primary reasons why an earlier planning application for the site was withdrawn. The latest proposal has been drawn up with the input of an acoustic consultant in consultation with the Council's Environmental Health Officers.

In the latest scheme a garage block has been sited on the boundary with the adjacent community centre in order to provide an acoustic barrier. Additionally, the internal layout and fenestration arrangement of the dwellings has been designed to minimise the potential for noise nuisance. This is considered to be an acceptable solution to developing the site and the Environmental Health Service raises no objections to the proposals.

Renewable Energy

One objector has raised the issue of renewable energy and the fact that the proposals make no provision for features such as solar panels. Policy PD1 of the Kennet Local Plan does require developers to adequately address sustainable design principles. However, it would be unreasonable to require developers to make provision for on-site renewables on schemes as small as this. The Council has recently adopted an interim policy on renewable energy for the purposes of development control which requires larger scale developments 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%. This recognises the fact that it is less economic to incorporate renewable energy measures in smaller developments such as that being proposed in Seend.

Non-planning Issues

Numerous objectors make reference to the fact that the land was given to the Women's Institute on condition that, when they no longer needed it for their premises, it should be used for the benefit of the village. This is a private legal matter which cannot be a material planning consideration in the determination of this planning application. A grant of planning permission for this site would not prejudice the ability of a third party to enforce a covenant which has been placed on the land by a previous owner.

Conclusion

The desire of the parish council and local residents to ensure that the site continues in community use is understandable. It may still be possible to secure this by negotiation between various local bodies and the Trustees of the WI. However, in planning terms, the proposed scheme complies with the Council's planning policies and would enhance the appearance of the area. Accordingly, it is recommended for approval.

RECOMMENDATION

Grant planning permission subject to the completion of a planning agreement to secure one of the dwellings as an affordable unit:

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

REASON:

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

2 - The dwellings hereby permitted shall not be occupied until the garage block has been substantially completed.

REASON:

In order to prevent noise nuisance since the garage block acts as an acoustic barrier between the new dwellings and the adjacent community centre.

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

REASON:

In the interests of visual amenity, in the interests of preserving or enhancing the character and appearance of the Conservation Area.

4 - No development shall take place until samples of the materials to be used for the external walls and roofs (including bricks for the walls, clay tiles for the roofs and hanging tiles and stone for the gable parapets, kneelers and window surrounds) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

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

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

REASON:

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

6 - No development shall take place until full joinery details for all windows and external doors (including details of finish and reveals) have been submitted to and approved in writing by the local planning authority. Elevations shall be provided at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON:

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

7 - The front doors to be installed on the east elevation of the dwellings hereby permitted shall be constructed of painted timber, and shall be maintained as such thereafter. The doors shall not be stained.

REASON:

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

8 - Prior to the commencement of development detailed working drawings of all eaves and verges shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

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

9 - The rainwater goods to be installed on the dwellings hereby permitted shall be constructed of cast metal and either painted or factory finished in black. The rainwater goods shall be maintained as such thereafter.

REASON:

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

10 - The development hereby permitted shall not be commenced until detailed working drawings of the porches have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

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

11 - The development hereby permitted shall not be commenced until full details of the boundary treatments to be erected or planted within the site have been submitted to and approved by the local planning authority in writing. The submitted details shall include details of materials and copings for all boundary walls and all species, planting heights and planting densities for any hedging and trees.

REASON:

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

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

REASON:

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

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

REASON:

In the interests of highway safety.

14 - Prior to any of the dwellings hereby permitted being first occupied the area between the carriageway edge (i.e. eastern site boundary) and a line drawn 2.0 metres parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1 metre above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

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

REASON:

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

16 - 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 buildings, or structure, or wall, fence, or other means of enclosure (other than those boundary treatments approved in pursuance of condition no.11) shall be erected or placed within the application site.

REASON:

To enable the local planning authority to retain control over development on the site in the interests of the proper planning and amenity of the area.

17 - The window serving Bedroom 3 at first floor level shown on the approved plans on the south elevation of Plot 1 shall be glazed with obscured glass and fixed shut and shall be so maintained.

REASON:

In the interests of the privacy of the neighbouring property.

18 - The windows serving bathrooms and en-suites at first floor level shown on the approved plans on the north and south elevations of Plot 1 shall be glazed with obscured glass and fitted with a ventilation stay restricting the opening of the windows, in accordance with details which have been first approved in writing by the local planning authority. The windows shall be maintained in accordance with the approved details thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

19 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor ceiling level in the north and south elevations of Plot 1 hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties.

20 - The external works involved in the demolition of the existing building and the construction of the new dwellings and garages shall only be carried out during the periods 08.00 - 18.00 hours Mondays to Fridays and 08.00 - 13.00 hours on Saturdays. No external works shall be carried out on Sundays and Bank Holidays.

REASON:

To minimise the impact of the works on local residents, by reason of noise and general disturbance.

21 - There shall be no burning of any waste materials resulting from the demolition of the existing building on the site.

REASON:

To safeguard the character and amenities of the area.

22 - 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 HC22, HC32, ED29 & PD1.

23 - INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire Brigade and dated the 5th September 2007.

24 - INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

Item 4

APPLICATION: K/57099/CAC
PARISH: SEEND
APPLICATION TYPE: Conservation Area Consent
PROPOSAL: Removal of existing hall, to be replaced with 3 new dwellings and garages
SITE: W.I. Hall Rusty Lane Seend SN12 6NN
GRID REF: 94303 61209
APPLICANT: Trustees Of Seend W.I. Hall
AGENT: Mathewson Waters Architects
DATE REGISTERED: 1st August 2007
CASE OFFICER: Mr R Parker

BACKGROUND

This is the counterpart application to K/57100/F which appears earlier on this agenda. The site & location, site history and parish council comments are as previously reported.

DESCRIPTION OF DEVELOPMENT

The proposal is to demolish the existing Women's Institute hall. The building is a former First World War army hut and was built on the site in 1920. It is of timber construction with galvanised iron cladding to the walls and roof.



The Site

CONSULTATIONS

KDC Conservation Officer – No objections to the demolition of the building. On balance, the replacement buildings have the potential to greatly improve the character of the redundant site. The building should be recorded prior to demolition.

REPRESENTATIONS

The objections received in respect of the planning application are reported previously. The overwhelming majority of these raise issues relating to the scheme of redevelopment. Only three make any reference to the demolition of the existing building; one in support of demolition and two against. The latter raise objection on the basis that there are a number of local organisations needing storage facilities in the village (e.g. Seend Fawltly Players, Seend Soccer Club & Seend Fete Committee) and therefore the building should be put to community use.

POLICY CONSIDERATIONS

Government guidance contained in PPG15 “Planning & the Historic Environment” is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

In exercising conservation area controls, local planning authorities are required under law to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question.

Government guidance contained in PPG15 states that account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. It advises that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Where a building makes little or no such contribution PPG15 advises that the local planning authority will need to have full information about what is proposed for the site after demolition. It states that consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.

It is not considered that the Women's Institute hall makes a positive contribution to the character or appearance of the conservation area. The Conservation Area Statement does not identify the hall as a significant unlisted building in the conservation area and its utilitarian appearance and deteriorating condition means that the site has the potential to detract from the amenities of the area. Accordingly, officers recommend a grant of conservation area consent, subject to the condition that the building is recorded prior to demolition.

RECOMMENDATION

Approve with the following conditions:

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

REASON:

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

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

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

3 - The demolition of the building shall not take place until a programme of recording of the exterior and interior of this building has been submitted to and agreed in writing by the local planning authority.

REASON:

To ensure that there is a satisfactory record of the building.

4 - INFORMATIVE TO APPLICANT:

The applicant is advised that the programme of recording should be a Level 3 recording, as outlined in the document 'Understanding Historic Buildings - A guide to good recording procedure' (English Heritage, 2006). This recording should be submitted to the local planning authority in the form of three bound sets of documents.

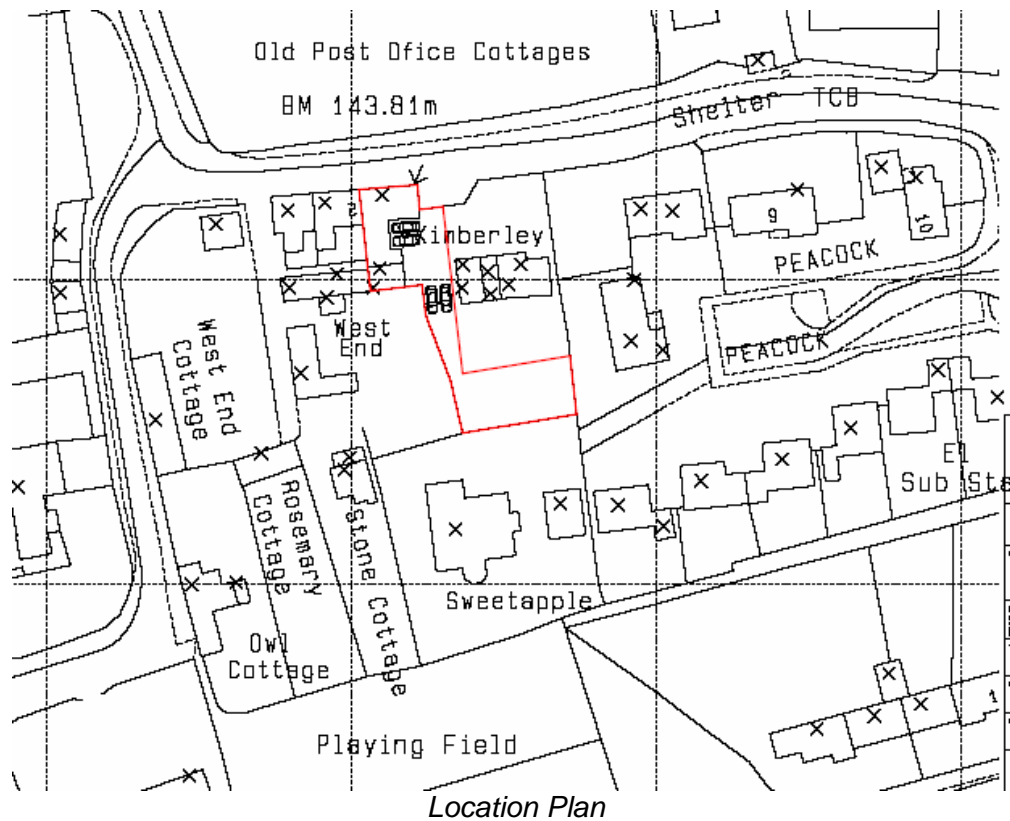
Item 5:

APPLICATION: K/57377/F
PARISH: FYFIELD & WEST OVERTON
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Conversion of existing building from one dwelling to two dwellings
SITE: Former West Overton Stores West Overton
Marlborough Wiltshire SN8 4ER
GRID REF: 12969 67996
APPLICANT: Dr and Mrs D Hemery
AGENT: Mr A Miles
DATE REGISTERED: 18th September 2007
CASE OFFICER: Miss G Salisbury

SITE & LOCATION

The site is situated towards the north-western edge of West Overton on the southern side of the main road through the village. The building fronts the road and is easily identified by the sign for "Overton Stores" still present on the front elevation. The buildings curtilage extends to the rear eastern side of the property before wrapping around the rear of Kimberly in an L-shape.

The site lies within the defined Limits of Development for West Overton.



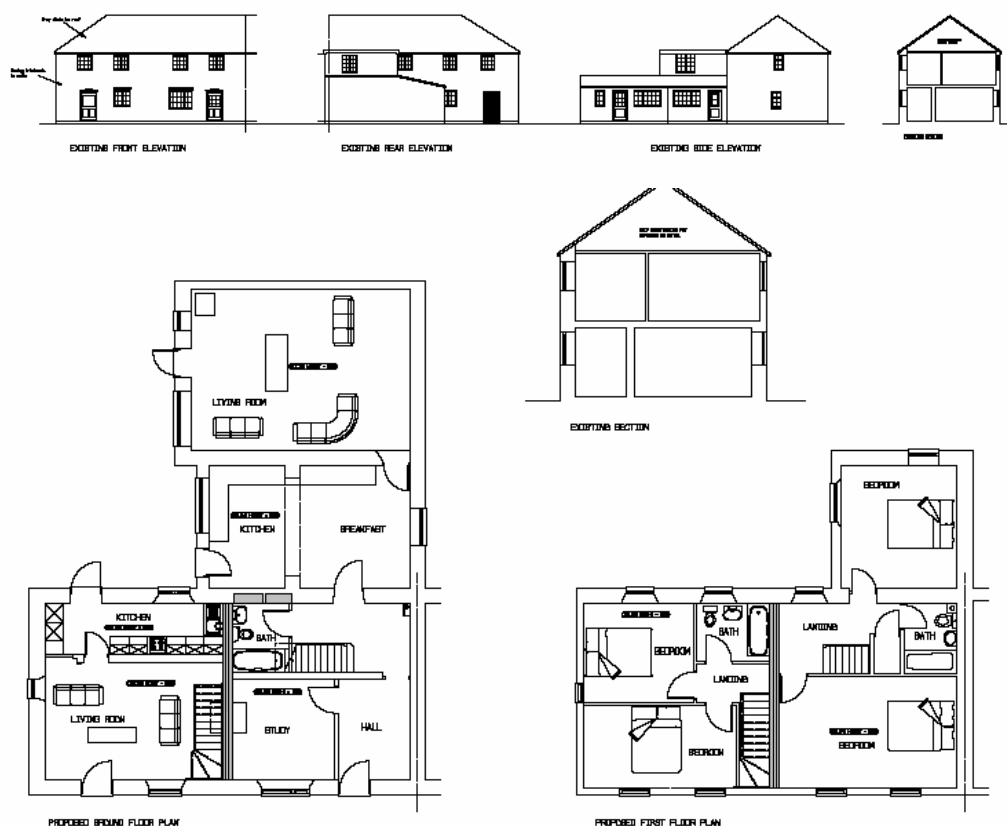
SITE HISTORY

84/1112 – Planning permission was granted in 1985 for an extension to the kitchen at Overton Stores.

K/15616 – Planning permission was granted in 1990 for the erection of a single garage.

DESCRIPTION OF DEVELOPMENT

This is a full application for the conversion of the existing building from one dwelling into two 2 bedroom houses. No external works are proposed to facilitate the conversion. The existing single garage will be removed to improve the parking situation and the garden will remain unchanged, with both dwellings having use of the communal garden.



Elevations and Floor Plans – not to scale

ADDITIONAL STATEMENT BY THE APPLICANT

A statement has been submitted by the applicant in support of their proposal. This concludes that the applicants consider the proposal to conform to the policies of the Development Plan. The application proposed two units of accommodation that will have no adverse impact upon the local environment or its amenities and will make more efficient use of the building and return it closer to its original purpose.

The supporting statement identifies that the lawful use of the premises at present is as a single dwellinghouse. Although the property was partially a former shop and post office, such use has ceased and the premises have been used solely for residential purposes for a sufficient length of time to be lawful. In support of this a Statutory Declaration has been submitted from the previous owner of the West Overton Stores. This confirms that from the time when the shop ceased trading in June 2002 until the property was sold, the premises were not used as a shop but formed part of the residential use of the whole premises. The property has now been

sold and the residential occupancy of the whole premises has continued. It is noted within the Declaration that all the shelving remained in place as there was no need to remove it as it formed a useful area for toys and books.

The full supporting statement and Statutory Declaration can be viewed on the working file.

PARISH COUNCIL COMMENTS

Fyfield and West Overton Parish Council object to the proposed development on the grounds that the application is contrary to policy PD1 B(4) due to the traffic problems local residents are already experiencing. The application would exacerbate this situation since the off street parking arrangements currently proposed are not adequate for access and the parking needs that would arise, in an area of the village already in difficulty. The Parish Council believes that AT1 (e) is relevant here.

There are no objections to the detailed plans of the two proposed dwellings as only internal alterations are proposed but the change of use issue has not been accepted happily by the village.

CONSULTATIONS

County highways – No objection subject to conditions which are included at the end of this report.

REPRESENTATIONS

Three letters of objection have been received to the proposed development on the following grounds;

1. The car parking proposals are impractical and unworkable. It would be virtually impossible to get into and out of the cars and there is clearly not enough room to turn on site meaning cars would leave in a reverse gear causing a danger to pedestrians and other road users because of the lack of visibility to the west.
2. Parking would obstruct the two access points to the dwelling meaning they would not be used as stated.
3. There would be an increase in the number of vehicles parked in the road which has already reached saturation point. We already have problems with double parking to post letters in the post box in the building. There is no guarantee the cars associated with the dwellings will not park on the road.
4. There is currently no space on this heavily congested stretch of road for any additional vehicles. The current on road parking leads to the village street becoming a single lane carriageway. This issue coupled with the lack of footpath exposes children getting to, from and using the bus stop to extreme traffic hazard as well as other users of this stretch of road.
5. An increase in cars so close to a junction is impossible and therefore dangerous.
6. The parking in the area will be exacerbated due to the lack of off-street parking on the bus route through the village.
7. The comings and goings of untold tenants and their visitors are going to cause considerable disturbance given that the access is less than four and a half feet from the neighbouring properties sitting room.
8. Information on the curtilage of each dwelling has not been submitted and it is not clear which parking spaces are for which properties. There is concern that in the future the proposed parking could be turned into a courtyard garden leaving no parking at all.

9. It is contested that a change of use has not happened over the past five years following the closure of the shop.
10. The present parking area will be reduced to allow access to the properties.

A petition has also been received consisting of 100 names objecting to the proposed redevelopment of West Overton Stores on the grounds that;

- a) It has been evident that at no time has there been any furnishings in evidence that would lead one to believe that this dwelling has been, or was being used, as part of a residence or dwelling. In fact the original shop shelving, counter, scales and screen can be seen within. Due to this we do not feel that a change of use has taken place, thus we have not had the opportunity to contest or protest this matter.
- b) The proposed dwellings make insufficient provision for off street parking, which will result in cars being parked in the road. We feel the parking of more cars on the road will likely increase the chance of road accidents. The proposal to park up to 4 cars in the small courtyard is impractical and is likely to result in vehicles reversing onto the highway due to inadequate space for turning therefore adversely affecting highway safety.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1 and HC22 are relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

The site lies within the defined Limits of Development for West Overton. In principle therefore there is no objection to the redevelopment of the existing building to provide two dwellings provided that the development is in harmony with the village in scale and character and that it conforms with other policies of the Kennet Local Plan.

The site lies within a group of residential properties and no external alterations are proposed to facilitate the conversion. The proposal is therefore in harmony with the scale and character of the village. The main issues to be considered when determining this application are therefore whether the proposal would result in any harm to the amenity of neighbouring properties or would result in a danger to highway safety.

Some concern has been raised that a change of use of the part of the ground floor of the property to a single dwellinghouse has not occurred. As previously mentioned, a legal document in the form of a Statutory Declaration has been submitted as part of this application confirming that the area formerly occupied by the shop has been used as part of the residential dwelling since the closure of the shop in 2002. While planning permission should originally have been sought for this change of use, unauthorised changes of use are immune from enforcement if specific periods of time have elapsed. These periods are set out in sec. 171B of the 1990 Town and Country Planning Act and refer to 4 years in the case of a change of use to a single dwellinghouse. The change of use that has occurred would therefore appear lawful, and as such, the loss of the shop cannot be taken into consideration when determining this application.

In terms of amenity, it is not considered that the additional comings and goings from one extra dwelling within the residential part of the village would result in any significantly greater level of noise or disturbance to the neighbouring residents so as to result in any harm to the reasonable living standards of neighbouring properties.

A number of objections have been received relating to parking and highway safety. However, an area is available for off-site parking served from the existing access and this can be conditioned to be retained as such. It would be capable of taking at least three vehicles. While the concerns regarding on-street parking are acknowledged, space exists to the front of these properties for the parking of vehicles. On street parking is common within the village and, on balance, one additional dwelling would not, it is considered, lead to unacceptable congestion or danger, particularly having regard to the previous historic use of part of the site as a shop. No objection has been received to the proposal from the local highway authority and as such it is not considered that a refusal on highways grounds could be sustained.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - The area allocated for parking on the submitted plans shall be kept clear of obstruction, with the existing garage removed before the change of use is implemented. The parking area shall not at any time in the future be used other than for the parking of vehicles in connection with the two dwellings hereby permitted.

REASON:

To ensure that off street parking is retained within the site in the interests of highway safety.

3 - INFORMATIVE TO APPLICANT:

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

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

4 - INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the contents of the letter from Wiltshire Fire and Rescue Service dated the 1st October 2007.

Item 6:

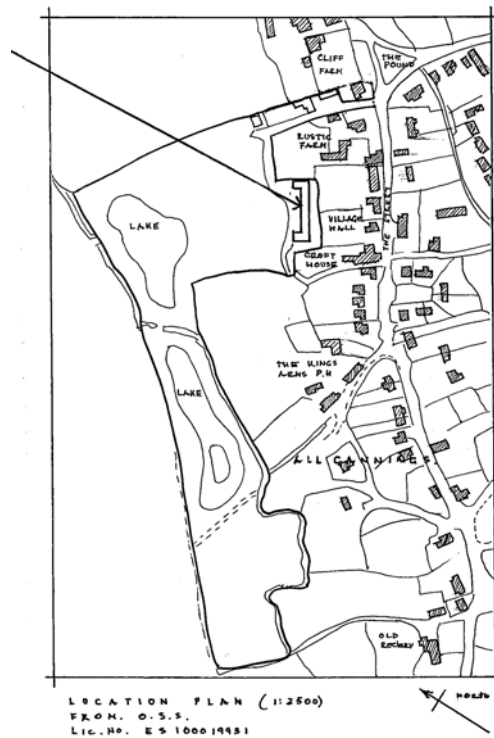
APPLICATION: K/56724/F
PARISH: ALL CANNINGS
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Construct three log cabins for holiday letting accommodation
SITE: The Piggery Rendells Farm The Street All Cannings
Devizes Wiltshire SN10 3PA
GRID REF: 07154 61957
APPLICANT: Mr K Baron
AGENT: Dolmans
DATE REGISTERED: 11th June 2007
CASE OFFICER: Miss R Hughes

SITE & LOCATION

This application relates to the former piggery buildings which form part of Rendell's Farm, which is located on and behind the western side of The Street, All Cannings.

The piggery buildings fall just outside the defined settlement boundaries on the western side of the village. The site is located within North Wessex Downs Area of Outstanding Natural Beauty and falls just outside All Cannings Conservation Area. To the eastern aspect gardens of residential properties and the grounds of the Village Hall back onto the site. The remaining aspects border open countryside.

Site Location



SITE HISTORY

K/55755/F – an application for ‘conversion of piggeries to five holiday cottages and swimming pool’ was withdrawn in March 2007.

K/41762/F – an application for ‘demolition of piggeries and associated buildings and erection of a single dwelling in the form of a barn’ was refused in September 2001

K/38614 – an application for the ‘conversion of piggeries to five holiday cottages’ was approved in May 2000

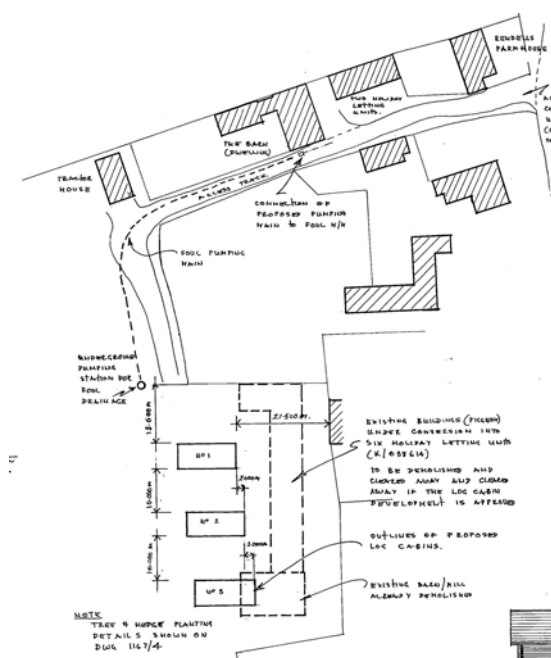
DESCRIPTION OF DEVELOPMENT

This proposal relates to a full application for construction of three log cabins for holiday letting accommodation.

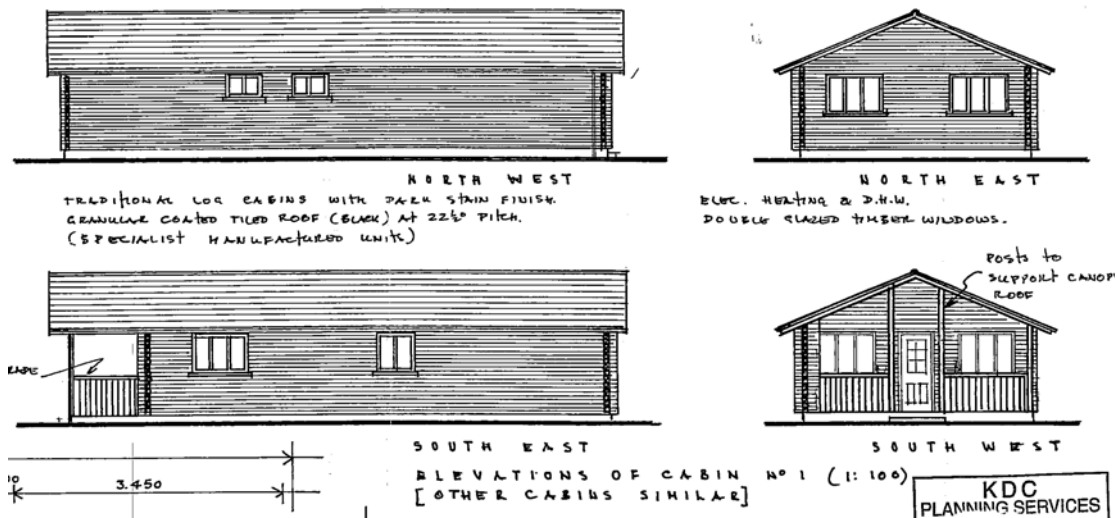
The log cabins will be located on the site of the former piggery buildings and will be laid out in a linear fashion. The footprint of each cabin is approx 14 x 6 metres with a shallow pitched roof approx 4 metres to the ridge. The cabins are to be constructed of timber with a granular coated tiled roof. Hornbeam hedging will be used to demarcate amenity space for each cabin.

Vehicular access to the site is proposed from the existing access track leading onto The Street. The driveway and parking facilities serving the development would be located to the rear of the cabins, towards the eastern site boundary. A pedestrian access only will run from the south of the site and join onto the existing public right of way footpath running to the south of Croft House.

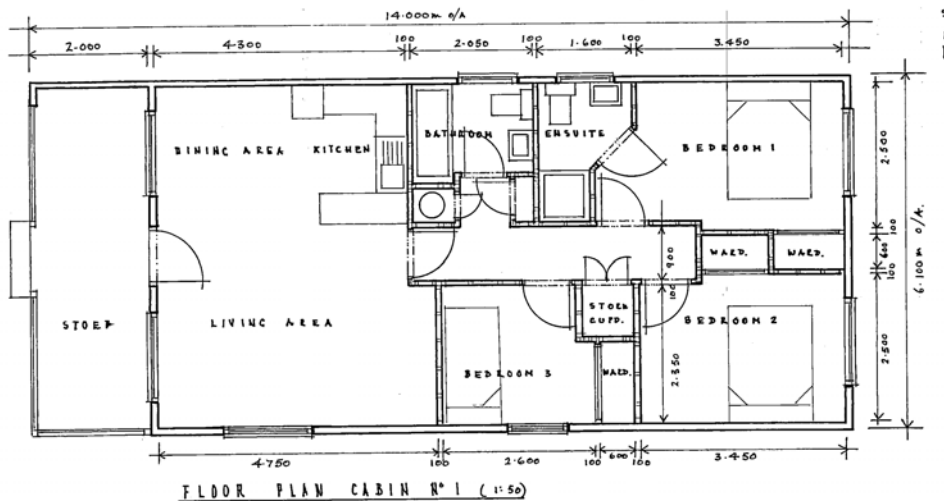
Layout of Development and Access
(showing footprint in relation to former piggeries)



Elevations of Log Cabins



Floorplans of Log Cabin



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

A detailed landscaping scheme has been submitted and amended to adhere to comments made by the Landscape and Forestry Officer. Further information has also been submitted in terms of the detailed design of the log cabins and surface water drainage methods proposed the site.

PARISH COUNCIL COMMENTS

All Cannings Parish Council have raised no objection to the application.

CONSULTATIONS

WCC Archaeology – no objections

KDC Conservation Officer – no objections to application as amended

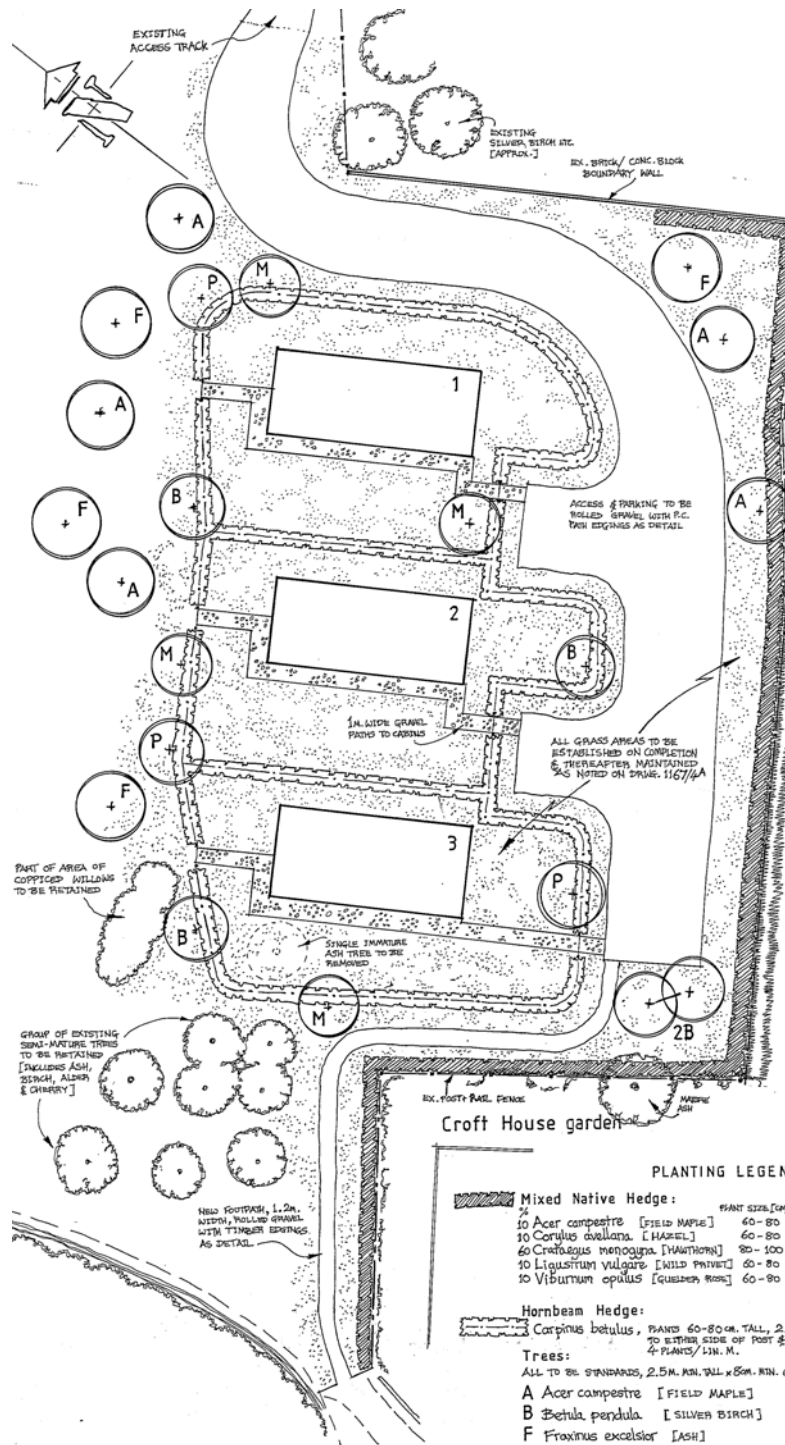
KDC Engineering and Design Manager – no objections

WCC Highways (Mark Wiltshire) – No objections subject to imposition of condition requiring closure of site access to and from driveway which runs past Croft House

Wiltshire Fire and Rescue – recommend informative

KDC Landscape and Forestry Officer (Will Harley) – no objections to application as amended

Landscaping Scheme



REPRESENTATIONS

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

- Concerns regarding access and increased traffic volume in this small village
- Concern expressed that although applicant describes construction work to have commenced on the conversion scheme, to date only demolition has occurred and the permitted conversion may no longer be viable. The rising costs are mentioned as reason for not proceeding with the conversion yet the application claims that the cost of the new proposal would be close to the conversion.
- Landscaping conditions attached to the previous permission have not been complied with.
- Log Cabins are inappropriate for the area as the construction type and appearance are foreign in a Wiltshire farming setting.
- The pedestrian access on the submitted plan does not follow the existing public footpath and runs along the boundary of the neighbour's swimming pool area leading to overlooking and a detrimental effect to the enjoyment of the neighbour's property. Request that condition is attached to any permission requiring this access route to be permanently closed.
- New buildings go against planning policy on back land development and would set a dangerous precedent.
- In the Local Plan the site is within an Area of Outstanding Natural Beauty, not within planned development in Conservation Areas or within planned Employment Development within or on edge of villages.
- If application permitted request 106 agreement to restrict further development on the site or adjoining fields owned by applicant.
- Welcome introduction of holiday accommodation of quality suitable for the village however request this development is conditional on their being no further development at Rendell's Farm as concerned about ongoing commercial development of the site (particularly use of site as caravan park which would represent eyesore)
- New lighting should be kept to a minimum to prevent light pollution
- In order to preserve the amenity view across the Downs from the village shop and hall the height of the log cabins should not exceed the height of previous piggery buildings.

POLICY CONSIDERATIONS

Kennet Local Plan 2011 - policies PD1, NR6 and NR7 are relevant to the consideration of this application, as is central government guidance contained in PPS1: Delivering Sustainable Development; PPS 7: Sustainable Development in Rural Areas and PPG 13: Transport. Supplementary planning guidance contained in the Department for Communities and Local Government Good Practice Guide for Tourism (May 2006) is also relevant to the consideration of the application.

PLANNING OFFICERS COMMENTS

Principle of development

The application proposes new build holiday accommodation just outside the settlement boundary of the village. In order to promote sustainable patterns of development guidance in PPS7 expects most tourist accommodation requiring new buildings to be located in or adjacent to, existing towns and villages. PPS 7 recognises the contribution of the tourism industry in supporting thriving, inclusive, sustainable rural communities, stating that local planning authorities should support the provision of forms of self-catering holiday accommodation in rural areas where

they would accord with sustainable development objectives. Guidance in PPS7 also stipulates that when considering development proposals for holiday chalet developments, planning authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites and to ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening.

The site is in an area where the provision of permanent market housing would not be supported by national and local policies which seek to restrict development, for example in order to safeguard the countryside. However policy suggests that the principle of tourist accommodation maybe acceptable on the site, providing the development will not give rise to unacceptable adverse visual impacts.

Visual Impact

The scale of the development and the number of units proposed is considered acceptable in this rural setting. Their location is somewhat detached from the neighbouring buildings and although exposed to open fields to the west, the development will not be visible from any significant vantage points within or around the area.

The design of the log cabins is simple and unadorned and should ensure no detrimental effect to the character and setting of the surrounding conservation area. A comprehensive landscaping scheme has been submitted and agreed which will mitigate any resulting visual impacts and assimilate the development into its surroundings.

Currently the site is occupied by the former piggery buildings which have now fallen into a state of disrepair. These buildings represent somewhat of an eyesore and it is considered that if permitted, the development will improve the aesthetic quality of the site, without competing or detracting from the importance of the surrounding countryside.

Other Issues

Highway Safety

The proposed development is considered sustainable as it is modest in nature and is located close to an existing settlement therefore local services may be accessed by means other than by car. County Highways have raised no objections to the application.

Route of Footpath

Concern has been raised that the proposed footpath at the south of the site does not follow the route of the existing public right of way and that its route will overlook the swimming pool area belonging to Croft House. The application does not propose to alter any existing public rights of way. The footpath shown on the plans will serve the development only and will merely join the existing right of way footpath running to the south of Croft House. As part of the landscaping scheme vegetation is proposed along the boundaries with Croft House and is considered adequate to prevent any loss of amenity to the occupiers of the neighbouring property.

Conclusion

The provision of tourist accommodation on the site offers the potential to bring positive benefits to the local economy (i.e. through supporting local services and facilities). The location of the development on the edge of the village is considered to be sustainable and the design of the development alongside the implementation of

the comprehensive landscaping scheme will prevent any harm to the character of the surrounding countryside.

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

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - This permission relates only to the scheme of development shown on the revised plans 1167/3/D and 1167/5 received on the 23/8/07 and the landscaping scheme shown on plan number C269/P/01 received on the 17/10/07.

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 development hereby permitted shall not be commenced until details (including samples) of the:

- a) proposed tiled roof material
- b) dark stain finish for all external timber
- c) external bricks proposed for the dwarf brick piers

to be used on the development have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

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

REASON:

To ensure a satisfactory landscaping setting for the development.

5 - In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) 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). The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

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

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

REASON:

In the interests of highway safety.

7 - Prior to the holiday cabins being first brought into use any existing vehicular access route from the site to the driveway which runs past Croft House shall be permanently closed in accordance with details which shall be first submitted to and approved in writing by the local planning authority.

REASON:

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 gates, wall, fence, or other means of enclosure other than those shown on the approved plans shall be erected or placed within the application site.

REASON:

In the interests of visual amenity

9 - The accommodation hereby approved shall not be occupied by any person for a period exceeding 8 weeks in any one-year, nor for a period exceeding 4 weeks at a time, with no return within 4 weeks. A register of occupiers shall be available for inspection by the local planning authority at all reasonable times.

REASON:

The site lies within an area where permanent accommodation without a special agricultural, or other essential local need would not be approved.

10 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals, namely: policies PD1, NR6 and NR7 of the Kennet Local Plan 2011 and government guidance contained in PPS 1: Delivering Sustainable Development, PPS 7: Sustainable Development in Rural Areas and PPG 13: Transport.

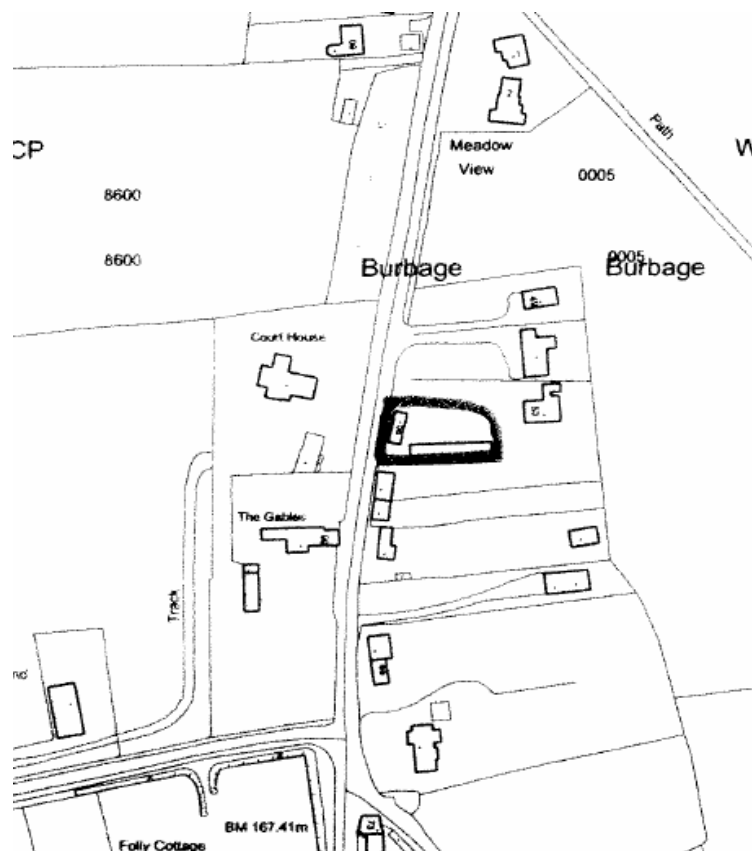
Item 7:

| | |
|-------------------|--|
| APPLICATION: | K/57263/F |
| PARISH: | BURBAGE |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Erection of single storey dwelling |
| SITE: | 55 High Street Burbage Wiltshire SN8 3AF |
| GRID REF: | 22960 61926 |
| APPLICANT: | Mr SK Cook |
| AGENT: | Michael Fowler Architects |
| DATE REGISTERED: | 3rd September 2007 |
| CASE OFFICER: | Miss G Salisbury |

SITE & LOCATION

The application site is located on the eastern side of Burbage and is accessed off the High Street via a shared drive. The site lies to the rear of 55 High Street and is currently occupied by a long single storey building clad in timber with a corrugated fibre roof formerly used as a joinery workshop. The site is elevated in relation to No. 55 and an existing right of way runs along the north and eastern side of the site which provides vehicular access to No. 57 at the rear.

The site lies within the defined Limits of Development for the village and is within the designated Conservation Area.



Location Plan

SITE HISTORY

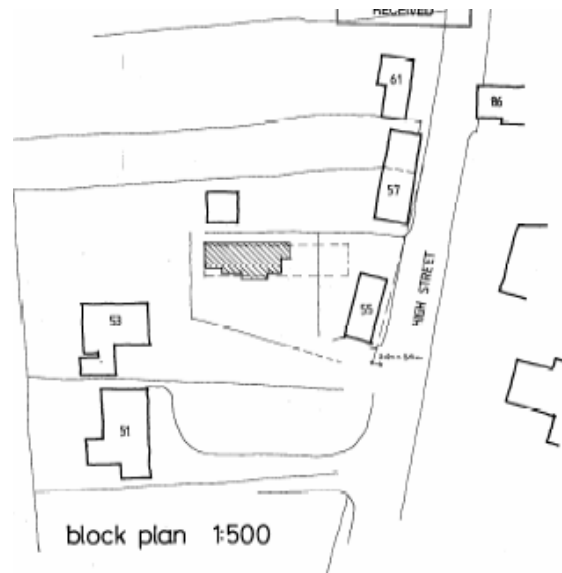
K/74/0417 - Planning permission was approved in July 1974 for a joinery workshop.

K/55959/F – Planning permission was refused in March 2007 for the erection of a new dwelling on this site. Due to its proximity to No. 55 and elevated position the proposed dwelling would have been detrimental to the reasonable living conditions of the residents of No 55 High Street. It was also felt that the retained access for no. 57 would be detrimental to the amenities of the owners of the new dwelling due to its proximity to the proposal.

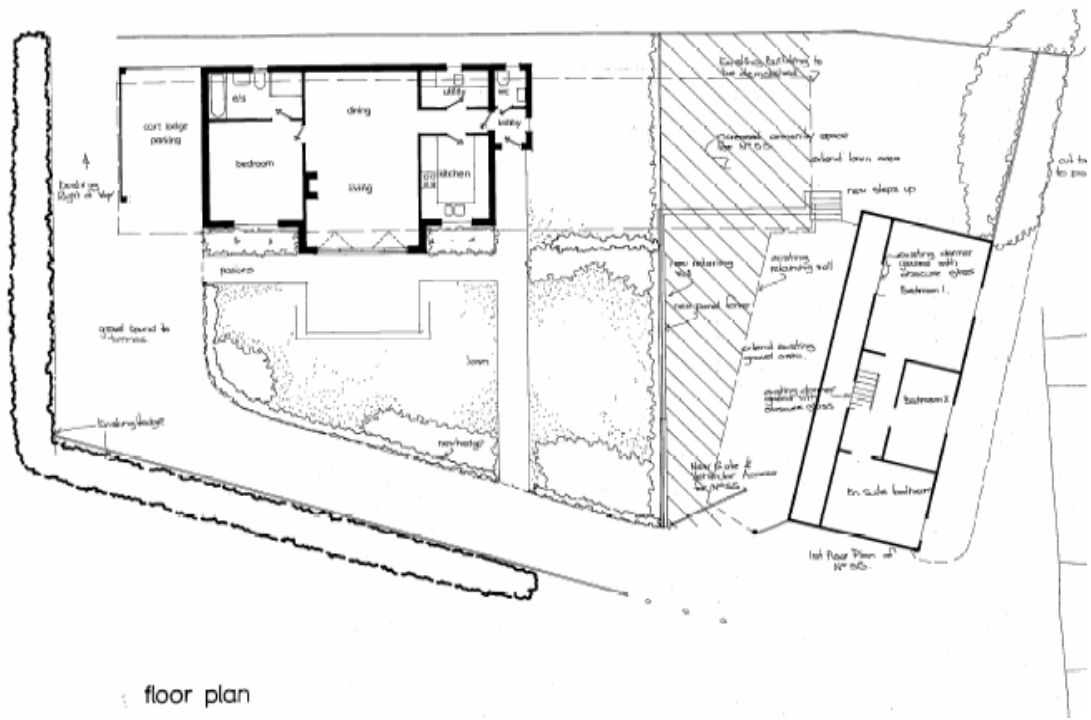
K/55965/CAC – Conservation Area Consent was refused in March 2007 for the demolition of the former workshop as Government planning guidance contained within PPG 15: Planning and the Historic Environment advises that Conservation Area Consent for demolition should not be granted unless there are acceptable and detailed plans for redevelopment. As no acceptable plans had been received for the redevelopment of this site the proposed demolition was contrary to advice contained in PPG15.

DESCRIPTION OF DEVELOPMENT

This is a full application for the erection of a single storey one-bedroom dwelling with attached car port to the rear of 55 High Street, Burbage. The dwelling would replace the former joinery workshop with a smaller building measuring 16.4 metres in length, 7.5 metres wide at the widest point and 4.8 metres to the ridge. Materials proposed are brick and timber boarding to the external walls and slate to the roof. Access would be from the existing access off the High Street. The proposal also includes alterations to the site boundary with No 55. to provide this dwelling with an enlarged garden area.

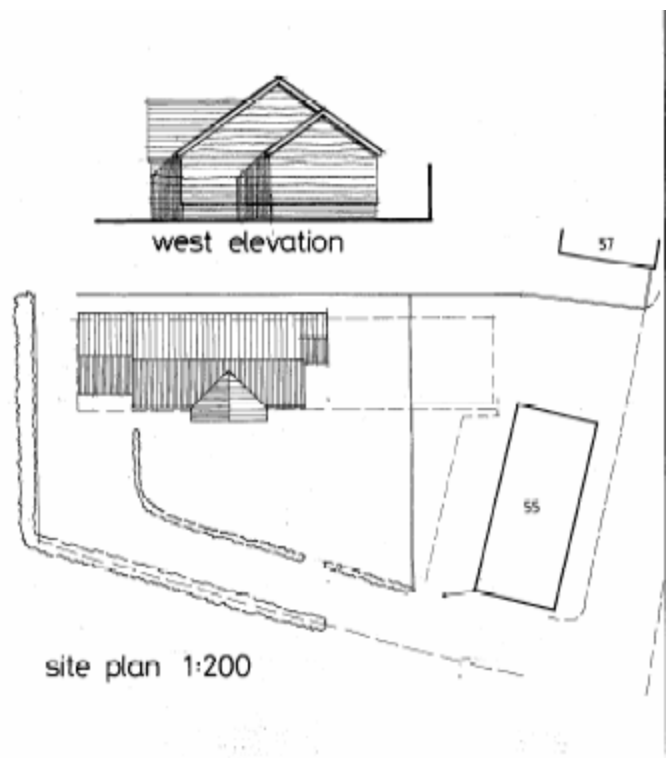


Position of new dwelling in relation to surroundings



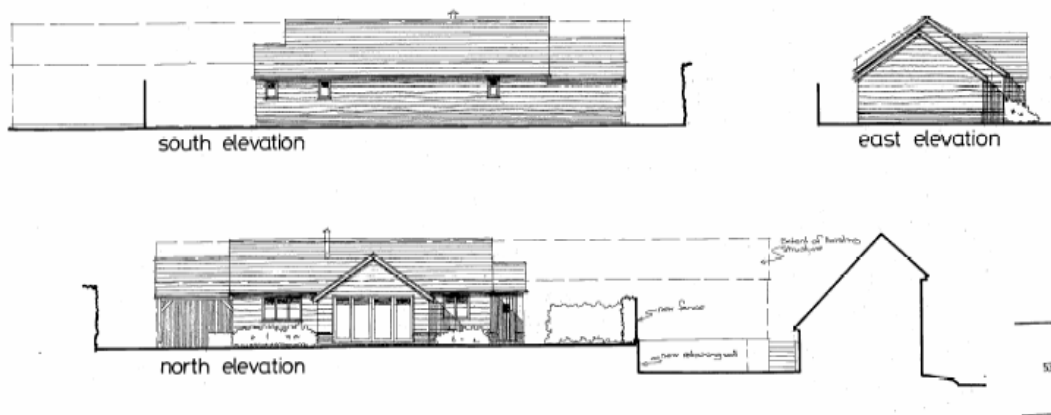
floor plan

Floor Plan – not to scale



site plan 1:200

Block Plan – not to scale



Elevations – not to scale

ADDITIONAL STATEMENT BY THE APPLICANT

In support of the application the agent states that the amendments to the current scheme overcome the reason for refusal of the previous application. The proposed scheme for one dwelling replacing the un-neighbourly structure has evolved following a detailed analysis of both the site and surroundings. The development is considered to comply with policies of the Local Plan and other relevant policies to provide an appropriate high quality solution to this area and the relationship of the site to the surrounding area has influenced the type and quality of the layout, design and materials to be used.

The agent has also provided details of the past use of the site which has always been commercial, including cabinet making, vehicle restoration, the manufacture and repair of church organs, the warehousing and sale of office furniture, and (most recently) the storage and sale of ceramics and furniture from the Far East.

The full design and access statement and correspondence submitted in support of this application is available to view on the working file.

PARISH COUNCIL COMMENTS

Burbage Parish Council has no objection to the proposal but comment that they would like to see a wall erected in front of the border hedge.

CONSULTATIONS

County highways – No objection subject to a condition to secure improved visibility.

KDC Conservation Officer – No objection subject to conditions which are included at the end of this report.

KDC Engineering and Design Manager – No comment.

Wessex Water – No objection.

REPRESENTATIONS

Three representations have been received from neighbouring residents objecting to the proposal on the following grounds;

1. The neighbouring properties are typically two storey and/or thatched made of brick and painted. The proposed development is one storey with a slated roof and timber construction. The proposed development is therefore inconsistent with neighbouring buildings and would have a detrimental impact on the character of the village and appearance of the area.
2. The proposed back-fill development would be overbearing and possibly a loss of privacy to No 53. There will also be an increase in noise disturbance and an increase in traffic.
3. There has been little or no activity at the workshop building over the last 3 and a half years. The retail element is not evident and no lorries have been seen or heard. Any activity from a new dwelling would therefore be a significant increase from the activity over the past 3 and a half years.
4. There is a right of way over part of the land. The width of this and turning area at the top must be maintained.
5. A wall should be erected on the boundary with no. 53.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1 (Development and Design) and HC22 (Villages with a Range of Facilities) are relevant to the consideration of this application as is Government guidance contained within Planning Policy Guidance Note 15: Planning and the Historic Environment.

PLANNING OFFICERS COMMENTS

In principle the erection of a new dwelling in this location is acceptable. The application site lies within the defined Limits of Development for Burbage and would comprise the redevelopment of an existing building. The proposal is therefore in line with policy HC22 of the adopted Kennet Local Plan.

Concern has been raised that this is back-fill development and that the development is inconsistent with surrounding residential buildings which are typically two-storey, thatched, brick and painted. While it is accepted that development in the area is predominantly linear in form, the proposal would replace an established run down former workshop building of no architectural merit with a smaller, well designed building that will sit well in its context and improve the appearance of the site to the overall benefit of the character and appearance of the conservation area.

An objection has been received on the grounds that the development would be harmful to neighbour amenity. The proposed building however is no taller than the existing workshop, has a smaller footprint and is set further away from both 57 and 55 High Street. As such it will have no greater impact than the existing building and will not be detrimental to neighbour amenity in terms of loss of light or overbearing impact. Loss of privacy has also been raised as an issue however the site is separated from properties to the north-east (No's 51 and 53) by a large mature hedge which is to be retained. The number of windows on the rear elevation of the building would also be reduced in number by this proposal and those proposed do not serve habitable rooms and face onto a 1.8m high fence. It is therefore not considered that the development would result in any loss of privacy. It has been suggested that a wall should be built in front of the border hedge to increase privacy, however this is not considered necessary given the substantial vegetation already present on the site boundary.

Increased noise and disturbance has also been raised as a concern. The use as a residential property would however result in less comings and goings than the approved workshop use and it is not considered that the activity generated by one

dwelling would cause such noise and disturbance to the neighbouring property as to warrant a refusal.

Increased traffic has been raised as an objection. While it is appreciated that the building may not currently be in use, the redevelopment of the site for a single dwelling would result in less traffic movements than the approved use of the building as a workshop and County Highways have raised no objection to the scheme on these grounds.

Finally, the existing right of way to the parking area for 57 High Street will be retained by the scheme.

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 060901-03A received on 12 November 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 details of the stain or other finish to be used on the external surfaces of the development hereby permitted 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 ensure harmonious architectural treatment.

5 - The external flue shall be factory finished in black unless otherwise agreed in writing by the local planning authority and maintained as such thereafter.

REASON:

In the interests of the visual amenity of the locality.

6 - Before the construction of any boundary wall(s) or fence(s) is commenced details of the design, height, position and materials of which they are to be constructed shall

be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

9 - Notwithstanding the submitted details, before the new dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2 metres back from the carriageway edge along the centre line of the access and the extremities of the site frontage shall be cleared of obstructions to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON:

In the interests of highway safety.

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 additions to, or extensions or enlargements of the building hereby approved shall be erected without the prior approval of the local planning authority.

REASON:

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

11 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification no buildings, or structure, or wall, fence, or other means of enclosure other than those shown on the approved plans shall be erected or placed within the curtilage of the new dwelling.

REASON:

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

12 - The dormer windows at first floor level shown on the approved plans on the east elevation of No 55 High Street shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

REASON:

In the interests of privacy.

13 - Within 14 days of the demolition of the existing building on the site, the resultant materials shall have been completely removed from the site.

REASON:

In the interests of the visual amenity of Burbage Conservation Area.

14 - INFORMATIVE TO APPLICANT:

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

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely policy PD1 and HC22 and Government guidance contained within PPG15: Planning and the Historic Environment.

15 - INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the contents of the letter from Wiltshire Fire and Rescue Service dated the 5th September 2007.

16 - INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the contents of the letter from Wessex Water dated the 13th September 2007.

17 - INFORMATIVE TO APPLICANT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

Item 8:

APPLICATION: K/57416/F
PARISH: MARLBOROUGH
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Formation of self-contained residential unit within shared house occupied by persons in need of care.
SITE: 10 George Lane Marlborough Wiltshire SN8 4BT
GRID REF: 19150 68901
APPLICANT: Innovations Wiltshire Ltd
AGENT: Premier Design (Wiltshire) Ltd
DATE REGISTERED: 24th September 2007
CASE OFFICER: Miss G Salisbury

BACKGROUND

This application has been brought to the Regulatory Committee at the request of the local Ward Member, Cllr S Dobson.

SITE & LOCATION

The site is a semi-detached property with detached garage situated on the southern side of George Lane to the east of the Police Station and opposite the entrance to Culvermead close.



Location Plan

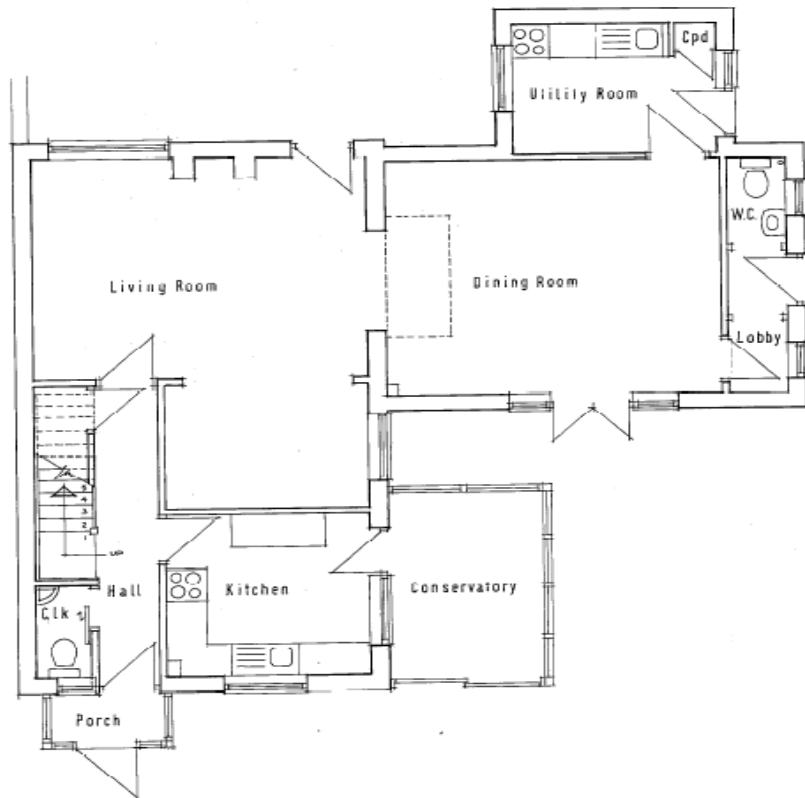
SITE HISTORY

K/16753 – Planning permission was granted in December 1990 for the erection of two storey and single storey extensions to the property.

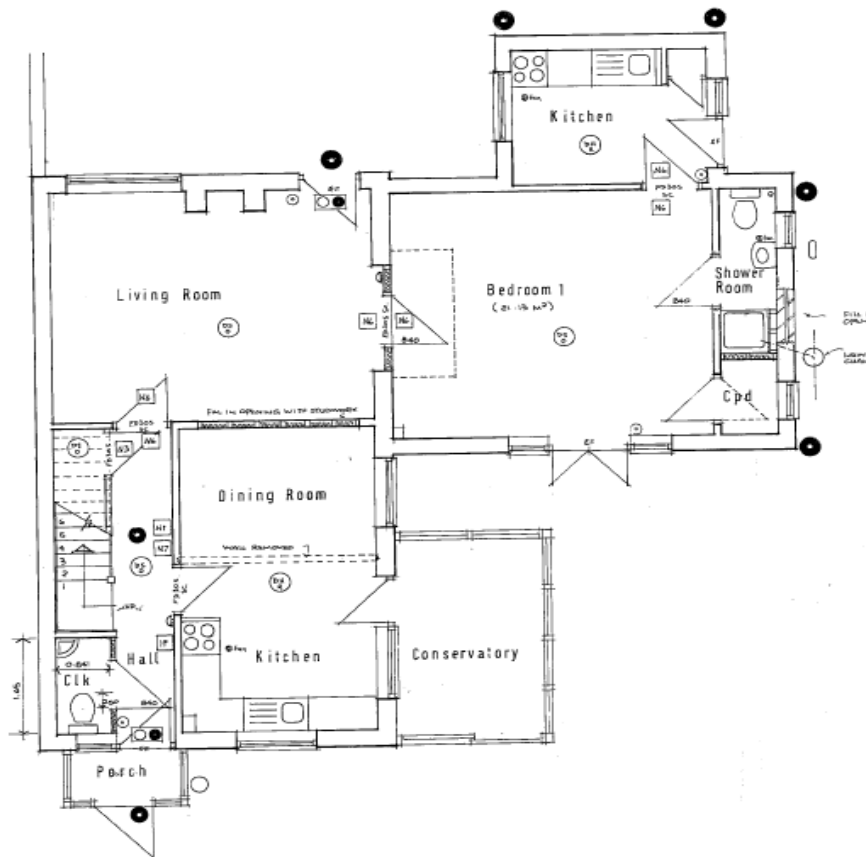
DESCRIPTION OF DEVELOPMENT

This is a full planning application for the formation of a self-contained residential unit within the existing shared house to be occupied by persons in need of care. No external alterations are proposed to facilitate this change of use.

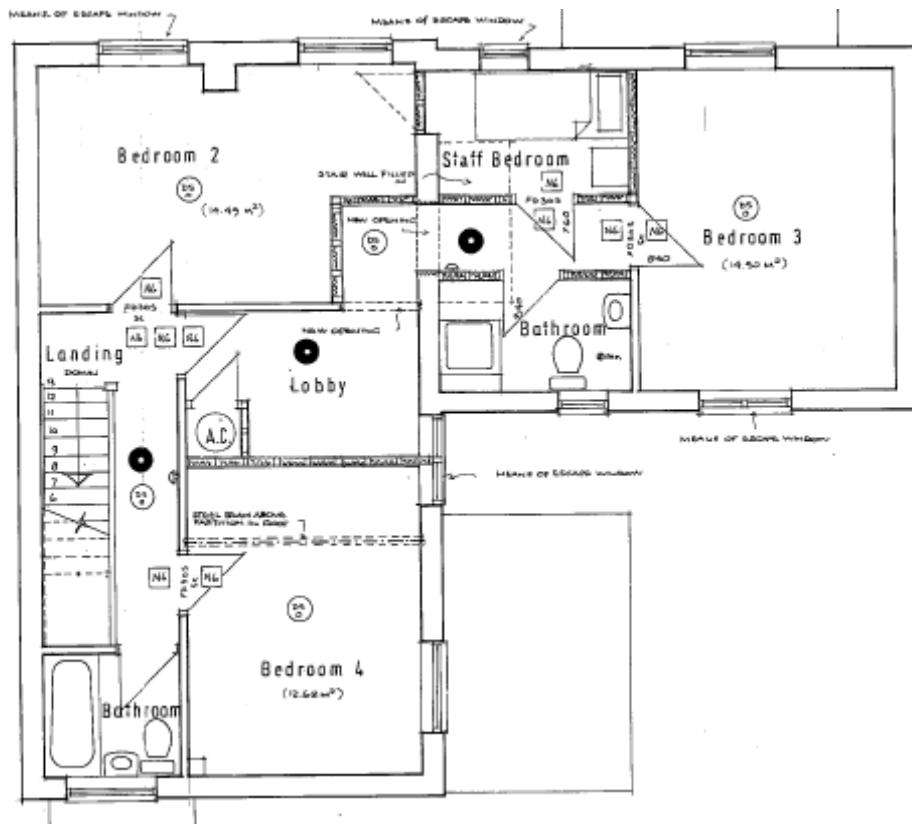
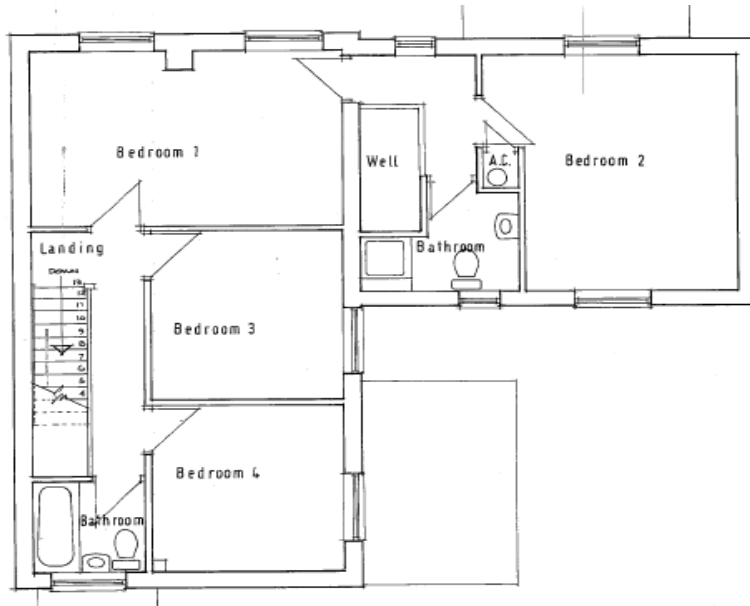
Existing & Proposed Ground Floor Plans – not to scale



Existing Ground Floor Plan



Existing and proposed first floor plans



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

Due to concerns raised over land ownership an amended site plan has been received.

ADDITIONAL STATEMENT BY THE APPLICANT

The self-contained unit will be used for supported living accommodation. Staff will support the resident with finances, washing, cooking, cleaning and time management etc.

TOWN COUNCIL COMMENTS

Marlborough Town Council has no objection to this application.

CONSULTATIONS

Wiltshire Highways – The site benefits from existing off-street parking therefore no Highway objection is raised.

REPRESENTATIONS

Two letters have been received from neighbouring properties who object to the proposal on the following grounds;

- Concern that the works have already been completed with residents in place which has lead to greater difficulty in parking, anti-social behaviour, increased litter etc.
- Increased noise and disturbance that will affect the enjoyment of our semi-detached property and shared entrances.
- Any more than one member of staff would place strain on services and parking. There could be an impact on road safety as parking in George Lane is already limited.
- The sewers and drains were not built for this type of use.

POLICY CONSIDERATIONS

Kennet Local Plan Policy PD1 is relevant to the consideration of this application.

PLANNING OFFICERS COMMENTS

During the course of this application the current use of the site has been queried and concerns expressed that a change of use of the property has already occurred to which there has not been an opportunity to comment.

No. 10 George Lane is in shared occupation and is currently lived in by persons with learning difficulties. It should be noted that to date, under the terms of the Town and Country Planning (Use Classes) Order, no material change of use has occurred in the use of the property. This is because the four residents and carer live effectively as a single household within the dwelling sharing facilities such as the bathrooms, kitchen/dining and garden. In planning terms this falls within the Class C3 dwelling house use that allows for communal housing, including for those with learning difficulties.

Planning permission is only required for the current proposal because the creation of a self-contained unit within the existing shared dwellinghouse constitutes a material change of use as the occupier, having his/her own self contained kitchen and bathroom, would be separated from the other residents. Members are therefore requested to note that planning permission is required only for the self containment of part of the house and not for the use of the rest of the property as a shared house for persons with learning difficulties.

The main issues to consider are therefore the impact of the development on neighbour amenity and highway safety.

No external alterations are proposed to facilitate the conversion and therefore the application raises no issues relating to loss of privacy or light. Concern has been raised that there would be increased noise and disturbance from the development. However it is not considered that a self contained resident would generate any greater levels of noise or general disturbance than a person living within the existing shared house, and so a refusal on these grounds could not be sustained.

As regards parking, no objection has been received to the proposal from the local highways authority. The site benefits from off-road parking and is within a town centre location where there are parking facilities within the vicinity of the site for staff if required.

Finally, a comment has been made that the sewers and drains were not built for this type of use. However, it is not considered that the introduction of a self contained unit within the shared house would cause any more of a problem than if the house remained entirely in use as a shared house.

RECOMMENDATION

Approve with Conditions

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

REASON:

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

2 - The use of part of the property as a self-contained unit shall cease and the whole dwelling at 10, George Lane shall revert to its former use as one single dwelling if the property ceases to be used as supported shared accommodation for persons in need of care.

REASON:

A self-contained unit within the property is acceptable in the context of a house being used for supported shared accommodation for persons in need of care, but may be inappropriate due to its layout if this use ceases.

3 - INFORMATIVE TO APPLICANT:

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

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

Item 9:

| | |
|-------------------|---|
| APPLICATION: | K/57426/F |
| PARISH: | POTTERNE |
| APPLICATION TYPE: | Full Planning Permission |
| PROPOSAL: | Change of use of agricultural land to equestrian and erection of two stable blocks. |
| SITE: | Land at Courthill Farm Court Hill Potterne SN10 5PN |
| GRID REF: | 98583 58742 |
| APPLICANT: | Mr R Satchell, M A Satchell Partnership |
| AGENT: | Mr P Harris |
| DATE REGISTERED: | 25th September 2007 |
| CASE OFFICER: | Miss R Yeomans |

SITE & LOCATION

The application site can be accessed in two ways. Firstly, the east of the site by proceeding through Potterne south on the A360. Just before reaching the public house on the right hand side, turn right into Court Hill, signed for Wiltshire Fire Brigade and Worton. Proceed past most of the houses on the right and past the Fire Brigade headquarters on the left and the entrance to Court Hill Farm can be found on the right. Proceed down the drive and as the road bends sharply round to the right, the application site lies straight ahead, downward sloping towards the byway.

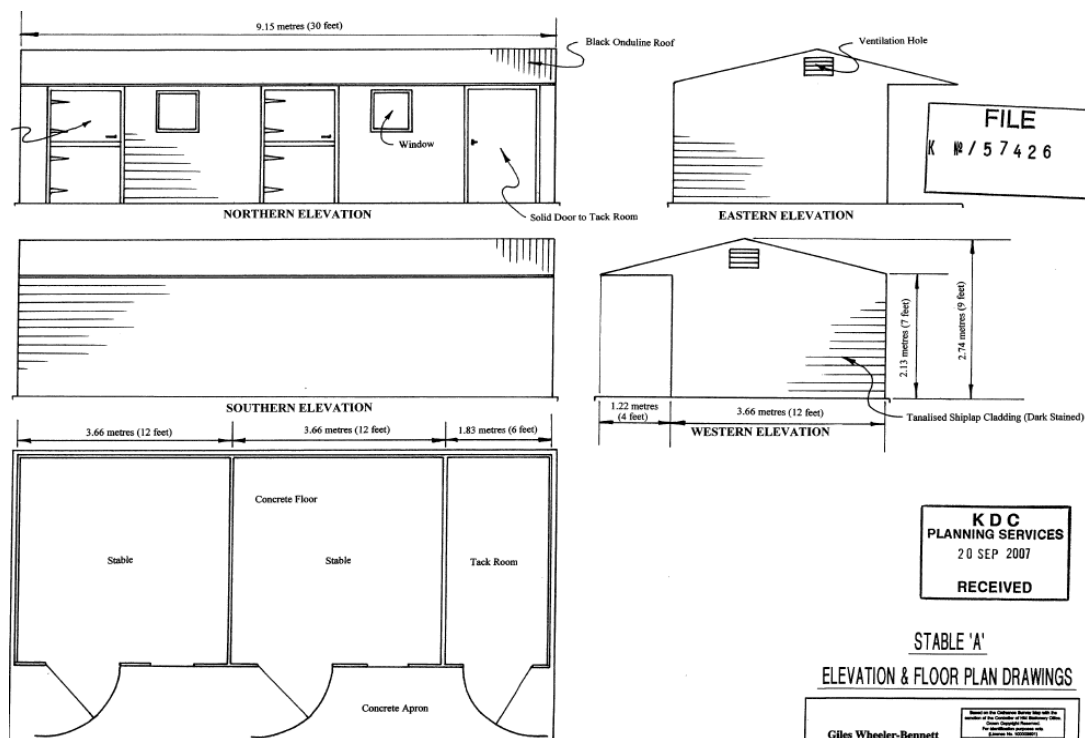
The west part of the site is best accessed via the Byway Open to All Traffic at Five Lanes. To reach this, proceed into Potterne south on the A360. At the sharp left bend next to the church turn right into Whistley Road. Proceed along here for approximately two miles, past the houses and out into the countryside. At the fingerposted signed 'Five Ways' turn left and follow the lane down past the school, the track then turns into a green lane and the site can be found a little way along on the left hand side.



Site Location

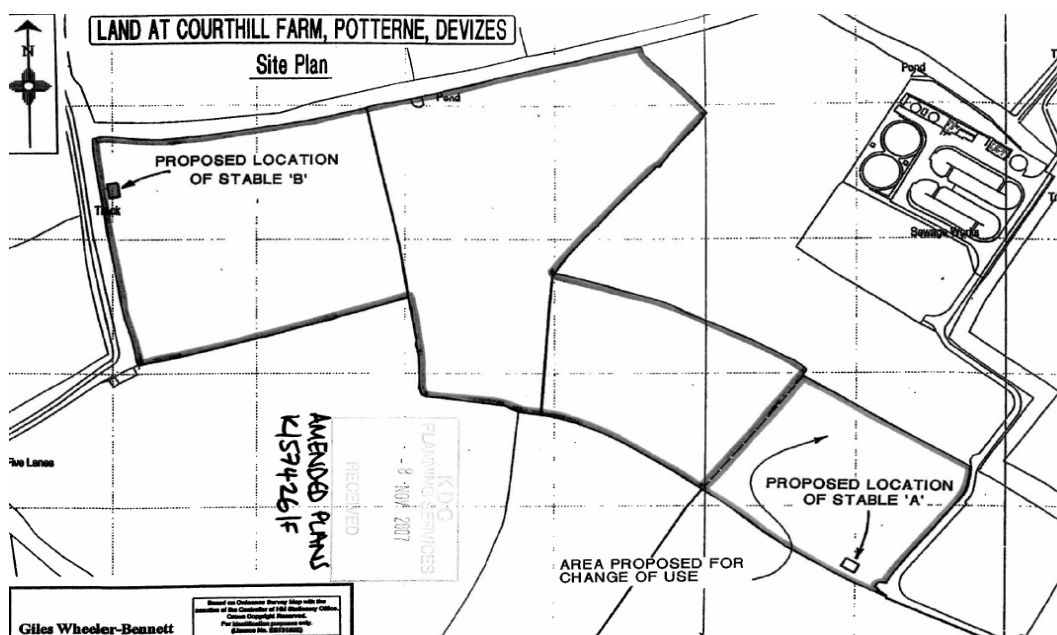
DESCRIPTION OF DEVELOPMENT

The application proposes two modest stable blocks, each comprising of two stables and a tack room, and change of use from agricultural to equestrian.



PRINCIPAL AMENDMENTS MADE FOLLOWING SUBMISSION

The initial application proposed the change of use to equestrian over the whole of the large field. However this has now been significantly reduced as officers were concerned that this would leave little or no control over equestrian paraphernalia (e.g. portable jumps) which may alter the character of the land to its detriment. The area now proposed comprises only of the two stable blocks themselves, and the portion of the field nearest Court Hill Farm.



PARISH COUNCIL COMMENTS

The Parish Council object to the application on the basis that 'the proposal would lead to regular vehicular traffic along green lanes which are used extensively by walkers and horse riders for recreational purposes. The proposal to erect permanent buildings in two locations on what is open countryside is unacceptable and would lead to creation of more equestrian development on the sites.'

CONSULTATIONS

County highways - no response to date. Any comments that are subsequently received will be reported verbally at Regulatory Committee.

REPRESENTATIONS

No letters of representation have been received.

POLICY CONSIDERATIONS

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

PLANNING OFFICERS COMMENTS

The key consideration is the impact of the proposals on visual amenity and the landscape. The two stable blocks proposed are fairly modest in scale at 9.15 metres long, 4.88 metres deep and 2.74 metres to the ridge. They are to be timber clad in horizontal boarding and stained dark with a black onduline roof to help minimise their impact. They have been sited close to the existing field accesses to avoid the need for access tracks and have been sited to take advantage of natural screening, whilst not impacting on the root systems of nearby mature trees. The eastern stable block has a large mature hedge to the southeast (rear) and the western stable block has a mature hedge located to the west, screening it from most public viewpoints from the byway to the west.

As set out above, the area proposed for change of use to equestrian has been substantially reduced and now comprises of a much smaller parcel furthest away from the byway. Although there are public rights of way bounding most sides of the site (a bridleway to the east and north, a byway to the west and a public footpath from the south and running across the site from the southeast corner towards the sewage treatment works, the scale, siting and nature of the proposals would result in no significant harm to visual amenity or the landscape to warrant refusal of planning permission.

The stable blocks are proposed to be used for private purposes only, and if members are minded to approve the application, a condition is recommended preventing any commercial/ DIY livery use of the buildings. In view of the fact that the proposal would utilise existing accesses and is to be used for private purposes only, there would be no increase in the use of the highways / byways over and above the number of journeys which could exist under the current use of the site. The issue of the use of the byway access is therefore not considered a material planning consideration in this instance.

In terms of precedent, because of its acceptable appearance, it is not considered to set an undesirable precedent. Any additional applications for stable buildings/ change of use could still be refused if they were more intrusive by reason of height, location, design etc.

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 originally submitted except insofar as shown on the revised site plan received on the 8th November 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 development hereby permitted shall be used solely for the private use and enjoyment of the owners of the land the subject of this application and shall not be used for any commercial purpose, including any livery (or DIY livery) use.

REASON:

Any commercial use would give rise to fresh planning considerations, including traffic generation and the potential impact on the amenity of nearby properties.

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

REASON:

In the interests of visual amenity and to minimise unnecessary light spillage.

5 - INFORMATIVE TO APPLICANT:

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

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

