

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 4 March 2020

Time: 3.00 pm

Please direct any enquiries on this Agenda to Craig Player, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713191 or email craig.player@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Tony Trotman (Chairman)
Cllr Peter Hutton (Vice-Chairman)
Cllr Chuck Berry
Cllr Christine Crisp
Cllr Gavin Grant
Cllr Howard Greenman

Cllr Mollie Groom
Cllr Chris Hurst
Cllr Toby Sturgis
Cllr Brian Mathew
Cllr Ashley O'Neill

Substitutes:

Cllr Ben Anderson
Cllr Bill Douglas
Cllr Ruth Hopkinson
Cllr Bob Jones MBE

Cllr Jacqui Lay
Cllr Melody Thompson
Cllr Nick Murry
Cllr Philip Whalley

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 29 January 2019.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 26 March 2020 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 28 March 2020. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 13 - 14*)

To receive details of completed and pending appeals and other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications:

7a **19/09183/FUL & 19/09407/LBC - 57 High Street, Corsham** (*Pages 15 - 28*)

7b **19/08542/FUL and 19/08758/LBC - Sundawn, Chapel Hill, Lacock, Chippenham** (*Pages 29 - 48*)

7c **19/10769/FUL - Ranch House Farm, Bath Road, Colerne** (*Pages 49 - 56*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 JANUARY 2020 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman), Cllr Chuck Berry, Cllr Christine Crisp, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew, Cllr Ashley O'Neill and Cllr Philip Whalley (Substitute)

Also Present:

Cllr Ian Thorn and Cllr Alan Hill

1 **Apologies**

Apologies were received from Cllr Mollie Groom and Cllr Bob Jones MBE.

Cllr Groom was substituted by Cllr Philip Whalley.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 06 November 2019 were presented.

The Chairman drew the Committee's attention to a letter received from Paul Kavanagh regarding the accuracy of the minutes.

Resolved:

To approve as a true and correct record and sign the minutes.

3 **Declarations of Interest**

Cllr Tony Trotman declared an interest in agenda item no. 7a (his family had owned a business in the town centre but the freehold had been sold 11 years ago and he is a member of Calne Town Council. He had been at meetings when this application had been discussed but had not made comment other than to consider what others had said at the meetings). He declared he would participate in the debate and vote for each item with an open mind.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Public Participation**

The Committee noted the rules on public participation.

6 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

7 **Planning Applications**

The Committee considered the following applications:

8 **19/03435/FUL - Land rear of 8-13 High St, Calne**

Public participation

Kevin Wells, local resident, spoke in objection to the application.

Andrew Jones, Calne Our Place, spoke in objection to the application.

John Boaler, local resident, spoke in objection to the application.

Matthew Shellum, the agent, spoke in support of the application.

Glenis Ansell, Calne Town Council, spoke in objection to the application.

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes. It was noted that the waste contribution had been scaled down to £2,324.

The Planning Officer, Paul Galpin, introduced a report which recommended granting planning permission, subject to conditions, for 39 apartments for older people, a guest apartment, communal facilities, car parking, landscaping and four retail units.

Key issues highlighted included: principle of development; design and appearance of the development; town centre vibrancy; impact of the development on Listed Buildings and the Calne Conservation Area; impact on residential amenity; highways/parking; ecology; planning contributions and infrastructure and archaeology.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: loss of retail and the imbalance of retail and residential use; building height and size; the harm to setting of the Zion chapel and conservation area; the lack of servicing to commercial units and the pedestrian access to the retail units in the Pippin.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Ian Thorn, Division Member, spoke regarding the application with the main points focusing on: the Calne Community Neighbourhood Plan; elderly housing not being suited to boosting the vibrancy of the town centre; the current state of the site; the imbalance of retail and residential use; the Spatial Planning Officer conclusion that the proposals are in conflict with the Calne Community Neighbourhood Plan and Calne Town Centre Masterplan; the community's clear disapproval of the application and the applicant failure to engage with members of the public and in particular those who live in close proximity to the site.

The Planning Officer addressed some of the issues raised by the public and Division Member. In response to a suggestion from the applicant's agent that photovoltaics (PV) solar panels would be constructed in the development, it was confirmed that this had not been detailed by the applicant in its submission.

At the start of the debate a proposal was moved by Cllr Christine Crisp, seconded by Cllr Gavin Grant to refuse planning permission contrary to the officer recommendation as it would not comply with the requirements of Core Policy 8 of the Wiltshire Core Strategy and is contrary to the provisions of Core Policy 57 and 58 of the Wiltshire Core Strategy.

During the debate the main points raised were: loss of retail and the imbalance of retail and residential use; the lack of servicing to commercial units; the design and appearance of the development; highways concerns; confliction with the Calne Neighbourhood Plan; town centre vibrancy; impact on the Calne Conservation Area; the need for elderly housing; that PV solar panels seem inappropriate for the development and were not committed to in the application and parking provision.

Resolved

That planning permission is refused for the following reasons:

- 1. The mix and proportions of land uses proposed is not considered to help strengthen or regenerate the town centre and would not comply with the requirements of Core Policy 8 of the Wiltshire Core Strategy or the vision outlined within the Calne Community Neighbourhood Plan 2016-2026 and associated masterplan.**
- 2. By reason of its scale, bulk, mass, positioning, detailing and lack of public realm improvements and use of materials, the proposed development would result in harm to the setting of the Grade II Listed Building Zion Chapel, and the character and appearance of this important part of the Calne Conservation Area. The proposal is therefore contrary to the provisions of Policies CP57 and CP58 of the Wiltshire Core Strategy, Policy BE2 of the Calne Community Neighbourhood Plan 2016-2026 as well as section 12 of the of the National Planning Policy Framework (2018).**
- 3. Due to its height, mass, scale and the placement of windows in close proximity to neighbouring residential properties the proposal will**

result in an unacceptable level of overlooking and an unacceptable impact upon the amenity and living conditions of existing residential occupiers, contrary to the provisions of policy CP57 of the Wiltshire Core Strategy.

9 **19/07988/FUL - Barn at Sydney Farm, Bath Rd, Colerne, Chippenham**

Public participation

Paul Oakley, the agent, spoke in support of the application.

The Planning Officer, Victoria Davis, introduced a report which recommended refusing planning permission for the conversion of a barn to dwelling and associated works.

Key issues highlighted included: principle of development; appropriateness of development in Green Belt and harm to the openness; impact on rural landscape and an Area of Outstanding Natural Beauty; residential amenity; highways safety and ecology.

There were no technical questions.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Brian Mathew, Division Member, spoke regarding the application with the main point focusing on consideration of the proposal in the context of another proposal for a barn in the area.

At the start of the debate a proposal was moved by Cllr Toby Sturgis, seconded by Cllr Christine Crisp to refuse planning permission as detailed in the report.

During the debate the main points raised were the importance of considering each application on individual merit, that the application goes beyond what could reasonably be considered a conversion and the principle of development.

Resolved

That planning permission is refused for the following reasons:

- 1. The application fails to demonstrate that the proposal for a dwelling on the site meets the 'conversion criteria' of Core Policy 48 of the Wiltshire Core Strategy. The extent of works required to render the building capable of functioning as a dwelling goes beyond what could be reasonably considered as a conversion. As such the proposal amounts to a to a new dwelling in an unsustainable location in the open countryside, outside of any limits of development as defined by the Wiltshire Core Strategy. Accordingly, the proposal is considered to be contrary to the provisions and requirements of CP1, CP2 and CP48 of the Wiltshire Core Strategy and saved policy H4 of the North**

Wiltshire Local Plan 2011 as well as relevant sections of the NPPF including paragraph 79.

- 2. The proposed new dwelling is inappropriate development within the Green Belt which is, by definition, harmful. The application fails to demonstrate that there are any material considerations or very special circumstances that exist to outweigh this harm and overcome the presumption against such development. The proposal is contrary to Section 13, paragraphs 143, 144, 145 & 146 of the National Planning Policy Framework.**

9a 19/09234/FUL - 14 Keels, Cricklade, Swindon

Public participation

Alan Poole, local resident, spoke in objection to the application.

Linda Ridgway, on behalf of the applicant, spoke in support of the application.

Mark Clarke, Cricklade Parish Council, spoke in objection to the application.

The Planning Officer, Simon Smith, introduced a report which recommended granting planning permission, subject to conditions, for the retrospective removal of a hedge and the erection of 1.8m high featheredge fence.

Key issues highlighted included: principle of development; the scale, design and layout of the proposals and impact on character, appearance and visual amenity of the locality; impact on residential amenity and impact on highways and safety.

There were no technical questions.

Members of the public then had the opportunity to address the Committee, as detailed above.

At the start of the debate a proposal was moved by Cllr Toby Sturgis, seconded by Cllr Howard Greenman to refuse planning permission contrary to the officer recommendation.

During the debate the main points raised were: the retrospective nature of the application; highways concerns; the height and design of the fence; retention and enhancement of natural landscape; safe access to the highway; the pattern of development and existing streetscene and the impact on residential amenity.

Resolved

That planning permission is refused for the following reason:

By reason of its height, design and siting hard up against the public highway, the proposed fencing would result in a boundary treatment

which would fail to integrate into the existing context, pattern of development and streetscene which is not generally characterised by high fencing directly fronting the highway. Accordingly, the proposal is considered to contrary to Core Policy 57 of the Wiltshire Core Strategy (2015), as well as section 12 to the NPPF.

10 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 713191, e-mail craig.player@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

NORTHERN AREA PLANNING COMMITTEE – 29th January 2020

ADDITIONAL INFORMATION

Agenda Item 7a) 19/03435/FUL – Land to rear 8-13 High Street, Calne Churchill Retirement living

1. Revised Drawing – Site Plan C

A revised Site Plan C has been submitted. This now includes removal of the sub-station. This also includes trees in replacement and condition 20 is revised as detailed below.

- 10100CN-PA101 Rev B Site Plan 1/05/19 (Superseded)
- 10100CN-PA101 Rev C Site Plan 21/01/20 (Revised)

Conditions 2, 5 and 20 will be amended accordingly to reflect new revision C.

2. Revised condition 20

Revised condition to take into account tree planting in location of previously proposed sub-station. *The revision is in italics*

20. All soft landscaping comprised in the approved details of landscaping (JBA 18/262 Rev D) and *in accordance with the Site Plan 10100CN-PA101 Rev C the tree planting in location of the previously proposed sub-station*, full details shall be submitted and approved in writing prior to planting. All planting shall be carried out in the first planting and seeding season following the first occupation of the building 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. All hard landscaping comprised in the approved details of landscaping shall be carried out in the full prior to the first occupation of the building and maintained as such thereafter, in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with CP57.

3. Revised condition 2

Condition 2 to be amended to include:

- Transport Assessment October 2019 (SW Planning Ltd)
- Transport Addendum March 2019 (SW Planning Ltd)

4. Revised condition 19

Condition 19 to be amended so as to specifically reference the common boundary of the application site with adjoining residential properties:

19. All common boundaries of the application site with adjoining residential properties (particularly those fronting and immediately to the rear of, the High Street) shall be provided with a secure treatment prior to the first occupation of the development hereby permitted. No such railings, fences, gates, walls, bollards and other means of enclosure shall be erected along those boundaries or elsewhere on the site until full and complete details of their design, external appearance and security or decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved details.

REASON: So as to provide a secure treatment to all boundaries of the application site and so as to allow full assessment of the final treatment in this sensitive town centre and Conservation Area location.

5. Additional condition – Condition 37

37. No external lighting shall be installed on site until plans (lighting scheme) showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

6. Additional representations

Please note that six (6) additional representations have been received from members of the public. The issues raised do not include any new issues not already considered in the report.

Wiltshire Council
Northern Area Planning Committee
4th March 2020

Planning Appeals Received between 17/01/2020 and 21/02/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/00485/ENF	Follywood Farm Brinkworth Road Royal Wootton Bassett Wiltshire	ROYAL WOOTTON BASSETT	Possible breach of compliance with condition 1 -N/09/01452/FUL - removal from site	DEL	Written Representations	-	19/02/2020	No
18/09873/OUT	Kington Langley Garage Malmesbury Road Kington Langley Wiltshire, SN15 5PY	KINGTON LANGLEY	Redevelopment involving demolition of existing garage buildings, retention and refurbishment of existing bungalow and erection of 4 dwellings and associated works (access not reserved)	DEL	Written Representations	Refuse	13/02/2020	No
19/01292/CLE	Pinnells Farm Bungalow Sodom Lane, Grittenham, Wiltshire SN15 4JS	BRINKWORTH	Certificate of lawfulness for dwelling known as Pinnells Farm Bungalow and its residential curtilage not built in accordance with condition 4 of planning permission 72/UA/447/0	DEL	Written Representations	Approve	17/02/2020	No
19/06418/CLE	Follywood Farm Brinkworth Road Royal Wootton Bassett Wiltshire, SN4 8DT	ROYAL WOOTTON BASSETT	Use of Existing Structure as Self-Contained Dwellinghouse (class C3).	DEL	Written Representations	Refuse	19/02/2020	No
19/00997/PNCOU	Agricultural Building Rosier's Yard Wood Street Clyffe Pypard, Swindon Wiltshire, SN4 7PZ	CLYFFE PYPARD	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.	DEL	Written Representations	Refuse	03/01/2020	No

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Planning Appeals Decided between 17/01/2020 and 21/02/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/11777/FUL	Peterborough Lodge Dauntsey Lock Dauntsey, SN15 4HD	DAUNTSEY	Siting of a mobile Home	DEL	Written Reps	Refuse	Dismissed	24/01/2020	None
19/03503/FUL	36 Reybridge Lacock, Chippenham SN15 2PF	LACOCK	Erection of garage and home office	DEL	Written Reps	Refuse	Allowed with Conditions	28/01/2020	Appellant applied for Costs – PENDING DECISION
19/07683/FUL	Plum Tree Cottage Kemble Wick GL7 6EQ	CRUDWELL	Creation of concrete plinth and erection of stable block (retrospective)	DEL	Written Reps	Refuse	Dismissed	06/02/2020	Appellant applied for Costs – REFUSED

Agenda Item 6

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	4 th March 2020
Application Number	19/09183/FUL and 19/09407/LBC
Site Address	57 High Street Corsham
Proposal	Demolition of Existing Single Storey Extension and Erection of Replacement Single Storey Extension with Internal Works
Applicant	Mr Harlow (agent)
Town/Parish Council	Corsham Town
Electoral Division	Councillor Ruth Hopkinson
Type of application	Full Planning and Listed Building Consent
Case Officer	Guy Bentham-Hill

Reason for the application being considered by Committee

The applications have been called-in to the Northern Area Planning Committee by Councillor Hopkinson so that the relationship of the development to adjoining properties may be considered, as well as its environmental impact and parking/highway matters.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission and listed building consent be GRANTED.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact upon neighbour amenity
- Highways and parking
- Heritage
- Scale of extension

3. Site Description

No.57 High Street is a historic end of terrace property, with early C18th origins. At ground floor, the lawful use of the property is A1 retail (the last occupier being a retailer of mother and baby products, but now vacant) with C3 residential flat at first and second floor. Each component retains a separate access – both being from the High Street, with no access from

the rear. The Southern flank wall of the property overlooks a private accessway to No.55b High Street.

The frontage section of the building is of a two-storey construction with roughcast render over rubble stone. To the rear is a three-storey projection of rubble stone/stone tile roof construction. A more modern single storey flat-roof extension links the main portion of the property to a contemporary lean-to outhouse.

The building is Grade II listed and is contextualised by several other listed buildings in this part of the High Street. The listing description as follows:

House, early C18, pebbledashed rubble stone with stone tiled roof and truncated south end stack, 2 storeys and attic. Two first floor recessed cyma-moulded mullion windows with hoodmoulds, ground floor C20 centre door, C20 shop window to left and 6-panel door in moulded timber architrave with timber hood on brackets to right. Mansard roofed rear wing with end-wall 2-light flush cyma-moulded attic window with dripstone and 3-light recessed chamfered mullion window with dripstone to first floor.

The entire application site is covered by the Corsham Conservation Area.

The property is regarded as being part of the Corsham High Street secondary retail frontage, as designated by saved policy R2 of the North Wiltshire Local Plan 2011. The retail offer of Corsham town centre is reasonably, with vacancy rates not considered to be exceptional when compared with other comparable locations.

4. Planning History

Previous applications for a similar development was submitted to the Council but subsequently withdrawn. 19/01693/FUL and 19/01725/LBC refer.

No other relevant planning history exists.

5. The Proposal

The applications seek planning permission and listed building consent to demolish the existing single storey extension and lean-to at the rear of the property and its replacement with a deeper single storey flat roof extension. Various internal works are also proposed, comprising the widening of an existing doorway, a rear window knocked through to form a new doorway, internal partitioning ramps installed between rooms and the end wall of the store to be knocked through to enable installation of a WC.

All proposed development relates to the ground floor; the first and second floor retail element being unaffected.

The application seeks no permission to change the use of the building.

6. Local Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 16(2), 66(1) and 72 (1)

National Planning Policy Framework 2019: Sections 12 and 16

Wiltshire Core Strategy: Core Policies 57 and 58

Corsham Neighbourhood Plan 2016-2026: Policy HE3 and Corsham Design Guide

7. Summary of consultation responses

Corsham Town Council: Objection.

“Resolved: to recommend that the application be refused on the grounds that there were concerns regarding location and compatibility with adjoining businesses and residential properties; lack of rear access; ventilation and odours; potential noise of refrigeration; that an undertakers with a mortuary would, undoubtedly, cause traffic and parking issues on a busy one-way High Street; hazardous waste, for example, chemicals used for embalming. The proposed extension would represent overdevelopment of the site and would be detrimental to the Listed Building. The proposal was contrary to Objective OB5 of the Corsham Town Council Strategic Plan 2018-2022 – To explore measures to enhance the High Street experience for residents and visitors. There were concerns that the access from the High Street was not wide enough for disabled visitors; there would be a lack of amenity space; no space for the storage of waste and concerns regarding drainage. The heritage impact of the proposal would be contrary to Key Objective HEKO2 of the draft Corsham Neighbourhood Plan - To conserve and enhance Corsham’s historic centre and other heritage-rich areas including underground. Resolved: to ask for the application be called in.”

Conservation Officer: No objection. The concerns identified in the assessment of the previous applications (19/01693/FUL and 19/01725/LBC refer) have been satisfactorily addressed.

Environmental Health Officer: No objection. Notes that the storage and handling of chemicals is a matter for the applicant under Health and Safety risk assessments and regulated by the HSE. If any such chemicals are stored at the site, it is likely that a ventilation scheme would need to be installed to ensure employees are not affected by odour/fumes, but this would not impact on other premises. Any noise generated at the site or by installed plant would be expected to meet the criterion of -5dB below background level(BS4142:2014) during operating hours. The transportation of deceased would also be a matter for the applicant, with no regulatory role for the Council. Advises that a statement from the applicant to confirm what activities will take place on site, covering the storage and use of chemicals, any proposed ventilation and movements at the site could be requested.

Highway Engineer: No objection.

“I note that the proposal site has no access to on-site parking. This is not uncommon even for funeral services and I do not see this as a reason for a highways refusal. There is ample parking within 100 m for staff and for parking in long term off street car parking. Where parking is controlled within a town centre location there is scope to reduce the required parking standards that would usually apply. I see this as appropriate in this case. When deliveries are expected and where services requiring a hearse are required there is scope

for the on-street parking to be suspended or reserved. Therefore at this time I can raise no highway objection to the proposal.”

8. Publicity

Thirteen (13) letters of representation have been received from local residents objecting to the scheme. Main concerns raised:

- Chapel of rest and mortuary is inappropriate in the high street due to the dead being carried through from vehicles parked in front of the shop.
- No need for another funeral director in Corsham / bring no benefit to the town.
- Will adversely impact upon the town centre as a shopping and leisure destination.
- Lack of off-street parking to serve the shop
- Proposal includes no arrangements for waste collection
- Proposal does not “offer the opportunity to enhance the setting of the heritage asset” as is claimed within the submission.
- Any extraction fans or fridge motors will affect the amenity of nearby residential properties.
- The demolition works may cause damage to the boundary wall fronting the alley way and residential properties

9. Planning Considerations

Principle of development

The applications seek planning permission and listed building consent for a replacement extension to the rear of No.57 High Street and various internal alterations.

Whilst the submitted plans and documents suggest that the applicant intends to occupy the property as a funeral director and that several of the rooms are labelled on the floorplans, the application does not seek permission for any change of use. No consideration is necessary as to the impact or effect of such a change of use or, therefore, of its acceptability.

Notwithstanding the above and for the sake of completeness, the lawful use of the ground floor of the property is retail (class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). A funeral director use in a property with a shop front (as is the case of No.57) would also fall into the A1 retail use class. Whilst a mortuary or chapel of rest would fall into a *sui generis* use class (or “use class of its own”) and D1 (non-residential institution) respectively, in this case and based on the limited information supplied within the application, there is no suggestion that those elements of the applicant would somehow result in a change from the A1 use class.

Amenity of neighbours

The greater extent of the replacement rear extension would bring the built form closer to the boundary with the boundary to No.59, the adjoining property. Due to the terraced nature of the properties, the extension would be visible, but the ability to see new development cannot

automatically render it unacceptable. Indeed, in this particular instance, the proposed extension is single storey only and would not result in overlooking or any other form of unacceptable impacts upon amenity or living conditions.

Concerns have been raised locally in respect of the potential for building works to adversely impact upon the stability of the boundary wall to which it would be attached. Whilst this is an understandable concern, the stability of the wall during construction can only be addressed through the application civil law (most likely the Party Wall Act 1996) with no role for the Local Planning Authority when discharging its responsibilities in determining this planning application.

In their comments, the Town Council comment that the development may give rise to noise and odours from refrigeration, ventilations and chemicals being used at the site. The concerns are entirely understandably, but since the application seeks no permission for such features (indeed, the storage of chemicals or use of refrigeration equipment does not require planning permission) it is not a matter that could translate into a reason to refuse permission. Nevertheless, in view of the extent of additional floorspace being created in close proximity to surrounding residents (particularly Nos.55, 59 and 61 High Street), it is considered reasonable to impose a planning condition which denies the ability to install any mechanical ventilation or fixed plant at the site without first gaining separate planning permission for such.

In view of the replacement extension occupying a large proportion of the rear garden, it is not clear as to how refuse and recycling will be storage and managed for the A1 and C3 uses taking place on the ground and upper floors respectively. However, the detail of such storage and management can be adequately controlled via the imposition of an appropriately worded planning condition.

Subject to the imposition of planning conditions, the proposed development is not considered to result in an unacceptable impact upon the amenity of surrounding residents and is considered to comply with the relevant parts to policy CP57 of the Wiltshire Core Strategy.

Highways and parking

The property benefits from no off-street parking provision and this will not alter as a result of development taking place.

In their commentary, the Council's Highway Engineer notes that extensive public parking exists in proximity of the application site which could reasonably be expected to cater for staff and customers. In relation to the Council's parking standards (as set out in the Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy), the Engineer considers it to be reasonable to reduce the required parking standards that would usually apply in a town centre location such as this. Equally, they observe that when deliveries are expected there is scope for the on-street parking to be suspended or reserved. For the above reasons, the Council's Highway Engineer raises no objection to the proposal.

Critically, it should be noted that whilst the Highway Engineer concludes that no objection should be raised, they have unnecessarily assessed the application on the basis that permission for a change of use to funeral director has also been sought. The application seeks no change to the current A1 retail use class and an assessment of the individual characteristics of a funeral director business should not be a material consideration in reaching a conclusion.

Since no change of use is proposed and the proposal would not alter existing access and parking arrangements, the application can only be considered to be acceptable when assessed against the requirements of policy CP60 and CP61 of the Wiltshire Core Strategy.

Heritage

Listed building

The property to which the applications relate is Grade II listed and is adjacent to several other listed buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (Para 193, NPPF)

Paragraph 190 to the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment. Policy HE3 to the Corsham Neighbourhood Plan requires all new development to demonstrate good design quality.

The listing description states that the dwelling dates from the early 18th century, noting several of the building's architectural features on its front and rear elevation including the mullion windows. To the rear of the property there is a relatively modern flat roof extension extending across half of the rear elevation and to a depth of approximately 5 metres, where it joins an historic outbuilding formed from the boundary wall.

The building, by virtue of its designation, is significant in heritage terms and in this location its significance is likely to arise primarily from its aesthetic (designed) value and contribution towards its setting on the High Street where it is surrounded by attractive designated buildings.

With respect to the replacement extension, the Council's Conservation Officer confirms their satisfaction with the principle of a removal of the existing single storey extensions and the suitable use of natural materials for the new (stone walls, slates and timber windows/doors). However, they do identify the depth and larger roof of the replacement to be of concern. Whilst a flat roof addition can be appropriate, in this instance, the proposal envisaged a blunt roof profile that would rival the width of the historic portion of the property (albeit set off from the face of the historic portion by a glazed porch type structure) and encompass much of the garden, thereby arguably resulting in both the loss of historic fabric and harm to the setting of the heritage asset. Whilst the existing modern extension is of no aesthetic value, the outbuildings are considered to make a strong contribution to the historic, evidential and aesthetic values of the listed building as is the garden which is enclosed by historic walls.

The proposal will affect the architectural, historic and aesthetic values of the listed building. The harm caused by the replacement extension is considered to be less than substantial within the moderate/middle part of the range.

The internal alterations consist of an existing doorway is to be widened, a rear window is to be knocked through to form a new doorway, there will be internal partitioning ramps installed between rooms and the end wall of the store is to be knocked through to enable installation of a WC. The Council's Conservation Officer concludes that the proposed works are minor in nature, with only a small area of the historic material being adversely affected. The harm caused by the internal alterations is considered to be less than substantial within the very minor range.

Cumulatively, the proposal is considered to result in less than substantial harm to the significance of a designated heritage asset. However, in accordance with the requirements of paragraph 196 to the NPPF, such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst there will be benefits associated with the removal of the existing poor-quality extension, provision of a service to the local community & economic benefits arising from construction this will be outweighed by the harm caused by entirely obscuring the rear elevation of the original building. The extension is designed so as to provide sufficient floor space and internal flow to facilitate continued use of the property for contemporary commercial activities. Whilst the proposed works in and of themselves are not considered to be required to safeguard the building, they do perhaps enable the building to be used by other future occupiers without the need for further unsympathetic or extensive additions. For these reasons, the proposed harm identified is considered to be outweighed by clear public benefits of the development taking place, thereby complying with the requirements of the NPPF, policy HE3 of the Corsham Neighbourhood Plan and policy CP58 of the Wiltshire Core Strategy.

In terms of the works to the building, these are considered to preserve the character and appearance of the listed building therefore the scheme is compliant with the legal requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reference to the duty of the Local Planning Authority to consider the impact of the works on the setting of the heritage asset others in the locality we observe that as there are only minor external works there will not any impact on the setting of the adjacent listed buildings or the current building.

Conservation area

The entirety of the application site is located within the Corsham Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. The Conservation Area, by virtue of its designation, is significant in heritage terms.

The replacement extension is to take place in the rear garden area, with no public visibility from the High Street. For this reason, no harm to the Conservation Area is considered to derive from development taking place and in this respect the proposal is therefore considered to comply with the requirements of policy HE3 to the Corsham Neighbourhood Plan, policy CP58 of the Wiltshire Core Strategy and the NPPF.

Scale of extension

In their commentary, the Town Council suggest that the size of the proposed new extension would represent an overdevelopment of the site. Such a concern is understood since the proposed extension would take up a substantial portion of the rear garden area. Nevertheless, whilst undeniably substantial, the extension would be single storey, constructed of reasonably high-quality materials and, critically, largely hidden from public view. In that context, it is ultimately considered that the replacement extension would comply with the provisions of policy CP57 of the Wiltshire Core Strategy and policy HE3 of the Corsham neighbourhood Plan.

The impact and harm associated with the proposed extension to the significance of the listed building is considered elsewhere in this report, through it is appreciated there is an overlap in issues and applicable policies.

Other matters

Perhaps understandable concerns have been raised by the Town Council and local residents about the appropriateness of a funeral director or undertaker business in the High Street – with particular expressions of concern about the sensitivity of the dead being wheeled through the street, the potential hazard and odour associated with the storing embalming chemicals at the site and the potential noise and disturbance from any installed plant, venting or air-conditioning units.

In very large part, such concerns are connected to the supposed nature of the applicant's business and are not directly connected to the development works for which planning permission and listed building consent is sought. Since no change of use is proposed (from the lawful A1 retail use class), the attendant particulars and concerns about the applicant's business are not material to the determination of the applications (the exception being potential noise and disturbance from mechanical ventilation, dealt with elsewhere in this report).

Within their submission, the applicant suggests that they believe there to be no change of use if their business were to move in and start operating from No.57. Whilst elsewhere in this report some consideration has been given to the generally accepted use class classification of a funeral director, such a consideration is based on generalities and is undertaken without the full details of the applicant's business being known (axiomatically so, since no change of use is sought and no details have been provided). Ultimately, it is firmly the responsibility of the applicant to ensure that they would not breach planning regulations and where necessary to seek the required planning permissions before making use of the property.

To this end, should the Northern Area Planning Committee resolve to grant planning permission, it is recommended that an *informative* be included within the decision notice so as to make clear that the permissions grant no change of use from A1 retail and that the applicant will need to make further applications to the Council, should their business need such a change of use permission. Further informatives should also be used to confirm that the planning permission grants no specific rights to store chemicals at the site, with the acquisition of any necessary licencing or permissions being the responsibility of the applicant via the relevant authority (for example the Health and Safety Executive).

10. Conclusion

The submission seeks planning permission and listed building consent to demolish the existing single storey extension and lean-to at the rear of the property and its replacement with a deeper single storey flat roof extension together with various internal works only. The application seeks no permission to change the use of the building and the separately accessed flat on the upper floors is not affected.

Whilst filling a significant part of the rear garden area, the proposed extension is single storey only and, subject to the imposition of planning conditions, is not considered to unacceptably impact upon the amenities of the surrounding residential occupiers or to represent an overdevelopment of the site. Access and parking arrangements are unaffected by the proposal, a situation which is considered to be acceptable.

The development and works are considered to harm the significance of the listed building. That harm is considered to be less than significant at the moderate scale and is considered to be outweighed by public benefit associated with the development/works taking place, including securing the optimum viable use of the building.

The proposed development and works are considered to meet with the requirements of policies CP57, CP58, CP60 and CP61 of the Wiltshire Core Strategy, policy HE3 of the Corsham Neighbourhood Plan and relevant provisions of the NPPF.

RECOMMENDATION: That planning permission and listed building consent be GRANTED subject to the following conditions:

19/09183/FUL

1. The development hereby permitted shall be begun before the expiration of three years from 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Location and block plan – Drawing No. 2019/06 sheet 4 and 4
Existing elevations – Drawing No. AH2019/06 sheet 1 of 4
Proposed elevations – Drawing No. AH2019/06 sheet 2 of 4
Existing and proposed floor plans – Drawing no. AH2019/06 sheet 3 of 4
Design and Access Statement & Heritage Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place above ground floor slab level until details of the storage of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The new floorspace shall not be first brought into use until the approved refuse/recycling storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety and the amenity of the nearest neighbours.

4. No form of mechanical ventilation, air-conditioning equipment or other forms of fixed plant shall be installed at the site unless otherwise first agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: So as to protect the amenity of the surrounding residential occupiers.

INFORMATIVES:

The applicant is reminded that this decision grants no planning permission for a change of use of the building and the applicant should be satisfied that their business can lawfully occupy the building without the grant of a further, separate planning permission to that effect. Further, this decision can in no way be taken to imply any acceptance on behalf of the Council that the applicant's business would be acceptable in this location should a new planning permission for that change of use be required.

The applicant should note that this decision cannot be taken or somehow inferred as permission to store or make use of chemicals at the site. Where necessary, separate licences or consents should be sought from the relevant authorities to store or make use of such chemicals at the site.

Please note that in relation to condition 04, the installation of any new mechanical ventilation, air-conditioning equipment or other forms of fixed plant will require the separate grant of planning permission. Any such application will require full details and specifications so as to ensure that surrounding residential occupiers are not adversely affected by such equipment by noise and odour. It should not be assumed that such a separate planning permission will be granted.

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 their 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.

19/09407/LBC

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of 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 works hereby permitted shall be carried out in accordance with the following approved plans:

Location and block plan – Drawing No. 2019/06 sheet 4 and 4
Existing elevations – Drawing No. AH2019/06 sheet 1 of 4
Proposed elevations – Drawing No. AH2019/06 sheet 2 of 4
Existing and proposed floor plans – Drawing no. AH2019/06 sheet 3 of 4
Design and Access Statement & Heritage Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No works shall take place until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No works shall commence on site until details of the new windows and door to be inserted into the rear of the main part of the property shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

5. No works shall take place on site until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	4 th March 2019
Application Number	19/08542/FUL and 19/08758/LBC
Site Address	Sundawn, Chapel Hill, Lacock, Chippenham, Wiltshire, SN15 2LG
Proposal	Proposed Ground Floor and Upper Ground Floor Extension
Applicant	Mr and Mrs Johns
Town/Parish Council	Lacock
Electoral Division	Councillor Ben Anderson
Grid Ref	391506 168648
Type of application	Full Planning
Case Officer	James Webster

Reason for the application being considered by Committee

The application has been called to the Northern Area Planning Committee by Councillor Anderson so as to allow consideration of the proposal in the context of the objections raised by the National Trust and Lacock Parish Council.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the planning permission and Listed Building Consent be granted.

2. Report Summary

This report will examine the proposed extensions and explore the process by which the appropriate conclusion has been reached. It will set out the public benefits which will be obtained as a result of the application and the various impacts which may occur.

The key issues in considering the applications are as follows:

- Principle of development
- Design and scale
- Impact upon Listed Building and the Conservation Area
- Impact on residential amenity
- Highways and parking

The Parish Council have raised an objection to the proposal as they have concerns over the potential impacts on both the listed buildings and the wider area.

Twenty-five (25) representations have been received. Eleven (11) in support and Fourteen (14) in objection. This is total number of comments received for both applications (FUL and LBC).

3. Site Description

The property is Grade II listed detached dwelling within the Lacock Conservation Area. The property is surrounded by a number of other listed properties of varying designations. The property is of a historic form and construction being of a typical form which would be expected of a rural cottage. The full listing for the property is included below:

Cottage, C17 or earlier, heavily remodelled c1900, rubble stone and timber-frame with half-hipped Bridgwater tile roof. 1 1/2 storeys. South end wall has gable half-timbering in pine over recessed door and small bay window. West side wall is rubble stone to right, half-timber and red brick to left. Two-light and 4-light stone mullioned windows to stone section, c1900, and triple casement to left. Two c1900 gabled eaves dormers to left. North end has original truss exposed and rear has original chimney gable to right. Included for group value.

The property has undergone a number of extensions and additions. Consent was granted for the change to the aluminium windows and extensions to the side of the property, adjacent to The Old Chapel in 1993.

Whilst Sundawn is surrounded by several other listed buildings, or most relevant to its setting and garden area (within which development is to take place) is the Church of St Stephen (United Reformed and Methodist), now known as The Old Chapel. Set in an elevated position above Sundawn, The Old Chapel adjoins the garden with high level chapel style windows directly facing the garden. The Old Chapel is Grade II listed, its description being:

Congregational Chapel, 1812, squared rubble stone with hipped stone slate roof. Flush quoins. Rectangular plan with Y-traceried 2- light pointed windows, one to front and two each side. Front double doors in moulded segmental-pointed surround with hood on brackets. TB 1812 scratched at one corner. Plain interior with panelled-fronted gallery. Congregation was founded 1783.

The application site is not covered by any other landscape, ecological or archaeological designations. The site is at a limited risk of groundwater flooding, under the revised drainage consultation matrix, drainage do not wish to be consulted as any issues can be resolved during the buildings regs process.

4. Planning History

Consent was granted for a number of works under N/93/02273/FUL (Proposed demolition of a lean to store/erection of an addition comprising a scullery staircase. cloakroom and bathroom/ erection of garage.

Full planning history listed below:

- N/93/02273/FUL- Proposed demolition of lean to store/erection of an addition comprising a scullery staircase/cloakroom and bathroom, erection of garage/demolition/extension/garage- APPROVED

- N/93/02274/LBC- Proposed demolition of lean to store/erection of an addition comprising a scullery staircase/cloakroom and bathroom, erection of garage/demolition/extension/garage- APPROVED
- N/98/02301/DOC- Submission of details pursuant to conditions 2(a)(i) & 2(a)(ii) of permission N/93/2273- Details of fenestration/dormer/doors/staircase
- N/07/02590/FUL- Works to Form Terrace to Garden, Construction of Summer House, upgrading of Materials on Main Building, Demolition of Pig Sty and Rebuild of Boundary Wall- REFUSE
- N/07/02591/LBC- Works to Form Terrace to Garden, Construction of Summer House, upgrading of Materials on Main Building, Demolition of Pig Sty and Rebuild of Boundary Wall- REFUSE
- 18/08231/FUL- Proposed replacement garden storage- REFUSE
- 18/11411/FUL- Replacement garden storage following removal existing garden shed and 'Wendy' house.- WITHDRAWN
- 18/11589/PREAPP Proposed Rear Extension
- 19/02720/FUL- Retention of 2 garden storage sheds. (Application for a Temporary permission for 2 years). – WITHDRAWN
- 19/03004/LBC- Retention of 2 garden storage sheds. (Application for a Temporary permission for 2 years).- REFUSE

5. The Proposal

The proposal seeks planning permission and Listed Building Consent for domestic extensions to “Sundawn”, a listed cottage fronting Chapel Hill, Lacock.

The extension will link from the 20th Century addition on the eastern elevation and extending across a single level, will extend from the edge of the property at a point at which the ground level drops away via the link into the ground floor extension link into a subterranean element. Only a small proportion of the accommodation would be visible above ground – glazing to the South elevation and the insertion of 4no. domed rooflights. The proposal involves an extensive excavation of the rear garden and to form a largely subterranean extension

Linking via an internal staircase, the underground accommodation would link to an also proposed garage conversion and extension at above ground level. The garage extension is to be 600mm higher than the current garage building.

The materials proposed for the above ground extension are generally modern in appearance and would be a slight juxtaposition against the historic form of the property. There is a noticeable amount of glazing and use of treated timber cladding, stone tone render and limestone render which would be a high quality addition to the main property. There would also be solar panels on the flat roof of the proposed garden room/ garage conversion, which would be pyramidal pantiles and vegetal flat roof, the walls being constructed of SIP panels and clad with timber.

6. Local Planning Policy

NPPF (2019) Paragraphs 190, 192, 196 and 200
CP57 and CP58 of the Wiltshire Core Strategy

7. Summary of consultation responses

Lacock Parish Council - Objects to the proposal.

First consultation:

“The above mentioned planning application was considered at the meeting of Lacock Parish Council held on 14 October 2019. The Council resolved to OBJECT to the proposed development. In passing this resolution the Council had regard to objections that had already been lodged against the application. In particular, the Council was fully in agreement with the reasons for objection lodged by the National Trust. To name some of the main reasons for objection. The Council is most concerned about the scale, extent and wider impacts of the proposed extension. On scale and extent, the Council considers that the proposed development, by taking up most of the garden, would result in the over development of the site. The large scale of the extension would require major excavation works which could have adverse effects on the stability of surrounding land, especially the land occupied by the Old Chapel. What is more, the two storey element would give rise to an incongruous feature, out of keeping with the surrounding area. In terms of the wider impacts, it should be noted that the property is surrounded by four other listed buildings and is within the Lacock Conservation Area. The Council concurs with the National Trust that the proposed extension would not conserve or enhance the character and appearance of the Conservation Area. By way of conclusion, the Council considers the proposed extension to be out of scale and character with the site itself and the surrounding area, and would represent the over development of the site. As a consequence the Parish Council objects to the proposed development.”

Second consultation:

“At the meeting of Lacock Parish Council on 9 December 2019 the members considered the amended plans submitted with the above mentioned applications. The amendments were considered inconsequential and in no way changed the Council’s resolution to OBJECT to the proposed development. It therefore wishes to emphasise that it’s objection lodged on the 17 October 2019 still stands. To reiterate, Lacock Parish Council considers that the proposal would result in an incongruous form of development totally out of keeping with the small close knit cluster of listed buildings in that part of Lacock. It would also be contrary to the principles and objectives of the Conservation Area.”

Conservation Officer – Objection.

“In reference the current package I am note the inclusion of additional public benefits in terms of helping to diversify the type of housing stock available in the Lacock area and the provision of improvements to the fenestration of the original cottage.

Whilst not a material planning consideration I also note the plans address the recent issues of a garden storage by incorporating this into the new subterranean structure. In general the works are consider to cause less than substantial harm to the listed building, it is concluded that this harm is at the lower degree of less than substantial harm.

We need to seek information as to the format of the proposed new windows at the earliest opportunity as this key element terms of potential enhancement of the property. I whilst I maintain objection to the scheme as previously discussed I understand that Council in weighing the up the wider planning balance the scheme may prove to acceptable.”

REPRESENTATIONS

A public site notice was displayed in the usual manner. Responses were received to the original consultation which have been summarised above. A further re-consult was carried out as a result of further clarification to the plans and the submission of a sectional drawing at the officer's request.

A total of twenty-five (25) representations have been received (23 for the FUL application and 2 for the LBC), they will not be replicated in full here as they are available to view on the Council's website. Main issues raised:

- Concern over the massing, size and scale of the proposal
- The impact it will have on the wider area
- How it will relate to the character of the conservation area,
- Potential size of the proposed garage extension element
- Overdevelopment of the site
- Impacts upon the amenity of the old chapel and neighbouring properties
- Potential problems arising from the excavation works and stability of surrounding and
- Potential use of the business in a business, requests controls to prevent this
- Parking issues, being a reason for no subdivision to occur

Eleven (11) representations have been broadly supportive of the application, raising among other matters:

- The moderate size of the extension to the garage
- The benefits to the owners of the property by securing much needed space
- The relatively limited potential visual impact as a result of the proposal on the wider street scene
- Stating that the proposal will be an enhancement to the listed property.
- States that it would be of high quality
- States there is no detriment to the local community
- Would allow more room for the family to grow

8. Planning Considerations

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Section 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990- requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (2019)- Section 16 paras 190, 192 and 196

Historic England's "Conservation Principles" provides policy and guidance for the "sustainable management of the historic environment".

Wiltshire Council's Core Strategy CP51, CP57 and CP58

Principle of development

The proposal occurs within the built area of Lacock which is defined as a small village under CP1, which does not have a settlement boundary.

The proposal is for a domestic extension to an existing dwelling, within the confines of an established residential curtilage. Such development is considered to be acceptable in principle, but the details of which must be considered against national and local policy. Those details are considered in the sub-sections below.

Impact upon heritage assets

Sundawn is a Grade II listed building situated wholly within the Lacock Conservation Area. Due consideration must be given to CP58 of the WCS, the NPPF 2019 and The Planning (Listed Buildings and Conservation Areas Act, 1990). As required by the NPPF, consideration must be given to whether the proposal causes harm to the heritage assets and if so, whether that harm is outweighed by the public benefits of development taking place, including securing its optimum viable use.

The proposal will see the creation of a large single storey extension which will extend from the 1993 rear extension, the south elevation will be glazed and will be partially buried by the existing back garden. The existing garage and outbuilding will be altered with a box form addition which will be fronted with glazing. Access into the new extension will be from the scullery formed in 1993.

The materials used in the above ground portion are limestone rubble, stone tone render and treated wood cladding. The walls will also have large full-length windows on the ground floor element. The proposed garden room/ garage conversion is constructed of similar materials as the main extension and is topped with solar panels.

Significance of Listed Building

Sundawn is a traditionally designed and styled cottage of C17th antecedence but remodelled in 1900. Set across two storeys, the property is of stone and clay tile construction with nicely proportioned half-hipped gables ends and exposed timbers. Several aluminium windows have been installed which are considered to sit awkwardly with the otherwise well-preserved historic appearance.

While an attractive property is largely typical of the immediate area. The rear extension to the North East elevation is of less significance having been constructed relatively recently. The significance of the property appears to lie in its attractive form and overall appearance which is typical of the tradition vernacular and is considered to be an attractive but, perhaps unremarkable example.

Harm to listed building

The proposed extension will be attached to the eastern gable elevation in what is a mid-20th century addition to the property through the conversion of the 1993 scullery which will be converted into an entrance hall. The existing scullery will be moved into the new extension. The new extension will be accessed by a new opening cut into the large opening into the end gable wall of the NE which was constructed under the 1993 permission. Access to the new garden from the existing dwelling utilises the existing half landing of the 1993 stairway creating a new opening in the NE gable wall both to gain direct garden access and to let light into one of the darkest areas of the existing dwelling. Double doors in the opening will be fully glazed and views through to the garden will be enjoyed up and over the external steps in to the extended, re-landscaped 'sensory' upper garden level.

The junction between existing and new accommodation will be achieved via a relatively modern addition to that existing dwelling and, as such, there is to be no loss of significant historic fabric and, accordingly, only limited harm will result to the fabric of the listed building from the underground extension taking place.

With the exception of the garage extension, the majority of the development will be buried underground and would not be as visible in the context of the listed buildings as would a conventional above ground extension. However, several above ground elements of it would be visible: namely the glazing to the Southern elevation link and domed rooflights to be inserted into the garden, so as to light the depth of the accommodation. In this instance both elements are considered likely to be read as a modern addition to the property's evolution. Indeed, the rooflights to the proposed ground floor extension will again be largely hidden by proposed landscaping and will therefore be screened by the proposed planting and will only have a limited impact upon the character and setting of the listed building.

Turning to the garage which is proposed to be linked to the underground element via a a timber clad box type addition with flat roof. The existing garage is detached from the listed building and is clearly a more recent addition to the property. Whilst acknowledged as being positioned higher than the ridge of the existing garage, such an addition of overtly modern design would continue to be perceived as an ancillary structure in the garden and is considered to do little to conflict with the setting of the listed building. A reasonable amount of solar panels are proposed for the flat roof. However, submitted cross sections appear to demonstrate that they would not protrude above the flat roof, thereby minimising their contribution to the height and bulk of the garage extension. To that extent a planning condition can be reasonably imposed to ensure they are not installed in such a manner that does in fact increase the height of the flat roof extension.

The development will result in an increase in the ground level of the garden 2.5m between the ground level of the proposed ground floor extension and the new level of the garden, this is the deepest part and is due to the topography of the site, effectively increasing the height of the existing land in the garden by 500mm. Furthermore, this increase in height is only 500mm above the historic garden level as before the 1993 extension. However, such an increase is considered to be relatively minor, when viewed in the context of the existing topography of the site and the existing boundary treatment, as the Old Chapel is considerably higher than Sundawn and will not fundamentally alter the current situation

between either the neighbouring properties and the relationship between the host dwelling and garden whereby the garden is already at a higher level than that of the property to which it relates. Such an increase in height is not considered to be harmful to the setting of the listed building.

As noted in several representations there are several listed buildings in the immediate vicinity. Appropriate consideration has been given to the potential impact of the proposals upon both the character and setting of other listed buildings. The main concern has been the perceived view that the proposal would represent an over development of detriment to the setting of surrounding listed buildings. Due to its direct relationship with the garden area where development is to take place, The Old Chapel (also Grade II listed) is considered to be the most likely to be affected. The Old Chapel is an attractive church conversion, this listing description suggesting that the significant element being the Y-traceried (or patterned) 2 light pointed windows, with one on the front and two to each side. These windows will not be obscured by the proposal and will remain largely visible from the wider area. There is not suggestion that the garden area to Sundawn plays a particular role in the interpretation of The Old Chapel as a listed building.

No.4 Chapel is also Grade II listed but is somewhat separated from the garden where development is to take place, with the existing garage block providing an intervening barrier. For this reason, the setting of No.4 is not considered to be harmed.

In large part due to the underground nature of the additions, with only limited above ground elements, the proposal continues to take place within a defined residential curtilage and would not greatly harm the setting of surrounding listed buildings.

Comments from the National Trust and the Parish Council rightly observe that the extension proposed is large and will add considerable volume to the property. Indeed, a comparison of the existing and proposed floorspace at the site does indeed reveal a substantial addition. However, the extension would, in very large part, take place underground and the visual effect of the development would be limited for that reason. Above ground the proposal will largely be viewed as a connecting link from the main dwelling house and a moderate addition to the existing garage.

Harm will be caused to the setting of the listed buildings surrounding the development. That harm is caused to the setting of those listed buildings (Sundawn and The Old Chapel) by the above ground elements of the proposal and the raising of land levels. The proposal does not result in the loss of any historic fabric to Sundawn. Indeed, in totality the proposal is not considered to have a significant impact since it is largely subterranean. Accordingly, and for the above reasons, the harm caused is less than substantial harm in the minor end of the spectrum.

Conservation Area

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Consideration has also been given to paragraphs 190, 192 and

200 of the NPPF, which refers to avoiding or minimising conflict with conservation and any aspects of the proposal.

Whilst it is certainly evident that the elevated position of the garage extension would be clearly visible in the street scene and from vantage points to the South, that visibility does not in and of itself render the proposed development unacceptable. In this particular case, the extension is of a simple design and does not seek to compete with surrounding buildings in terms of construction or materials used. Whilst there may be some harm to the Conservation Area as a result of development taking place, it will be at the lower end of the *less than substantial* scale.

The proposed use of solar panels on the flat roof element of the outbuilding is considered to be acceptable as they will be screened from view and will not intrude into the visual perception of the wider Conservation Area.

While the proposal is noticeable it is not considered to be so detrimental to the character of the immediate area as to be unacceptable when assessed against planning policy. It is anticipated that the actual visual intrusion into the character of the Conservation Area would be quite minor. This is further reinforced by the fact that the property is located some way back off a side street within the village, and it is not visual intrusive into the conservation area. This has been further demonstrated by the applicant's submission of several photo montages which illustrate the extent of the potential visual intrusion. This has been further reinforced by the comments from the Conservation Officer.

CP58 of the Wiltshire Core Strategy requires development to preserve or enhance the character and setting of the conservation area. As a result of the relationship between the property and the conservation area, there will be no detrimental impact upon the conservation area, so in this respect the character of the Conservation Area has been preserved. For the above reasons, the proposal is considered likely to cause less than substantial harm to the character of the Conservation Area at the very minor end of the spectrum.

Public benefit

Under paragraph 196 of the NPPF (2019), where a development will lead to less than substantial harm to significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. These public benefits can be secured and will be appropriately

Generally, it would be considered that the main public benefit of the proposal would be securing of the optimum viable use of the listed building and thereby securing the future of the listed building for the future. However, the property is currently occupied and does not appear to be in any imminent danger of being lost. The application does seek to suggest that some public benefit might be ascribed to the development allowing for the creation of a more diverse building stock within the village and enabling the property to more appropriately respond to modern living patterns, and ultimately securing the optimum viable use. However, such benefit (if there is any) cannot be regarded as being determinative due

to the already substantial existing size of the property and the more likely need for smaller houses in the locality, not larger ones. Indeed, as has been astutely noted within one of the received local objections, a previous application the property has already identified it as being in *optimum viable use*.

However, it is evident that the vast majority of the proposed development would be positioned underground and therefore not viewed in the context of the listed building or Conservation Area. For this reason, the harm caused to the significance of both heritage assets is not considered to be great (that harm being less than substantial, within the minor range). For this reason, the public benefits that must exist to outweigh such harm need also be relatively minor.

In this particular instance, the change to the aluminium windows currently to be found at Sundawn appears to have been granted under the 1993 permission. The existing aluminium windows would usually be acceptable for a modern property and would be considered to be acceptable for the proposed extension, they are not sympathetic to the historic character of the property.

The change from aluminium windows to timber within the main dwelling house is considered to be a distinct improvement to the historic character of Sundawn, clearly offering a public benefit. Whilst discussions with the Council's Conservation Officer has indicated that they are satisfied that the proposed timber windows would be acceptable, a condition can be attached to the Listed Building Consent which requires final details of the replacement windows to be submitted and agreed prior to the commencement of work.

The proposed replacement of the existing aluminium windows to timber is considered to be a public benefit that outweighs the less than substantial harm identified above and, accordingly, the requirements of paragraph 196 to the NPPF have been met.

Scale and design

The majority of the proposed development would take place underground, with only limited elements being visible above ground – that being the domes rooflights and extended to the garage building. Therefore, whilst substantial in size, the underground accommodation does not present to the street scene or relate to the existing property in the same manner that a conventional above ground extension of this scale would. When assessed against the requirements of policy CP57 of the Wiltshire Core Strategy, the underground extension is considered to be acceptable.

The proposal will also see a raising in the height of the land of the rear garden. This is as a result of the increase the infill which will be created by the proposed extension, from the plans this reads as the most significant, but it is no different to that which would occur if it was otherwise impacted upon. The remaining increase in height is modest at approximately 500-600mm and is considered to be acceptable in terms of scale and design.

The proposed glazing elements on both the front elevation of the proposed ground floor extension and the proposed garden room extension to the garage are largely screened from

the views of the immediate area due to the layout and orientation proposed. It is noted that it is a modest departure from the prevailing norm but as it is of a sufficiently high quality it is considered to be an acceptable addition to the proposal and will create a sufficient level of architectural intrigue to warrant its inclusion in the proposal.

The proposed sun lights into the subterranean elements are considered to be acceptable as based on the plans it appears that they would largely be obscured by planting, and when combined with their low profile it is not considered that they will be visible from the wider area, and as they are essentially roof lights it is not considered that they would result in any overlooking. Confirmation from the agent regarding the location of the windows is welcomed, and the location is considered to be acceptable.

The above ground garage extension garage is some 600mm higher than the existing structure and is not considered to be a dramatically imposing extension, since it will be viewed in the context of the existing garage/outbuilding.

It is noted that the materials are not of a typical architectural vernacular. Nevertheless, the use of the timber cladding for the garage extension is considered to be acceptable since, as previously identified, this will read as a traditional outbuilding constructed of timber – timber often being associated with ancillary out-buildings, precisely as the extended garage would be perceived here, with the linkage to the main house being achieved internally via the underground accommodation and thus being hidden from view. Timber cladding is not thought to be common in the Lacock area, but this is not thought to be fatal to the acceptability of the proposal.

Locally raised comments in respect of the potential deterioration of the cladding are noted, but it is not considered that this could reasonably translate into a reason for refusal, since it must be assumed that appropriate maintenance/care will be taken in the same manner as any home owner.

The resulting alterations to the garden as a result of the proposal will also help to change it back into a more useable space as opposed to the current configuration. The introduction of a therapeutic garden is not considered to result in any detrimental impacts, as this simply relates to a particular style of gardening in relation to planting and form.

The scale and design of the proposal is considered to be acceptable and will not detrimentally affect the setting or visual amenity of the immediate properties or the wider area. The proposals are considered to comply with the requirements of Policy CP57 of the Wiltshire Core Strategy.

Impact upon amenity

Concern has been raised over the amenity impacts of the proposal on the immediate neighbours from overlooking. It is noted that there is currently overlooking into the applicant's property from The Old Chapel. The Old Chapel is sited in an elevated position above the garden to Sundawn, with windows in its flank wall directly facing (and "looking down") into the garden to Sundawn. The upper windows to The Old Chapel serve an

upstairs living area, the lower level windows serve the kitchen and the immediate ground floor living area with limited light due to the internal mezzanine floor. There is an existing boundary treatment (wall and hedging) which mitigates this impact, further aided by the topography of the site.

Acknowledging that overlooking occurs to some extent already and given the height difference between the Old Chapel and the proposed outbuilding extension in Sundawn (and noting that obscure glazing is used by the facing windows of the The Old Chapel), it is not considered that the proposal would result in an unacceptable impact upon the amenity, living conditions of the occupiers of The Old Chapel or somehow represent feeling of oppressiveness.

The proposed garage extension will provide for a substantial bank of windows facing The Old Chapel. However, those windows would be at effective ground floor level and set at approximately 6m distance between the proposed garden room and the existing boundary treatment and approximately 7m distance between the proposed garden room and the Old Chapel and it would be reasonable to conclude that the distances involved would be no worse than that which would typically be expected to be found in a usual residential area, and are particularly prominent in both the immediate and wider area.

Comments have been received which state the applicant has deliberately omitted the lower part of the church style windows on the ground floor of the Old Chapel, the windows being of a typical church style. This has been raised with the agent, who explained that due to the survey technique used it is not possible to scan through solid objects, such as the boundary wall. The concern is noted, when carrying out a site visit to the neighbouring property it is not considered that the proposal will be particularly intrusive into this window and any potentially for overlooking is off set by the existing solid boundary treatment and the existing planting.

There will be no detrimental impact upon the amenity of the neighbouring properties South East of the proposed extension to the garage as the modest increase in height will not result in any detrimental overshadowing, loss of lights or overlooking to the neighbour as there is sufficient space between the proposal and the neighbouring properties.

The proposed increase in the ground level of the garden is not considered to be detrimental to the amenity of any of the neighbouring properties and will read largely as both a conventional increase in the garden and when combined with the existing boundary treatments is not considered to be detrimental to the amenity of any neighbouring properties. The existing windows on the ground floor of the Old Chapel are set quite high in relation to the existing and proposed ground level and would typically be expected to be acceptable and in keeping with the similar ground levels and window heights as found on the south east side of the property, with Sundawn's garden being slightly higher than the neighbouring property due to the slope of the hill.

The proposal has demonstrated compliance with the requirements of CP57 of the WCS in relation to amenity impacts upon the amenity and is acceptable.

Parking

As one more bedroom is to be created as part of the works appropriate consideration has been given to the requirements of the Wiltshire Parking Strategy. There is enough space to accommodate the appropriate number of parking spaces (3 parking spaces) in a manner which is in keeping with the wider area. As such it is considered to be suitable and as such is supported.

The parking provision for an increase from three to four-bedroom property has been considered and there is sufficient parking to deliver the required number of parking spaces in accordance with the standards of the Wiltshire Parking Strategy. This will not have any detrimental impact upon the amenity of the wider area as the appropriate parking provision can be delivered and meets the standards of the Wiltshire Parking Strategy.

Other matters

Ground stability and party wall

The stability of the ground in and around the site is an area of concern raised within a number of the representations received. However, whilst those concerns are understandable given the unusual subterranean nature of the development, such matters are not a consideration of the planning application process and is instead covered by Building Regulations.

Concern has been raised in respect of the lean-to formed between the applicant's property and The Old Chapel (created under the 1993 permission) and the potential to affect the common boundary shared between the properties. Such matters are covered by the Party Wall Act and are a separate civil matter between the applicant and any neighbours with no role for the Local Planning Authority to intervene.

Construction phase

In order to ensure that there are no detrimental impacts as a result of the construction process, a condition can be attached to the permission requiring the applicant to submit a construction method statement prior to starting works.

Correction of application forms

One representation received makes mention of the number of residential units being delivered. It appears that the original application form was filled out incorrectly and four bedrooms would be within the property, not four, two-bedroom houses.

Unauthorised development

Representations have been made to effect that the aluminium windows in the existing property have been installed without consent and that this new application seeks to regularise those works. However, the aluminium windows were in fact consented under the 1993 decisions.

Sub-division

Two of the representations received have made mention of potentially controlling the use of the extension by way of a S106 agreement to remove a business/commercial use, prevent subdivision of the property, prevent the use of the property as House of Multiple Occupation (HMO). Whilst such concerns are understood, none of those uses have been sought and the extension is understood to be entirely ancillary to the occupation of Sundawn as a single dwellinghouse. Nevertheless, given the amount of accommodation being created (albeit largely underground), a condition can be reasonably imposed which make it clear that the extended property may only be used as a single dwellinghouse.

9. Conclusion

The submission seeks planning permission and listed building consent for domestic extensions. Those extensions take the form of a largely subterranean accommodation linking to an extended garage.

Whilst relative extensive, the accommodation would be largely hidden from view and, subject to the imposition of planning conditions, is not considered to unacceptably impact upon the amenities of the surrounding residential occupiers or to represent an overdevelopment of the site. Access and parking arrangements are considered sufficient to serve the extended property.

The development and works are considered to harm the significance of the listed building. That harm is considered to be less than significant at the moderate scale and is considered to be outweighed by public benefit associated with the development/works taking place, including securing the optimum viable use of the building.

The proposed development and works are considered to meet with the requirements of policies CP57, CP58, CP60 and CP61 of the Wiltshire Core Strategy and relevant provisions of the NPPF.

RECOMMENDATION: That Planning Permission and Listed Building Consent be GRANTED, subject to the following conditions:

Planning Permission 19/08542/FUL

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg No. 007:004 Proposed Elevations: South (Aug 2019)
Drg No. 007:005 Proposed Elevations: West (Aug 2019)
Drg No. 007:006 Proposed Elevations: East (Aug 2019)
Drg No. 007:007 Proposed Section/Elevation: North (Aug 2019)
Drg No. 007:008 Proposed Section/Elevation: West (Aug 2019)
(Received by LPA 05 Sep 19)
Drg No. 007:001:A Proposed Site Plan (Nov 2019)
Drg No. 007:002:A Proposed Ground Floor Plan (Nov 2019)
Drg No. 007:003:A Proposed First Floor Plan (Nov 2019)
Drg No: Section A:A (Nov 2019)
(Received by LPA 25 Nov 19)

REASON: For the avoidance of doubt and in the interests of proper planning.

- 4 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries
- j) measures taken to ensure the stability of the ground is not compromised and details of the steps to be taken in the event of any problems

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be

agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 5 The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Sundawn (2 Chapel Hill) and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 6 In complete accordance with the approved plans, no solar panels to be installed on the roof of the garage extension shall protrude above the highest extent of the roof.

REASON: So as to ensure the panels do not result in an increase in the height and bulk of the proposed garage extension which would adversely impact upon the setting of surrounding listed buildings.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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 their 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.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Listed Building Consent 19/08758/LBC

- 1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Drg No. 007:004 Proposed Elevations: South (Aug 2019)
Drg No. 007:005 Proposed Elevations: West (Aug 2019)
Drg No. 007:006 Proposed Elevations: East (Aug 2019)
Drg No. 007:007 Proposed Section/Elevation: North (Aug 2019)
Drg No. 007:008 Proposed Section/Elevation: West (Aug 2019)
(Received by LPA 05 Sep 19)

Drg No. 007:001:A Proposed Site Plan (Nov 2019)
Drg No. 007:002:A Proposed Ground Floor Plan (Nov 2019)
Drg No. 007:003:A Proposed First Floor Plan (Nov 2019)
Drg No: Section A:A (Nov 2019)
(Received by LPA 25 Nov 19)

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No works shall commence on site until details of all new external window and door joinery and metal framed glazing have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

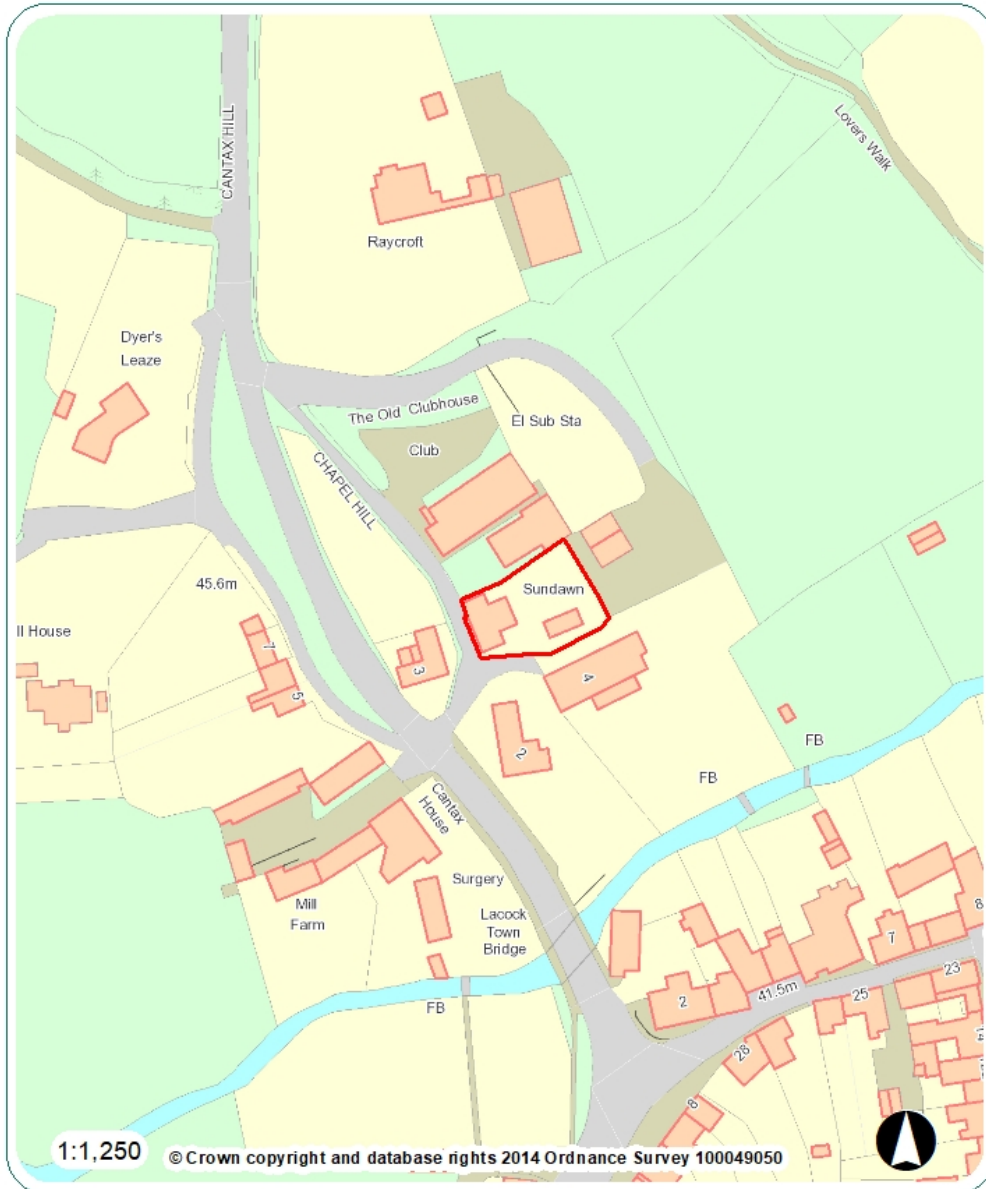
REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

- 4 No works shall commence on site until a scheme for the protection of existing architectural / historic features in situ (such as plasterwork, ironwork, cupboards, fireplaces, doors, windows, staircases, staircase balustrading and other woodwork) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

- 5 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing building is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	4 th March 2020
Application Number	19/10769/FUL
Site Address	Ranch House Farm, Bath Road, Colerne, SN14 8AT
Proposal	Erection of open timber cart barn
Applicant	Mr T Mordaunt
Town/Parish Council	Colerne
Electoral Division	Councillor Brian Mathew
Type of application	Full Planning
Case Officer	Victoria Davis

Reason for the application being considered by Committee

Councillor Brian Mathew has requested the proposal be put before committee citing the following reasons -

- scheme is materially different to previously refused scheme
- seeks to balance the interests of visual impact with tree retention
- is an application that has generated no objection and the support of the Parish Council
- is a traditional building that will disguise parked cars within the Estate
- a further progressive scheme that part of the ongoing improvement to the Estate

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be REFUSED.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Appropriateness of development in Green Belt and harm to the openness
- Impact on rural landscape and Area of Outstanding Natural Beauty (AONB)
- Residential Amenity
- Highways Safety

Colerne Parish Council support the proposed development.

No representations or objections have been received.

3. Site Description

The site lies within the open countryside and outside of a defined settlement boundary. The surrounding land is predominantly agricultural in nature and the Colerne Airfield is located to the north. The site is located within the Cotswolds Area of Outstanding Natural Beauty and the Western Wiltshire Green Belt. Planning Permission was granted in 2016 to convert redundant agricultural buildings to provide a dwelling, associated car parking for three cars and landscaping (16/02385/FUL). This development appears to be substantially complete. The new dwelling is referred to in the application documents as 'Lictum Springs'. The permission was subject to a number of conditions, one of which removed permitted development for domestic outbuildings, including garages. The application followed an earlier application which was withdrawn following concerns relating to the potential for conversion as well as the impact to the Green Belt and AONB (15/10902/FUL)

4. The Proposal

The current application is a resubmission of an earlier refused application for a 2 bay 'cart barn' within the curtilage of the new dwelling, Lictum Springs (19/05458/FUL). The previous application was refused for reasons relating to inappropriate and harmful development in the Green Belt as well as harm to the AONB. The current application seeks to address the previous reasons for refusal by moving the proposed cart barn approximately 5.6m closer to the main dwelling. The submitted Planning Statement suggests the the building is 7m closer, however this has since been confirmed by the applicant as an error. The scale and design of the proposed building remains the same as that proposed under previous application. The building occupies a footprint approximately 7.2m x 6m. It is enclosed on three sides with cedar clad elevations under a shallow pitched zinc sheet roof, approximately 3.4m high at the ridgeline.

5. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 51	Landscape
Core Policy 57	Ensuring High Quality Design and Place Shaping
Core Policy 61	Transport and Development
Core Policy 64	Demand Management

6. National Planning Policy

National Planning Policy Framework 2019 (NPPF)

Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 13	Protecting Green belt land

7. Summary of consultation responses

Colerne Parish Council: Support

Highway Officer: No objection subject to a condition ensuring the building is not converted to additional accommodation.

8. Publicity

The application was advertised by site notice and neighbour letter. No representations have been received.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

The proposed building is within the residential curtilage of the new dwelling where domestic extensions and outbuildings would generally be supported. This dwelling was granted permission on the basis that it was a sensitive conversion of the existing rural buildings and permitted development rights were removed for any domestic outbuildings in order to preserve the open rural character of the site. It is important to note that weighing in the favour of the application to create a dwelling was the fact that the residential curtilage and hard standing parking area associated with the new dwelling had been kept to a minimum. The parking area had, very specifically, been limited to an existing area of hard-standing – reduced from a larger area proposed during the earlier withdrawn application. The case officer at the time identified this area to the west of the proposed dwelling as the most open and visible aspect of the site within the landscape and development in that part of the site would have the greatest impact upon the openness of the Green Belt.

Appropriateness of development in Green Belt and harm to the openness

The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Section 13, paragraphs 145 & 146 of the NPPF list several forms of development that would not be considered inappropriate in the Green Belt, none of which apply in this instance. The NPPF establishes that new buildings are inappropriate unless they fall within the exceptions listed within paragraph 145. None of the exceptions specifically refer to curtilage buildings.

The submitted Planning Statement suggests that, as an ancillary domestic building, the cart barn should be considered as an extension to the main dwelling and that it cannot be considered as a standalone building.

It is acknowledged that some local authorities define outbuildings and garages in close proximity (generally within 5m) to the main dwelling as being part of the dwelling for the purposes of their Green Belt policies. Critically, however, the NPPF does not make this

distinction in para.145 relating to new buildings, although case law exists which does confirm that it is possible that a domestic outbuilding may, in some circumstances, be regarded as an extension to a dwelling provided that it forms a normal, domestic adjunct.

The applicant has provided a copy of an appeal decision from 2017 relating to an application for a detached garage in a Green Belt location near Slough (South Bucks District Council, appeal ref: APP/N0410/D/17/3183471). The appeal decision refers to the judgment in *Sevenoaks District Council v SSE and Dawes* [1997] which relates to an appeal decision for a proposed extension to an existing domestic garage in the Metropolitan Green Belt in Kent. In this case the court found that the existing detached garage was a normal domestic adjunct that could be regarded as part of the dwelling. In this judgement, the point is made that the mere fact of physical separation from the main house does not prevent the garage being considered as part of the dwelling.

What is ignored by the applicant, however, is that within the same paragraph of this very same judgement (para. 26), it is further explained: *“It is a matter of fact and degree in every case and, for example, if the garage had been at the bottom of the garden, the Inspector would doubtless have taken a different view.”* It is reasonable to take this as meaning that it is not simply the function of the proposed building, whether as a domestic adjunct, but also the level of separation that must be taken into consideration as part of the planning judgement.

In the South Bucks appeal case discussed above, the level of separation between the dwelling and garage is unknown. In making their decision the inspector only refers to it as being ‘reasonably close’ to the main dwelling. The planning documents were unavailable on the South Bucks District Council website for this to be checked. It is noted from the appeal decision that the appeal site was located within an established built up part of the settlement rather than an isolated rural location.

The proposed cart barn at Ranch House Farm would be some 17m distant from the dwelling it serves, a not inconsiderable distance and is demonstrably not reasonably close in the context of the residential curtilage. Measuring some 6m x 7.2m x 3.4m, neither is it an insignificantly scaled building. Whilst it is accepted that the building is intended as an ancillary domestic building, in spatial and visual terms, the outbuilding would appear physically and visually separate. As a consequence of the level of detachment, the cart barn is not regarded to be an extension to the house. Instead, it is considered to be a detached new building which is inappropriate and harmful development within the Green Belt.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of green belts are their openness and their permanence. In this case, the level of detachment from the main house in combination with the scale and mass of the proposed building as well as its prominence in the wider landscape would materially add to the intensity of development on the site. The proposed building is clearly isolated from the main house meaning it would be visible in wider views and would be seen to encroach into the open space around the dwelling. As a consequence, it would detract from the openness of this part of the Green Belt.

It is concluded that the proposal would cause harm due to its inappropriateness and its impact on the openness of the Green Belt. It would also directly conflict with one of the purposes of the Green Belt, to assist in safeguarding the countryside from encroachment, as well as the overall aim of Green Belt policy. Substantial additional weight needs to be given to this harm. The application does not demonstrate that there are any material considerations or very special circumstances that exist to outweigh this harm and overcome the presumption against such development. The development is therefore contrary to Section 13 of the NPPF.

Area of Outstanding Natural Beauty

The site falls within the Cotswold Area of Outstanding Natural Beauty where development should protect, conserve and where possible enhance landscape character. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Great weight should be afforded to conserving and enhancing landscapes and scenic beauty. In more general planning terms, development should also relate effectively to its immediate setting.

The garden occupies a gently sloping site to the north of the hillside with far reaching views across the landscape. This in turn means that the site itself is clearly visible in wider views from the south - there are some mature trees offering a degree of screening to the west. The proposed building comprises of a simple open fronted, timber framed car port. The appearance and height of the barn remains unchanged from the previous application. Chosen materials are timber clad elevations and a standing seam zinc roof to match the main dwelling. The design itself and use of materials to match the main dwelling would be appropriate, however, the position of the building – well detached from the main dwelling - means it will appear isolated and encroach into the open countryside. The potential impact of the domestication of the site and proliferation of paraphernalia in this exposed rural location was given careful consideration as part of the previous permission. Permission was granted on the basis that the parking area was kept to a minimum, the residential curtilage was limited and the permitted development for outbuildings and enclosures was removed in order to maintain the open rural appearance of the site. The proposal to construct a large domestic outbuilding in this isolated position, well detached from the dwelling is considered to result in an intrusive domestic feature within the wider landscape contrary to the expectation of Core Policies 51 & 57 of the Wiltshire Core Strategy as well as Section 15 of the NPPF.

Residential Amenity

There are no immediate neighbours to the site. The proposal does not give rise to any concerns in relation to residential amenity.

Highways

The Council's Highways Officer is satisfied that the proposal would not lead to any unacceptable highways impacts but recommended a condition to ensure the building was retained for parking and not converted into accommodation.

10. Conclusion

The proposed development constitutes a new building in the Green Belt which meets none of the exceptions set out in the paragraph 145 of the NPPF. The proposal therefore

constitutes inappropriate development in the Green Belt. Due to its scale, mass and siting distant from the dwelling it supposedly relates, the proposed development is also considered to cause harm to the openness of the Green Belt and materially add to the intensity of development at the site, thereby impacting upon the rural character of the landscape, a designated Area of Outstanding Natural Beauty.

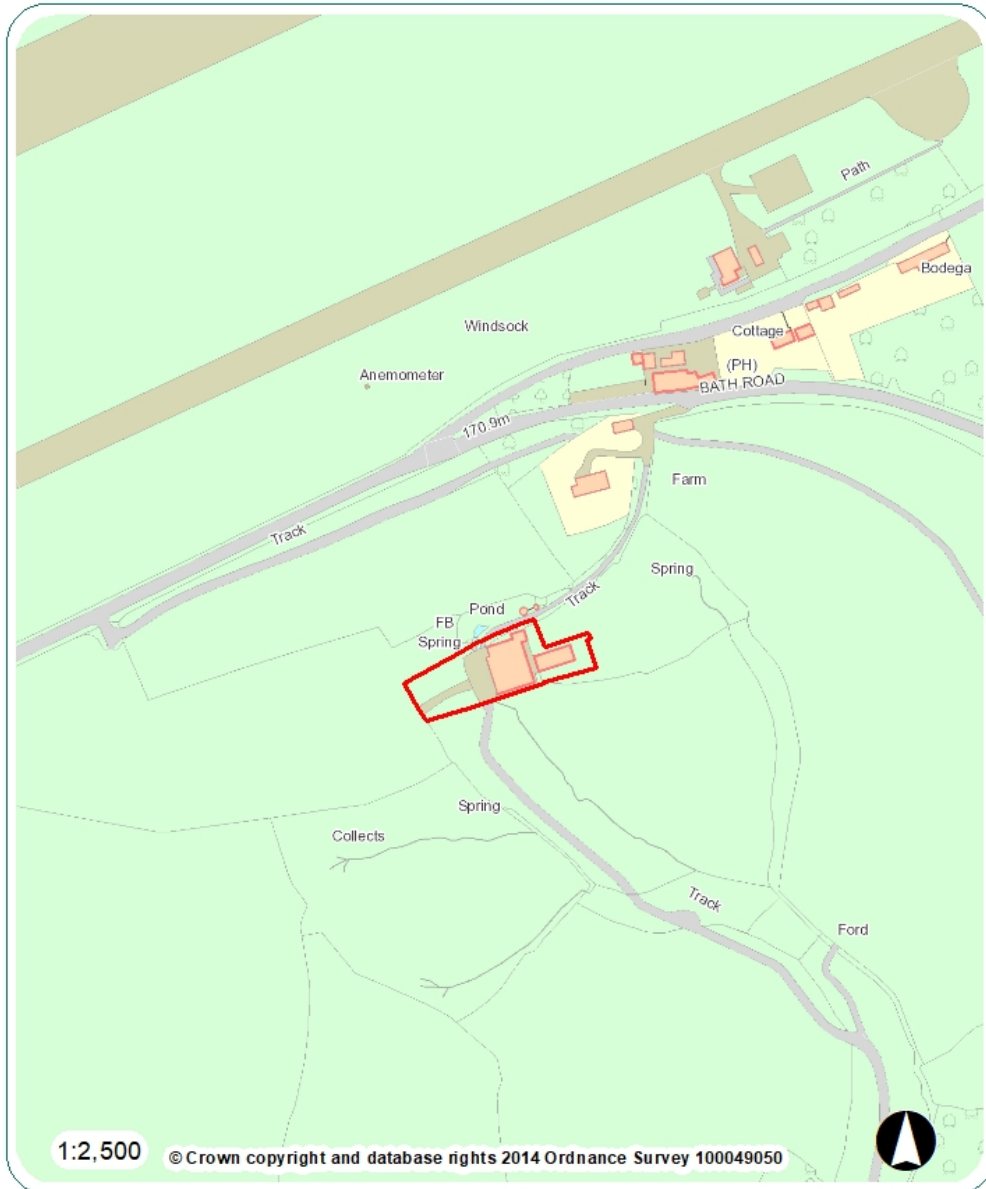
In light of the above, the proposed development is considered to be contrary to Sections 12, 13 & 15 of the NPPF and Core Policies 51 & 57 of the Wiltshire Core Strategy.

RECOMMENDATION:

That Planning Permission is REFUSED for the following reasons;

1. The proposed building is considered to represent inappropriate development within the Green Belt which is, by definition, harmful. The proposal is contrary to Section 13, paragraphs 143, 144, 145 & 146 of the National Planning Policy Framework.

2. The proposal, by reason of its scale and location, would result in an intrusive element, encroaching into the countryside contrary to Core Strategy Policy 51 criteria ii, iii vi & ix that require the protection of important landscape character and Core Strategy Policy 57 criteria i, iii & vi which requires development to respond to landscape features and relate well to its surroundings. It is also contrary to Section 12, paragraph 127 and Section 15, paragraph 172, of the National Planning Policy Framework.



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